SENATE—*Thursday, October 1, 1992*

(Legislative day of Wednesday, September 30, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Thus saith the Lord, What iniquity have your fathers found in me, that they are gone far from me, and have walked after vanity, and are become vain?—Jeremiah 2:5.

Mighty God our Father, You have rebuked us through Jeremiah the prophet, in reminding us of our propensity to forget You—to forget the God of our fathers—to ignore the One without whom we never could have risen as a Nation. Jeremiah reminds us that we are incurably religious. We must have a god. If we will not worship the true God, we will find a substitute, even if that substitute is a no-god with a capital "N." We are reminded that we become like the god we worship; walk after vanity, become vain. Empty god, empty souls; hollow god, hollow souls.

We ask Your forgiveness for our strange inclination not to believe in the One who is the Lord of history, Ruler of the nations. Forgive us for abandoning the God whom our Founding Fathers took seriously. Help us to see that the emptiness, the hollowness in our culture, the crises we face economically, morally, socially, will not be remedied until we, in humility, acknowledge our need. Restore us to the faith of our fathers.

We pray in the name of Jesus, Giver of Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 1, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order leadership time is reserved.

FAMILY PLANNING AMENDMENTS ACT OF 1992—VETO

The ACTING PRESIDENT pro tempore. Under the previous order there will now be 1 hour for debate on the veto message on S. 323 equally divided and controlled between the two leaders and/or their designees.

(The text of the President's veto message is printed on page 27927 of the CONGRESSIONAL RECORD of September 25, 1992.)

The Senate proceeded to consider the bill.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

PRIVILEGES OF THE FLOOR

Mr. President, I ask unanimous consent that Karen Lightfoot, legislative fellow of the staff of the Labor Committee, be granted floor privileges during the Senate consideration of S. 323.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, today, the Senate has one final opportunity this year to block the notorious gag rule. This is the day that the Bush administration's disgraceful attempt to deprive women of needed health care information will go into effect unless we act to stop it. I urge my colleagues to override the President's veto of the Family Planning Amendments Act of 1992, and to pass this bill.

In his veto message, President Bush made this preposterous assertion, and I quote:

Unfortunately, the Congress has seen fit to entangle this family planning program in the politics of abortion.

Nothing could be further from the truth. The family planning program had been functioning well for 18 years, until 1988, when the Reagan administration suddenly decided out of the blue, in the last year of its 8 years in office, to inject the politics of abortion into the program. For President Bush now to accuse Congress of this step is the height of hypocrisy and the depth of duplicity.

Let me review for the Senate the events that have brought us to this point.

The title X family planning program was created in 1970. Over the course of two decades, title X has become one of the most successful, cost-effective health care programs in the history of this country. These clinics provide high quality reproductive health services to millions of American women, many of whom have no other source of affordable, accessible care.

Consistent with the intent of Congress, title X funds have never been used to pay for abortions. But the clinics were always permitted to furnish complete and accurate information about abortion, nondirective abortion counseling, and appropriate referrals to women who sought them.

Then in 1988, without any intervening congressional action, right-to-life extremists in the Reagan administration pushed through regulations that distorted the title X program and doomed it to 4 years of controversy and confusion. These regulations, which have come to be known as the gag rule, prohibited doctors and other health care professionals at family planning clinics from counseling women about abortion or even providing basic information to women about their health care options.

Congress never intended to gag health care professionals and it would have flatly rejected any attempt to legislate such a rule. But the Reagan administration never proposed legislation to implement the gag rule—it acted arrogantly and unilaterally, in a way that flatly defied the intent of Congress. The right wing's contempt for the needs of low-income women was surpassed only by its contempt for Congress and for the will of the people.

In 1991, the Supreme Court narrowly sustained the gag rule in Rust versus Sullivan, a 5 to 4 decision by Chief Justice Rehnquist that ignited a new round of protest. The Bush administration tried to defuse the issue by publishing a directive supposedly intended to ungag doctors at the clinics.

But the Bush directive was riddled with ambiguity and was issued without an opportunity for public comment, a clear violation of the Administrative Procedures Act.

In any event, the administration knows full well that most of the health care professionals who staff the title X clinics are not doctors, but nurses, nurse-practitioners, physicians' assistants, and licensed social workers. These professionals would remain gagged under the new directive. Patients at title X clinics would continue to be kept in the dark, and that's exactly what the rightwing wanted.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Four months ago, a Federal district court here in Washington issued an injunction against the directive because it was improperly issued and because it made an arbitrary and capricious distinction between doctors and other clinic personnel.

I invite any Member in this body just to read that holding. It would take them about 5 minutes. It illustrates as convincingly as possible the confusion surrounding the administration's regulations. The administration appealed the ruling, and obtained a stay of the district court's order pending the outcome of the appeal. The Department of Health and Human Services has announced that as of today, clinics must comply with the gag rule or face the loss of all Federal funds.

At this moment, a Federal judge is weighing the possibility of a new injunction that would give the clinics another temporary reprieve. But the courts cannot and will not provide a permanent solution to this problem. That is now the responsibility of Congress, and we must take the necessary legislative action.

I just want to point out, Mr. President, as we saw in the newspapers this morning Judge Richey is considering even while we debate this issue, the new appeal and what action the court should take. The circuit court again has been alerted that if Judge Richey makes an order that the administration does not favor; the administration will move to stay that order.

Clearly, over 4 years, this issue has been clouded. But we are not only talking about the gag rule, but also the implications in terms of health care for women. We are finding that in some States because of the limitation many of the clinics are being closed, with all the implications that has on women's health. We have heard a great deal of debate here on the Senate floor about the importance of women's health, and we are going to have another opportunity to address that issue later this week when we consider the NIH legislation that contains worthwhile programs in terms of women's health.

But today we consider another women's health issue, which includes all preventative services offered in these clinics.

For years this matter has been tied up in the courts.

We have an opportunity here, this morning, to make a judgment, to make a decision that will clarify this public policy issue, most importantly, a health care issue for millions of women in this country.

There is mounting concern among family planning clinics across the country. Last week, Planned Parenthood of Tennessee announced that it will reject title X funding and close five of its eight clinics. They are going to close the clinics that are lifelines to needy women in our country.

Governor Sundlun of Rhode Island declared that his State would refuse to comply with the gag rule and forsake Federal funding. Many States and clinics will soon follow suit. Unless we override this veto, services will be cut, clinics will close, and women will suffer.

A vitally needed public health program initiated with strong bipartisan support 20 years ago is being jeopardized because this administration is willing to suppress information women need to exercise their constitutional rights. The issue is free speech, not abortion. No Federal funds are being used to perform abortions. The issue is whether health care workers in clinics receiving Federal funds have a right to discuss health care with their patients in the way they see fit, or whether the Federal Government can dictate what they say. These are health professionals licensed in these States. Licensed in the States. We will hear that we do not really need to, or should not let, the health professionals provide that kind of information.

Well, the States are the ones making judgments about whether health professionals are competent to provide health information. The administration makes no case that they are not qualified, and they are highly qualified. But again this is thrown to confusion.

A 1970 congressional task force report on family planning found that millions of American women lacked basic information about reproductive health. The task force concluded—listen to this, Mr. President—that "this inaccessibility of knowledge undermines the morals of our society and is not in keeping with the basic principles of a democratic system." Ironically the report's author was a young, moderate Republican Congressman from Texas named George Bush, before he veered right on abortion.

The suppression of information under the gag rule interferes with a woman's constitutional right to choose, deprives medical personnel across the country of their first amendment right to practice medicine and counsel patients according to the highest professional standards, and in addressing this point in his Rust versus Sullivan dissent, Justice Blackmun wrote:

> The majority professes to leave undisturbed the free speech protections upon which our society has come to rely, but one must wonder what force the first amendment retains if it is read to countenance the deliberate manipulation by the Government of the dialogue between a woman and her physician.

Every major medical organization, including the American Medical Association, the American Academy of Family Physicians, and the American Nurses Association, have urged us to reverse the gag rule. Real doctors must be free to treat patients as they see fit, without interference from spin doctors at the White House.

For years, Congress has worked to provide quality health care to all Americans, regardless of their ability to pay. Title X is a major part of that strategy. The gag rule regulations subvert this goal in an insidious fashion. The regulations do not affect the ability of affluent women to get the information they need to exercise their legal rights and make informed decisions on family planning. But low-income women facing the same decisions and needing the same information get to hear a misleading bureaucratic script instead. The health care offered to low-income women depends on the tender mercies of Government censors.

This double standard is wrong. It is unacceptable to limit anyone's access to information about health care. It is time for Congress to put the gag rule controversy to rest by overriding this ill-advised veto.

In addition to repealing the gag rule, the bill that the President has vetoed would reauthorize the Title X Family Planning Program for the next 5 years. Reauthorization of this program is long overdue, and is itself a strong reason to override the veto.

Title X is a program that works. Each year, a network of 4,000 public and private clinics around the country provides medical and educational services to over 5 million low-income women.

Many do not realize that title X clinics provide more than contraceptive services. They offer a full range of preventive health care. They are often the first place where low-income women—especially teenagers—receive medical attention. The clinics offer health screening assessments, and treatments or referrals for anemia, hypertension, cervical cancer, breast cancer, sexually transmitted diseases, kidney disease, diabetes, and many other conditions.

Rightwing critics of title X often raise the false claim that family planning programs promote abortion. Since its enactment in 1970, the statute has included an explicit prohibition on the use of title X funds for abortion. An investigation by the General Accounting Office found that title X providers are scrupulous in their adherence to this prohibition.

Not only have title X funds never been used to pay for an abortion, it is irrefutable that title X is the most effective Government effort in reducing the need for abortion. Each year, it is estimated that family planning services prevent 1.2 million unintended pregnancies. Without these services, there would be an additional 509,000 unwanted births and an additional 516,000 abortions each year.

The title X program is highly cost effective. Every public dollar for contraceptive services saves $4.40 in taxpayer funds that would otherwise be spent on medical care, welfare, and other mandated social services. Family planning actually saves over $1.8 billion a year.

Title X is the front line of defense against adolescent pregnancies. It is hard to overstate the seriousness of this matter. Over 1 million teenagers become pregnant each year. More than three-quarters are unmarried, and 84 percent of these pregnancies are unintended. Almost half of these pregnancies will end in abortion. Far too many of them are carried to term at risk of infant mortality, future child abuse, and future welfare dependency.

More than half of all AFDC payments go to women who were teenage mothers. Welfare-related costs for teenage pregnancy, including AFDC, food stamps, and Medicaid, cost $25 billion a year. If the teenage birth rate were cut in half, the savings would be monumental.

These statistics explain the strong support for title X among State and local officials of both parties. The Southern Governors' Association Project on Infant Mortality has urged Congress to strongly support the Title X Family Planning Program, which provides 1.5 million teenagers with preventive health services to reduce unintended pregnancies and to improve maternal and child health. Similarly, the U.S. Conference of Mayors endorses reauthorization and full funding of the Title X Family Planning Program.

These mayors and Governors know firsthand about the vast unmet need for family planning services. Many women cannot obtain services, and the cost of serving existing clients has skyrocketed. The cost of pap smears, which are critical to the detection of cervical cancer, has increased nearly fourfold over the last 3 years. Norplant, the newest contraceptive method, will cost clinics $350 for the device and an additional $200 to $300 for each implantation—too much for most clinics to pay. Increasing numbers of title X patients must be treated for sexually transmitted diseases, including AIDS.

As a result of increased costs, clinics have been forced to ration health care in unacceptable ways. They have been compelled to cut services, charge higher fees, maintain long waiting lists for appointments, and reduce community outreach. They have found it difficult to preserve, much less expand, other types of services urgently needed in low-income communities.

Even though the demands on family planning clinics are expanding, public funding for the clinics has declined in real dollars. After adjusting for inflation, title X funding has been slashed 58 percent in the past decade. This legislation will reauthorize the program and call for needed increases in funding.

The pending bill will require title X grantees to comply with applicable State law on minor's access to abortions. No facility that performs abortions will be eligible for title X funding unless it certifies that it is in compliance with its State law regarding parental notification or consent for the performance of an abortion on a minor. This has been one of the controversies surrounding the program in recent years, and the bill now before us deals effectively with that issue.

The Title X Family Planning Program merits the support of Members on both sides of the aisle, regardless of their views on the issue of abortion.

For two decades, despite enormous pressures, these clinics have done the job Congress asked them to do. Now it is time for Congress to do its job. It is time to get the clinics out of court and back into the business of providing high quality health care. I urge the Senate to override this veto and enact this bill into law.

I know there are other Members and I will withhold the remainder.

I want to pay tribute to the Senator from Rhode Island, as well as the Senator from Oregon, who have been involved in this debate for a long, long period of time. They have made very important contributions in moving this whole issue forward, and demonstrating the breadth of concern among Republicans, and Democrats alike on this particular issue.

How much time would the Senator like?

Mr. CHAFEE. Might I have 9 minutes?

Mr. KENNEDY. Yes.

Mr. President, I yield 9 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the legislation before us today is extremely important for the health and well-being of millions of American women. It does two critical things, and I think it is important to remember this:

First, it reauthorizes for 5 years the title X program which is the only Federal program solely devoted to family planning services for the poor. That is the first thing. It reauthorizes title X.

The second thing that this legislation before us does that has been vetoed, it overturns regulations that were promulgated by the Department of Health and Human Services, and those regulations said there can be no discussion of abortion in a title X funded family planning clinic. The legislation overturns that, permits the woman to receive advice when she asks for it. That bill has been vetoed.

Now, the title X program, I think it is important to remember, Mr. President, has not been reauthorized since 1985. We are grateful to the appropriators who provided money for the program, albeit in modest amounts. But with no authorization, there is an inhibition on the part of the appropriators against making bold increases and, indeed, even making adequate increases to stay even with inflation.

So this program has drastically declined over the past several years. In 1980 it was $160 million. Currently, 12 years later, it is $150 million. This authorization gradually increases it to $219 million, 5 years from now in 1997.

What does the title X program do? It provides family planning services to approximately 5 million low-income women each year and they obtain these services at some 5,000 different clinics, community health centers, hospitals, neighborhood health centers, planned parenthood affiliates, and others.

The primary purpose of the title X program is to provide contraceptive information to women to help avoid unwanted pregnancies, unintended pregnancies. There are approximately 3 million unintended pregnancies every year in this country, 1 million of them amongst teenage girls. Of these 3 million unintended pregnancies, 1.6 million result in an abortion. The Alan Gutmacher Institute predicts that without publicly funded services, there would be 1,200,000 additional pregnancies every year resulting in one-half million additional instances of abortion.

The point I am making is, for those who are opposed to abortion, they should enthusiastically back the title X legislation, because, as a result of the information that the women are unable to obtain, they avoid unwanted pregnancies. They stop the pregnancy from occurring in the beginning, thus, obviating any need for abortion.

But the title X program does more than that. It offers related health care services such as gynecological examination, screening for blood pressure and breast and cervical cancer, pregnancy testing and testing for sexually transmitted diseases.

Very often, Mr. President, the only route that the low-income woman has is through the title X program. This is exactly what we want. We want to bring these women into the health care system so that we can take good care of them.

Who are these 5 million women who receive the title X services? Eighty percent of them fall into the category of low income, and you know, Mr. President, that low income is indeed low income in this Nation. Fifteen percent of these 5 million patients are 17 years of age or younger. So this is a vital program.

Mr. President, title X statute has always prohibited using the funds to promote abortion. There is no question about that. Never has a title X recipient used the funds to promote abortion. As part of the law since its inception 20 years ago, the program has provided, and indeed it had this in the regulations up until 1988 that when a woman discovered she was pregnant and she asked what are my options, she was required to be told in a nondirective way three things—whatever the answer is. She is told these are her options: to carry the baby to term, putting the baby up for adoption, or foster care or terminating the pregnancy.

In 1988, as the distinguished Senator from Massachusetts pointed out, after nearly 18 years of successful operation—and, mind you, 8 of those years were under President Reagan, and nobody ever said he was enthusiastic about abortion or would countenance anything dealing with abortion—after 18 years, and 8 of them under President Reagan, suddenly the Department of HHS changed the rule. These new rules, which were promptly dubbed the gag rule, prohibited health care professionals from telling women what they asked. They asked a question; they are not given a legitimate answer.

Mr. President, some will say, oh, well, it is provided—although not in the regulation; it is a little fuzzy whether this is accurate—it is provided that a doctor can tell the woman.

That is no help, because in these clinics doctors are not drifting around available to consult with every woman who comes in. There are not doctors frequently in these clinics full time. A doctor is incredibly busy and cannot be there to consult. Who does the woman see when she comes in? She sees a health care professional. It might be a registered nurse, a practical nurse, it might be a counselor of some type. These are the people the woman sees, and these are the people who are prohibited from giving a direct answer. The gag rule creates a two-tiered system where low-income women receive more limited information than those women who can afford private health care services.

Mr. President, the regulations, as has been pointed out, went up through the courts as far as the Supreme Court where, by a 5-to-4 decision, the gag rule was sustained. So the only route we had was legislation. I introduced such legislation, and that is the measure that is before us today.

This amendment, this legislation, that has been improved twice, once in September 1990, another time when offered by Senator HARKIN to a Labor—HHS appropriations bill in 1992, this is not a new subject to us.

Now, as has been pointed out, what is happening is just what we said would happen when this gag rule went in. The clinics were faced with a terrible quandary. Every single one of these clinicians are desperate for money, but at the same time they want their clients—that is, who come to them—to be treated fairly. And, in the instance that has been pointed out in my home State of Rhode Island, they have announced they are giving up the title X funds, desperately needed though they are, because they feel that to abide by these regulations would deceive and mislead the patients of those clinics. There are 42,000 women and teenagers who are at risk in my State for unintended pregnancy. One thousand pregnancies occurred with Rhode Island teenagers under the age of 17, 1,000 in our little State, and with title X, we feel we had a far greater chance with proper contraception advice to forestall those pregnancies from occurring.

I might say it is with regret that I take the floor this morning to ask my colleagues to vote to override the administration veto. I respect and have great affection for our President, who I have known for over 40 years.

Also, Mr. President, this issue has clearly been politicized. My legislation to overturn the gag rule passed the Senate in July 16, 1991, over a year ago. It was combined with a House bill that was approved by the House 6 months ago. So this legislation easily could have come before us earlier, but it did not, and I think that is regrettable. But, nonetheless, here is where we are. This legislation is critical to millions of low-income women across our country. They deserve the same kind of advice that those women with higher incomes receive.

So I urge my colleagues to override this veto, and I thank you, Mr. President, and I thank the floor manager.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Oregon.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oregon for 3 minutes.

Mr. PACKWOOD. Mr. President, I thank the Chair and my good friend from Massachusetts.

Mr. President, today's vote to override the veto on S. 323 is more than academic, and it is more than political. Our override today is critical to the very survival of title X programs in this country.

The gag rule goes into effect today unless something stops it. Temporary restraining orders and forcing family planning organizations to spend their precious resources on court battles are not the answer; legislative action is.

On August 24, having defeated the most recent injunction against the gag rule, HHS moved to enforce it on October 1, giving clinics barely 30 days to comply.

In Oregon, our State health division is the major title X grantee. They promised to comply with the gag rule. I emphasize they promised to comply with it. They do not like it but they are promising to comply with it. But they need a reasonable amount of time to do such things as change their accounting procedures and retrain personnel in dozens of clinics.

After waiting weeks for a reply, Oregon learned this week it cannot get an extension. So my State's title X program is thrown into mayhem. Perhaps their funding stops today, but neither they nor I have been able to find out.

Many of your States face the same obstacles and are in the same predicament. And I am not just talking about putting massive numbers of title X clinics into jeopardy, but in addition about the 5 million women who depend on title X for health care.

To say that I am upset with the uncertainty confronting Oregon's title X program would be an extreme understatement. I am outraged that a State which is willing to comply, I emphasize again, unhappily, but willing to comply with a Federal mandate cannot get what seems to me like reasonable cooperation to give them the time sufficient to come into compliance.

Our Nation's family planning clinics have lived with the uncertainty of whether and when the gag rule would be unleashed on them for far too long. We can end this nightmare, and I hope we do.

I urge a vote for the veto override and I thank the Chair and my friend from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 7 minutes and 47 seconds.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized for 4 minutes.

Mr. METZENBAUM. I thank the Chair and the Senator from Massachusetts.

Mr. President, people who are pro-life and pro-choice agree that the Title X Family Planning Program works and should be reauthorized. Since 1970, it has provided quality health care services to over 4 million low-income women each year. Yet despite the need, the accomplishments, and the cost-effectiveness of title X, the program has not been authorized since 1985. At a time when Congress is authorizing billion dollar programs for defense systems that do not work and military planes that cannot fly, our failure to support a public health program that has been working for over 21 years is a national disgrace. It is no wonder that the American people are fed up with politicians that cannot dispense with the rhetoric and reauthorize a program so deserving of support.

The title X program is in dire straits this year only because of the politics of abortion. S. 323 makes clear that the title X program has no funding of, or involvement in, the provision of abortions. But the President vetoed S. 323 because he claims title X promotes abortion. Such a claim not only ignores the specific and clear language of the bill, but also ignores the evidence that thousands of unintended pregnancies and abortions have in fact been prevented because of title X services. S. 323 contains a conscience clause that allows clinic employees to be excused from counseling or referring for abortion. The bill also requires clinics to comply with the applicable State law a minor's access to abortion.

President Bush specifically opposes the provision in S. 323 that overturns the administration's gag rule. The gag

rule restricts title X clinic health care providers from giving complete and responsible information to patients facing unwanted pregnancies. S. 323 makes clear that pregnant women who request information should receive nondirective counseling and referral on all legal and medical options. This provision expresses the original congressional intent of the title X program—to provide quality health care to poor women and put the politics of abortion aside. Yet despite this clear and worthy intent, the President cannot pass up one more opportunity during this election year to play politics with the health and lives of American women.

Mr. President, clinics have already closed and others have curtailed their services to poor women rather that compromise the care they provide in order to comply with the President's gag rule. If we fail to override the Presidents veto and overturn the gag rule, many more women will be denied critical health care and face unintended pregnancies. Let's put the politics of abortion aside once again and have a government that works. I strongly urge my colleagues to vote to override the veto of S. 323.

I thank the Senator from Massachusetts.

Mr. HATCH. Mr. President, I yield 7 minutes to the distinguished Senator from Indiana.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Indiana for 7 minutes.

Mr. COATS. Mr. President, today we are considering the President's veto of S. 323, legislation overturning a portion of the Supreme Court's Rust versus Sullivan case. The Rust decision, which I support, upheld the validity of Federal regulations implementing the title X Family Planning Program. S. 323 is a very important piece of legislation. It redefines the entire scope and focus of a program already plagued with controversy.

I regret being in this posture today, because I am generally supportive of the title X program's goals. In fact, I wish we were spending this time reauthorizing the title X program with the safeguards provided by the administration's regulations intact. However, that will not be possible, and the title X program will go yet another year unauthorized. And the reason is that the sponsors of S. 323 seem to care more about promoting abortion, which in my opinion has no place in a preventative family planning program, than they do providing the contraceptive services this program was designed to provide.

It is clear to me, Mr. President, that Congress never intended that abortion counseling be a part of our Family Planning Program.

Section 1008 of the Public Health Service Act contains the following prohibition which has not been altered since 1970: "None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning." This is the issue we are debating today. Not free speech, but whether abortion is a method of family planning. I maintain it is not. Rather, abortion is the result of failed family planning. Those of us who believe abortion is not birth control, not family planning, find the administration's regulations very reasonable. If abortion is not family planning then why should Federal taxpayer funds be used to include abortion information in a federally funded family planning program. To do so is simply illogical and inconsistent with existing law.

The title X statute and regulations clearly create a wall of separation between title X programs and abortion. They embody a view shared by a majority of Americans—that abortion is inappropriate as a method of family planning. The Supreme Court has, on several occasions, recognized abortion as "inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life."

Mr. President, it is important to remember that these regulations were not promulgated without a purpose. They were in response to programmatic difficulties, concerns from former title X clients, and several audits conducted by the inspector general and the General Accounting Office. In 1982, both the department's office of the inspector general and the General Accounting Office urged the department to give more specific, formalized direction to programs about the extent of prohibition on abortion as a method of family planning.

The inspector general, after auditing 32 title X clinics, found that the department's failure to provide specific program guidance regarding the scope of section 1008 had created confusion about precisely which activities were proscribed by the section 1008 and had resulted in variations in practice by grantees. In particular, the GAO, in a report based on an audit of 14 title X clinics, found that the clinics were relying on the departments policy of permitting both title X family planning services and separately funded, abortion-related activities to be provided at the same site. In the report, GAO found that some of these providers had engaged in a number of practices which did not present alternatives to abortion, clinic referral practices which went beyond HHS referral policy, and clinic literature promoting abortion as a method of family planning. These were findings at specific title X facilities.

The extensive facilitation of abortion—such as setting up appointments, making transportation arrangements, making arrangements for payment of the abortion—that many consider to have been common practice have never been permissible in the title X program. The administration's regulations make sure that scarce family planning resources are used for the purposes for which they have been appropriated—and not for abortion services.

Planned parenthood, which receives $35 million from title X while being the Nation's single largest provider of abortion services, maintains that given the regulation's requirement that abortion not be a part of federally funded title X programs, they would reject title X funds. Thus, they argue, a net loss of services to the population currently served by title X would result and possibly a third of current patients may become unintentionally pregnant within 12 months if their services are interrupted.

Mr. President, there is no reason for title X services to be interrupted. Let me repeat that. There is no reason for any legitimate title X services to be interrupted. All present title X grantees can continue to receive Federal funds and provide family planning services, the purpose for which they were established in the first place. It is only those organizations which are ideologically more committed to promoting abortion than to providing family planning will no longer get funds. Title X funds will continue to be provided to clinics committed to providing legitimate family planning services to title X clients.

Let me repeat that. Title X funds will continue to be provided to legitimate family planning title X clinics. Thus, the regulations help to assure that scarce resources are allocated to preventative family planning and infertility services, not to the inappropriate referral of pregnant clients to abortion clinics.

I urge my colleagues to support the administration's regulations and reject the premise that abortion is a method of family planning. I plan to vote to sustain the President's veto of S. 323.

Mr. President, I yield back whatever time I have not consumed and thank the Senator from Utah for yielding me this time.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I thank the distinguished Senator from Indiana for his cogent remarks and for the seriousness with which he takes this matter. I take it very seriously too, because I am a supporter of title X. I believe that the family planning program is an effective and appropriate way to go.

I have long said, let us not get the abortion issue mixed up with family planning, because if we do that, then the bill is going to be vetoed, the House is going to sustain the veto, and you will not do for family planning that which needs to be done. I mean, it is as simple as that.

However—and I am certainly not accusing anybody in this august body of

doing this—there is no question that there are some on Capitol Hill who would rather have the abortion issue as a political against the President—who will veto this bill if it ever gets to the White House—they would rather have the abortion issue than they would a family planning program.

So who is right and who is wrong here? I believe that it is wrong to tie up the politics of an abortion issue with the family planning program, where it should never be a part. Tying the two issues together will stop the family planning bill from going through—this is wrong.

Mr. President, when the U.S. Congress enacted the title X program in 1970, the issue of abortion was raised. The Congress, back before abortion was legalized, understood that abortion should never be a method of family planning. It was specifically decided. They appropriately decided that the U.S. taxpayers should not pay for programs where abortion is promoted as a method of family planning.

It makes sense, Mr. President, to keep abortion out of a program that helps women and families with family planning. The title X program enables families to decide or plan whether or not to have children, before pregnancy occurs. Abortion, quite conversely, stops a beating heart. Abortion is clearly the intentional killing of innocent human life after conception.

The fact is, Americans overwhelmingly disapprove of abortion as a method of birth control. A March 1991 Gallup Poll showed that 88 percent of the American people oppose abortion in the first 3 months of pregnancy "as a repeated means of birth control."

In the United States today, there are more than 4,100 abortions per day. Statistically, we know that many of these occur for reasons of convenience or birth control. That is a tragedy in itself, Mr. President, and we should not compound that statistic by asking the Government to fund the promotion of abortion as a birth control method. Unfortunately, that is what this legislation would do. That is why the President wisely vetoed this legislation. S. 323 would require title X clinics to counsel on, and make referrals for abortion. Even if a grantee is opposed to doing so on moral or religious grounds, they would be required to refer a client to someone who will.

Now, as I mentioned earlier, in 1970, Congress debated and decided to include section 1008. This section, here on this chart, reads as follows:

None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

That is section 1008 of title X of the Public Health Service Act, 42 U.S.C., et cetera.

That is a pretty important, direct statement. And it has always been, I think, the intention of Congress. Many of my colleagues may have been here over the years. Some of them were probably here at the time of this debate. It seems obvious from this language that this prohibition means more than just paying for an abortion.

In fact the 1970 conference committee explained that:

With the "prohibition of abortion", the committee members clearly intended that abortion is not to be encouraged or promoted in any way through this legislation. Programs which include abortion as a method of family planning are not eligible for funds allocated through this Act.

Unfortunately, this statement has not always been understood by some of the title X grantees. In 1982, a GAO report recommended that the Department of Health and Human Services needed to "make its guidance in this area more specific and consistent." Final regulations were issued in 1988.

Those of us who are in favor of family planning—and I am one—but opposed to abortion—and I am one—are consistent. Let me cite a well-known figure who passionately holds this view. Then Congressman George Bush was a sponsor of the Family Planning and Population Act of 1970, which became the title X law in 1970. On July 16, 1970, Congressman Bush explained the intent of the bill as being strictly a family planning measure:

This legislation is not by any stretch of the imagination a population control measure. Population control is not a proper function of any government. Family planning is a component of maternal and child health care services and is a great deal more than merely the dispensing of birth control information and devices. * * * It is a health care issue that emphasizes fertility regulation putting this aspect of health care in its proper order of concern with the other aspects of health care we practice.

As George Bush knew then, he knows now, that title X is intended to be a preventive prepregnancy program. Thousands of women rely on title X for family planning counseling and limited reproductive health care services. There are numerous other federally funded clinics, such as the Maternal and Child Health Program, that provide continuing care for pregnant women. Clearly, any post pregnancy counseling is outside the scope of title X.

In 1988, regulations were issued to correct alleged abuses in the title X program regarding abortion promotion. The regulations make clear once and for all that abortion counseling and referral is not a proper function of federally funded family planning clinics.

Despite arguments to the contrary, no woman will be denied any health services or treatment in an emergency situation because she will be automatically referred to experts who are qualified to take care of them.

Keep in mind that title X, being a preventive program, provides limited health care services. Most clinics do not have a physician on staff. That is why women, who may be pregnant or have an emergency situation, must be referred to doctors in full services centers for appropriate care.

Here is a chart showing a citation in the Federal Register on February 2, 1988, the day on which the title X regulations were issued. I have enlarged section 59.8 which explains "referrals."

It says:

Because title X funds are intended only for family planning, once a client served by a title X project is diagnosed as pregnant, she must be referred for appropriate prenatal and/or social services by furnishing a list of available providers that promote the welfare of mother and unborn child. She must also be provided with information necessary to protect the health of mother and unborn child until such time as the referral appointment is kept. In cases in which emergency care is required, however, the title X project shall be required only to refer the client immediately to an appropriate provider of emergency medical services.

It is pretty clear. I do not see how anybody can disagree with it. And it says the client must be referred for appropriate prenatal and/or social services. She must also be provided with information necessary to protect her health and that of her unborn child. Where an emergency occurs the family planning providers have to act quickly to refer the client for appropriate medical services. They have legal liability under these regulations to do just that. How could, really, anybody disagree with that particular regulation?

I believe these regulations are good for women's health. If a woman is pregnant or desires comprehensive health services, she must be referred to another provider because those services are outside the scope of title X. There she may learn about all of her legal options from physicians. Title X is a limited health service because it deals only with dispensing birth control and treating sexually transmitted diseases. However, the program promotes prenatal care in a time when many women are not receiving this basic care for themselves and their unborn child. We have a crisis of a high rate of infant mortality in our Nation. One of the causes, I am told, is a lack of prenatal care, especially among teens.

Should not the Federal Government be promoting care that would reduce the incidence of infant mortality by advocating prenatal care, which this regulation does? The built-in referral process does this. Pregnant women should be having healthier babies because they were encouraged to seek prenatal care early. I believe this approach, which exists under the current regulations, is much better than allowing the Government to promote abortion counseling and referral as would happen under S. 323.

In an emergency situation, there is no question that a woman will be immediately referred for proper medical

treatment, just as she would be in any other federally funded health program.

That is as it should be. And this regulation requires that. If the facility, the Federal facility, or the facility using Federal funds, does not do that, they can be found liable for not having done so.

The bill that the President vetoed would put abortion into the family planning program by requiring "nondirective counseling of pregnancy management options." According to the legislation, pregnancy management options means childbirth, adoption and foster care, and abortion. But how will the Federal Government possibly define, or enforce, "nondirective counseling?"

A title X provider, usually a nurse or nurse practitioner, is the main facilitator of the choice for a particular birth control method.

A title X provider or counselor may even not have nursing experience or nurse practitioner experience. They may be qualified to give social advice. Some counselors have just on-the-job training or are volunteers. Certainly some of them are not qualified to give medical care or treatment or advice. This must be taken into consideration.

Counseling on pregnancy options is radically different than counseling on the choice between family planning practices. Different preventive birth control methods all share the same intent.

Once there is a pregnancy, however, the alternatives of raising a child, putting a child for adoption, or aborting the child, could not be more extreme opposites. There are no standards for training title X personnel in this area.

They just assume that if they want to refer for abortion, they can. They do not have to give any understanding one way or the other. They do not really give them a real choice.

The particular problem of putting abortion on an equal playing field as the other two choices is that, in most cases, abortion is a moral decision, not a medical one.

Should the American taxpayers be supporting a program that treats the killing of an unborn child as just another birth control option?

I think not. I hope my colleagues will agree and vote in favor of family planning by opposing attempts to inject a highly emotional and controversial issue into the program.

I encourage all my colleagues to support the President and sustain his veto of S. 323.

Could I ask, Mr. President, how much time I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 9 minutes and 30 seconds.

Mr. HATCH. 9 minutes?

Mr. BRADLEY. Will the Senator yield 1½ minutes for another purpose?

Mr. CHAFEE. Mr. President, I wonder—we are sort of short on time here. Is that a separate subject?

Mr. BRADLEY. That is a separate subject.

Mr. HATCH. I yield 1½ minutes to the distinguished Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. BRADLEY. I thank the Chair.

(The remarks of Mr. BRADLEY pertaining to the introduction of S. 3291 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HATCH. Mr. President, I yield the distinguished Senator from Pennsylvania 1 minute, and my colleague yields 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank my colleagues for jointly yielding me 5 minutes.

I urge the Senate to override the veto on the gag rule so that medical personnel may be able to counsel women on a variety of options in accordance with basic principles of freedom of speech in this country.

In my opinion, Mr. President, this issue goes beyond the controversy of pro-choice–pro-life and really deals with the fundamentals of freedom of speech.

When the Family Planning Act was legislated many years ago, I believe in 1970, this kind of counseling was permitted. Then in the late 1980's, 1989, I believe, there was a change in the regulation which was upheld in the case of Rust versus Sullivan, a highly unusual Supreme Court decision where there was a modification on what is essentially congressional intent, although Congress had allowed that interpretation to stand for many, many years.

Mr. President, that is one of the fundamental problems that we have with the Supreme Court today in terms of its legislating and in terms of not following congressional intent, where we have a longstanding interpretation of a statute and Congress has ample time to make a modification. There is a sound legal conclusion that in the absence of that modification, the law stands in terms of what Congress had intended.

Then in Rust versus Sullivan, the Supreme Court of the United States, by a narrow decision, sustained the new interpretation of the gag rule because, in effect, the political considerations changed and public opinion, which ought not to be a basis under any circumstance for a Supreme Court decision.

Mr. President, by overriding the veto, a position that this Senator has consistently taken, a position which this Senate overwhelmingly took in a vote last year, we will be articulating a clearcut statement of congressional intent that medical personnel ought to be able to counsel pregnant women on all their ranges of options. The dissenting opinion of Justice Sandra Day O'Connor was by far the most persuasive of all the opinions in Rust versus Sullivan when Justice O'Connor articulated the basic principles of freedom of speech. A doctor, nurse, medical personnel ought to be able to counsel to convey their professional judgments to any extent on all circumstances.

I believe this is very fundamental. It is rock bed, and I urge my colleagues to vote to override this veto. I thank the Chair and yield the floor. I thank my colleagues for yielding me the time.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, how much time do we have?

The ACTING PRESIDENT pro tempore. The Senator from Utah has 5 minutes, 40 seconds remaining.

Mr. HATCH. And how much time does the other side have?

The ACTING PRESIDENT pro tempore. The other side has 5 minutes and 30 seconds remaining.

Mr. HATCH. Mr. President, I do not intend to take all this time. I will just say this in closing. In this country today, we have somewhere between 1.6 and 2 million abortions a year. It is, other than one or two other countries, the most permissive country in the world on abortion.

This issue has become a very big lightning rod issue. It has stopped all kinds of legislation around here that might otherwise be good, one way or the other. The prolife side is not the only one stopping legislation. The so-called pro-choice side does, too. Neither side in the extreme care to get together. Both believe they are standing for principle. Millions of Americans support one side or the other.

I believe the vast majority of all Americans would support family planning programs and would support title X in the hope that by supporting these programs, we will be able to prevent unwanted pregnancies and even more abortions. I certainly feel that way. I have seen statistics that show family planning programs lead to even more sexual promiscuity, even more abortions. But I choose to believe that if young people are given a choice as to how to avoid pregnancy, teens who are going to be sexually active anyway, that it is better for us to try and give them that choice.

So I support the Title X Family Planning Program. It grieves me to be here on the floor arguing against this bill because the abortion issue has been injected right in the middle of it.

The President was criticized under the so-called—and it is a very, very unfair characterization—gag rule. The proposed regulations would have pre-

vented even medical advice on abortion at family planning clinics because medical advice at those clinics in many cases, in many clinics across the country, was advice to simply have an abortion without presenting the young woman options at all. It was not an informed—or really free choice. These vulnerable young women were generally pushed into abortion in some of these clinics and many people know that.

The President was blasted for excluding even physicians. I believe that physicians should not be foreclosed from telling their patients anything that is in the best physical and emotional interest of their patients. Regardless of whether you disagree or agree on abortions, literally, doctors should not be stopped from presenting their patients with all the facts and options needed to make an informed decision.

The President saw the light of that and clarified the rules. He said that we should not have people who are not physicians informing these clients. Under this program regulation, these clinic providers have all kinds of ways of referring these young women to full service and appropriate health care givers who can advise them on their full range of options including abortion. Every family planning clinic can do that. That seems reasonable to me rather than have nonphysicians or nonmedical experts telling these women what they should or should not do. In many cases, some of these nonmedical experts are persuading these women that their only option is abortion.

Mr. President, I understand there are sincere people on both sides of this issue. It is a tough and difficult issue, but let me bring it down to where it is.

Mr. President, the President has vetoed this bill. His veto may be overridden in the Senate but it is going to be sustained in the House. The question is, do the proponents of this bill want the abortion issue or do they want a family planning program, knowing that—and, there is no question about it, these are reasonable program regulations—that they solve the problem. So why not reauthorize the family planning legislation that most of us agree upon, whether we are prolife or pro-choice, and not get into this terrible battle over the moral and ethical dilemma of who is and is not pushing abortion or who is or who is not supporting abortion.

Mr. CHAFEE. Mr. President, I wonder if the Senator will yield for just a quick question?

Mr. HATCH. Sure, I will be delighted to yield.

Mr. CHAFEE. Mr. President, as the Senator knows, for 18 years individual health care providers in these clinics were allowed to answer in a nondirect way a question that is posed by a woman. That went on very peacefully and in splendid fashion for 18 years. Why the change? What is the difference if there are all these ominous overtones of abortion here, yet a doctor can answer the question but a registered nurse cannot?

The ACTING PRESIDENT pro tempore. The time of the Senator from Utah has expired.

Mr. HATCH. If I could just answer.

Mr. KENNEDY. How much time remains?

The ACTING PRESIDENT pro tempore. Five minutes and 20 seconds.

Mr. KENNEDY. Thirty seconds.

Mr. HATCH. The General Accounting Office—the GAO's report showed that there are all kinds of disparities in following the program guidelines. This is not a peaceful program that went along just without any problems for 17 or 18 years. There were all kinds of problems with the program, and in all honesty as important as nurse practitioners or social workers are, they are not physicians. We are talking about offering an option of an intrusive medical procedure that could affect the real life and health of a woman. So I think that answers the question of the distinguished Senator from Rhode Island.

I thank my colleague for giving me that time.

Mr. GORTON. Mr. President, since May of 1991 when the Supreme Court upheld the administration's pregnancy counseling regulations in Rust versus Sullivan, I have supported every attempt to fight implementation of the gag rule. I have supported S. 323, the Pregnancy Counseling Act, since it was introduced by Senator CHAFEE and today I join him in voting to override the Presidential veto of this legislation.

Last April, I sent a letter to the President asking him to reconsider his support for the gag rule. In that letter, I explained how disappointed I and others were with the new regulations that were announced on March 20, 1992. Although the guidelines were less restrictive than anticipated, they were still far too burdensome on health care providers and their patients.

I also explained that most Americans understand that the patients in title X funded family planning clinics are not likely to see physicians. They are examined by specially trained nurse clinicians and, if a pregnancy is disclosed, counseled by them or by trained pregnancy option counselors. The gag rule then results in one kind of health care for women who can afford to go to private doctors, and another kind for those who must have their health care subsidized—the poor. Physicians will not have the ability to refer patients to an abortion provider, even though specialty abortion clinics provide the safest, most cost effective procedures available.

As title X grantees struggle with the ethics of providing less than full information to their patients, many will decide to give up their grants rather than offer what they consider to be second rate medical care. For many providers, this will mean a significant loss of funds, resulting in fewer family planning patients seen.

In addition, the partial lifting of the restriction on doctors has created a firestorm within nursing groups. Nurses have worked for many years to be allowed to use their training to the maximum. Being told that doctors can talk to women about abortion but nurses can't, even when they have had special training in reproductive health care, unnecessarily antagonizes a vital element of the professional health care field.

In May of this year, a Federal district court struck down the gag rule on administrative procedure grounds relating to the impact of the regulation on nonphysicians, such as nurses, who perform abortion counseling. That case was appealed to the court of appeals which is expected to hand down a decision in November. However, the Department of Health and Human Services declared that implementation of the gag rule will go into effect today, October 1, 1992. Clinics that do not comply with the regulations will lose their Federal funding.

The Pregnancy Counseling Act would not only preclude the implementation of the gag rule, it would reauthorize title X, the federally funded Family Planning Program and authorize $182 million for fiscal year 1993. This money does not finance abortions. It supports birth control counseling and teen pregnancy prevention that is so desperately needed today. In addition, title X clinics offer adoption information and parenting counseling. For many women, especially teens, these clinics are the only hope when they are desperate and fearful.

Mr. President, the Pregnancy Counseling Act would simply require nondirective counseling by family planning clinic personnel on a woman's options. That was the status quo before the first gag rule regulations were promulgated in 1988.

I support nondirective counseling because a woman in need should be able to receive the best medical information on all of the options that are legally available to her. A health care professional who has dedicated his or her life to helping those who cannot help themselves should not have his or her professional judgment circumscribed by the Federal Government. Although abortion is the most tragic option for a woman to choose, it is her difficult choice, and information pertaining to that option must be made available to her. Because I believe the Federal Government should return to a neutral and nonintrusive role in pregnancy counseling, I will vote to override the President's veto on S. 323, the Pregnancy Counseling Act.

Mr. DURENBERGER. Mr. President, I rise today to explain my reasons for voting to sustain the President's veto of S. 323, the Title X Pregnancy Counseling Act of 1991.

As Yogi Berra would say, this is deja vu all over again. Here we are, spending the limited time we have left on a piece of legislation that is doomed to go nowhere. We knew that Congress would pass it and send it to the President. We knew the President would veto it. We know that the veto will be sustained, if not by this body then by the House of Representatives. What are we accomplishing?

I do not know what my colleagues heard during the August recess, but I got an earful from Minnesotans about their utter frustration with the games we play here in Washington. This is exactly the kind of exercise that frustrates them: hours of passionate rhetoric devoted to a subject, which changes no one's mind, because the outcome is a foregone conclusion.

I am doubly frustrated because this bill contains something that I very firmly believe we should do—reauthorize the Title X Family Planning Program.

The title X program provides funding to nearly 4,000 clinics which provide family planning services, primarily to low income women. Through this program, millions of women who could not otherwise afford it are able to get services to help them plan and prevent pregnancy.

Title X programs have played an invaluable role in reducing the tragic number of unwanted pregnancies in America. Title X should be reauthorized and funded at a healthy level, not only because it is the compassionate thing to do, but also because it is fiscally smart. Every dollar we spend on pregnancy prevention saves the taxpayer four times as much in the long run.

If this was a pure reauthorization of title X, I would wholeheartedly be behind it, and I believe the President would have signed it. The reauthorization could have been law by now.

But the chances for a reauthorization this year have once again been torpedoed because the issue of abortion has been dragged into the debate.

From its inception, the Federal title X program was designed to separate family planning services from the contentious issue of abortion. Every time that these issues have been connected, the title X program has suffered.

The mission of title X is to provide focussed services before a pregnancy occurs. Once a pregnancy is discovered, a woman necessarily requires services that are outside the scope of title X. Today's debate centers around what happens when a woman discovers she is pregnant in a title X project.

Reversing administration regulations, S. 323 would require title X projects to counsel and refer pregnant women to abortion. By connecting the emotional issue of abortion with the provision of family planning services, the proponents of this bill have ensured that the title X program will continue to be hamstrung by controversy.

The enacting statute for title X specifically prohibits the use of title X funds in programs where abortion is a method of family planning. Health and Human Services interpreted this to require that information regarding abortions that are not medically necessary be obtained outside the title X setting.

When the Supreme Court upheld the administration's regulations in Rust versus Sullivan, I was concerned that a woman who walks into a title X project and discovers that she is pregnant might be left out in the cold. But there is a compassionate way to help this woman deal with her pregnancy without forcing taxpayers to subsidize the promotion of abortion.

During the debate on S. 323 last year, I offered an amendment that would have removed the abortion controversy from title X projects, and would have ensured that women receive complete medical information about their pregnancy through referrals to prenatal and obstetrical care providers—health professionals who specialize in pregnancy.

My amendment would have removed pregnancy counseling from the family planning setting, and would have facilitated entry of pregnant women into the next step in the health care system. Unfortunately, this amendment failed.

But last November, the President sent a letter to the Secretary of Health and Human Services to clarify the purpose of the regulations. This letter incorporated much of the language that I offered in my amendment. Through this directive, the President addressed the concerns of those who feel that the regulations violate the freedom of speech or the confidentiality of the doctor/patient relationship. The President ordered an interpretation of the regulations that will conform with the highest standards of medical care.

First, the President stated that "Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician." In other words, no doctors in title X clinics will be "gagged." They may answer any questions a patient asks and discuss any medical information—including information about abortion.

The President also outlined the responsible manner in which referrals should be made when women require services that are outside the scope of title X:

Title X projects are to provide necessary referrals to appropriate health care facilities when medically indicated.

If a woman is found to be pregnant and to have a medical problem, she should be referred for complete medical care, even if the ultimate result may be the termination of her pregnancy.

Referrals may be made by title X programs to full-service health care providers that perform abortions, but not to providers whose principle activity is providing abortion services.

Health and Human Services has ordered an interpretation of the regulations that is consistent with the President's directive. This interpretation ensures that the health of pregnant women will not be placed at risk. It ensures that title X physicians will not be gagged. This interpretation conforms with good medical practice, and very importantly, frees the valuable title X program from the debate about abortion.

I want to see the Title X Family Planning Program succeed on its merits. S. 323 tosses the title X program into the waters weighted down by the abortion controversy. Did anyone really doubt that it would sink?

Mr. President, I see the desperate needs of poor women for more access to community family planning being bogged down by the abortion debate. I see low-income women having less, not more, access to needed pregnancy prevention advice. In Minnesota, 31 of our 87 counties lack title X services.

I will continue to work toward strengthening the title X program. I will work to ensure that the program is adequately funded and protected from the political fortunes that swirl around the abortion debate.

I hope my colleagues will sustain the President's veto of this bill, and join me in working to preserve title X's great strides in providing quality family planning services to millions of low income women.

Mr. BRADLEY. Mr. President, I rise in support of this legislation to state clearly that women who are seeking medical advice are entitled to the best help that medical professionals can offer, unrestricted by anyone's political agenda.

Congress determined that adequate family planning services were in the Nation's interest. Accordingly, a program was established under title X of the Public Health Service Act to provide contraceptive information and services in order to help lower the incidence of unintended pregnancy, improve maternal and infant health, and reduce the incidence of abortion. The law provides that no abortions may be provided with title X funds and both the GAO and Secretaries of HHS have certified that no Federal funds have been utilized for those purposes.

Yet, year after year these programs are blocked, hindered, diluted, or filibustered, not because they are not needed, not because they do not work, but because of an ideological faction that wrongly sees these programs as a battleground against a woman's right to choose a safe and legal abortion.

But, Mr. President, the services the Government should be providing in these programs are safe, unbiased health services. We should not be using taxpayer dollars to promote anyone's political agenda. Politics has no place shaping what a doctor may or may not say to a woman seeking sound medical advice. Yet, that is precisely what the current regulations, insisted upon by the administration and consistently rejected by Congress, provide.

It is a sad irony that the family planning information established under these programs is supposed to give women knowledge about alternatives and choices that, if allowed to function without interference, will ultimately reduce the number of abortions. It will also reduce the number of low birth weight babies, the number of babies born to mothers who are not emotionally or financially prepared to give them a good life, and the number of children who die before their first birthdays.

Mr. President, we may not be willing right now to devote resources to a basic, cost-effective preventive health network to address grave problems of maternal and child health, but to deny women information—to prevent doctors from offering the best possible medical care—out of a misguided ideological crusade, is an outrage. I urge my colleagues to join me in strongly supporting S. 323, so that we can get on with the business of saving America's children. This legislation will clarify, beyond a shadow of a doubt, that Congress' intention as to help poor women get the best care available, so that their children will be born healthy and survive. To do so, we must let doctors speak freely and advise patients professionally about all their legal health options.

Mr. RIEGLE. Mr. President, in 1988, the Reagan administration issued a regulation prohibiting federally funded family planning clinics from counseling women on all of their pregnancy options. Health care workers at clinics that receive funding under title X of the Public Health Service Act should be responsible for counseling pregnant women about the medical risks and benefits associated with various family planning options available to them. This includes prenatal care, adoption services, infant and foster care and pregnancy termination. In an attempt to address this concern, the administration now supports allowing physicians to counsel their patients about abortion. However, most women at title X clinics are counseled by nonphysician practitioners. The administration's gag rule still prevents these health care workers from giving the patient all of the information they need to make informed decisions about their pregnancy.

Patients rights also would be restricted by this policy. The title X family planning program funds clinics serving primarily low-income women. There are over 4,000 clinics serving at least 5 million women each year. The gag rule would prevent these women from receiving critical information about choices affecting their health. This may have a devastating effect on women with serious health problems or a very high risk pregnancy.

I am pleased that a sufficient number of Senators voted to override President Bush's veto of S. 323, and I urge my colleagues in the House to do the same so that this important legislation can be enacted.

Mr. DANFORTH. Mr. President, the issue of whether to prohibit family planning clinic workers from counseling clients about abortion raises a conflict between two principles to which I strongly adhere. I believe that life is sacred and we should do everything within our power to protect it. And I believe that free expression is central to democracy and we should do everything in our power to protect it.

Today, as we vote on whether to sustain or override President Bush's veto of the Family Planning Amendments Act of 1992, neither option enables us to uphold these two principles equally. If we vote to override the veto, we will put the Federal Government in the position of mandating that abortion be discussed. I am not comfortable with such a governmental endorsement of abortion. On the other hand, if we vote to sustain the veto, we will keep the Federal Government in the position of prohibiting speech. I am not comfortable with using the hook of Federal funds to restrict speech.

Last year, when we debated the abortion counseling regulations, an amendment was offered by my colleague from Mississippi, Senator COCHRAN, which was neutral on the question of abortion counseling. His amendment attempted to pull in the reins on the Supreme Court's decision in Rust versus Sullivan. Senator COCHRAN's amendment said that the Secretary of Health and Human Services must not prohibit health professionals from providing, upon request, information concerning any legal option regarding pregnancy. But neither would his amendment have required speech about abortion. I voted in favor of that amendment, along with only a handful of my colleagues. It is distressing that such a reasonable approach, which probably most closely represents the views of the general public, should be so soundly rejected. The polarization on this issue, and the extreme choices before us today, indicate the dire need in this country to bridge the wide gap, to find some common ground, and to heal the wounds inflicted by this divisive issue.

But the reasonable approach is not before us today. And faced with the choice of having the Federal Government endorse abortion by requiring clinics to counsel about abortion and the choice of prohibiting the staff of family planning clinics from offering abortion counseling, I must cast my vote in favor of a principle that must not be diminished: the sanctity of human life. Thus I will vote today to sustain the President's veto and I urge my colleagues to do the same.

Mr. KENNEDY. Mr. President, I yield 3 minutes to myself.

Mr. President, as has been pointed out during the course of this debate, and most recently in the inquiry of the Senator from Rhode Island, nondirective information was effectively the law of the land for a period of 18 years. During that period of time there were those who said that these various health clinics, these family planning clinics were really promoting abortion in this country, and so we saw Inspector General of the Department of Health and Human Services review clinics to find out whether that was the case, and the IG said no. Then we asked the General Accounting Office to take a look at it and see if it was the case. The GAO said no. Then we asked the Secretary of HHS to look at it, Secretary Heckler, and she reviewed it and testified before the Congress that that was not the case. So that is not a position that can be justified during the course of this debate.

The real purpose of this legislation is to take this issue out of this Chamber, out of the courts. For 4 years this issue has been in the courts. We want to take it out of the courts and permit the medical profession and individuals in these family planning clinics to provide complete and full medical information.

Why is it right for a middle-income or wealthy woman to be able to get nondirect information, the best in terms of health care information, and on the other hand a poor woman to get censored information, bureaucratic information, as a result of Government decision? That is wrong as a matter of health care policy. It is wrong in terms of free speech. It is wrong for Government to be interfering with the appropriate kind of medical information. That is what this issue is about, and I hope our colleagues will vote to override the veto.

I yield my final 2 minutes to the Senator from Maine.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. There is one simple test by which every Member of the Senate can judge this vote. Would any Member of the Senate permit his or her daughter or wife to be treated in the manner which this gag rule treats people who go to clinics? The answer is very clear. Not one Member of the Senate would permit his daughter to be treated that way. Not one Member of the Senate would permit his spouse to be treated that way.

Every Member of the Senate would demand the best possible treatment for his or her daughter or spouse and the most complete information for his or her daughter or spouse. And we have no right to say to American women who are not as well off as our children, they are not going to get the same kind of treatment. That ought to decide this vote.

I urge my colleagues to vote to make it possible for every American woman to receive the same kind of information that our children would receive in a similar situation—full information, complete information, uncensored information, and the ability to make a decision on their own.

Mr. HATCH. Will the Senator yield for just a question?

The Senator said that not one Senator—I happen to be the father of 3 daughters and quite a few granddaughters, 9 of them to be exact—no it is 10 of them, to be exact. I tend to lose track. I—as I believe that any Senator would want—would want my daughters to have the best possible medical advice they could get. I would not want them receiving medical advice or medical care from social workers, as important as they are, as important a role in public life as they play. And I think the distinguished Senator from Maine makes our case. We are just saying look, the women in these programs should be entitled to a physician's advice in deciding on which medical or surgical option they should choose. If they are not true, experienced, medical practicers, physicians, they should not be advising young girls on surgical procedure including abortions.

Mr. MITCHELL. Mr. President, if I might respond, every one of these persons is licensed by the State. And let us be clear. The Senator's daughters do not go to public health clinics. Let us be clear about that. Have the Senator's daughters gone to public health clinics to get their medical care?

Mr. HATCH. The Senator asked what Senator in here would want their daughter to be treated as these women are treated. I am saying that if my daughter went there, I would want her to have good medical advice from the person best trained to offer her a full range of options—a physician, not advice from social workers—social workers are licensed by the State to practice social work not medicine.

Mr. MITCHELL. I asked if his daughter went. The answer is obvious; no Senator's daughters go to public health clinics. We all know that.

Mr. HATCH. I consider all of these women my daughters as I am sure all of my colleagues in this esteemed body do. Every young woman who has to go to one of these programs is daughter to all of us.

The PRESIDING OFFICER. (Mr. SHELBY). All time has expired.

UNITED STATES-CHINA ACT—VETO

The PRESIDING OFFICER (Mr. SHELBY) laid before the Senate a message from the House of Representatives, which was read, as follows:

The House of Representatives, having proceeded to reconsider the bill (H.R. 5318) entitled "An Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States to the House of Representatives, as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 5318, the "United States-China Act of 1992," which places additional conditions on renewal of China's most-favored-nation [MFN] trade status.

I share completely the goals of this legislation: to see greater Chinese adherence to international standards of human rights, free and fair trade practices, and international non-proliferation norms. However, adding broad conditions to China's MFN renewal would not lead to faster progress in advancing our goals. To those who advocate this approach, let me set the record straight.

Our policy of comprehensive engagement lets the Chinese know in no uncertain terms that "business as usual" is not possible until they take steps to resolve our differences. Through multiple, focused measures, we are eliciting the results we seek.

This year China joined global efforts to control the spread of nuclear weapons and ballistic missiles by declaring adherence to the Missile Technology Control Regime's [MTCR] guidelines and parameters and signing the Nuclear Proliferation Treaty [NPT]. Chinese behavior remains MTCR-consistent, and we have begun a dialogue with the Chinese on their responsibilities under the NPT. We continue to monitor vigilantly China's weapons export practices. We have used the sanction authorities available successfully and remain prepared to do so again if necessary.

We have made progress on the resolution of outstanding trade issues with our agreements to protect Intellectual Property Rights and to ban prison labor exports. I will not allow, however, market access to remain a one-sided benefit in China's favor while our bilateral trade deficit grows. If China fails to reduce trade barriers, we are prepared to take trade action under the statutory guidelines of section 301 of the Trade Act of 1974.

The limited steps China has taken on human rights are inadequate. But our human rights dialogue gives us an avenue to express our views directly to China's leaders. Significant improvement in China's human rights situation, including freedom for all those imprisoned solely for the peaceful expression of their beliefs, remains our objective. It is easy to be discouraged by the pace of progress in this area. But it would be a serious mistake to let our frustration lead us to gamble with policies that would undermine our goals.

Withdrawing MFN or conditioning it, such that it will be withdrawn at a later date, will not promote these goals. H.R. 5318 imposes unworkable constraints on our bilateral trade. Among the casualties of this bill would be the dynamic, market-oriented regions of southern China and Hong Kong, as well as those Chinese who support reform and rely on outside contact for support.

The impact of this bill would extend beyond the state enterprise system, harming independent industrial and agricultural entries that have sprung up in China since the advent of economic reform and its opening to the outside. These family-owned and operated entities are interlinked in the manufacturing process with large, state-controlled factories and marketing agencies. They would not be shielded from the effects of this bill.

Americans too would be affected. This year our exports to China will climb to about $8 billion. China's retaliation for the loss of MFN would cost us this growing market and thousands of American jobs. We would cede our market share to our foreign competitors who impose no restrictions on their trade with China, at a time when China is taking market-opening measures that our trade negotiators fought to obtain.

Out policy seeks to address issues of vital concern to us and looks to the future of our relations with a country that is home to almost one-quarter of the human race. MFN is a means to bring our influence to bear on China. Comprehensive engagement is the process we use to transform this influence into positive change. The relationship between these two key elements of our China policy is a powerful one, and the absence of one element diminishes the potency of the other. We continue to advance broad U.S. objectives without imposing economic hardship on Americans because both elements of our policy are in place.

Engagement through our democratic, economic, and educational institutions instead of confrontation offers the best hope for reform in China. MFN is the foundation we need to engage the Chinese. H.R. 5318 places conditions on MFN renewal for China that will jeopardize this policy and includes a requirement that infringes upon the President's exclusive authority to un-

dertake diplomatic negotiations on behalf of the United States.

In order to protect the economic and foreign policy interests of the United States, I am returning H.R. 5318 to the House of Representatives without my approval.

GEORGE BUSH.

THE WHITE HOUSE, *September 28, 1992.*

The Senate proceeded to consider the bill (H.R. 5318), entitled "An Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes," returned to the House by the President on September 29, 1992, with his objections, and passed by the House of Representatives, on reconsideration, on September 30, 1992.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objection of the President of the United States to the contrary notwithstanding?

There shall now be 40 minutes for debate equally divided and controlled between the two leaders or their designees.

Who yields time? The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I yield myself 10 minutes.

Could I ask a question of order first? Refresh my memory as to the order of votes starting at 10:40 or 10:45.

The PRESIDING OFFICER. The first vote will be on the resolution of ratification on START. The second vote will deal with the veto override of S. 323. The third vote will be on the override of H.R. 5318. And the fourth vote is on foreign operations appropriations.

Mr. PACKWOOD. I thank the Chair.

Mr. President, I yield myself such time as I may need.

Mr. President, this will close the third year in a row that Congress has debated the conditional China MFN bill. Within the past 13 months the Senate has voted numerous times on nearly identical legislation. I think all Members have heard the full range of arguments on both sides of this issue, and I think we all know how this is going to turn out.

The vetoed conditional MFN bill we are considering today is very similar to previous bills, with one exception. If the President cannot certify that the conditions of the legislation have been met, he must deny MFN to products made by State-owned enterprises. Unfortnately, this change in the legislation does nothing to address the problems associated with placing any conditions on extension of MFN. The fact remains that this legislation invites retaliation against U.S. exports; is impossible for the United States to enforce; and jeopardizes ongoing United States-China negotiations.

Focusing the remedy on State-owned enterprises doesn't in anyway address or alleviate the problem that China will retaliate against United States exports. In fact, it may make it worse. State-owned enterprises—or to put it in the vernacular, the Chinese Government because the Chinese Government owns the enterprise is the same sector which decides where to purchase large scale quantities of agriculture, aerospace, telecommunications, chemical products and heavy equipment. If the United States were to take action specifically against the Chinese State sector, it is clear that the State sector will simply refuse to buy United States products. This is particularly true when the products are readily available from other sources—EC, Japan, Canada, Australia, Taiwan. Almost all of the $6 billion worth of United States exports to China is sold to the State sector.

If the remedy is focused on state-owned enterprises, it would be nearly impossible for the United States Customs Service to determine whether the Chinese goods bound for the United States were made by State-owned enterprises or by privately-owned enterprises. In China's mixed economy, state and private elements are intermingled in producing and exporting goods and commodities. The legislation's attempt to define and identify State-owned enterprises, provides little guidance on how to resolve the problem.

Passing any conditional MFN bill risks isolating China and will only lead to further regression in the areas of human rights, weapon proliferation and trade. This is particularly true with the new MFN bill because we are giving the ultimatum directly to the Chinese Government—as the remedy is specifically tailored against products made by the Chinese Government.

Mere passage of the bill will jeopardize several United States-China bilateral negotiations. This includes

The recently concluded United States-China intellectual property agreement. Last year, the Chinese agreed to provide greater enforcement and make sweeping changes to its inadequate intellectual property laws. This agreement was a great boon to United States intellectual property rights industries—who estimated that they lost $400 million a year to Chinese cheating. If the legislation is passed, the Chinese will most likely renege on its commitments, and the agreement will be useless.

In addition, by mid-October, the United States and China must conclude bilateral market-access negotiations under section 301 of United States trade law. If these negotiations are successful, China will eliminate a whole array of tariff and nontariff barriers to United States exports. If the conditional MFN legislation is passed, there is little to no incentive for the Chinese Government to continue to participate in the negotiations.

Finally, the United States and China recently agreed to new policies to address United States concerns about China's exports of goods made by convict labor. Under the agreement, for the first time, United States Embassy officials are allowed to visit Chinese prisons. If the legislation is passed, the Chinese will surely renege on its commitments.

I have long maintained that the congressional debate on China MFN debate is a double standard.

How can we debate China's human rights policies when we do not look at Iran, Libya, Syria, Iraq, countries that are bastions of democracy—ridiculous—and protectors of civil liberties—ridiculous. We all know the human rights violations in those countries, and yet we do not apply the same standard to them.

How can we question China's international trade practices when we don't look at Japan, India, or Brazil—countries who maintain a whole array of trade barriers to United States goods and services?

How can we criticize China's weapons proliferation policies now, when we have known about them for years?

As a matter of fact, I had our computer system run a check of just the Washington Post and the New York Times articles from 1985 on how many articles could they find indicating we knew that the Chinese were selling arms, and selling them to the Middle East.

As I recall, it was 45 or 50 articles over a 4-year timeframe. We clearly knew what they were doing. To use the argument, oh, heavens, we have discovered they are selling weapons, almost begs the issue. We have known it for years.

Senator MITCHELL has claimed—and it may be perfectly true—that while there may be other countries that individually have poor human rights, weapon proliferation, or trade policies, China is the only country that has the worst record in all three areas.

In response, I just want to remind my colleagues that according to the statutory emigration requirements of the Jackson-Vanik amendment, China is legally entitled to an unconditional extension on MFN.

The Jackson-Vanik amendment says, if you are a Communist country—China still is—you can still have most-favored-nation status if you allow free immigration. China, indeed, does that. The problem with Chinese immigration is not that China will not let enough people out; it is that the rest of the world will not let all the people in that want to get out of China.

If Congress wants the statutory conditions broadened, that is a fair debate—but it should be across the board and not focused specifically on China. In the meantime, applying these standards only to China's MFN status will do nothing to improve China's policies and only hurt United States economic interests.

When it comes measuring the impact that revocation or conditioning China's MFN status will have on Oregon there is no question that it will seriously injure Oregon consumers, importers, exporters, and most importantly workers.

To sum it up, no one has stated it better than my colleague from Oregon, Congressman AUCOIN, when he said in way back in 1979: Normal trade relations with China "would translate into dollars, cents, and paychecks for Oregon workers" and be of substantial economic and political benefit to the United States. He later added that "trade with China means more exports, more jobs and more income for Oregonians. * * *"

I agree with him totally. Those words are as true today as they were then, and it would be irresponsible for me or any Member of Congress from Oregon to vote against his own State's interest in such a blatant way as revoking or conditioning most-favored-nation status for China.

In conclusion, we all share the goal of wanting to see greater respect for internationally recognized human rights, a stronger commitment to global nonproliferation and continuing political and economic reform within China. But how can cutting off the dialog and closing the door on China help to resolve these issues? The better way is a more carefully targeted approach which addresses these concerns in a systematic way. That is exactly what the administration has been doing—and they have been getting results. While none of us believe that China is there yet, let us not stop the progress by conditioning most-favored-nation status for China.

I reserve the remainder of my time.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, once again we are occupying the Senate's time with a debate over China.

As with past efforts to condition MFN, I will vote against this bill today. In my view, this bill would sever the most effective bridge we have for transporting American ideals into China. This bill would cost tens of thousands of Americans their jobs. And finally, this bill would fly in the face of better reasoned, targeted efforts to promote reform in China.

TRADE AS A BRIDGE

Last August, I traveled to Taiwan, Hong Kong, Malaysia, and Singapore. One of my goals was to obtain a better understanding of China by talking to people who are much closer to the issues than the United States Congress. Frankly, I was surprised at the uniformity of opinion. I can tell you this legislation is totally out of step with the rest of the world.

Take the case of Taiwan—a place which no one can accuse of being soft on China. While many in the United States Congress spent the summer drafting legislation to limit trade with the PRC, Taiwan's legislature was drafting the "Statute for Relations Across the Taiwan Strait."

This landmark legislation paves the way for expanded economic and political links between Taipei and Beijing—a dramatic reversal of a 40-year-old policy.

What about Hong Kong? For us in Congress, the debate over human rights in China takes place in the abstract. Hong Kong does not enjoy this luxury. In 1997, Hong Kong will revert to Chinese rule. No one in the world has a greater vested interest in human rights in China than the people of Hong Kong. I didn't meet a single person there who believes conditions on MFN will promote reform in China.

There is one image of Hong Kong that had an incredible impact on me. I took a helicopter tour of the border between Hong Kong and the PRC. From the air, for as far as you can see, a massive highway is being built north from Hong Kong into China. There is already massive construction for 5 miles in either direction of this new road—factories and buildings to support the burgeoning trade.

In many ways, the highway from Hong Kong into China is a perfect metaphor for this entire debate. Ideas are traded along with goods. Through trade, Western ideas are sweeping northward. If we maintain these links, we will see Hong Kong take over China in 1997, not the reverse.

I believe that the experiences of Taiwan and Hong Kong argue strongly against a policy of restricting MFN.

AMERICAN JOBS

There is another important element to the China debate. We have talked a lot lately about jobs. In formulating United States-China policy, it's important to consider the impact of trade restrictions on the United States economy. The last thing we need is a repeat of the Soviet grain embargo fiasco.

The hard truth is that unilateral U.S. restrictions on MFN would prompt swift retaliation against U.S. exports. The Chinese will cut off purchases of planes from the State of Washington, autos from Michigan, and fertilizers from Louisiana. The Wall Street Journal recently estimated that restrictions on MFN could cost the United States 100,000 export related jobs.

SMART WEAPONS

If restrictions on MFN were the only way to address United States concerns with China, I might well support this bill. But proponents of this legislation create a false choice—between this bill or doing nothing.

Do not get me wrong. I have the same list of concerns with China as everyone in this Chamber. At various times since Tiananmen, I have found the administration to be much too timid when it comes to China.

Last summer, I wrote a letter to the President requesting a new China policy—a policy founded on tough, targeted actions to address our specific concerns with China. The President responded with a series of strong new actions.

This policy has not achieved all of our goals. We must be honest about the areas where more must be done. But we must also be honest about the important results achieved.

For example, the United States concluded an agreement protecting intellectual property under Special 301, and initiated the broadest ever section 301 case to address our general trade concerns.

Now we must make sure that the section 301 negotiations are successful. That means a steadfast willingness to retaliate if China will not remove its trade barriers. The outside deadline for these talks is October 10. By October 11, one of two things should have happened. Either China should be a signatory to a broad trade agreement addressing all of the United States major trade concerns, or the United States should have in place trade retaliation against China.

In the area of arms control, we succeeded in getting China to sign the Nuclear Nonproliferation Treaty and to abide by the principles of the Missile Technology Control Regime.

Now we must make sure that China lives up to its obligations. I am deeply concerned about the recent reports of China selling nuclear technology to Iran. Frankly, the administration's recent decision to lift restrictions on satellite transfers to China sent the wrong signal.

I will say forthrightly that I am disappointed with the progress made in the area of human rights. There have been limited successes. For example, China signed a memorandum of understanding allowing United States access to Chinese prisons. But on the whole China continues to flout international standards for human rights.

NEW SMART WEAPONS

The bottom line is that we must continue to push China with targeted measures. In late July, I wrote the President a new letter suggesting a continuation of the smart weapons approach he adopted last year. The administration responded with a new list of tangible initiatives.

In response, the administration agreed to publish a retaliation list of goods to be targeted should the current negotiations fail. The list helps to ensure the credibility of the October 10, deadline.

The President also announced that the United States will seek new negotiations with China to gain PRC adherence to the test limits established in the Threshold Testban Treaty. The United States and Russia both adhere to these limits.

The President also announced important new human rights initiatives in the area of human rights. The United States will undertake a program significantly expanding Voice of America broadcasts to China, an important conduit for Western ideas and news.

I am also very pleased that the President has directed the State Department to formulate a proposal for the establishment of a bilateral human rights commission modeled after the Helsinki Commission. Such a commission could work to resolve general human rights problems, and also address specific cases. China would do well to reconsider its opposition to such a commission.

I do not claim that any of these initiatives is a silver bullet. Unfortunately, there are not any silver bullets or magic solutions with China—or for any other country for that matter.

But I think this new round of initiatives represents a substantive and realistic attempt to push forward reform in all critical areas—a clear alternative to the approach in this bill.

Mr. President, formulating the appropriate China policy is one of the most challenging issues facing this Congress. The more I learn about Asia, the more the complexities become apparent.

I understand the desire to lash out at China. We all have that instinct. But having recently returned from Asia, I am more convinced than ever that passing this bill would be a serious mistake.

Instead of conditions on MFN, we need a two-pronged approach. First, we must actively promote trade with China—it is our most powerful tool for promoting the reforms we all seek. Second, we must push hard with targeted measures addressing everything from human rights to arms control.

By contrast, the legislation before us would neuter U.S. influence, and trade hollow rhetoric for American jobs.

I ask unanimous consent that both letters I mentioned be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, July 30, 1992.

DEAR MR. PRESIDENT: Once again, Congress is debating U.S. policy toward China. This debate is not about goals. Everyone seeks change in China; no one is satisfied with the pace of reform. There is disagreement, however, over how best to achieve our shared goals.

Last year, you announced an important new China policy. The policy recognized that ideas are traded along with goods, and therefore rejected the use of blunt unilateral trade sanctions. Instead, you employed a wide range of "smart weapons"—carefully targeted measures to achieve specific goals. We support this policy and continue to believe that MFN is the wrong tool to win reform in China.

It is important to note the significant achievements of this new policy. At the same time, we must frankly recognize areas in which more can be done.

The United States has made substantial progress in addressing China's unfair trade practices. In January, the U.S. successfully used "Section 301" to win a new agreement protecting American intellectual property. To address general trade concerns, the U.S. in October initiated a broad case under "Section 301"—the largest such case ever undertaken. These steps represent the type of tough, targeted actions the U.S. should be taking. However, it is time to ratchet up the pressure. For example, the Administration could counter Chinese foot-dragging by more vigorously prosecuting the current Section 301 negotiations.

Weapons proliferation remains a source of deep concern. This year, the U.S. achieved two long-time goals in this area. We successfully pushed China to sign the Nuclear Non-Proliferation Treaty and to submit to the principles of the Missile Technology Control Regime. Today, the key proliferation issue is enforcement of these commitments. It is vital that the Chinese appreciate the seriousness of proliferation sanctions under existing U.S. statutes. For example, the Administration could articulate and enforce a stricter policy concerning the transfer of so-called "dual use" items.

On a related issue, the U.S. must address reckless Chinese behavior in the area of nuclear testing. At a minimum, the Administration could initiate negotiations to ensure that China adheres to the limits established in the Threshold Test Ban Treaty. The United States and the former Soviet Union have both adhered to these limits since 1990.

Progress in the area of human rights continues to be frustratingly slow. Occasionally China releases a political prisoner, but hundreds remain. The United States and China may soon sign a memorandum of understanding on prison labor that allows U.S. officials to inspect suspect Chinese prisons.

Clearly, though, human rights is an area in which we must redouble our efforts. Trade, itself, has improved conditions for Chinese citizens in those provinces where the greatest degree of economic liberalization has occurred. But you could also take significant new steps. For example, the Administration could expand. Voice of America broadcasts into China, and could vigorously seek to establish a bilateral human rights commission to address both general concerns and individual cases. Though efforts have been made, U.S. leverage on international lending to China could be applied more aggressively.

Last year, Congress and the Executive established a cooperative process that led to a more meaningful U.S. China policy. This new process should continue. Towards that end, we urge you to take additional steps addressing our common concerns with China. We also request a comprehensive update of the Administration's current efforts, along with your evaluation of the transition towards 1997 in Hong Kong, and the status of Taiwan's GATT application.

We look forward to your response.

Sincerely,

Max Baucus, Quentin Burdick, Richard Shelby, J. Bennett Johnston, Bob Dole, Trent Lott, Alan Simpson, Mitch McConnell, Bill Roth.

THE WHITE HOUSE,
Washington, August 13, 1992.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: Once again, we find ourselves in agreement on how best to advance our objectives on China. Over the past year, I have worked with Congress to advance our human rights, trade and non-proliferation agenda. The success we have achieved with carefully targetted measures has demonstrated the effectiveness of our current approach.

On the trade front, the Chinese have agreed to establish a model intellectual property rights regime. We are similarly resolved to conclude our market access talks in August—earlier than the statutory deadline—or we will publish a proposed retaliation list. The Chinese are on notice that only an agreement providing for meaningful market access will be sufficient to conclude our 301 investigation and avoid U.S. retaliatory action.

Significant accomplishments have also been achieved in the non-proliferation area. China has acceded to the Nuclear Non-proliferation Treaty and has declared its observance of Missile Control Technology Regime guidelines. These are important steps, but, of course, implementation is the key. I assure you that we are closely monitoring China's compliance; China must live up to its commitments.

In this connection we have been direct with the Chinese about the seriousness of proliferation sanctions under existing U.S. policy and statutes, and about our determination to invoke them if there are Chinese violations. We are equally determined that our policies in the proliferation area, including the implementation of our controls over dual use exports to the PRC, continue to be as effective as possible in advancing China toward our nonproliferation objectives.

To advance our nonproliferation dialogue with China, we will press Beijing to adopt Nuclear Supplier Guidelines and a full-scope safeguards policy as a requirement for all nuclear exports. We have addressed the matter of Chinese observance of the bilateral standard we and the former Soviet Union have adhered to in the Threshold Test Ban Treaty. I have directed Arms Control and Disarmament Director Lehman to begin discussions with the Chinese on this issue.

Like you, I want to see the human rights situation in China improved. I strongly endorse your proposal for the establishment of a bilateral human rights Commission. The Department of State has been tasked with formulating a proposal and presenting it to Beijing on a priority basis. While the bilateral nature of the proposal means we cannot simply create the commission unilaterally, I am confident that the priority I have assigned will demonstrate to the Chinese the seriousness of the initiative.

Although we want to see accelerated action on China's part, our policy is already achieving results in the human rights area. On August 7, we signed an agreement with the Chinese that will prevent Chinese exports of prison labor products to the U.S., including provision for U.S. inspections of facilities in China. While respect to international financial institution lending to China, we have made it clear to the Chinese that we will only support those loans that pertain to basic human needs. On Taiwan, our position is firm that Taiwan's application to the GATT should be resolved favorably; we will not waiver in that commitment. We would be pleased to arrange a briefing for you on Hong Kong. In addition, the administration has recently taken the initiative to expand VOA broadcasts to China and East Asia (described in the enclosure).

Working together, the Administration and Congress constitute a strong force for posi-

tive change in China. Your support for our continued commercial engagement with the PRC, advanced by unconditional Most-Favored-Nation status, is a powerful vote for market oriented economic reform in China.

I appreciate your careful consideration of the issues before us and I urge you to support the administration's policy.

Sincerely,

GEORGE BUSH.

VOICE OF AMERICA CHINA BROADCASTS

VOA Mandarin broadcasts have been a major source of objective and reliable news for and about China for some 40 years. Developments in China and around the world over the past few years have heightened the need for more and better in-depth broadcasting to China. VOA's listeners in China constitute our largest audience by far in any country.

VOA now broadcasts to China in four languages. Mandarin (ten hours a day), Cantonese (one hour a day), Tibetan (one-half hour a day) and English (seven hours a day). Our broadcasts to China focus on Chinese regional and world news, information about the United States, interviews, music and popular culture, and discussion programs on a wide range of topics.

To better meet the information needs of the Chinese audience, VOA has recently expanded its broadcasts and taken major initiatives to enhance its programming to the region:

China Focus.—In order to meet the goals of the Administration and Congress for more targeted broadcasts to China, VOA has developed China Focus, a three-hour daily program of news, information and interviews on key issues affecting the region. China Focus will include not only regional news and analysis, but in-depth cross-reporting from other parts of Asia, and from the post-Communist societies in Europe, interntional coverage of commentary on events in China, and cultural affairs. News bureaus would be expanded in Beijing, and opened in Shanghai, Guangzhou, and Chengdu in China, as well as Tokyo, with stringers in other major Asian capitals. When fully operational, China Focus will have an annual budget of $6.03 million, and estimated one time costs of $2.61 million.

Hong Kong News Bureau.—Opened in April, 1992, VOA's Hong Kong News Bureau has improved VOA's ability to stay abreast of events in China, especially the rapid economic changes in the south. The Bureau has two bilingual staff correspondents who cover local and regional events for all VOA broadcast services, with natural special focus on the interests of Chinese listeners.

China Research Service.—In-depth targeted programming demands extensive research and analysis. A Hong Kong research office was recently opened to examine local and regional developments. It will be expended in FY-93.

Increase Stringer Network.—In addition to full-time news bureaus in Beijing, Hong Kong, and Bangkok, VOA plans to improve its regional coverage by developing a network of part-time stringers and area specialists. Local reporters and researchers will prepare language-specific programs in Mandarin, Cantonese, and Tibetan, as well as Korean, Cambodian, Vietnamese, and Burmese.

Additional Staff for VOA Language Services.—VOA's FY-93 budget calls for the addition of at least seven new staff members as well as formal constitution of the Cantonese Service, which has existed only as a contract service since its reintroduction three years ago.

Mr. CHAFEE. Mr. President, I think it is important to remember that this—with all of the business of the U.S. Senate, busy throughout the year—is the second time this calendar year we will have voted on this subject. Indeed we voted on it just 6½ months ago. Yet, here we are doing it all over again.

I would like to use a couple of quotes that I think apply particularly to this situation. These are quotes used in connection with another measure:

This legislation has no chance of being enacted. Everybody in the Senate knows that. Everybody in the Senate understands that. Notwithstanding that, certainly, we have been required to endure this waste of time. But let no member of the public be fooled or misled by what has occurred here. This is a political exercise, an effort to create material for 30-second packed television spots in the fall campaign.

Well, Mr. President, that is a perfect description of what is taking place here. This, of course, is a quote from the majority leader on July 1 of this year.

Mr. President, the question before us is—and I know it will be argued that we are not cutting off MFN for China, but in effect that is what we are doing—shall we keep open lines of communication with China, a nation with one-fifth of the world's population?

No other trading partner of China fails to extend most-favored-nation status, and indeed those countries are laughing up their sleeves as we go through this routine once again, and I am sure they are all hoping we will deny most-favored-nation status to China. If we do not like their human rights policy, their sale of arms, their ways of getting at it, this process that is being suggested here will not solve the problems.

Mr. PACKWOOD. Mr. President, I yield 2 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I believe the continuum of change in China is ongoing, and that our policies are working.

Mr. President, I ask unanimous consent that an article from the September 28 edition of Forbes magazine, entitled "The Chinese Way," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CHINESE WAY

(By Andrew Tanzer)

After communism, what? Russia hasn't yet found the answer. Its economy is in chaos, its government scarcely governing. In its pragmatic way, China seems to be moving toward building a new society—and to hell with ideology. In the first half of this year China's gross national product expanded by 12% in real terms, industrial production by 18% and retail sales by 14%. Since economic reform began in 1979, China's annual GNP growth has averaged 9% to 10%, one of the highest rates in the world.

The country's trade volume has exploded from $29 billion in 1979 to over $135 billion this year. China's trade surplus with the U.S. will approach $15 billion this year, and foreign reserves should top $50 billion by the end of 1992. Net foreign debt is minuscule, and foreign investment pours in: $15 billion approved in the first half of 1992, three times as much as in the corresponding period last year. Many economists believe that China's currency, the renminbi, will be made convertible within a few years.

Why is China adapting to change so much more skillfully than Russia? In good part because of the practicality of the Chinese. Russia went for shock therapy, the big bang, sudden price decontrol and almost overnight privatization of state-run enterprises. China, by contrast, did not step boldly into capitalism. It kind of sneaked in. Under its wily untitled leader, 88-year-old Deng Xiaoping, China's reform since 1979 has been of the gradual, trial and error, two-steps-forward-and-one-backward kind. There was no announcement: We are abandoning socialism. But abandon it the Chinese have.

Deng has quietly encouraged the nonstate, market-oriented sector to flourish. Most of the industrial growth in China's economy derives from the nonstate sector, which includes private enterprises, foreign-invested and joint venture firms, and entrepreneurial village and township companies. The government did not dump state-owned enterprises; it simply left them to fester in their own inefficiency. Since 1979 the heavily subsidized state-run enterprises' share of manufacturing output has dropped from 80% to 50%. Beijing recently estimated the share would fall to 25% by the year 2000.

Whereas in Russia economic reform has created a terrible problem of joblessness, in China the market-oriented sector is creating sufficient jobs to absorb those leaving socialist enterprises. The reassurance provided by these new, nonstate jobs and the growing economy keep the populace happy and willing to go along with change. Adding to the popular content, the government is developing a national pension system that will support retired state workers.

Instead of freeing prices overnight, China has gradually, but steadily freed prices. If private companies can sell more cheaply than state firms, tough luck for the state firms. But the process is gradual and natural, not imposed from above. Nicholas Lardy, a China economy specialist at the University of Washington, estimates that 80% of consumer goods in China and 50% of capital goods are now market-determined goods.

Deng's reform program may lack a grand sweep, but it is clever politics. "The job of a reformer is to build a broad coalition of interest groups that see further reform as in their interests," says William Overholt, Hong Kong-based executive director of Bankers Trust Co. "Deng understood that magnificently."

In Russia, by contrast, the sudden and dramatic collapse of socialism has so far hurt rather then helped a large part of the population. "Thy only groups who see major benefits from Russia's reforms are intellectuals and foreigners," Overholt opines.

Calculating that the way to his countrymen's hearts was through their stomachs, Deng's first reforms were targeted at agriculture. Up went food production, up went food supply. China's peasants, who numbered 80% of the work force, responded instantly to the incentive-based system launched in 1979: Real farm incomes quadrupled in eight years. "Eight hundred million [farmers] isn't a bad start for a coalition," jokes Overholt.

Deng next moved on to light and medium industries—apparel, toys, footwear and the

like—businesses that don't require a great deal of capital but do provide lots of gainful employment. His government attracted foreign investors with capital and technology to special economic zones where they could utilize cheap Chinese labor to produce for world markets. The zones are similar in some ways to the enterprise zones Jack Kemp has suggested to help develop America's inner cities.

Deng even sweetened the taste of capitalism for the powerful Chinese military. He persuaded them that only through foreign trade could the military get the money it needed to buy advanced equipment and technology to modernize.

The People's Liberation Army is permitted to keep 100% of its foreign exchange earnings. Since the early 1980s China's military-industrial complex, controlled by the army, has become a big exporter of everything from electric fans to refrigerators to motorcycles—in addition, of course, to arms.

Deng and the Chinese communists have some historical advantages over their Soviet counterparts. Whereas the vestiges of capitalism were eradicated in Russia more than seven decades ago, they persisted much longer in China. In the 1930s and even before, Shanghai was the greatest industrial and commercial capital of the Orient. Small-scale family-based businesses flourished in other coastal cities such as Tianjin and Guangzhou. Family-based, market-oriented farms flourished in China until the communes were formed in the 1950s.

Once reforms began in China in 1979, entrepreneurs began to resurface, in some cases the same businessmen who operated before Mao's revolution. "Chinese vitality draws upon an indigenous entrepreneurial tradition, which lay dormant during Mao's revolution," says Michael Oksenberg, president of Hawaii's East-West Center. "We had no idea that underneath all the oppression of the Maoist era these roots could still exist."

Helping nourish those roots were the tens of millions of overseas Chinese, including Taiwanese and Hong Kong residents. Many of them retain a strong affinity for their ancestral home. Overseas Chinese have accounted for an estimated 70% to 80% of all the foreign investment in China since 1979.

Russia has no equivalent overseas pool of funds, entrepreneurship and marketing know how.

What lessons are there in the contrasting experience of these two great nations for other developing countries throwing off the shackles of socialism? The biggest lesson: Put economic reform ahead of political reform. This was the case in Taiwan, South Korea and Singapore. Let people taste and smell the advantages of personal freedom before you immerse them in it. As Bankers Trust's Overholt put it: "When you give people freedom and destroy the economy, you don't have viable coalition. There's a wave of disillusionment setting in the Eastern Europe already."

As he nears his tenth decade, Deng Xiaoping can permit himself a broad smile as he prepares for what will probably be his last Chinese Communist Party Congress in October. In the U.S. he is vilified for the Tiananmen Square massacre. History will certainly put this down in his record as a terrible blemish, but it will inevitably record him as well, as one of the great reformers of the 20th century. By comparison, Mikhail Gorbachev was halfhearted, Boris Yeltsin a well-intentioned blunderer.

Mr. MITCHELL. Mr. President, I yield myself such time as I may require.

Mr. President, President Bush's veto of this legislation continues his failed China policy. The Senate today has the opportunity to change that policy. The failures of the administration's China policy are clear and conclusive; they are indisputable.

Instead of creating a new world order, where nations honor their obligations to respect international standards of behavior, the administration's policy continues the practice of the old order, an old order which should have fallen away with the collapse of Soviet Communism.

Instead of encouraging China to recognize and respect the rights of its own citizens as human beings, the administration's policy—and its supporters in the Senate—has reconfirmed the Chinese Communist leaders, reassured the Chinese Communist leaders in their arrogant disregard for human decency. Instead of earning respect for American trade laws, and encouraging other countries to observe those laws, the administration's policy—and its supporters in the Senate—lets the Chinese Communist Government profit by unfair trade at the expense of American workers and American businesses.

Instead of giving life to the honorable American ideal of national self-determination, the administration's policy and its supporters in the Senate contributes to the continued enslavement of Tibet, the continued exploitation of Tibetan lands, the eradication of Tibetan culture, the suppression of Tibetan religion.

Time after time I have stood on this Senate floor and asked those Senators who support the President's policy to dispute the assertion made to this Congress by the Dalai Lama, the spiritual leader of the people of Tibet, that the Chinese Communists murdered 1 million Tibetans. I have said over and over again, I do not know whether that is true.

Not once has anyone from the administration, not once has any Senator supporting the President's policy, disputed that assertion. If they failed to do so, where is the outrage over the murder of 1 million innocent people, nearly 20 percent of the entire population of a country? Every day this Senate Chamber overflows with speeches against atrocities in which 6, 8, 23, 97 people are killed. But when 1 million Tibetans are murdered, not a word from those who support the President's policy.

Communist tyrants in China are immune to international criticism, because they have a friend in the White House. It ought to be a source of shame that instead of standing for change and working for democracy, self-determination and human rights, this administration has paid lip serve to American ideals and continues it right here this morning on the Senate floor, makes excuse after excuse after excuse for the conduct of the Chinese Communist dictators.

The administration's policy has not moved China toward democracy. It is still run by Communist tyrants. It is not making China respect international trade law. It is not turning China into a reliable member of the international community. It is a failure on all counts.

The President said he vetoed the bill, because it would throw thousands of Americans out of work. What he did not say is that for each billion dollars of trade deficit up to 20,000 Americans lose their jobs.

Our trade deficit with China is growing rapidly. It is now nearly $20 billion a year. So the president's policy has already thrown nearly 400,000 Americans out of work. It is true that some Americans profit from exporting to China, but it is the narrowest definition of self interest to suggest that we would disregard the effect of China's unfair trade policies on the other hundreds of thousands of Americans who have lost their jobs.

Under the policy pursued by the administration there has been no progress in advancing our goals with China, Mr. President. I emphasize, the bill that the President vetoed would not cut off or place at risk private trade with China. It conditions MFN trade status only for straight owned enterprises controlled by the Communist government. Private enterprises and joint business ventures are not affected.

The growth of a vigorous private sector in China would not be set back. In fact the private sector would gain important leverages against the state-owned agencies.

This veto makes no sense, whether judged by common sense, free-market principles, the national interest, or American ideals. It is a reflection of a highly personalized foreign policy which is at odds with our Nation's interests, at odds with any decent kind of new world order.

The administration's policy has rested on a hope, a hope that the Chinese regime would improve its behavior. That hope has not been realized. It is time to replace personal hope with national incentives for change. The vetoed bill is a real incentive for change. It is narrowly targeted to the real source of the problem, the Chinese Communist leaders, not the Chinese people. It asks only that China live up to international commitments already freely accepted by China, the same thing the world community expects of every other nation. Nothing more. It does not place our policy in a straitjacket.

Mr. President, I want to emphasize that. Every one of the conditions in this bill is something that the Chinese have previously said they would do. So all this bill does is ask them to live up

to their word. But the administration and the opponents of the bill know that the Chinese Communists have repeatedly broken their word, so they are unwilling even to condition MFN status on the Chinese Communists simply honoring the commitments they have already made.

I will have more to say, Mr. President, later with respect to the issue of the proliferation of nuclear arms which is an important aspect of this subject.

But on the subject of the national interest in terms of jobs, this veto costs American jobs.

On the subject of human rights, no one disputes that, in fact, it is clear that our colleagues who support the President's policy join in condemning China's human rights policy not one of them have asserted—and I do not think any will—that China's human rights policy has improved or they are not engaging in repressive practices any longer.

There are no grounds to sustain this veto. The House rejected the veto overwhelmingly, Democrats and Republicans alike. That is the right and sensible action. I hope my colleagues will join the House in voting to override the veto.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, is the leaders' time reserved?

The PRESIDING OFFICER. Yes.

Mr. DOLE. I ask to use part of my leader time then on this matter.

The PRESIDING OFFICER. The distinguished Republican leader.

MFN FOR CHINA

Mr. DOLE. Mr. President, the Senator from Rhode Island said I am pleased we are near adjournment so we will not have to bring this up again this year. And do not get me wrong, the issue is very important in terms of America's security and political interests in Asia and in terms of America's economic interest at home and around the world.

We have had this debate again and again. The details change a bit, but the substance remains the same. The arguments may change a little around the edges, but their basic thrust remains essentially the same. And most importantly, the outcome of the vote, while it might change by a vote or two, will be the same this time as it has been every other time we have considered the issue. The President's veto will be sustained, and that is good news for America.

So with the outcome more or less a foregone conclusion, are we really here doing this again because of policy differences? Or, are we here once again having the same debate, and the same vote, because some may perceive this as giving one side or the other some political advantage?

I do not think the question is very elusive. This is not primarily an opportunity to bash the Chinese for their various and sundry abuses. It is an opportunity to bash George Bush, just one more time, one more time, 33 days before the Presidential election.

But this is important. As I indicated, this is serious business. So, for the umpteenth time, let us review the stakes.

The first thing at stake is our unanimous wish for fundamental reform in China, both political and economic. Let me say, as I have so many times before: The issue is not who wants to encourage reform in China, and who does not. The issue is whether MFN is the right tool to try to push the Chinese leadership toward reform.

To me the answer is clear. To others it is not clear, but to me the answer is clear. Denying, or conditioning MFN will not move the process of reform in China forward 1 millimeter. In fact, terminating MFN will hurt the Chinese leadership very little, especially since no other nation on Earth has the slightest intention of joining us in imposing trade sanctions on China. Where are the countries in the world? Where is the outcry from other countries?

Indeed, our friends in Japan, and Australia, and Western Europe, and every other country that competes in the China market, would jump for joy if we override the President's veto and if we start a trade sanctions war with the PRC.

But denying or conditioning MFN will severely hurt the very forces in China which are the strongest proponents of reform—the younger, entrepreneurial class concentrated in southern China, where most American commercial activity is also concentrated.

The second thing at stake is the fate of Hong Kong and its several million people. In 1997, Hong Kong will become a part of China. If Hong Kong at that point remains a strong, vibrant, free-market enclave, it can inject into the Chinese system a massive and much needed dose of experienced entrepreneurship. Under those circumstances, Hong Kong can change China a lot more than China changes Hong Kong.

But Hong Kong can play that positive, catalytic role only if it remains the kind of large, vibrant, free market it is now. In the next few years, Hong Kong will remain very, very dependent on the strength of the economy of southern China, and on the economic relations between China and the United States, for which it frequently acts as middle man.

So it is as simple as this: Pulling the plug on MFN will also mean pulling the plug on Hong Kong.

As important as these factors are, though, they pale in comparison to one other factor—the well-being of the United States of America.

All these other things are important, but what is in it for us? What is in it for the American people? What is in it for the American taxpayer, the businessmen or businesswomen?

Because jobs—hundreds of thousands of American jobs—are at stake.

Exports: billions of dollars of American exports are at stake.

Imports: billions in low-cost, high-quality goods that are essential to the lives of middle- and lower-income Americans—are at stake.

That is the heart and soul of this issue. That is what is decisive for me. And I believe that is what will be decisive for most Senators as they cast their votes.

So let us talk turkey. Denying MFN means a trade war with China. We can pretend it will not happen; we can fantasize it will not happen. But it will.

And that trade war will mean a drastic drop in exports to China, and the loss of countless jobs in America. A trade war will mean that those low cost, high quality goods we now import from China, that so many Americans depend on to keep their budgets in balance and their checks from bouncing, will disappear from American shelves.

When the Finance Committee considered this issue, I pointed out that many pieces of legislation are so-called jobs bills, but the one could accurately be called a no jobs bill. One trade organization has estimated that denying MFN to China would cost us 300,000 jobs in the first year.

Just this year, for example, China signed contracts with the big three auto makers to import billions of dollars worth of American cars—and create several thousand jobs. Will China go through with those contracts if we terminate MFN? A majority of the Senate may be willing to take that risk—but what about those people, auto workers, or farmers, or factory workers, whose jobs are actually at stake? Maybe we should at least think about them before we decide whether to risk their livelihood in an attempt to embarrass George Bush, or so we can feel good.

President Bush made the comment in another context, but it fits equally well here: the three most important reasons to sustain the President's veto are jobs, jobs, and jobs.

So auto workers in Michigan and around the country are going to be watching how their Senators vote.

Aircraft workers in Washington, Kansas, Connecticut, and elsewhere around the country are going to be watching how their Senators vote.

Farmers in the Midwest, Northwest, and Southeast are going to be watching how their Senators vote.

These Americans know what is at stake here. It is their jobs, and their future.

Mr. President: I ask unanimous consent to have printed in the RECORD the executive summary of a report done by the International Business and Eco-

nomic Research Corp., which lays out just how much damage terminating MFN for China would do to the American economy.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BUSINESS AND ECONOMIC RESEARCH CORP.,
Washington, DC, September 1992.

THE COSTS TO THE UNITED STATES ECONOMY THAT WOULD RESULT FROM REMOVAL OF CHINA'S MOST-FAVORED-NATION TRADE STATUS

EXECUTIVE SUMMARY

The Congress has passed legislation which would remove China's most favored nation status.[1] The bill will probably be vetoed by the President and returned to the Congress which will vote on overriding the veto. If finally enacted, this legislation would cause great harm to U.S. consumers, businesses and workers. U.S. consumers would pay as much as $14 billion annually as a result of higher prices on a wide range of goods in the U.S. market. In addition, as a result of the likely Chinese retaliation against U.S. exports, 157,000 jobs in U.S. firms exporting to China would be at risk, as would projected U.S. exports of over $8 billion and U.S. investments in China estimated at $5 billion.

I. The Proposed Legislation Would Affect Nearly All U.S. Trade With China

Under the legislation, MFN status could be removed in mid-1993 on exports from China to the United States, if the products were (1) produced or manufactured by a state-owned enterprise; or, (2) marketed or otherwise exported by a state-owned enterprise, or (3) both, unless China met certain conditions dealing with human rights, trade and weapons proliferation. State-owned enterprises (or affiliates) are defined, in part, as enterprises where "production, purchase of inputs, and sales of inputs, in whole or in part, are subject to state, sectoral or regional plans."

Supporters of the legislation claim that it would target only Chinese state-owned firms, as opposed to private or joint venture firms. However, it is our view that the definitions are so broadly drawn that the practical effect of the bill would be nearly identical to a total removal of MFN on all Chinese exports to the United States. China would surely retaliate against U.S. exports and U.S. firms with investments in China, even if loss of MFN was limited to products from state-owned firms. Since state-owned firms are the principal customers for U.S. exports, targeting state-owned enterprises practically ensures retaliation. With respect to imports, it will be extraordinarily difficult to determine which Chinese exports will retain MFN and which will not. The uncertainty of this situation will likely have nearly the same adverse effect on imports as complete withdrawal of MFN.

II. Removal of China's MFN Status Would Cost U.S. Consumers as Much as $14 Billion

If China lost MFN status, the duty paid, cost of most Chinese goods in the U.S. would increase in the range of 10.0 to 70.0 percent, with most of the increases exceeding 20.0 percent. Should this occur, imports of nearly all items from China would be reduced or entirely eliminated and U.S. consumers would then have to pay as much as $14 billion for the remaining imports from China which would be assessed at extremely high non-MFN tariffs as well as higher prices from other suppliers whose products would replace Chinese imports.

To relate this cost directly to the U.S. economy, $14 billion equates to an average tax of $150 per year on each of the 93 million U.S. households.

III. 157,000 U.S. Jobs Are at Risk Should China Lose MFN Status

Should China lose MFN and retaliate by restricting imports from the United States, approximately 157,000 U.S. jobs would be at risk. This figure is based on estimated 1993 U.S. exports to China of $8.25 billion[2] coupled with a U.S. Department of Commerce finding that an average of 19,100 U.S. jobs are created for each billion dollars of exports.

IV. U.S. Exports to China Would Drop Should China Lose MFN Status

China's leaders have stated clearly that there would be retaliation against U.S. exports should China lose MFN status, and U.S. exports projected at approximately $8.5 billion in 1993 would be vulnerable.

Looking at the following list of major exports to China, it is apparent that several sectors of the U.S. economy could be hurt should exports to China be curtailed:

Major United States exports to China, 1991

(In millions of dollars)

Commodity:	*Value*
Aircraft and Parts	1,143
Fertilizer	982
Chemicals	403
Wheat	361
Raw Cotton	319
Measuring, recording, medical and surgical instruments	310
Plastics and plastic products	294
Electrical machinery, sound equipment, transmission apparatus, etc	271
Textile products other than raw cotton	195
Oil and gas field and mining machinery	184
Wood and wood products	168
Paper and paperboard	153
Data processing equipment and parts	108
Articles of iron and steel	91
Vehicles, other than railway	65
Petroleum products	55
Total, this list	5,102
Total 1991 United States Exports to China	6,238

Should the United States' exports to China be curtailed, U.S. products and services will be replaced by those of competing countries. As a result, the United States' competitive position throughout Asia will be weakened as the scale of operations of other countries in that region will increase.

V. Potential Loss to U.S. Investors Should China Lose MFN Status

It is estimated that direct investment commitments by U.S. firms in China amounted to approximately $5 billion by the end of 1991, representing as many as 2000 individual projects. Revoking China's MFN status would jeopardize the invested capital as well as the future earning potential of these investments.

Meanwhile, Hong Kong, Japan, Taiwan and Western Europe are markedly expanding their presence in China through direct investment and provision of credit. Removal of MFN by the United States could undo 10 years of development by U.S. firms in China and severely restrict the ability of many U.S. firms to compete in a global marketplace by leaving the China market open to America's aggressive, international competitors.

Mr. DOLE. Mr. President, none of this is to suggest any complacency about the very real and serious problems we have with China.

You name it—human rights, trade abuses, irresponsible arms sales—we've got a lot of work to do to try to get the Chinese to act humanely and fairly and responsibly.

But let's not use MFN as an all-purpose club to beat the Chinese over the head on every issue under the sun. That is not what MFN is for, and using MFN for these purposes just won't work.

Equally important, we have a host of other tools to use to fight the real battles we will have. We have the kind of diplomatic clout that goes along with being the world's only superpower, and the predominant military power, and one of the big economic powers in the region.

We have the so-called 301 process and other mechanisms to handle trade disputes.

We have an important relationship with Taiwan, which—as recent events once again show—give us real leverage vis-a-vis the PRC.

We have the key which will unlock the door to China's membership in the IMF, World Bank and other international economic institutions.

We have technology that China wants, and an export licensing system that lets us calibrate what we sell to China and when.

We have these and a host of other relevant, useful tools. We need to keep using them aggressively. Maybe we need to use them better, but throwing them in the wastebasket, and instead trying to turn MFN into the atomic bomb that can obliterate all of our problems in one big bang just doesn't make any sense.

Mr. President, I also want to say a few words about one matter that has been especially troubling to me—a recent threat reportedly made by some unnamed Chinese agriculture ministry official that the PRC might retaliate for our sale of F–16's to Taiwan by cutting off wheat purchases from the United States.

I have spent a lot of time these past couple of weeks working to make sure that the Chinese do not follow through on that reckless threat.

I have met the Chinese Ambassador in my office. I have spoken to him several times on the phone. I have joined eight other Senators, including the Senator from Montana [Mr. BAUCUS], in signing a letter to him, putting him, and his Government, on clear notice

[1] Only six countries do not have most favored nation (MFN) status and are not presently under consideration to receive MFN: Afghanistan, Cambodia, Cuba, Laos, North Korea and Vietnam.

[2] U.S. exports to China in 1991 were $6.24 billion. If this level of trade increased by 15 percent in 1992 and 1993, the 1993 level would be $8.25 billion.

that those kinds of threats are Intolerable. I and my staff have had countless conversations with administration officials, and others in touch with the Chinese Government, to urge that the message be sent to Beijing in the strongest possible terms: Knock it off.

And, while I cannot say categorically that I have unequivocal and precise commitments from the Chinese Government that it has backed off, I can inform the Senate that the totality of the communications I have had make me very confident that the Chinese now understand the inappropriateness of even considering retaliation through wheat purchases, for something that has nothing whatsoever to do with wheat or any other trade issue or with MFN.

If I did not feel that way, I would not vote the way I am about to vote.

And if any further communication to China be necessary, let me make clear: I, and many other Senators, are watching very closely future Chinese activities in this area. For now, we believe we have made our point. Hopefully, we will not be proven wrong.

Mr. President, I ask unanimous consent that the full text of the letter to the Chinese Ambassador that I just mentioned be included in the RECORD, for the information of all Senators.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, September 25, 1992.

His Excellency ZHU QIZHEN,
Ambassador, People's Republic of China, Washington, DC.

DEAR MR. AMBASSADOR: Last week, several of us had the opportunity to discuss with you our deep concern about threats reportedly made by officials of your Government to retaliate for the recent U.S. decision to sell F–16 aircraft to Taiwan by halting or reducing Chinese purchases of American wheat. In this letter, all of us—in the past strong supporters of continued MFN for China—want to reaffirm how distressed we are at these unwarranted and counterproductive threats of trade retaliation.

During the aforementioned meeting, you made a strong and persuasive case that issues such as our disagreement over the F–16 sale should not impact on U.S. policy on MFN. We agree wholeheartedly that no such direct linkage should exist. However, that is also precisely the reason that we have found the threat of trade retaliation by officials of your Government so surprising, and totally unacceptable. If F–16 sales to Taiwan should not be linked to MFN for China, then neither should those sales be linked to the Chinese purchase of American wheat.

Let us be very clear. If your Government follows through on those recent threats and retaliates for our decision on F–16s for Taiwan by halting or reducing wheat purchases, the strongest argument we have been able to make on the Floor of the Senate for continuing MFN—that it should not be linked to other issues or disagreements between our Governments—goes into the trashcan. Candidly, under those circumstances, it will be extremely difficult for the President to muster the votes he will need to sustain a veto of legislation terminating or conditioning MFN.

We sincerely hope you will insure that this letter is made available to the appropriate senior officials of your Government in Beijing, and that you will urge them to give it the most serious consideration.

Sincerely yours,

Bob Dole, Max Baucus, Jocelyn Birch Burdick, Kent Conrad, Nancy Landon Kassebaum, Larry Pressler, Alan K. Simpson, Richard G. Lugar, Dan Coats.

Mr. DOLE. I also ask unanimous consent that several letters I have received from American business groups, urging a vote to sustain the President's veto, and pointing out the damage to America that a contrary vote would cause, also be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ASSOCIATED MERCHANDISING CORP.,
Washington, DC, September 30, 1992.

Hon. ROBERT DOLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOLE: Over the next few days, the Senate will be considering an effort to override the President's veto of H.R. 5318, a bill which would impose conditions on most-favored-nation (MFN) status for China. We urge you to support the President and continue the renewal of MFN without conditions.

The Associated Merchandising Corporation is the world's largest retail marketing organization, representing retailers across the United States. AMC currently is celebrating our 76th year as a supplier of quality merchandise from the United States and around the world. Our international focus, with offices in 35 countries in Europe, South America and the Far East, gives AMC a unique perspective on sourcing opportunities for American consumers.

We strongly support continued close Sino-U.S. economic ties as the best way to maintain a positive American influence on China's future economic and political reforms. We recommend this rejection of conditional MFN status fully aware that our relations with China have been strained lately by many factors, including a bilateral trade deficit, trade frictions in key sectors and continuing human rights problems. These are important concerns and should be pursued with the Chinese Government.

Removing MFN or placing conditions on its renewal is not the way to address them. MFN status is not "special" treatment offered only to our close allies—rather MFN serves as the basis for all international trade. Loss of MFN would injure the very foundation of our relationship with China and reduce our own ability to make progress in opening up the Chinese system.

Thank you for the opportunity to share our views on this important issue. We hope that the Congress and the Administration will use other means than MFN status to resolve the current problems with China.

Sincerely,

ZACH SOLOMON,
President and CEO.

AMOCO CORP.,
Chicago, IL, August 24, 1992.

Hon. ROBERT J. DOLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOLE: I am writing to express my support for extending Most Favored Nation (MFN) trading status—without conditions—to the People's Republic of China.

MFN is the standard tariff treatment extended to almost all of our trading partners. Withdrawing MFN status or subjecting MFN to restrictive conditions would effectively abrogate the 1980 U.S.-China Trade Agreement and destroy a long standing framework for bilateral trade. Denial of MFN would jeopardize nearly $6.5 billion in U.S. exports to China and over 100,000 U.S. jobs. Further, revocation of MFN would cripple the market-oriented sector of the Chinese economy, destroying much of the economic and social progress already realized as a direct result of the bilateral commercial interchange. Meanwhile, the long-term competitive position of the American business interests in China would be severely damaged.

Equally unworkable would be any attempt to "target" MFN treatment to non-state enterprises. The Congressional Research Service has admitted that with China's mixed, complicated economy, implementation of targeting provisions would be impossible. Furthermore, the Chinese government would view targeting as an abrogation of the U.S.-China Trade Agreement and would retaliate against American products and other business interests.

It is essential that we maintain our trade and investment relations if the U.S. is to remain a positive force for progress in China. Extending China's MFN status without conditions is crucial to China's economic evolution and to our own national interests.

Very truly yours,

H.L. FULLER,
Chairman, President, and CEO.

BUSINESS COALITION
FOR U.S.-CHINA TRADE,
July 29, 1992.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: The business and agricultural associations listed below represent thousands of American companies and farms that are engaged in trade with China. We are writing to urge your opposition to the Mitchell bill (S. 2808) which would condition continued MFN tariff treatment for China upon particular actions by the Chinese government in the areas of human rights, trade and weapons sales.

While we agree with proponents of S. 2808 that the government of China must make progress in protecting the human rights of its citizens, opening its markets to foreign products and abiding by international agreements restraining the sale of dangerous weapons systems, we do not believe that linking progress in these areas to continued extension of MFN will further those objectives. Instead, we believe that enactment of the legislation would ultimately undermine the progress made to date on these issues, would badly damage U.S. companies exporting to China, and would harm the embryonic private sector beginning to flourish in China, despite provisions of the bill intended to limit the adverse effects of any withdrawal of MFN to "state-owned enterprises."

Enactment of the legislation would put U.S. exports to China at risk. Almost all of the $6 billion of American exports to China including agriculture products, aerospace, chemicals, and heavy equipment is sold to the state sector. Since the legislation attempts to target retaliation against state-owned enterprises in the event the U.S. does not extend MFN treatment to China, it is almost certain that China would counter-retaliate against these American products,

leaving those markets to our competitors in Japan and Europe.

Enactment of the legislation would poison the bilateral relationship at a time when progress is occurring in opening Chinese markets and gaining greater protection for American intellectual property in China. Such enactment would threaten implementation of the intellectual property agreement negotiated early this year, and could detail current negotiations to eliminate a variety of market access barriers under Section 301.

The emerging private sector and U.S. investors in China, as well as U.S. importers, and consumers will be adversely affected if any legislation is enacted, despite the intention of the bill's sponsors to limit the adverse effects of the withdrawal of MFN to state-owned enterprises. In China's mixed economy, state and private elements are intermingled in producing and exporting goods and commodities. Therefore, identifying an export produced by a state-owned or controlled enterprise is inherently difficult and problematic. We believe no formula could be constructed to implement the bill's intention of targeting only state-owned enterprises. Due to the complex, interrelated nature of the Chinese economy, attempts to target state-owned enterprises would only result in uncertainty and confusion, harming U.S. companies engaged in U.S.-China trade and the emerging private sector in China.

Finally, we believe that enacting the legislation would undermine the forces of reform in China, and limit the ability of the U.S. to influence China on trade, human rights and weapons proliferation issues in the future. American farmers, exporters, investors, importers and consumers, in the end, would pay a heavy price.

Sincerely,

Aerospace Industries Association.
American Association of Exporters and Importers.
American Business Conference.
American Electronics Association.
American Farm Bureau Federation.
American League for Export and Security Assistance.
The Business Roundtable.
Committee: ACT (Advance China Trade).
Computer & Communications Industry Association.
Computer Business Equipment Manufacturers Association.
Construction Industry Manufacturers Association.
Consumers for World Trade.
Electronic Industries Association.
Emergency Committee for American Trade.
The Fertilizer Institute.
Footwear Distributors & Retailers of America.
International Mass Retail Association.
Millers National Federation.
National Association of Manufacturers.
National Association of Stevedores.
National Association of Wheat Growers.
National Barley Growers Association.
National Foreign Trade Council.
National Forest Products Association.
National Grain Trade Council.
National Grange.
National Retail Federation.
National Turkey Federation.
North American Export Grain Association.
Petroleum Equipment Suppliers Association.
Pharmaceutical Manufacturers Association.
Phosphate Chemicals Export Association, Inc.
Pro Trade Group.
Retail Industry Trade Action Coalition.
Toy Manufacturers of America, Inc.
U.S. Chamber of Commerce.
United States-China Business Council.
U.S. Council for International Business.
USA-ITA.

WEYERHAEUSER,
Tacoma, WA, July 1, 1992.

Hon. ROBERT DOLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOLE: I am writing to encourage you to support extension of MFN for China without attaching conditions that would stifle growing U.S. market opportunities.

Our company's trade relationship with China has grown to the point that it is now our fourth largest overseas market. We were the first forest products company to trade with China and this year we celebrate our 20th year in that market. Denial of MFN could lead to retaliation against our forest products exports to China, and would certainly undercut our Nation's, and our company's, reputation as a responsible and reliable supplier.

Further, withdrawal of MFN status would undoubtedly lead to a reduced American business presence in China. We believe that the human rights and related issues being raised can more properly be addressed through other vehicles and in an environment of stronger trading relationships between our two nations. The termination of MFN status, or the attachment of unreasonable conditions to MFN extension, will serve only to prevent or delay those issues from being resolved.

I strongly urge you to support the President in meeting a meaningful MFN renewal for China.

Sincerely,

JOHN W. CREIGHTON, Jr.,
President.

INTERNATIONAL MASS
RETAIL ASSOCIATION,
Washington, DC, June 30, 1992.

Hon. BOB DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I am writing on behalf of the International Mass Retail Association (IMRA) to urge you to oppose S. 2808, the United States-China Act of 1992, which would place conditions on the continuation of most-favored-Nation (MFN) tariff status for the People's Republic of China.

IMRA represents 120 mass retail stores including discount department stores, home centers, dollar stores, and warehouse clubs. Collectively, our retail members operate over 40,000 stores in all 50 states, employ over 1.5 million people, and represent the majority of nearly $170 billion mass retail industry in the United States. Most of our member companies are actively engaged in trade with China, or rely upon China as a source for low-cost merchandise including apparel, footwear, toys, sporting goods and consumer electronics.

IMRA's members believe that China must make progress on such issues as respect for human rights, barriers to international trade, and compliance with international weapons proliferation agreements if it is ever to take a place among the civilized trading nations of the world. While S. 2808 is aimed at achieving this progress, we believe it would be an extremely blunt instrument for affecting changes within China. Removing China's MFN benefits will only isolate China from the international commerce and trade relationships that have thus far been a positive force for economic and political reform within China. Isolating China—going back in time to the early 1970s—will not achieve the results that S. 2808 hopes for.

More parochially, China represents one of the most important sources for low-cost consumer products for IMRA's member firms. Eliminating MFN tariffs status for China will make Chinese exports prohibitively expensive. Low cost apparel, footwear, sporting equipment and toys would be especially hard hit. In our view, other countries would be unable to provide alternative, price competitive merchandise for many lines. This is especially true for apparel products, which are managed by world-wide quotas. Low income American consumers—those who regularly shop at our member stores—will be the largest losers if this bill goes forward.

For all these reasons we urge you to vote against S. 2808 when the Senate considers it later this year.

Sincerely,

ROBERT J. VERDISCO,
President.

Mr. DOLE. Mr. President, in conclusion, I want unanimous consent to include in the RECORD the text of a letter I have received from President Bush on this issue. Concisely and persuasively, it makes the case to continue MFN for China. I hope all Senators will read the President's words and heed their logic.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, August 13, 1992.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Once again we find ourselves in agreement on how best to advance our objectives in China. Over the past year, I have worked with Congress to advance our human rights, trade and non-proliferation agenda. The success we have achieved with carefully targeted measures has demonstrated the effectiveness of our current approach.

On the trade front, the Chinese have agreed to establish a model intellectual property rights regime. We are similarly resolved to conclude our market access talks in August—earlier than the statutory deadline—or we will publish a proposed retaliation list. The Chinese are on notice that only an agreement providing for meaningful market access will be sufficient to conclude our 301 investigation and avoid U.S. retaliatory action.

Significant accomplishments have also been achieved in the non-proliferation area. China has acceded to the Nuclear Non-proliferation Treaty and has declared its observance of Missile Control Technology Regime guidelines. These are important steps, but, of course, implementation is the key. I assure you that we are closely monitoring China's compliance; China must live up to its commitments.

In this connection we have been direct with the Chinese about the seriousness of proliferation sanctions under existing U.S. policy and statutes, and about our determination to invoke them if there are Chinese violations. We are equally determined that our policies in the proliferation area, include the implementation of our controls over dual use exports to the PRC, continue to be as ef-

fective as possible in advancing China toward our nonproliferation objectives.

To advance our nonproliferation dialogue with China, we will press Beijing to adopt Nuclear Supplier Guidelines and a full-scope safeguards policy as a requirement for all nuclear exports. We have addressed the matter of Chinese observance of the bilateral standard we and the former Soviet Union have adhered to in the Threshold Test Ban Treaty. I have directed Arms Control and Disarmament Director Lehman to begin discussions with the Chinese on this issue.

Like you, I want to see the human rights situation in China improved. I strongly endorse your proposal for the establishment of a bilateral human rights commission. The Department of State has been tasked with formulating a proposal and presenting it to Beijing on a priority basis. While the bilateral nature of the proposal means we cannot simply create the commission unilaterally, I am confident that the priority I have assigned will demonstrate to the Chinese the seriousness of the initiative.

Although we want to see accelerated action on China's part, our policy is already achieving results in the human rights area. On August 7, we signed an agreement with the Chinese that will prevent Chinese exports of prison labor products to the U.S., including provision for U.S. inspections of facilities in China. With respect to international financial institution lending to China, we have made it clear to the Chinese that we will only support those loans that pertain to basic human needs. On Taiwan, our position is firm that Taiwan's application to the GATT should be resolved favorably; we will not waiver in that commitment. We would be pleased to arrange a briefing for you on Hong Kong. In addition, the administration has recently taken the initiative to expand VOA broadcasts to China and East Asia (described in the enclosure).

Working together, the Administration and Congress constitute a strong force for positive change in China. Your support for our continued commercial engagement with the PRC, advanced by unconditional Most-Favored-Nation status, is a powerful vote for market oriented economic reform in China.

I appreciate your careful consideration of the issues before us and I urge you to support the administration's policy.

Sincerely,

GEORGE BUSH.

Mr. DOLE. Mr. President, it is nearly time to vote. Let us do what makes sense for America, and for the American people, instead of what plays best in the politically correct media, or gives some fleeting partisan advantage to the critics of President Bush.

Let us vote to continue MFN for China, because that makes sense for America.

Mr. DOLE. Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, let me address the issue of jobs.

According to the Bush administration's Department of Commerce, every billion dollars in trade deficit costs about 20,000 American jobs. In the past few years, our trade deficit with China has been increasing rapidly; that is, for every dollar of exports of United States goods to China, many more dollars of China's goods are shipped into the United States.

We gain jobs in this country from what we export. We lose jobs from what we import from China. And the balance has been tipping rapidly and decisively in China's favor.

What sense does it make to gain one American job and lose 10 American jobs and then continue a policy that means next year we will gain another American job and lose 15 American jobs?

We have already lost 400,000 American jobs, and the number is growing rapidly as the deficit increases. Why should we pursue a policy that, on balance, loses American jobs, especially since the reason we have lost American jobs is that China is engaged in unfair trade practices, using forced labor to produce goods that are sold in the United States that American producers cannot compete with and so Americans lose their jobs?

Textile workers in South Carolina and North Carolina and all over this country ought to watch how Senators vote on this bill, because their jobs are in jeopardy. Textiles are produced in China, some of them with forced labor. How can an American manufacturer compete with the Chinese product made with forced labor? Our law prohibits the import, and yet our colleagues and the President want to do nothing but let that continue. That does not make any sense at all.

Let me make another point. Yesterday, the Senate voted unanimously—without dissent—to adopt an amendment that would restrict United States assistance for Russia unless Russia ceases the export of military and military-related goods and services to Iran. That was our policy on Russia less than 24 hours ago. Now we know that the Chinese are shipping nuclear-related technology to Iran. They acknowledged it.

Today, consistent with the practice of so many of our colleagues, we are going to have one standard for China and one standard for anybody else. Do not deal with anyone who ships nuclear or military-related materials to Iran, but it is OK if China does it. Do not benefit anyone who engages in unfair trade practices, but it is OK if China does it. Do not help anyone who murders their own citizens, but it is OK if China does it.

Mr. President, the Chinese Communist leadership has shown its willingness to sell missiles to some of the world's most dangerous countries—Syria, Iran, Libya—and yet: Do not let anybody else do it, but it is OK for China to do it. Why are we coddling the Chinese Communists?

Once again, the United States confronts a choice between a dictatorship, which suppresses its people, and the surge for freedom among the people themselves in China. And, once again, this administration is putting us on the wrong side, siding with Communist dictators who murder their own people, who put them in jail if they ask for freedom, who violate international trade laws, who throw thousands of Americans out of work, who sell missiles to countries like Syria, Iran, and Libya, and our policy is to side with them against the Chinese people who want freedom and democracy and hope.

Mr. President, it is as certain as day follows night that these aging Communist leaders are going to be gone and a new leadership, a leadership committed to democracy and human rights, will emerge in China. And what will that leadership think of an America which refused to help them, which refused to side with them, and which once again sided with the dictatorship of Communist tyrants? Mr. President, the other point that ought to be made about this trade deficit—and it relates to the debate yesterday on aid to Russia—is that the Communist Chinese use the hard currency obtained from their trade surplus with the United States to purchase sophisticated military weapons from the former Soviet Union. If we are worried about the sale of sophisticated equipment from the former Soviet Union, the policy being pursued today is helping that to occur.

On human rights grounds, on economic grounds, on grounds of the proliferation of nuclear weapons and missile technology, sustaining this veto makes no sense for America. I urge my colleagues to vote to override the President's veto.

CHINA'S IRRESPONSIBLE NUCLEAR POLICY WITH IRAN

Mr. DECONCINI. Mr. President, recently I spoke on this floor during the debate on legislation denying China MFN status. But this issue merits continued public attention. So I rise again today to condemn the current administration's decision to extend unconditional most-favored-nation trade status to the Peoples' Republic of China, and to express my concern for that country's decision to assist in the development of nuclear programs in certain potentially aggressive nations such as Iran. In addition, I must once again remind this body of China's abominable record on basic human rights.

I am deeply disappointed by the President's decision to extend MFN status to China since that nation has failed to institute fundamental reforms, has continued its human rights abuses, and has supported the proliferation of nuclear weapons. Until such time as these reprehensible actions cease, I will not support MFN status for China.

Therefore, Mr. President, I am pleased that the Senate unanimously

approved the conditional MFN bill introduced by the distinguished majority leader, Senator MITCHELL, and I eagerly await this body's override of the President's veto message. I am hopeful that my colleagues will join me in sending this message to the White House—that we will not condone human rights atrocities and we will not support any policy that assists a country which blatantly disregards the Nuclear Nonproliferation Treaty.

Mr. President, I am prompted to make this statement because of media reports earlier this month that confirmed what had long been suspected by our own intelligence community and the Bush administration: that China will be assisting the development of Iran's nuclear energy program through the sale of a 300-megawatt nuclear reactor for what Iran claims to be peaceful purposes. Intelligence sources quoted in the Chicago Tribune on September 18, confirmed that China, along with Argentina and Pakistan, are "providing expertise and the equipment which would enable Iran to switch gears and make [nuclear] weapons within 8 years." If this is the case, China will be in blatant violation of the Missile Technology Control Regime as well as the Nuclear Nonproliferation Treaty.

Considering that China has already been involved in helping Iran establish its biological weapons capability, we cannot dismiss as hearsay the possibility of a nuclear weapons development program. The insistence of China's foreign minister, Qian Qichen, that nuclear reactors do not constitute weapons and that the sale poses no threat to the region certainly cannot be taken as fact. To quote a September 18 editorial from the Jerusalem Post, "Surely China must know that anything which assists the development of a nuclear capacity in radical, volatile countries endangers peace." Although Iran is a signatory to the nonproliferation pact, its record of adherence is spotty at best. To cite its obligation to that treaty is to, as the Jerusalem Post editorial put it, "mock Middle Eastern reality."

If President Bush is to trust the denials made by the Chinese regarding the transfer of nuclear capabilities to Iran, he will simply be doing as he has always done in the past when it comes to the Communist Chinese Government. He will be resorting to his all too familiar practice of "hear no evil, see no evil, speak no evil." The problem with this policy is that the world knows China's record and the United States looks like a pawn of the Chinese Government. The President can no longer escape that reality.

United States long-term policy interests were further undermined by President Bush's ill-timed, election year about-face on the sale of F–16's to Taiwan which throws an even bigger wrench into the effort to reach consensus among the nuclear powers on a uniform nonproliferation policy.

The President was elected to lead—the United States and, at times, a reluctant world. It is time for the President to send a message to the Chinese Government. It is the same message that we will send President Bush when, hopefully, we pass this legislation over his veto—that we in Congress will no longer remain silent about China's atrocious human rights record and nor will we grant economic assistance to any country in violation of the nonproliferation agreement.

Mr. President, I must ask: Is President Bush asserting—as demonstrated by his advocation of unconditional MFN status—that China should, as a November 10, 1991, Washington Post article put it, "get a break after it massacres demonstrators at Tiananmen Square, makes money off of forced labor, engages in widespread infanticide to control its population and sells nuclear arms to hotheads?' If we grant MFN status to China—as proposed by Bush—it is the opinion of this Senator that we will be sending a message to the rest of the world that such heinous actions by one nation are acceptable and condoned by the United States Government.

Mr. President, without significant changes by the Chinese Government it will be a long time before this Senator is able to support any legislation providing economic support for China—a nation that clearly operates contrary to the American principles of personal freedom and democracy. Our foreign policy cannot operate in a vacuum. We cannot call for respect for human rights in some countries while ignoring the very same issue in other corners of the world. As I have said in previous statements on this floor, a foreign policy based on personalities, and not on principles, is doomed to failure. China has not sufficiently demonstrated to this Senator that it is, at the very least, even considering moving away from its historically oppressive and suppressive system of government. Once again, I express my strong opposition to the President's position on this issue, and urge him to reconsider his ill-fated, pro-China policy. Once again, I urge my colleagues to override the President's veto.

Mr. President, I ask unanimous consent that three articles from the New York Times and a timeline documenting recent Chinese actions on nuclear and missile proliferation compiled by the Arms Control Association be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 11, 1992]

CHINA WILL BUILD A-PLANT FOR IRAN

(By Elaine Sciolino)

WASHINGTON, September 10.—In an indication of closer nuclear cooperation, China will provide Iran with its first nuclear power plant, the two Governments announced today.

In disclosing the agreement during a four-day visit to Beijing, President Hashemi Rafsanjani of Iran said that there were no plans for new military agreements between the two countries, and Chinese officials emphasized that Iran had agreed to allow the International Atomic Energy Agency to inspect the nuclear power plant.

China is currently building a small nuclear research reactor for Iran in Isfahan, and has provided it with a mini-calutron, a small version of the machine that Iraq was mass-producing as one component of its nuclear weapons program.

The new plant would have to be a much larger, 300-megawatt reactor to produce electricity. Because it would be subject to international inspection, and diversion of nuclear fuel into a weapons program would be easy to prevent.

STILL CLOSER COOPERATION

But the undertaking would solidify Iran's already close technical cooperation with China, which Mr. Rafsanjani said he hoped would expand. "Our cooperation with China has constantly been increasing," he said at a news conference today. He added that his visit to China "'will help to enhance our cooperation and make it more comprehensive in many new areas.''

The project would also significantly enhance Iran's nuclear capability and inject dozens, perhaps hundreds, of Chinese nuclear experts into Iran. It could also help Iran develop related processes that would directly help a nuclear weapons program.

"The actual installation may never be misused," said Leonard S. Spector, a nuclear weapons expert at the Carnegie Endowment for International Peace. "China and Iran are both adhering to the letter of their non-proliferation obligations, but the transfer will enhance Iran's nuclear capability, create new skills and provide a cover for it."

In 1990, Iran and China signed a 10-year agreement for scientific cooperation and the transfer of military equipment and technology.

Both Governments have repeatedly emphasized that their nuclear cooperation is for peaceful purposes and an inspection of Iran's nuclear installations by the Vienna-based International Atomic Energy Agency this year found no evidence of nuclear weapons research. But the United States and other Western governments are convinced that Iran is intent on developing nuclear weapons with the help of technology from China.

In testimony before Congress in February, Robert M. Gates, the Director of Central Intelligence, said that Iran was looking to China to supply missiles and nuclear technology as part of an effort to develop its military capability.

The Bush Administration is opposed to any nation helping Iran develop a nuclear program, whether peaceful or not, and has repeatedly urged China to stop cooperating with Iran in its nuclear program. Both countries are parties to the Nuclear Non-Proliferation Treaty, but the Administration has repeatedly expressed doubts about Iran's intentions to live up to the treaty.

Iran is aggressively shopping for nuclear-related technology, including equipment like computers and fuses, and has tried to attract nuclear scientists to Iran, foreign diplomats in Teheran say. When Iran tried to buy enriched uranium that was not compatible with peaceful nuclear purposes from Argentina, for example, the United States success-

fully pressed the Argentines to cancel the deal.

U.S.-CHINA TIES STRAINED

Disclosure of the nuclear plant agreement coincides with increasingly strained relations between Washington and Beijing following a decision by the Bush Administration to sell up to 150 advanced F-16 fighter planes to Taiwan.

Mr. Rafsanjani was accompanied to Beijing by the Iranian Defense Minister, Akbar Torkan, and other military officials. Neither he nor Chinese officials disclosed the financial details of the deal, and some Administration officials speculated that the announcement today might represent only a vague agreement in principle.

Earlier this week, the Itar-Tass news agency reported that Russia would be willing to sign an agreement to build two to four 440-megawatt nuclear power plants in Iran.

[From the New York Times, September 1, 1992]

IMPRISONED CHINA PRO-DEMOCRATS CHARGE TORTURE

(By Nicholas D. Kristof)

BEIJING, August 31.—Pro-democracy campaigners imprisoned in northeast China have smuggled out a letter in which they charge that they are often beaten, shocked with electric cattle prods and forced to work 12 or more hours a day making matchboxes.

The letter, which was made public today by Asia Watch, a division of Human Rights Watch, accuses prison officials of torturing some political prisoners so severely that they passed out. It also says the officials often call on common criminals to beat and humiliate the pro-democracy prisoners.

The best-known of the political prisoners reportedly subjected to this treatment is Liu Gang, a 30-year-old physicist who has campaigned since the mid-1980's for a free press and multi-party democracy. Mr. Liu is now in the fourth year of a six-year sentence for "counter-revolutionary conspiracy to subvert the government."

It had been known that Mr. Liu and other political prisoners were being kept at the Lingyuan Prison complex in Liaoning Province in the northeast. But until now little has been known about their condition.

The letter asserts that Mr. Liu has been beaten, kept in 20-pound leg irons and repeatedly tortured with an electric prod on his genitals. He is also said to have been forced to sit motionless on a bench from 8 A.M. until 9 P.M. each day, during which his legs swell.

In November, Mr. Liu announced that he was going on a hunger strike, and 12 political prisoners joined him. According to the letter, the prison officials denounced this as a "prison riot" and isolated Mr. Liu from the other democracy campaigners. Since then, he has been kept with common criminals, one of whom, Li Chuanbo, is said to be allowed or encouraged to punch Mr. Liu often in the head.

"But Liu Gang kept his spirits in these extremely harsh circumstances," the letter says. It says he wrote many letters to world leaders, "appealing to the international community to pay greater attention to human rights conditions in China." These letters presumably were seized by the guards.

Other political prisoners have not seen Mr. Liu since April 11, when they met briefly before he was dragged away, and there is no word about his condition after that date.

The conditions described in the letter, whose authenticity Asia Watch says it confirmed, generally correspond to those that former prisoners have described for a variety of Chinese penal institutions. The Government, however, denies that torture is common, saying guards are punished if they are caught beating inmates.

[From the New York Times, Sept. 3, 1992]

CHINA FLUNKS A FREEDOM TEST

China would like Americans to applaud its economic reforms while averting their eyes from abuses like arbitrary arrest, torture and slave labor. But such selective vision now becomes much harder after two disturbing events.

A report was smuggled out of China documenting the harsh torture of political prisoners. And Chinese police, striking at night, arrested a peaceful democracy campaigner. Shen Tong, and two young associates. The disposition of their case remains unclear.

The United States does not have to stand idly by while human rights are so outrageously violated. The best way to encourage a long-overdue political thaw in China is for the Senate to approve a House-passed trade bill that would penalize China for human rights abuses.

Shen Tong, a leader of the 1989 democracy movement in Tiananmen Square, returned to China a month ago following three years of exile in the United States. He was arrested just hours before he was to address a press conference to inaugurate the first Chinese chapter of the Democracy for China Fund, the movement Mr. Shen helped launch from the U.S.

Shen Tong's brave plans challenged Beijing to clarify its attitude toward freedom of association. While China remains a Communist police state, its leaders brag that political stability has been restored. They recently invited student exiles to return home without fear of retribution.

But when confronted with the prospect of public criticism. Chinese authorities spectacularly failed the test. Along with Shen Tong, they seized Qi Dafeng and Qian Liyun, and expelled Ross Terrill, a scholar from Boston accompanying them. The police also confiscated notebooks and computer disks, placing at risk all Chinese who may have spoken with Mr. Shen or his friends.

Yesterday the Times Op-Ed page published a plea by Shen Tong for peaceful change, along with a document smuggled out of Lingyuan prison detailing barbaric tortures now being inflicted on the imprisoned democrats of Tiananmen Square. International pressure is needed to protect Shen Tong and his colleagues from a similar fate.

Americans have a ready vehicle for demanding an early end to China's outrageous treatment of those who dare to call for democracy and civil rights. The Senate will soon be voting on President Bush's request to exempt China from the high tariffs it would otherwise face because of its Communist system and its failure to permit free emigration.

The House has wisely ignored the President, approving a bill to impose selective tariffs if abuses continue. This bill carefully protects the reform-minded private sector of China's coastal enclaves, reserving penalties only for state industries and only if they persist in defying international recognized human rights for another year.

Enacting that legislation, by the necessary veto-proof margin, would place America on the side of political as well as economic reform. That, not the side of torture and repression, is where America belongs.

CHINESE NUCLEAR AND MISSILE PROLIFERATION

(Compiled by Jon B. Wolfsthal, the Arms Control Association)

September 11, 1992—PRC to build 300 megawatt nuclear reactor for Iran. Would improve Iranian nuclear know-how that could indirectly aid in the development of nuclear weapons. *The New York Times*, 9/11/92, Elaine Sciolino

May 10, 1992—Installation of a Chinese-supplied 300 megawatt reactor in Pakistan had begun and the reactor was expected to begin operation in 1998. Pakistan is not a member of the NPT and is suspected of having nuclear weapons. JPRS Proliferation Issues.

April 10, 1992—China has agreed to sell Syria a nuclear research reactor. JPRS Proliferation Issues.

March 10, 1992—China accedes to the Nuclear Nonproliferation Treaty. Obligates China not to assist non-nuclear-weapon states acquire nuclear weapons.—IAEA Press Release.

July 30, 1992—China is negotiating the sale of nuclear power plants to Iran, Egypt, and Bangladesh. United Press International.

March 1992—China reportedly sold India at least 130 tons of heavy water between 1982 and 1987. Nuclear Fuel, 2/17/92.

February 1992—It was reported that China shipped at least 60 metric tonnes of unsafeguarded heavy water, useful in the production of plutonium, to Argentina between 1981 and 1985. Nucleonics Week, 2/13/92 and the Christian Science Monitor, James Tyson, 3/10/92.

January 31, 1992—U.S. intelligence reports indicate China, in violation of its pledge to abide by the Missile Technology Control Regime (MTCR) has exported to Syria 30 tons of chemical used in the production of solid-rocket motors for missiles. *The New York Times*, 1/31/92.

January 22, 1992—Defense Intelligence Agency Director, General James Clapper, reports to SASC "China is currently assisting many of the nations that we estimate will acquire a ballistic missile capability by the end of the decade."

January 1, 1992—China announced that it will sell Pakistan a 300 Megawatt nuclear reactor. China is believed to have assisted Pakistan in its nuclear weapons development program. The deal was signed in November, 1989. The Washington Post, January 1, 1992.

November 14, 1991—Steve Coll and Nucleonics Week, November 23, 1989. The Bush Administration acknowledged the Iranian-Chinese nuclear link even though it had assured congress earlier that no such link existed. Aviation Week and Space Technology, November 4, 1991. (Richard Soloman Ass't. Sec of State and Carl Ford. Dep. Ass't Sec. Defense before SFRC, Oct 30, 1991.)

November 5, 1991—China admits to nuclear deal with China. Foreign Ministry statement—"Chinese and Iranian companies signed commercial contracts . . . in 1989 and 1991" for China to provide the Iranians "with a electromagnetic separator [calutron] for producing isotopes and a mini-type reactor. . . ." While neither piece of equipment could be directly used in a nuclear weapon program, the technology could be adapted for such use. This admission contradicts press statement of August 2, 1991 (see below). Philadelphia Inquirer, November 5, 1991.

September 30, 1991—PRC is accused of aiding India nuclear weapons development program. PRC is also believed to have given India heavy water, which could have aided in India's nuclear weapons program. The Washington Post, September 30, 1991.

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August 2, 1991—In a letter to the Washington Post, the Chinese Press Counselor to the PRC embassy in Washington states "China has struck no nuclear deals with Iran." The Washington Post, 7/2/91.

May 5, 1991—Iraq reportedly acquired 1.8 metric tonnes of low-enriched uranium from China. Such material could have significantly decreased the time Iraq would have needed to develop nuclear weapons.

May 2, 1991—Up to 15 Iranian nuclear scientists have undergone training on nuclear reactor design and research in China under a secret Iranian-PRC nuclear cooperation agreement. Nucleonics Week, May 2, 1991, Mark Hibbs.

April 1991—China denied it has supplied Algeria with a 10 megawatt nuclear research reactor and then, later, admitted to the sale. The reactor will be put under LAEA safeguards. Nucleonics Week, April 18, 1991, Mark Hibbs.

Mr. GORTON. Mr. President, the issue of whether or not to condition our most-favored-nation trade status with the People's Republic of China is one of the most difficult of all the debates considered by this Senate. Its outcome will shape the United States' entire policy toward the PRC. Even those who have favored conditioning MFN with China—and I can be considered in this group—realize that it is a delicate process, demanding the full attention of the Senate. Today, the Senate will not give this issue that attention.

Rather, in the Senate leadership's view, the bill's greatest virtue is that the President has been forced to veto it, and that there is a possibility of his veto being overridden 1 month before the presidential election. I will not allow my vote to be used in this effort; I will vote to sustain the President's veto.

I remain gravely concerned about our relationship with the PRC. The United States' efforts to improve the PRC's human rights practices have met little success and our trade deficit with the PRC has grown substantially in each of the past several years. To some degree, I am heartened by the administration's recent decisions to challenge the PRC on trade barriers, but I urge the administration to take further steps to gain access to the PRC's market. We are on the verge of engaging ourselves with a trade regime that is both repressive and closed to our goods.

I regret that we are not considering this bill in a genuine effort to fix that trade deficit or to improve the PRC's human rights. But because this is solely an effort to embarrass the President at a time when it would be most politically damaging to him, I will vote to sustain the veto.

Mr. EXON. Mr. President, when the Senate last considered most-favored-nation [MFN] status for the People's Republic of China, I voted to impose conditions and voted to override the President's veto. That decision followed an extraordinary closed session where chilling information about China's weapons transfers were discussed. I voted to impose conditions on MFN status, because I wanted to send a clear message to Beijing that their weapons policies were entirely unacceptable and contrary to American national interests. As a traditional supporter of MFN status for China, and with the expected close vote, I thought that my vote would be noticed.

In recent months, although I am unable to discuss this with any detail in open session, I have been encouraged that there has been a slowdown in weapons transfers from China to political hot spots around the world. It is apparent that the close vote in the United States Senate on MFN conditions was a warning heard and appropriately heeded by the political hierarchy in China.

Since the last vote, the President of the United States also changed the calculus of political stability in the region with the sale of F–16 jets to Taiwan. I have long valued our Nation's relationship with Taiwan and have been most appreciative of Taiwan's buy American trade policies, especially when it comes to Taiwan's welcome grain purchases from Nebraska. I have, however, questioned the President's surprise election year decision to sell F–16's to this island nation. My concern is that the action could be destabilizing to the region. I also fear that the President's decision weakens our Nation's persuasiveness in encouraging China to abandon weapons sales when the United States is presently rearming China's neighbor.

Ironically, because of my concerns about the President's jet fighter sale to Taiwan, I have come to support the President on unconditional MFN status for China this year. Given that the weapons sales will not be overturned by the Congress, the symbolic isolation of China through overturning the President's veto of MFN conditions could be viewed as a piling on and could be dangerous at this unique point in history. In spite of the President's actions, I am compelled to put the interests of the U.S. ahead of any political interest.

My vote in support of the President should not be interpreted as endorsement of China's human rights policy, which I feel is terrible, its trade policy which I feel is unfair, its foreign policy which continues to cause me concern, or its actions in Tibet which I feel are immoral. I am particularly concerned about recent arrests of Chinese dissidents, which are a chilling reminder of the Tiananmen Square massacre. Vigorous efforts should be taken to confront these issues, but with precise tools of foreign policy, and not the blunt instrument of MFN status. My vote with the President is a recognition of some progress on weapons transfers, an attempt and to foster peace in Asia and an effort to maintain influence with the most populous nation in the world.

Of course, I have serious concerns about MFN conditions harming those innocently caught in the middle of this controversy, namely American farmers depending on Chinese food purchases, American firms operating in China, and our friends in Hong Kong. I believe that economic reform in southern China holds the key to political reform in greater China. I encourage those with economic interests in China who are vulnerable in the MFN debate to use their considerable influence to advance human and political rights in China. Until there is fuller reform and more responsible behavior by the Chinese Government, the future of MFN status will remain uncertain.

The Congress reviews the President's decision on MFN status for China on an annual basis. I fully reserve the right to alter my present position in response to actions by China when the Congress next considers this issue. In the coming months, I will continue to closely monitor China's weapons and human rights policies.

Mr. President, this is a difficult decision, but one given considerable thought and reflection. I will vote to sustain the President's veto of legislation to place conditions on MFN status for China.

Mr. MITCHELL. Mr. President, President Bush's veto of the United States-China Act of 1992 continues his failed China policy.

The Senate today has the opportunity to change that policy.

The failures of the administration's China policy are clear and conclusive. Instead of creating a new world order where nations honor their obligation to respect international norms of behavior, the administration's policy continues the practices of the old order, a world order fallen away with the collapse of Soviet communism.

Instead of encouraging China to recognize and respect the rights of its own citizens as human beings, the administration's policy has reconfirmed the Chinese Communist leaders in their arrogant disregard for human decency.

Instead of earning respect for American trade laws, the administration's policy lets the Communist Chinese Government profit by unfair trade at the expense of American workers and businesses.

Instead of giving life to the American ideal of national self-determination, the administration's policy contributes to the continued enslavement of Tibet, the continued exploitation of its land, the eradication of Tibetan culture, the suppression of Tibetan religion.

The Communist leaders of China are immune to international criticism because they have a friend in the White House.

It is a source of shame that instead of standing for change and working for a genuinely new world order based on democracy, self-determination and

human rights, this administration has instead paid lip service to American ideals and made excuse after excuse for the conduct of the Chinese regime.

The administration's policy hasn't moved China toward democracy, it isn't making China respect international trade laws, it isn't turning China into a reliable member of the international community. It's a failure on all counts.

President Bush says he vetoed the bill because it would throw thousands of Americans out of work.

What he didn't say was that for each billion dollars of our trade deficit with China, up to 20,000 American workers have already been thrown out of work.

Our trade deficit with China is nearly $20 billion. So the President's policy has already thrown up to 400,000 Americans out of work.

The President said that "placing broad conditions to China's MFN renewal would not lead to faster progress in advancing our goals."

But under his policy there has been no substantive progress toward those goals.

The bill the President vetoed would not cut off or place at risk private trade with China. It conditions MFN trade status only for state-owned enterprises controlled by the Communist government. Private enterprises and joint business ventures aren't affected. The growth of a vigorous private sector in China would not be set back. In fact, the private sector would gain leverage against the state-owned agencies.

This veto makes no sense whether judged by common sense, free market principles, the national interest, or American ideals.

It is a reflection of a personalized foreign policy at odds with the Nation's interests, at odds with any decent kind of new world order.

The administration's policy has rested on hope that the Chinese regime would improve its behavior. That hope has not been borne out by China's behavior. It's time to replace personal hopes with real incentives for a change.

The vetoed bill is a real incentive for change. It's narrowly targeted to the real source of the problem—the Chinese Communist leaders, not the Chinese people. It asks only that China live up to international commitments freely accepted by China—the same thing the world community expects of every nation, nothing more. It doesn't place policy in a straitjacket.

The House of Representatives has rejected this veto. That's the right and sensible action and I urge my colleagues in the Senate to vote to override the President's veto.

Mr. BENTSEN. Mr. President, today, the Senate considers for the second time this year whether to override President Bush's veto of legislation defining United States policy toward China for the 1990's.

Mr. President, the administration calls its policy toward China one of comprehensive engagement. But let us remember just what kind of behavior the current Chinese leadership itself has been engaged in.

These are the same leaders who engaged in butchering hundreds of prodemocracy students in Tiananmen Square in 1989; who torture political prisoners; who employ prison laborers to manufacture goods that are then exported to the United States; and, who are reportedly engaged in near genocide in Tibet.

These are the leaders who have manipulated their trade accounts to China's advantage and to our detriment. As a result, we are heading toward a $20 billion trade deficit with China this year.

And these are the same leaders engaged in spreading dangerous nuclear and ballistic missile technologies in the Middle East.

Mr. President, clearly, this administration's policy of comprehensive engagement is not working. It is time for a change because the cost to the America people of this policy is too high.

China's protectionist import barriers and its aggressive, unfair export drive cost us American jobs as surely as this President's neglect of the American economy.

China's weapons sales into the most volatile areas of the world cost each and every American, today and for future generations, their peace of mind.

And China's repressive and callous treatment of its own people imposes a moral cost on the American people as it offends the most deeply held, democratic convictions of our people.

Today in a world without the Soviet Union and its threatening military power, there is no longer any reason to coddle Communist China. It is time to place our relations with the aging totalitarians in Beijing on a new plane, one that takes into account our economic and security interests while still being true to our democratic ideals. That is the purpose of this bill.

Mr. President, this bill makes only modest demands of China. It tells China that if it wants to continue its highly profitable trade relationship with the United States, then it must open its market to our exporters, refrain from selling weapons to those who threaten world peace, and, perhaps most importantly, treat its own people with a certain dignity and respect.

The conditions set forth in this legislation for continuing China's most-favored-nation status next year are reasonable. They are not extreme as some will claim.

The bill vetoed by the President asks only for a credible demonstration on China's part that it will account for, and release, citizens arrested for the peaceful expression of political beliefs. It asks China to fulfill its promises to the Secretary of State regarding free emigration. And it asks China to abide by United States laws that forbid imports of products made through forced labor. Finally, the bill asks China to make progress in ceasing religious persecution, in ending its unfair trade practices, and in abiding by international guidelines on weapons proliferation.

Apparently, however, the President believes even these modest demands are too much to ask of the Beijing dictators.

Moreover, this bill protects the most progressive forces, and growing market economy, in China. If the President cannot certify that China meets the conditions set forth in the legislation, most-favored-nation status is only withdrawn for goods produced or traded by China's state-trading companies. Goods made by private companies and joint ventures would continue to receive favorable tariff treatment.

Mr. President, with this vote today, the Senate has the opportunity to put our China policy on a new path. I urge my colleagues to join me in voting to enact this bill.

Mr. HELMS. Mr. President, the Senate will overwhelmingly—and, I am convinced, mistakenly—approve the START I Treaty, while the main outlines of a new START II deep-cuts treaty, fundamentally changing and improving START I, have already been agreed upon by President Bush and Russian President Yeltsin.

I believe that the Senate would be wise to defer giving its advice and consent to START I until the START II Treaty is completed and integrated into it, thereby repairing the main flaws of START I.

Mr. President, my views on the START I Treaty consist of many pros and cons—that is, if START I's reduction of strategic force levels on both sides is real, it will be in the best interest of world peace and international security. The United States and the former Soviet Union can certainly both reduce their strategic nuclear forces down to lower levels, because we have long had far too many nuclear warheads on both sides.

The amount of nuclear destructive power on each side staggers the imagination.

Deterrence of nuclear war can surely be preserved at much lower levels of weaponry on each side. Indeed, computer-driven arsenal exchange studies have demonstrated for years that deterrence is quite safe at much lower levels of forces on each side.

Both sides have far too much nuclear capability. Thus I believe that it is absolutely essential for the United States and the former Soviet Union to reduce their respective nuclear forces substantially, and I strongly support deep cuts in nuclear forces on both sides. Moreover, the likelihood of conventional

war in Europe escalating to intercontinental nuclear war between the United States and Russia has greatly receded, perhaps forever. This threat reduction has been achieved because of the conventional force equality and crisis stability codified in the 1991 Conventional Forces in Europe Treaty. The danger which has haunted the West for the past 45 years—an escalation to intercontinental nuclear war following a conventional Soviet and Warsaw Pact attack upon the NATO alliance—is largely gone. Thus the CFE Treaty has contributed enormously to strategic nuclear stability, assuming that the problems acknowledged by even the State Department with the former Soviet force false data and their reneging on full on-site inspection procedures can be promptly worked out.

Mr. President, the Warsaw Pact is demolished, the Red Army is no longer so red—and it is withdrawing from Eastern Europe. The Soviet Union has disintegrated and collapsed. All of these events have enormously strengthened the prospect of world peace.

Moreover, the danger of United States-Russian intercontinental nuclear war is vastly reduced because of the demise of the communist party throughout the former Soviet Union. It was the Marxist-Leninist, Communist ideology—not the vast and superior nuclear capability possessed by the former Soviet Union—which was the most significant threat to world peace.

This is because the main aggressive impulse for the former Soviet Union was the Marxist-Leninist ideology. With the demise of the Communist party of the former Soviet Union and the disintegration of the evil empire, the danger of nuclear war has receded, and the world is clearly much safer.

The reductions entailed in START I must be equal and verifiable, and must result in a more stable and balanced strategic situation.

The Jackson amendment to SALT I in 1972 is the law of the land on our objectives in arms control negotiations. The Jackson amendment requires equal levels of forces between the United States and the former Soviet Union in any permanent strategic arms limitation treaty. START I, therefore, must be equal—it must result in equal levels of United States and former Soviet forces after the reductions have occurred.

Equality at sharply lower levels could, if properly implemented, result in greater stability and balance in the world.

And last, verification and compliance must be assured if START I is to be acceptable.

The Soviet Union's violations of all past and existing arms control treaties are well known. Such violations must not be repeated. Further Russian violations would be particularly destabilizing, especially when the democratically elected Russian reformist President Boris Yeltsin has told a joint session of the United States Congress that there will be no more lies, ever in Russian foreign policy.

I hope that Boris Yeltsin is correct, and that indeed there will be no more lies and cheating in Russian foreign policy—ever—as he promised.

But I am gravely concerned about Boris Yeltsin's ability to control the hardliners in his own Russian military and defense-industrial establishment. Russia seems now to be dominated by the hardliners in the military, and the Russian violations of the Biological Weapons Convention, recently acknowledged by Yeltsin, will take years to correct.

So, Mr. President, here are my views on START I.

First, I would have preferred that START I be renegotiated, to make it more equitable and remove some of its flaws, such as its allowance of a monopoly on heavy ICBM's and mobile ICBM's for the former Soviets. Moreover, I am deeply concerned that START I places no constraints on nondeployed missiles.

I have advocated the renegotiation of START I since October 1991. After the collapse of the Soviet Union in December 1991, and the deposing of Gorbachev, START I was obsolete; it was no longer legally a viable treaty. Therefore, I strongly advocated the renegotiation of START I last February as well. I was glad that Secretary Baker partially followed my advice when he negotiated the May 23, 1992, Lisbon protocol which converted START I from a bilateral to a multilateral treaty. But START I's other flaws were not corrected. I still believe that START I should be renegotiated.

Again, the main result of my advocacy of renegotiation appears to be the successful achievement of the May 23, 1992, Lisbon protocol changing the legal status of START I from a bilateral to a multilateral treaty in the wake of the demise of the Soviet Union.

More significantly, President Bush also recognized the main flaws of the START I Treaty, as evidenced by his attempts to negotiate a START II Treaty removing these flaws. The successful June 17, 1992, joint understanding on START II de-MIRVing deep cuts treaty, signed by both President Bush and Russian President Yeltsin, contains a total ban on MIRV'd ICBM's, removing the Russian monopoly on heavy ICBM's in START I.

Indeed, the United States-Russian joint understanding on a START II deep cuts, de-MIRVing Treaty has eliminated many of the flaws in the START I Treaty now before the Senate.

Thus, Mr. President, it would have been my preference to delay the Senate's advice and consent to START I until the Senate has received the START II deep cuts treaty. The START II deep cuts treaty would eliminate all former Soviet MIRV'd ICBM's, and all heavy ICBM's, of which the former Soviets have a monopoly.

President Bush promised that the negotiations for the START II Treaty would be completed before Labor Day, and that the START II Treaty would be presented to the Senate before the end of this session of the 102d Congress, but unfortunately, this has not occurred. It was not President Bush's fault—the delay was caused by Russian hardline military intransigence in the negotiations. The START II negotiations are in fact bogged down in stalemate due to the Russian military's continued demands for unilateral advantages, and this is not a hopeful sign for the successful implementation of START I.

Our distinguished colleague, Senator WARNER, has made a valiant effort to try to condition the Senate's advice and consent to START I's entry into force to the notification of the Senate of the completion of START II, but unfortunately, he has not succeeded completely. But Senator WARNER has succeeded in attaching a condition to the START I resolution of ratification which will require the President to consult with the Senate before START I enters into force if the President has not achieved agreement by the four former Soviet nuclear armed republics to START I's verification and inspection procedures. This condition is quite necessary.

I wish that Senator WARNER had also succeeded in his efforts to condition START I's entry into force until the Senate could give its advice and consent to a completed START II Treaty correcting the flaws of START I. This would have been the best outcome.

Mr. President, our distinguished colleague, Senator WALLOP, has tried valiantly to incorporate the main feature of START II—a complete ban on MIRV'd ICBM's—into the START I Treaty, because both President Bush and Russian President Yeltsin have both already agreed to a ban on MIRV'd ICBM's when they signed the June 17, 1992, joint understanding. I was one of 16 Senators who voted for Senator WALLOP's historic MIRV ban amendment; I wish that it had passed, because then one of the main flaws of the START I Treaty—its allowance of thousands of MIRV'ed ICBM warheads on Russian heavy ICBM's—would have been eliminated.

I also voted for Senator WALLOP's amendment which would have closed the loophole allowing unlimited nondeployed missiles.

I supported Senator WALLOP's attempt to ban mobile ICBM's.

Some of Senator WALLOP's other proposed conditions also would have suspended START I's entry into force until completion and ratification of

START II. I would have supported this approach as well.

Unfortunately, Senator WALLOP did not succeed in correcting the main flaws of START I, even though both the American and the Russian Presidents have already agreed to an ICBM MIRV ban.

In sum, Mr. President, we are left with the question of what to do about the flawed START I Treaty. Reluctantly, I must oppose START I.

Here are my reasons:

First, the START I Treaty is not really an arms control or an arms reduction treaty, because START I allows an unlimited number of ballistic missiles and nuclear warheads to be retained by the former Soviet Union.

I repeat—the precise terms of the START I Treaty allow an unlimited number of ballistic missiles and unlimited number of nuclear warheads to be retained by the former Soviet Union. There is no limit on nondeployed missiles.

Moreover, START I does not require the destruction of even one ballistic missile, or the destruction of even one nuclear warhead. How can START I be described as an arms reduction treaty if it does not require the destruction of a single ballistic missile or the destruction of a single nuclear warhead?

START only requires the elimination of missile silos, trucks, submarine launch tubes, and some old bombers.

In addition, START I allows the unlimited production and retention of NEW ballistic missiles and nuclear warheads. I repeat, START I allows the unlimited production and retention of unlimited numbers of NEW ballistic missiles and nuclear warheads.

Because of these loopholes, it is absurd to call START I an arms reduction treaty. In reality, START I is an arms buildup treaty. Our only hope for stability under START is that the Russians will not have the political will or the economic resources to exploit the serious loopholes in START I.

Second, while the United States plans to have only about 5,000 nuclear warheads under START I, it allows the former Soviet Union to have at least 12,000 to over 15,000 strategic nuclear warheads. This fact is confirmed by the CIA and by the Armed Services Committee of the House of Representatives in classified and unclassified analyses. Again, this is not a reduction treaty—it is a buildup treaty.

Moreover, it is not an equal treaty, because while the United States plans to have only 5,000 warheads under START I, the former Soviets can have over 15,000 warheads. The Russians will have at least a 3–to–1 advantage under START I, counting their allowed nondeployed missiles and covert missile forces. Thus START I invalidates the Jackson amendment requirement for equal levels of forces, and the Jackson amendment is the law of the land on our arms control objectives.

Third, the Russians are still cheating on the INF Treaty, the ABM Treaty, the CFE Treaty, and already on START.

Already they have illegally encrypted the electronic telemetry on one of their ICBM's, in a violation of START I that the Russians and Kazakhstan have admitted and even the State Department has acknowledged.

Moreover, according to press accounts, the former Soviets are also selling Backfire bombers and even ICBM's to several third countries, in circumvention or violation of START I.

As I stated on the Senate floor yesterday, the former Soviets are selling TU–22M Backfire bombers to Iran.

Moreover, there are reports that the former Soviets are selling Backfire bombers and ICBM's to another third country.

But Backfire bombers are limited by a politically binding side agreement to START. Moreover, the former Soviets have promised in START not to circumvent START by selling strategic weapons to third countries. These sales of Backfires and ICBM's to third countries circumvent or violate START I.

Fourth, the former Soviets have produced over 100 fat boy missiles which are believed to be a follow-on, new-type mobile ICBM. But START requires the Russians to notify the United States if they have produced more than 20 prototypes for a new-type ICBM. They have told the United States virtually nothing about their fat boy, which they are going to great lengths to hide from us. This violates START I's notification and verification procedures.

Because of these many START I verification and compliance problems even before the treaty would be ratified, I supported Senator WALLOP's call for a closed top secret codeword session of the Senate to consider the details of these already existing compliance problems, before voting our advice and consent to ratifying the START I Treaty. I believe that Senators should inform themselves of these serious compliance problems before they vote for START I.

Finally, the four republics which have recently become states party to START I still cannot agree on unified command and control procedures for their nuclear forces. They are still arguing over which republic owns, controls, and will finance the nuclear forces. This bickering bodes ill for the successful implementation of START I.

Moreover, there are at least 8 civil wars ongoing between the 15 republics of the former Soviet Union, and within many of these republics there are civil and ethnic wars as well. There is, in short, dangerous instability. As the CIA Director has stated, there is a tumultuous military, political, and economic situation inside the former Soviet Union. I believe that this dangerous instability in the territories of our four new treaty partners could cause the implementation of the START I Treaty to break down. Who can assure the Senate that there will not be another coup by military hardliners, or a collapse of democratic reforms, or a reversion to authoritarian nationalism?

In sum, Mr. President, while I support deep reductions, and I support President Bush, I cannot in good conscience support the START I Treaty.

Mr. KERREY. Mr. President, I rise today to speak of the important role the United States must play in supporting the peace process in El Salvador.

To the extent that we are involved in providing aid to a foreign nation, we must use our influence to promote peace and democracy. I am strongly committed to permanently ending the civil war and helping bring peace and freedom to the people of El Salvador.

In recent years, I have felt the cause of peace was best served in El Salvador by scaling back United States military aid, and I have voted accordingly. I continue to support very limited military assistance in fiscal year 1993. Of the $40 million requested by the Bush administration for military aid in fiscal year 1993, I supported an allocation of $11 million for nonlethal military assistance and $29 million for the demobilization and transition to peace fund.

In light of recent developments in El Salvador, particularly with respect to steps taken by President Cristiani, I do not support a complete cutoff in military assistance at this time. It is important to point out, however, that the aid is contingent upon continued compliance with Mexico peace accords.

This was a difficult decision, but in the end the choice was clear. It is not a vote to perpetuate a misguided policy of support for the Salvadoran military, whose record of abuse is well known; rather, it is a vote cast with an eye toward substantially reducing the role of the military in a democratic El Salvador.

Mr. President, El Salvador stands at a crucial point in its history. The civil war has ended after 12 bloody years, but while the fighting has diminished greatly, the foundation for a peaceful democracy cannot be laid until the power of the military is permanently reined in.

To this end, President Cristiani has agreed to undertake a reduction and restructuring of the armed forces, beginning with a purge of military officers who have been involved in human rights abuses. A U.N. Ad Hoc Commission, comprised of three civilians, evaluated 232 high ranking officers on the basis of their conduct in relation to human rights abuses and willingness to sanction violations, and their perceived attitude toward the role of the

military in a civilian democracy. As Eduardo Molina, a member of the Commission, said, "Never in the history of the world perhaps have three civilians evaluated * * * an entire high command. Not in Chile, not in Argentina, not in Uruguay, nor in Brazil." On Wednesday, September 23, the Commission presented its findings to Cristiani, and he expressed his willingness to abide by their recommendations.

This step is evidence of President Cristiani's commitment to furthering the peace process at a time of rising tensions, and for this he deserves our support. By allocating $11 of the $40 million requested for fiscal year 1993 military aid, and insisting on continued compliance with the peace accords, we can demonstrate our support for these steps while retaining our leverage. It is vital that the military accede to the ruling of the Commission and acknowledge the need to respect human rights, and I believe that withholding military aid at this point would limit our capacity to ensure their compliance.

Mr. President, in the 9 months since the signing of the U.N. peace accords enormous strides have been made, by the Government and by the FMLN, toward creating a peaceful and democratic El Salvador. There is reason to be hopeful for the future. Much work remains to be done, however, in continuing the demobilization of both armies, creating a civilian police force, achieving genuine land reform, and reforming the electoral and judicial systems. In the past 12 years we have provided over $5 billion in aid to this cold war battleground, and it is essential that we follow through on our commitment now that the fighting has stopped. While the issue of equitable land distribution and the reintegration of the FMLN into civilian life will ultimately determine the success of the peace process, it is my belief that providing limited, conditional military assistance offers our best opportunity to successfully reform the military, and to remain constructively involved in the rebuilding of a civilian society.

The next few months will be crucial in determining whether El Salvador continues down the road to a demilitarized society and a peaceful democracy. President Cristiani has 60 days to fashion a plan to implement the U.N. Commission's recommendations, and the world will be watching closely. It is my great hope that progress will continue, and that our strong voice for peace will continue to be heard.

Mr. KENNEDY. Mr. President, I urge the Senate to override this veto and impose long-overdue conditions upon United States-China trade.

For too many years, Chinese and Tibetan citizens have suffered under the repressive Beijing regime, while the United States has ignored human rights atrocities and pursued business as usual.

For many years, the Chinese Government has taken American business for a ride—dumping goods made from the slave labor of prodemocracy activists on the United States market, while closing its doors to products manufactured in America.

For many years, while the rest of the international community has sought to end the proliferation of nuclear warheads and other weapons of mass destruction, the infamous family networks running the Beijing government have enriched themselves by selling nuclear, chemical, and biological weapons to terrorist nations.

It is time to bring these outrageous practices to a stop.

Ever since the bloody Tiananmen Square massacre in June 1989 Congress has sought to condition United States trade with China. Time and again President Bush has insisted that conditioning the renewal of China's MFN status would undermine pro-Western, free-market forces in China.

The United States has vast trade leverage with China, and the President has used it himself to induce better Chinese behavior. Last year, his imposition of tariff penalties for trade infractions brought timely concessions from Beijing with respect to intellectual property rights. And he has threatened China with similar sanctions this year.

Yet, the President insists that linking tariff penalties to the release of prodemocracy activists, ending slave labor, improving human rights in Chinese-occupied Tibet, and honoring arms agreements would jeopardize free market reforms and hurt the Chinese people.

The White House continues to ignore the contradiction between its human rights policies and its trade policies. While the administration is prepared to challenge Beijing if it perceives its economic interests to be at stake, it does not care enough to do the same where human rights are concerned.

The legislation the President has vetoed conditions MFN status on improvements by China in human rights, trade, and arms sales. It prohibits the President from renewing China's MFN status in July 1993 unless he reports to Congress that the Government of China has:

First, taken steps to adhere to the Universal Declaration of Human Rights for China and Tibet;

Second, accounted for individuals detained in connection with the Tiananmen Square massacre and begun releasing individuals imprisoned for expressing their political beliefs;

Third, taken steps to prevent the export to the U.S. of products made from slave labor; and

Fourth, made overall significant progress in ending religious persecution in China and Tibet, ending unfair trade practices against the United States, and adhering to the Missile Control Technology Regime and the controls adopted by the Nuclear Suppliers' Group and the Australian Group on Chemical and Biological Arms.

In addition, in a provision added specifically to address the President's concerns on support for free-market forces in China, non-compliance with this bill will bring tariff increases only on goods produced by state-owned enterprises, thereby shielding China's emerging free-market sector. Accordingly, suspending China's preferential trading status will not directly affect American business or the Chinese civilian population.

By vetoing this measure, which imposes realistic and reasonable conditions on the Chinese Government, President Bush has once again ignored his responsibility to support human rights and democracy and achieve arms control.

It is now up to Congress to assume this task. As long as the Chinese Government pursues its repressive and irresponsible policies, China should be a least favored nation, not a most favored nation.

I urge the Senate to override the President's veto, and to enact this timely and important measure.

Mr. DODD. Mr. President, I rise in strong support of the pending measure. I want to commend the distinguished majority leader, Senator MITCHELL, for his commitment to this very important effort.

Mr. President, over the past few decades, there can be no doubt that China has changed. In a country once known for its centrally planned economy, free market principles have gained widespread support.

But political change has not yet come to China—and change has not come to an antiquated and outdated policy that continues to reward the dictators of Beijing with most-favored-nation trade status.

Mr. President, ever since the massacre in Tiananmen Square 3 years ago Congress has tried to bring an end to trade benefits for China. And for 3 long years the President has told us we should get out of the way and let China reform from within.

But here's how China has chosen to reform:

The Government of China continues to violate internationally accepted standards of human rights, including torture, arbitrary arrest and detention, and the use of prison labor.

The Government of China continues to deny Chinese citizens the right of free emigration.

The Government of China continues to repress the Tibetan people who seek political and religious freedom.

The Government of China continues to control trade unions and harass accredited journalists.

The Government of China continues to sell missile technology to any third-world nation that asks.

Finally, the Government of China continues to engage in unfair trade practices against the United States, by raising tariffs, using discriminatory customs rates, imposing import quotas, falsifying country of origin documentation, and repressing the basic rights of its workforce.

All told, Mr. President, these unfair trade practices will create a trade deficit with China projected to be $20 billion in 1992. That's more than the $12.7 billion trade deficit with China in 1991, and well over the 1989 deficit of $6 billion. Mr. President, the conclusion is undeniable: In this time of recession, our trade policy with China is costing us jobs.

Mr. President, the legislation before us represents an effort by Congress to set United States-China relations on a wiser course. It would extend MFN for 1 year without conditions. But for the Chinese to gain an additional extension, they would have to demonstrate visible reform in the areas of human rights, trade policy, religious freedom and missile proliferation.

Mr. President, I have heard it said many times during this debate that trade policy should be separated from political pressures whenever possible. It is often said that MFN is a clumsy political tool, that other measures should always be attempted first. On this point I would agree.

But in the case of China, Mr. President, we have simply run out of options. We have held out the carrot; now it is time for the stick. The alternative is a policy that coddles a repressive and inhumane leadership in Beijing.

Mr. President, I urge the adoption of this legislation.

Mr. SIMPSON. Mr. President, I rise to expand on my earlier remarks in opposition to H.R. 5318, the bill which would place conditions on the extension of most-favored-nation treatment to the People's Republic of China. I know there has been a good faith effort on both sides of the aisle to resolve the philosophical difference that exist on this issue. The differences on how to deal with human rights and nuclear arms proliferation are legitimate, but what we are talking about here is trade—American jobs—plain and simple.

In this politically charged year, we must resist the temptation to be lured into believing that revocation or conditioning the most-favored-nation trade status for China is a cure-all for the differences that exist between our two countries. The President vetoed this bill because it does not make sense. It will not achieve the lofty goals its proponents claim it will.

It will not stop arms sales to the Middle East. It will not cause the release of one religious leader or political prisoner. And, it will not close the gap that exists in our trade relationship. We will only lose American jobs in the end.

The President vetoed this bill because its proponents have made this a foreign policy bill—not a trade bill. American businesses of all kinds have a vested interest in good trade relations with China. Many of them have factories and production facilities in Hong Kong and immediately across the border in China—which are producing goods for export—even to the United States. Termination of this trade relationship will retard the incredible industrial growth in Southeast China and Hong Kong overnight.

Requiring conditions will have negative consequences. It will cause the United States scarcity of some products now being manufactured or assembled in China and exported to the United States, increased prices for Chinese products, the loss of investment opportunities for the stockholders of many major American corporations, and the outright loss of American jobs in those companies largely involved in this development.

American corporations doing business in Hong Kong and in Southeast China are only now beginning to effectively tell their story, and it is compelling indeed. If we cut ourselves off, it won't be too long before industries based in other countries will move in to fill the void we leave in our established markets—such as grain, air transportation, and electronics. Indeed, the engines bringing free market enterprise to China will eventually come back to speed without us. We will have simply cut ourselves out of the action. That is reality.

In the decades that lie ahead, as China's more than one billion people become ever more productive and ever more involved in the global economy, we Americans will wonder what we were thinking when we isolated ourselves from that trade. And as China represents 22 percent of the world's population, doing so would be most shortsighted, no matter how politically expedient.

Let's think about the following. Seventy percent of the world's people live within a 5-hour jet ride from Hong Kong. Three million people from other areas of China have migrated to the Southeast in order to work in the factories that are springing up daily. Approximately 70 million Chinese people are under the very positive influence of the rapid economic growth in Southeast China—and are benefiting greatly from it. Many of those people are suddenly earning more than three times the national average salary of all Chinese people—which is in the range of $350–$400 (U.S.) per year.

We need to consider what that economic growth means to those individuals—and the political changes that prosperity will bring. If we are truly concerned about the human condition in China, and if we are taking these actions in order to improve the lives of people in China, we ought to carefully consider the importance of job opportunities that have never before existed for millions of people there. We are now helping to create conditions where many Chinese citizens can finally enjoy a lifestyle above bare subsistence.

There are still many places in China where a husband and wife own but a single pair of pants between them. Each wears the pants on alternating days, with only one of them able to leave the family home at a time. This is absolute reality. If we terminate MFN status for the PRC the result will be the instant loss of good jobs for many Chinese people and a return to the poverty from which they were finally beginning to emerge.

What American company will want to invest in China with the specter and uncertainty of this sort hanging over its head daily? Investment opportunities will be curtailed and American jobs will be threatened—in both the United States and China. As other countries and other international corporate entities pick up where we leave off, some of those jobs in China will return—but not the ones in the United States.

If this happens, it will be some time before the tremendously robust economy of southeast China is fully restored in the wake of what most of the rest of the world will have considered to be a very precipitous act by us. So if our effort is to make things better for the people of China and if it is true—and it is true—that threatening to terminate MFN, or actually doing so, will have virtually no effect on those people who are imprisoned and in some cases reportedly tortured, then what is the advantage to the Chinese people—even the ones imprisoned—of our pursuing this? I submit that there is no advantage to doing this to China—or to ourselves, save one: the advantage is a raw partisan politics, American style. That is most unfortunate indeed.

The dawning of the free market concept of economics which is driving this incredible economic growth in Southeast China does also have a very important and positive political potential. It is through this development that a growing understanding and appreciation for the outside world is brought to millions of people in China. They are coming to recognize the benefits of an economic process and the many freedoms we cherish. It is bringing things—Western things—to them and, just as importantly, it is bringing the power of information from the rest of the world.

Through this development, and through new contracts with the Western world, and through the buying power associated with increasing the standard of living for Chinese people, millions of individuals have access to American products, the American way of life, and a new understanding of the

benefits of freedom and of free market economies. These are the values and concepts that we are desperately trying to instill in developing nations throughout the world. The things we desire to accomplish with regard to China's internal policies are being accomplished far more effectively through the existing trade policy than will ever be accomplished by threatening China's trading relationship with us, or in any other way—or by isolating China.

The very messages we are trying to communicate to people who have for so many years been isolated from our influence are being communicated in a thousand forms, all of them because of our economic and political foothold in Southeast China. That foothold is creating a deep footprint which is multiplying by the day and marching out across the rest of China. This influence, delivered directly to the people of China, will continue to exert more pressure on Chinese leadership than anything we can do on the Senate floor in threat to the Chinese leadership in Beijing.

Sure, we are outraged about human rights abuse and other offensive policies, but the more people in China who benefit from the development that our trade policy is causing to grow and spread through China, the more it becomes possible to achieve our goals of improving living conditions and rights and freedom and western values there.

The power and stability of international trade is the one thing which assures that the transition of Hong Kong to Chinese control in 1997 will be accomplished without jeopardizing a very important center of world commerce. That trade is the one instrument of further positive change—both economically and politically. It will cause the power of the Beijing leadership to further erode and the conditions of the Chinese people to continue to improve.

No amount of posturing and arm waving and threatening commentary by us is going to cause much of a change in the actions of Beijing leaders. We must understand that. To jeopardize MFN for China is to jeopardize the progress already made, and progress that will otherwise continue to be made in every issue important to us within the People's Republic of China.

How much more clear could this be? The best weapon we have to prevent atrocities in China, to pursue our free market concepts of commerce, to perpetuate our goals of equality and freedom for people is through the trade that is already demonstrably bringing improvements in all of those areas to China. It is the one ace we have. Chinese leaders cannot enjoy the benefits of trade without accepting all the benefits of information and "globalization" that are inextricably a part of it.

Continuing MFN for China is not rewarding tyrrany. Ending MFN for China would strike a blow at those who practice tyranny. Continuing MFN for China is the best possible way to wedge the door to China even wider and to let everything we believe in, value and endeavor to promote flow into that nation and into the lives of its people.

My fine colleague, the majority leader, stated during debate on this issue last year that, "Americans are not hostile to policies that clearly serve important national goals. They are hostile to policies that fly in the face of common sense." The dawning of the free market concept of economics which is driving incredible economic growth—and is spreading American values in Southeast China—is good common sense.

That economic growth has very potent and positive political potential to turn the tides toward democracy. The power and influence of the economic development that has sunk a tap root in Southeast China continues to be the most effective way to spur long-term positive changes in China.

I urge my colleagues to seriously consider their action today and support the veto message of the President.

Mr. SIMPSON. Mr. President, I rise to support the objections of the President to this bill which conditions the most-favored-nation trading status for China.

I know there has been a good faith effort on both sides of the aisle to resolve the philosophical differences that exist on this issue concerning human rights and nuclear arms proliferation. What we are talking about here is trade—American jobs—plain and simple.

In this politically charged year, we must resist the temptation to be lured into believing that revocation or conditioning the most-favored-nation trade status for China is a cure-all for the differences that exist between our two countries.

The President vetoed this bill because it is a bad bill. It will not achieve the lofty goals that its proponents claim.

It will not stop arms sales to the Middle East. It will not cause the release of one religious leader or political prisoner. And, it will not close the gap that exists in our trade relationship. We will only lose American jobs in the end. We will also lose any ability to influence the Chinese to change in any way.

Last week, I joined a few of my colleagues in signing a letter addressed to the Chinese Ambassador reiterating our deepest concerns for any retaliation against United States wheat exports in response to the sale of F–16's to Taiwan.

I received assurances from the Chinese Government that no retaliations shall result due to the sale of the F–16's. The Chinese Government concurred that trade should be separate from foreign policy on this issue.

In the decades that lie ahead, as China's more than 1 billion people become ever more productive and ever more involved in the global economy we Americans will wonder, if this becomes law, what we were thinking when we decided to isolate ourselves from that trade, and from 22 percent of the world's people as we address issues of global significance such as the population explosion, human rights, global warming and aspects of life on our common planet home. That would be most short sighted, no matter how politically expedient.

I urge my colleagues to support the President's veto.

Mr. BRADLEY. Mr. President, today I rise to vote to override the President's veto of H.R. 5318, the United States-China Act of 1992.

President Bush's veto is yet another example of his seriously flawed China policy. The President has told us to wait, that continued trade with China as a most-favored nation would have a positive impact, that our relations would lead to freer markets and greater liberty. This we heard even in the wake of China's brutal crackdown on students in 1989.

Well, Mr. President, we have waited long enough. And as we have waited, the Chinese Government has solidified its totalitarian control over the people. This past week I signed a letter to Premier Li Ping on behalf of three Chinese citizens. They were arrested for attempting to open an office which, ironically, was to support the democracy movement in China. As long as these kind of abuses occur, as long as the old faces in China's leadership keep the images of June 4, 1989, fresh in American minds, we cannot just continue business as usual with China.

Mr. President, human rights abuses stand to be the tip of the iceberg. On May 21, China set off its largest ever underground nuclear test. The implication is that the Chinese are trying to develop large-yield offensive nuclear warheads for long-range missiles. This complicates nonproliferation objectives by signaling other countries like India and Cuba to expand their nuclear programs.

And let us not forget their trade policy. China has taken advantage of our open markets while restricting our market access with a web of restrictions. We still have an active trade case open against China dealing with intellectual property rights. The trade deficit with China is soaring. In 1992 the trade surplus with the United States is expected to reach $20 billion—second only to Japan as a source of our trade deficit. Yet by continuing to assure the Chinese regime that we will continue to grant MFN status no matter what, we undercut our own bargaining position. Why should we unilater-

ally give up one of the strongest bargaining chips we have to encourage positive change?

H.R. 5318 simply asks China to abide by last year's promises. If conditions improve, we may extend MFN status. If we are forced to deny MFN status, this bill targets only Government-owned companies, so as not to penalize American and Chinese entrepreneurs. It is designed to send a message and to encourage reform. It is reasonable and it is right.

Mr. President, this veto must not stand. Through overriding this veto, we have an opportunity to send an important message to the Chinese Government. We have a responsibility to do so, for the Chinese people who are unable to send it for themselves.

Mr. DURENBERGER. Mr. President, as I have done repeatedly in the past, I rise to oppose efforts to condition most-favored-nation [MFN] trade status for China. I believe the Senate should sustain President Bush's veto of this latest variation on the MFN theme.

Several times in recent years, the Senate has debated and voted on this issue. This has been an important debate that has helped illuminate the many inter-related issues on the MFN matter.

Mr. President, let me state emphatically at the outset that neither President Bush nor this Senator believes that extending unconditioned MFN can be interpreted as condoning China's human rights practices, its irresponsible weapons proliferation policies, or its various troublesome trade practices.

China's human rights practices concern me deeply. I have listened and learned from the arguments in favor of conditioning MFN with so-called achievable objectives, particularly in the human rights area. I believe it is important that we vigorously pursue all appropriate means to address these very real concerns; I remain unconvinced, however, that unilateral trade actions will help achieve our objectives.

One month ago, Mr. President, I met with Minnesota representatives and advocates of the Tibetan refugee community. They shared with me their very deep concerns about the plight of their people and their homeland. They shared the horrors of Chinese rule in Tibet and very strongly urged me to support conditioning MFN on China's human rights behavior.

The Minnesotans, many of them newly arrived refugees, make a strong and compelling case. I admire their courage and determination to bring freedom and respect for basic human rights to Tibet.

But after carefully considering their arguments and the debate here in the Senate, nothing has changed my basic belief that it is fundamentally inappropriate for the United States, acting alone, to start and stop trade with other countries because of disputes over human rights matters. If we applied these same standards to any number of our other trading partners, we would be unilaterally restricting trade all over the Third World.

Attempting, as this bill does, to apply a complicated and practically unworkable formula defining what constitutes a product from a state-owned enterprise only makes matters worse. I would remind my colleagues of recent trade disputes between the United States and our good neighbor and close friend Canada regarding the domestic content of Honda Civics. The closest of friends and neighbors could hardly agree on what percentage of a Honda was produced in America or Canada.

It is difficult for this Senator to imagine how it will be any easier or effective to determine what portion of a Chinese transistor radio or wrist watch was produced by a state-owned or private enterprise. This bill's new formulation may appear a good idea on paper, but it hardly seems workable in the real world.

Mr. President, because the issues regarding conditioning of MFN are very well known by now, I will not waste the Senate's time by restating those positions in full.

I would, however, just summarize my perspective very briefly. First, I remain convinced that it is in our Nation's best economic and geopolitical interests to maintain normal trading relations with China. Several times, I have urged my colleagues to consider not only the likelihood that conditioning MFN would fail to achieve the desired objectives in China, but that it would profoundly damage United States economic and political interests.

Second, it is difficult for this Senator to envision what benefits our country derives from returning to a policy in which we actively seek to isolate China.

Third, I remain persuaded that unilaterally using trade as a foreign policy weapon only hurts the American exporter and consumer. Other countries will always step in to fill the void left by our unilateral withdrawal from a market. This is precisely what happened with the failed United States embargo against the Soviet Union in 1979.

More recent experience has also taught us that the corollary to this reality is also true. That is, that economic and trade policy can be a meaningful foreign policy tool only when applied multilaterally, in concert with the world's other trading partners. United Nations economic and trade sanctions against Iraq have had meaning only because the world acted in unison.

I ask my colleagues, will Japan follow our lead in restricting trade with China? Will France or Germany? Will Australia or Brazil? No, Mr. President, of course not. Their farmers and businesses will simply step in and take the business that we unilaterally sacrifice.

Fourth, I will say again, Mr. President, that it is inappropriate for the United States to unilaterally start and stop trade with other countries because of disputes over human rights matters. If we applied these same standards to any number of our other trading partners, we would be unilaterally restricting trade all over the Third World.

Last summer, I quoted at length from the publications of respected international human rights organizations regarding the records of various trading partners. No one is calling for revoking normal trade relations with Indonesia or Kenya, Mexico or Brazil, Turkey, South Korea or India. Acting alone, the United States cannot, regrettably, change the behavior of the rest of the world. The forum for addressing these issues is not through trade, but through vigorous diplomatic efforts.

Mr. President, I renew my call to President Bush and Secretary Eagleburger to keep the pressure on China to improve their various policies and practices that we and other responsible members of the international community rightly find so objectionable. Clearly, more needs to be done to persuade China to respect internationally accepted norms of behavior in areas such as human rights and weapons proliferation, etc.

But MFN is the wrong tool for the job. It is a blunt instrument that holds little promise for achieving otherwise laudable objectives. Effectively revoking MFN will only kick the legs out from under the negotiating table at which we address our very real and serious problems with China. That might give some of us a degree of short-term satisfaction, but precious little long-term gain.

Mr. President, I urge my colleagues to take the long-term view and oppose this latest variation on conditioning MFN for China.

Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks two recent letters I have written to Chinese officials regarding various human rights matters.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 17, 1992.

Hon. ZHU QIZHEN,
Ambassador, Embassy of the People's Republic of China, Washington, DC.

DEAR MR. AMBASSADOR: Please accept my warm and sincere welcome to the State of Minnesota. I am pleased that you have chosen to visit our state to discuss trade and business relations between Minnesota and China.

As you know, for more than ten years, Minnesota and China have cooperated very

closely to build an expand these relations. Minnesota industry and agriculture have a great deal to offer China; and China, through its exports, has made an important contribution to Minnesota's economy.

There is no doubt that Minnesota farmers and businesses greatly value their trade activities with China. This expanding relationship between your country and our state is valuable to both, and I applaud your efforts, as highlighted by your visit here this week, to further strengthen economic ties with Minnesota.

In addition to trade relations, there are of course other matters of very great interest to many residents of Minnesota. They include deep concerns that many Minnesotans have for human rights in China and Tibet.

Just recently, I met with several refugees from Tibet who have recently come to Minnesota. They and their Minnesota sponsors spoke very movingly of their concerns for human rights in their home country.

During your visit here, in a spirit of good will and cooperation, I believe it is important to remind you of these concerns and urge your continued efforts to strengthen the dialogue through which we address these matters.

Again, let me welcome you to Minnesota. I am confident that you visit will further enhance the positive and productive relationship that has developed between Minnesota and China. I look forward to building on that relationship in the future.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

U.S. SENATE,
Washington, DC, July 14, 1992.

His Excellency QIAN QICHEN,
Foreign Minister, Peoples Republic of China.

DEAR MR. MINISTER: I write to you once again to express my deep concern about Bao Tong. I understand from press reports that his trial is due to begin very soon, and that his family has been informed that the proceedings will take place in secret.

You will recall that I last wrote to you about Bao Tong in March, 1992, at which time I urged your government to permit official observers from the U.S. Embassy in Beijing to attend the trial. The U.S. State Department has also urged China to ensure that Bao Tong receives a fair and just trial, and that international observers be allowed to attend. I want to reiterate my very strong appeal to your government that Bao Tong's trial be open, fair, and just. Further, I would hope that there could be a delay in the proceedings to permit Bao Tong's attorneys adequate time to prepare a defense.

As a supporter of Most Favored Nation trade status for China in the U.S. Senate, I value the bilateral relationship between our two countries and seek to foster a climate of understanding and cooperation. These efforts, however, are made much more difficult by the continuing trials and detention of peaceful advocates of democracy and reform. There is no doubt that many of my colleagues in the Senate, as we resume consideration of MFN for China, will be extremely interested in the way Bao Tong's case is handled, and that the outcome may affect relations between our two countries.

In addition, on humanitarian grounds, I urge you to convey my concern that Bao Tong be allowed regular family visits as well as access to a physician of his choice for treatment of his medical problems.

Thank you very much for your attention to these matters. I urge you to give this request the most serious consideration.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

Mr. WELLSTONE. Mr. President, I support S. 2808, the most recent version of the Majority Leader's important legislation to impose conditions on continued most-favored-nations status for China. I have supported earlier, tougher measures as well, including legislation to require the President to terminate MFN status for China 180 days after enactment unless China had fulfilled various criteria in the areas of human rights, trade, weapons proliferation, and forced labor. I urge my colleagues to vote to over-ride the President's veto of this measure.

This year's earlier votes in the House, the first to deny outright continued MFN status and the second to place conditions upon it, were powerful signals to the Government of China and to other nations which abuse the basic human rights of their citizens of the broad bipartisan consensus which has formed on this issue during the last 18 months.

More than 3 years after the brutal massacre in Tiananmen Square, with continued repression against supporters of the democracy movement in China and in occupied Tibet, the time is long past due for Congress to act decisively to demonstrate that unrelenting repression of basic human rights will not be condoned among our trading partners through extension of favorable trade conditions.

This effectively gives the Chinese Government another 9 months to demonstrate its willingness to observe internationally recognized human rights standards or face the consequences of its refusal. It prohibits the President from extending MFN tariff treatment to China as of July 1993, unless certain conditions have been met. MFN treatment may not be extended to state-owned enterprises after that time unless the President certifies to Congress that China has: First, significantly improved its human record; second, provided a complete and accurate account of individuals detained, accused or sentenced in connection with the June 4, 1989 Tiananmen Square massacre; third, taken steps to release those imprisoned because of the free expression of their nonviolent political beliefs during events that occurred during and after the repression in Tiananmen Square; fourth, taken action to prevent export of products manufactured by forced labor; fifth, made significant progress in ceasing religious persecution in China and Tibet; and sixth, adopted national policy limits and controls on nuclear, chemical, and biological weapons proliferation.

I have heard from many Minnesota farmers who could be affected by a potential slowing in grain exports to China, and who recognize that this legislation could be a two-edged sword. China is a major United States agricultural export market, although its rank fluctuates widely from year to year. For example, in 1986, it ranked 60th; the next year, it ranked 17th. According to the Congressional Research Service [CRS], in 1989 China was the eighth largest foreign market for United States agricultural exports, purchasing more than $1.4 billion worth of products. Last year, China ranked 11th among United States foreign agricultural markets, important about $800 million worth of agricultural products. China has participated in both the Export Enhancement Program and the Targeted Assistance Program in recent years. Overall, United State imports from China last year reached $19 billion.

But I have also talked with many farmers in Minnesota, most recently at the recent Minnesota State Fair. It is wrong to assume that farmers oppose automatically conditioning MFN status on human rights improvements and other reforms. Conditioning trade benefits on basic human rights is important to American farmers, in spite of the potential short-term burdens those conditions may impose. I urge my colleagues not to sell farmers short on their support of human rights worldwide. I realize that agricultural trade with China must remain a serious consideration as we seek to develop a more coherent trade policy, and as we link United States trade policy to overall foreign and human rights policy. I know the burdens that China could impose upon United States—including Minnesota—wheat farmers by retaliating against our refusal to condone China's troubling record on human rights, labor rights, unfair trade practices and arms exports.

Even so, the appalling Chinese record argues compellingly for changes in our trade relationship. The State Department's own human rights report cites continued detention, sentencing, and execution of members of China's prodemocracy movement. In addition, the Chinese Government has consistently refused to participate as a full and responsible party in international efforts to control the proliferation of sophisticated military technology and weapons, including biological, nuclear and chemical technologies. The United States must insist upon real changes on human rights practices before renewing MFN status to China.

In this exceptional case, where the human rights abuses have been flagrant and sustained, and where the Government of China has consistently ignored international calls for reform, I continue to believe that we should use legitimate trade-policy tools to prompt significant reforms in human rights, unfair trade practices, and

weapons proliferation. While I have consistently said that I do not favor using food as a weapon, nor do I favor grain embargoes as a general tool of foreign policy, this is neither of those. MFN status is a benefit that can and should be revoked if circumstances warrant. I am hopeful that the measures included in this bill will result in positive movement on the part of China, not unjustified retaliation.

I urge my colleagues to underscore the importance of upholding basic standards of human rights by voting to override the President's veto. I urge my colleagues to signal once again to the Chinese leadership that MFN is a benefit that can no longer be taken for granted. Retention of preferential trade advantages under MFN status is gravely important to the Chinese Government. The United States should insist on real and substantial reforms in these areas before allowing unrestricted MFN status to continue. A foreign policy which fosters peace, democracy, respect for human rights and fair trade must continue to be our goal.

Mr. GLENN. Mr. President, the United States has many legitimate reasons to seek influence over China's foreign and domestic policies. Suffering under the effects of the current economic recession, companies throughout America could well benefit from greater access to China's vast market. Americans also want China to adopt a more democratic political system and a free-market economy. Progress in these directions serves the national ideals and self-interests of both countries.

American families, however, also sent thousands of young men and women to serve in the war in the Persian Gulf. Not long ago, these troops were faced with the prospect that nuclear, chemical, or biological weapons might be used against them; one night, an Iraqi missile killed 28 soldiers, including 3 women, and wounded 89. Literally overnight, that dreaded word, "proliferation," became converted from an abstraction that troubled a few specialists into a serious threat recognized by virtually all Americans.

Yesterday it was in the Middle East; tomorrow, devastating wars involving key United States interests could occur in east Asia and south Asia, or again in the Middle East, jeopardizing the lives of millions. Meanwhile, high-technology terrorism threatens to bring the horror of these weapons even to American citizens in their homes and workplaces. To the extent that China is contributing to such threats, we must not only voice our concerns, but be prepared to take the tough actions needed to defend our interests.

Just from this year alone, here are some notable items that have been spotted by a recent compilation prepared by the Arms Control Association:

September 11: On the same day the United States permits China to launch six United States satellites, press reports announce China has agreed to sell a 300-MW reactor to Iran.

July 30: China is reportedly negotiating the sale of nuclear power plants to Iran, Egypt, and Bangladesh.

May 10: China is reported to have begun installing a 300-MW reactor in Pakistan.

April 10: China reportedly agrees to sell Syria a nuclear research reactor.

February 17: China reportedly sold India at least 130 tons of heavy water between 1982 and 1987.

January 31: China reportedly sells Syria 30 tons of chemicals used in making rocket motors.

Clearly, our readiness to resume close relations with China should depend not on the words, assurances, or nonbinding policy statements coming from Beijing or Washington. It must instead depend on deeds, actions, and tangible evidence that progress is being made in realizing all of our important policy objectives. Experience, not hope, must be our principal guide as we chart the future course of our relations not just with China, but with all nations that threaten international security.

By all indications, however, the current debate over the renewal of China's most-favored-nation [MFN] trade status demonstrates that the road ahead will not be an easy one. In counterpoint to bipartisan congressional concerns about expansive administration claims of Presidential authority to regulate the Nation's foreign commerce, an authority granted to Congress under the Constitution, the President charged on May 27, 1991, that it is not moral for Congress to mandate human rights or nonproliferation conditions as terms for renewing China's MFN status.

The time has come to evaluate China's nonproliferation record not just in the context of the narrow MFN issue, but also in terms of some broader implications for United States foreign policy in the new world order.

THE QUESTION OF LINKAGE

I believe that America's renewal of China's MFN trade privileges should be linked to concrete progress on human rights and nonproliferation issues. I make no apologies for this position and hardly regard such as immoral.

The administration points to many alleged costs of this approach. We will lose export markets which will only be snatched up by other western competitors and Japan. We will lose our ability to give China an open society. We will hurt segments of Chinese society—such as China's southern coastal provinces and Hong Kong—that are adopting free-market principles. We will lose leverage needed to discourage China from nuclear and other forms of weapons proliferation. We must, in short, use free commerce as a vehicle both for creative change inside China and to restrain China's external behavior.

In response, I would argue that the administration's current policy toward China is replete with half-truths, contradictions, and wishful thinking.

U.S. POLICY ON SANCTIONS

While condemning legislative mandated sanctions and trade conditions as immoral, the White House has repeatedly heralded its past denials of satellite parts, supercomputers, munitions, and various forms of multilateral aid to China as evidence of the administration's commitment to nonproliferation. We must recall, however, that a White House fact sheet released on June 16, 1991, said nothing about any embargo of high performance computers to China—the release said only that such exports will occur only after extensive review to ensure that the proposed sale poses no threat to national security. The addition of supercomputers to this list is particularly interesting, given the White House's announcement in December 1990 that these sophisticated dual-use machines would be approved not only for export to China, but also to Brazil and India. At the time, none of these nations was a party to the Nuclear Non-Proliferation Treaty, and all of them continue to merit close international scrutiny today.

But what of the high-technology sanctions that the administration has reluctantly imposed in the past? Were these sanctions not also immoral? What about the alleged benefits from free trade in these commodities? Were we not throwing away our ability to use the leverage we would allegedly have gained from approving such exports?

The United States response to China's recent export of M-11 missile technology to Pakistan was truly a case of too little, too late. The Washington Post reported on April 6, 1991, that United States officials believe that China sent Pakistan a number of launch vehicles for Chinese-made M-11 ballistic missiles. On June 12, 1991, Secretary of State Baker testified before the Senate Foreign Relations Committee that China would face potentially profound consequences if it provided the M-11 missile to Pakistan or the M-9 to Syria. Fifteen days later, the Chinese Ambassador to the United States stated at the National Press Club that "Yes, I said we have sold some conventional weapons to Pakistan, including a tiny amount of short-range tactical missiles * * * I think here you call it M-11." And citing Bush administration officials as sources, the Washington Times claimed on July 2, 1991 that "a Chinese ship carrying Chinese-made M-9 missiles was being tracked to Cyprus from a factory in China * * * destined for Syria."

Some of these M-9 missiles may have made it to Syria—or may yet be sent in the future—and I find such reports especially disturbing in the context of

China's long-standing pattern of promoting missile proliferation around the world. Chinese leaders have evidently concluded, perhaps with good reason, that when we threaten tough sanctions, we just do not mean what we say.

I also find it ironic that the White House would point to the sanctions that were imposed against two Chinese trading firms as an indicator of its commitment to halting missile proliferation, especially given the vigor with which the administration opposed the congressional legislation creating those sanctions in 1990. Those sanctions, by the way, are limited only to a prohibition on exports of United States missile technology and on United States Government contracts with the two Chinese enterprises.

THE BURDEN OF SANCTIONS

On the broader issue of who in China will bear the burden of expanded trade sanctions, it is true that if the President ultimately determines that China is still engaging in egregious human rights abuses and promoting proliferation, sanctions may well impose some costs on friends of the free market and open society in China. But let us examine those costs.

Why does the Chinese leadership—including the old-line party bosses, military chiefs, trading companies, and family networks in the Chinese military-industrial complex—want continued easy access to United States money, markets, and possible military assets? Obviously, because such goods help to shore up their position at home; U.S. trade helps to confer power and legitimacy upon precisely those government officials who are responsible both for practicing dictatorship at home and proliferation abroad. To argue that the loss of free trade with the United States would only have impacts on the advocates of the open society and free market in China is absurd. Besides, if the administration's fervent belief that any rupture in United States, Chinese trading relations would be quickly made up by an influx of companies and capital from other Western, pro-free-market nations and Japan, then the net impact on China's free-market sector may not be as severe as the administration claims.

I also doubt that the United States is not without some influence over those other Western nations to ensure that whatever cooperation follows does not contribute either to proliferation or further human rights abuses in China. Perhaps one of the best instruments available to the Untied States is publicity: if other nations wish to promote dictatorial practices and proliferation by China, they are free to do so, but at the risk not only of jeopardizing friendly relations with the United States but of humiliating international exposure of such cooperation. America must tell the world where it stands on these issues.

But our concern about the effect of sanctions inside China should not lead us to neglect some harsh economic realities we face here at home as we pursue business as usual with China. We continue to have a whopping trade deficit with China and the trend seems to be just getting worse.

There is, clearly, not just economic benefit from trade with China. What about the United States exporters who have seen their patents and copyrights abused by unscrupulous Chinese entrepreneurs? What about United States manufacturers of retail merchandise who have been put out of business by the influx of cheap Chinese imports? What about China's sales of goods produced by convict labor and continued charges of dumping in the United States and other nations? America's economic gain from unfettered trade with China may not be as self-apparent as the administration would like Congress to believe.

If, in the worst case, China eventually loses its United States MFN trading privileges, United States exporters should ask their government: What are you doing to find alternative markets for U.S. goods? There is no law of nature that compels United States exporters to sell only to China. Indeed, it hardly seems supportive of United States interests for the administration to bemoan the loss of export income if Congress and the American people insist on some fundamental human rights and nonproliferation conditions on United States-Chinese trade. For United States policy to be credible, Chinese leaders must receive the sober message that if improvements are not made, the United States both can and will simply take its business elsewhere. Surely the United States has interests in cultivating expanded trade with Pacific rim nations, Eastern Europe, the newly independent nations of the former Soviet Union, the rapidly growing economies in Latin America, our friends in the Middle East and with the civilian market of the world's largest democracy, India. It hardly serves United States security interests to harp on the alleged burdens that would be borne by the American consumer as a result of a conditional MFN approval—such posturing only plays into the hands of the Chinese leadership and undercuts United States nonproliferation diplomacy.

Is our economy in such straits that it has now become hostage to the China market: must our foreign policy now be driven by fears about what it will mean for the United States consumer price index for the Congress to put a human rights condition on trade with China? The answer is not a partisan matter; as Abraham Lincoln once wrote, "Republicans * * * are for both the man and the dollar; but in cases of conflict, the man before the dollar."

Once again, if China's leaders accepted the administration's claim that trade and technology are America's secret weapons to undermine Chinese society, revolutionize the political system, and transform the economy, why are they so enthusiastically welcoming a closer relationship? The answer is that these leaders have evidently concluded that they will personally gain from renewed commercial ties with the West—if they thought that they would not be able to manage the undesirable side effects from this trade, they would not have sought it in the first place.

PROBLEMS IN BUYING COMPLIANCE

Not too long ago, this administration was arguing that increased trade would also advance the causes of human rights, democracy, a free economy, and nonproliferation in Iraq. Similar claims were made about the provision of billions of economic and military aid to Pakistan to alleviate Pakistan's alleged security fears and thereby halt its nuclear weapons program. The Reagan administration similarly tried a policy of constructive engagement with the apartheid regime of South Africa. We got burned in Iraq and Pakistan; our policy on South Africa was unproductive and a national embarrassment. We should expect no less from a sanctions-free policy toward China.

If trade, capital, and technology were truly useful as instruments of Chinese restraint in the field of weapons proliferation, why then is there so little to show by way of success in the years since President Nixon's historic trip to China in 1972? Prior to 1972, China had not to my knowledge ever transferred nuclear-capable missiles to other nations nor, according to many reliable reports, passed a nuclear weapon design to any other nation. Chinese nuclear and missile scientists were not turning up in sensitive foreign military facilities with the frequency they are appearing now. A good case could be made that the most outrageous Chinese activities in the field or proliferation occurred precisely during the period when United States economic and technological ties were strongest.

Yet whenever this issue comes up at recent congressional hearings, the subject is immediately avoided by administration witnesses and reserved for classified briefings; the general public seeking some facts on these proliferation issues, finds only the word, [deleted] in printed copies of congressional hearings. The President's Annual Report to Congress on Nonproliferation contains nothing on these issues; indeed, if it were not for the few items that appear in the media, the public would be kept completely in the dark.

"OPEN DOOR" FOR PROLIFERATION?

The administration at times seems to imply that China's evolution toward a freer market will even help induce restraint in China's international behavior. I simply cannot understand how

China's progress toward development of a capitalist economy bears upon the problem of curbing China's aggressive exports of dangerous weapons-related technologies. For all its other benefits, a free market in China may even encourage an open door in reverse, involving the laissez-faire international export of dangerous technologies and military hardware, many of which would have been produced with improved capabilities thanks to imports of Western know-how and materials.

Encouraging China to have a freer market and promoting human rights in China are important goals of United States policy; but let us not for a minute believe that progress on these fronts will necessarily make China any less willing or able to export weapons of mass destruction or the means to produce them.

A few years ago, the administration argued that Pakistan's recent democratic and economic reforms would tighten the reins on Pakistan's nuclear program; yet a recent Gallup Poll reports that 87 percent of respondent in Pakistan want the bomb, and in true representative fashion, their government appears to be willing to respond to this public demand. It appears that a nation's likelihood to engage in proliferation is less a function of the form of government or economy of the exporting nation than of international politics and strategic interest. China will stop engaging in proliferation when it recognizes that it stands to gain nothing and to lose a lot from such behavior. There is just no easy substitute for tough confrontation of China on a political and strategic level.

Finally, if trade is so important as an instrument of leverage, why does the administration not apply this logic to United States relations with North Korea, Cuba, Vietnam, and Libya? Should not these nations also have open societies and free-market economies? Do we not want leverage to restrain various international activities of these nations as well?

MFN AND THE "NEW WORLD ORDER"

The seriousness of the MFN issue goes far beyond the narrow bilateral relationship between the United States and China. There are more fundamental questions at stake here concerning broader interests of American foreign policy.

First, why do we need a foreign policy consensus?

This debate over China's MFN status involves a classic conflict concerning the separation of powers—there is little partisanship on Capitol Hill when it comes to the basic goals of advancing human rights and halting the global proliferation of weapons of mass destruction; there is conflict, however, both between and within the branches as to how best to achieve these goals.

Such conflicts are not new, but in a thermonuclear age undergoing revolutionary political transformations at national, regional, and global levels simultaneously, it is more important than ever for politics to stop at the water's edge and for the country to unite behind a foreign policy that represents the consensus of the nation. The unity of the American people in revulsion to the events at Tiananmen and to China's irresponsible peddling of arms and dangerous military technology in the Middle East and South Asia, however, is now under assault by an administration that refuses to acknowledge the failure of past policy approaches. Our policy now appears to be driven by, in Washington Irving's memorable words, the almighty dollar.

A strong foreign policy has a strong foundation of support at home—the administration's efforts to construct a foreign policy based on a simple ability to sustain presidential vetoes seems destined not only to ensure divisiveness at home but to foster the perception of U.S. weakness from abroad. United States foreign policy is dangerously close to being all sail and no anchor, a fragile basis indeed for new world order.

My second question asks, is free trade sufficient for peace?

To answer this, I would like to review some of the history of United States-China relations. The Yankee merchant ship *Empress of China* docked for the first time in Canton harbor in 1784. Sixty years later, China granted the United States MFN status. Missionaries came with a determination to transform Chinese society spiritually just as the traders sought to transform it materially; as one United States diplomat put it in 1990, "We are a moral as well as a material force. We are a civilizing as well as an exploiting agency." (John Barret, North American Review, August 1900). While the bountiful dream of the China market grew in the public imagination, especially after the economic depression of 1893, diplomats also came to see China as an arena for strategic competition between Russian, Japanese, European, and American interests. The United States unilaterally sent its famous open door diplomatic notes in 1899 and 1900 both to defined America's trade interests and to protect China's territorial integrity. The press at that time hailed the opening of the greatest of world markets, a market of enormous possibilities with 400 million customers. The United States acquired Hawaii, the Philippines, and dug a canal through Panama, all largely intended to open further the path to the China Market.

President Theodore Roosevelt was primarily interested in preserving a stable balance of power in East Asia: Japan would balance Russia and the United States would pursue its interest through cordial diplomacy, with appropriate shows of force. However, Roosevelt's Secretary of War, William Howard Taft, was especially enthusiastic about the China market: in a speech in 1908 he predicted that "should China progress industrially, you can be sure that * * * the wealth of that country will be showered upon us * * *" When President Taft, interestingly enough, a Yale graduate, came to office a year later, he made it clear that United States interests in China would be given a priority unsurpassed by any previous administration. The use of the machinery of the foreign policy establishment to promote trade and investment in China was soon to be labeled "Dollar Diplomacy," a practice that has been carried on in various forms to the present day. In 1910, Taft's Secretary of State, Philander C. Knox, stated that the application of dollar diplomacy in China was a high moral duty.

Unfortunately, both the open door and dollar diplomacy produced unsatisfactory results, both for U.S. business and strategic interests. The east Asian balance of power was altered to Japan's benefit as Japan continued to pursue its special interests in Manchuria; even the large United States banking houses were able to find more lucrative investments in Japan and other countries. China, meanwhile, was in the midst of revolutionary turmoil: a bloody Boxer rebellion in 1900 and a full-scale revolution in 1911 led to a long period of reconstruction and development.

President Harding's inaugural address in March 1921 heralded an era of good feeling to mark the birth of a new order. In terms of foreign policy, the new order would rest on the proposition that ties of trade bind nations in closest intimacy and none may receive except as he gives. A month earlier, he stated, "I would rather have indissoluble ties of righteous trade promote international friendship than all the compacts ever written in the world. (New York Times, February 26, 1921)

Herbert Hoover, both as Secretary of Commerce under Calvin Coolidge and as President, also sought to promote trade with China but not at the cost of engaging in any political commitments. Hoover was a strong believer in unconditional MFN clauses in commercial treaties, the United States customarily used only conditional MFN clauses until the mid 1920's, as was the administration of Franklin Roosevelt. Having worked earlier in China as an engineer, Hoover believed he had a personal appreciation for the commercial and strategic value of China. Yet when Japan invaded China in the early 1930's, the United States imposed no sanctions and announced only that it would not recognize any territory acquired by conquest, the so-called Stimson Doctrine. Hoover saw no need for economic sanctions against Japan; in his words, the United States "should not go around sticking pins in tiger." In frustration over United States hos-

tility to economic sanctions against the Japanese invasion of Manchuria, a Chinese observer described the Stimson Doctrine as having the head of a dragon and the tail of a rat.

The policies of Harding, Coolidge, and Hoover toward the new Soviet Government were largely the same: trade and commerce were seen as the best way to promote United States interests abroad. Similarly, trade was seen by these administrations and by the Roosevelt administration as a means to influence Mussolini; when Italy invaded Abyssinia in 1935 and used chemical weapons, the United States agreed to an embargo on arms sales to all belligerents but continued to sell oil to Italy, its most precious import commodity. Trade was also seen in the 1930's as one way to influence Hitler; in 1937, Thomas J. Watson of IBM told the International Chamber of Commerce in Berlin that there would be "world peace through world trade." After the war was underway, Senator Harry Truman and his colleagues on a special committee investigated the extensive role of United States companies in arranging secret production agreements with German firms concerning the production of chemicals, rubber, and aviation fuel.

President Roosevelt's policy for curbing Japanese expansionism also relied heavily on moral exhortation and the avoidance of economic sanctions; his Secretary of State, Cordell Hull, was a strong believer in free trade as a basis of world peace. In 1933 he stated that "restoration of fair, friendly and normal trade relations among nations at present would not only avoid serious economic, military and political differences between countries in the future, but would go far toward composing those now existing." New York Times, April 30, 1933. A year later, he stated, "Friendly, orderly international trade * * * is not only indispensable to the domestic prosperity of most countries; it is also one of the greatest educators, civilizers, and peacemakers." New York Times, November 2, 1934. Building on this conviction, Hull strongly opposed the embargo on United States exports of oil to Japan until shortly before Pearl Harbor. He also rejected the advice of the U.S. Ambassador to Austria, George Messersmith, who urged that "economic pressure and practical isolation" be applied to Hitler's Germany. Messersmith opposed economic appeasement of Germany, saying in a letter in 1934 that "anything which we might do now would only tend to prop up the regime and lengthen its hold upon Germany."

Roosevelt himself, however, at least on one occasion acknowledged the weaknesses of economic instruments in America's policies toward China: "Dollar Diplomacy," he wrote in Foreign Affairs, July 1928, "as adopted by President Taft and Secretary Knox placed money leadership ahead of moral leadership in the Far East."

By the mid 1930's, the United States had abandoned one of the key objectives of the open door policy, protection of the territorial integrity of China, and eventually learned the hard lesson that while free trade offered many benefits, it was clearly an inadequate means to solve the world's political problems. The lesson here is that free trade has limited purchasing power when it comes to buying another nation's adherence to fundamental international norms, especially when that nation sees a strategic advantage in violating those norms.

In the cold war years, the United States broke its free trade tradition and organized a multilateral embargo on all sensitive trade with the U.S.S.R., China, and their client states. Although this embargo surely did not prevent the Soviets from acquiring sophisticated weapons, the National Academy of Sciences has recently acknowledged that the embargo "caused them to rely on less sophisticated technological approaches, and it has forced them to invest enormous resources in military-related research and development that might otherwise have been dedicated to civilian purposes." Finding Common Ground, 1991. In short, United States Presidents from both parties in the postwar period concluded that the security costs exceeded the potential economic gain that would result from free trade with the Soviet bloc. That conclusion was adjusted only after substantial political and economic changes occurred in Eastern Europe and the Soviet Union, which nevertheless still does not have MFN status, changes which have been throttled by the ruling Chinese leadership.

Yet on May 24, 1990, Assistant Secretary of State Richard H. Solomon testified at a joint hearing of two House Foreign Affairs subcommittees that "we must avoid the temptation to be excessively punitive with China. Shifting from an emphasis on sanctions to one on trade, Solomon testified on June 6, 1990, before a Senate Foreign Relations Subcommittee that "We should not underestimate the power of international commerce as a force for change." True, but when viewed in light of the hard experiences of Taft, Hoover, Hull, Roosevelt, and more recently, when appraised relative to the $1.5 billion dollars in dual-use goods that the United States licensed for export to Iraq over the last 6 years, neither should we overestimate the power of commerce to produce changes that advance key United States national security and foreign policy objectives.

Let us keep in mind, whenever we hear the slogan of "streamlining the export control process," that accomplishing this objective may cost us another war down the road, a war in which our adversaries will be using weapons of mass destruction built from goods that were Made-in-the-USA.

My third key question is: How will America demonstrate its leadership in the new world order?

On 22 May, 1991, Undersecretary of State Robert Kimmitt testified before the House Foreign Affairs Committee that in meetings at the White House in April and May 1990—before the Iraqi invasion of Kuwait but well after Iraq had violated its commitments under the Geneva Protocol by using chemical weapons in the Iran-Iraq War, tested a satellite launch vehicle, committed human rights atrocities, and broke its obligations under the Nuclear Nonproliferation Treaty—that only then had the United States explored new export controls to be employed against Iraq. Moreover, Kimmitt stated that a NSC meeting on this issue only decided to study the matter, since adoption of any new controls would have to be on a multilateral basis.

Similarly, Assistant Secretary of State John Kelly testified before the Senate Foreign Relations Committee on June 15, 1990, shortly before Iraq invaded Kuwait, that United States economic sanctions against Iraq would only "deny United States exporters the ability to compete with foreign exporters [to Iraq]."

Senator NANCY KASSEBAUM, my Republican colleague from Kansas, answered Secretary Kelly by saying that even if our allies would not immediately join us in imposing sanctions against Iraq's human rights record, "* * * it makes me weep to think that we are not doing more to call this to the world's attention, that we are sort of standing by and just saying, 'Well, we are trying through diplomatic channels' * * * I think we have to be prepared to stand up and be counted."

Are we so driven to improve U.S. competitiveness that we are willing to pay any price for that goal? Do we truly want a trade balance that rests on the backs of our soldiers who will be sent into battle tomorrow because of what we are exporting today?

If one element of the new world order will be that the United States must no longer show leadership in great international initiatives against breaches of international security or crimes against humanity, then our Nation will have taken a giant leap, not into the 21st century, but back to the 1920's and 1930's when similar logic contributed to the death of the League of Nations and the rise of international anarchy. What is needed now is not a retreat to Harding's "era of good feelings" but a leap to a new "era of good sense."

THE UNITED STATES-CHINA NUCLEAR COOPERATION AGREEMENT

I cannot conclude my statement today without reference to the Reagan administration's negotiation 7 years ago of a new agreement for nuclear co-

operation with China. In his letter transmitting that agreement to Congress, President Reagan stated that

* * * we can expect that China's policy of not assisting a non-nuclear weapon state to acquire nuclear explosives will be implemented in a manner consistent with the basic non-proliferation practices common to the United States and other suppliers.

As was often the case with nuclear agreements submitted during the Reagan administration, the same old themes were trotted out by the bureaucracy on behalf of this dubious agreement. Secretary of Energy, John Herrington, testified before the House Foreign Affairs Committee on July 31, 1985, that the agreement would "offer significant opportunities for U.S. industry to participate in what may well be a multibillion dollar market . . . the benefits, in terms of new jobs for our citizens and favorable effects on our foreign trade balances, are very clear." Pressing the economic theme, Herrington testified that "We need to get into this market. We need to be a player in it for leadership, for the survival of our own industry, and also for the information flow and cooperation agreements and relations that we can develop in this area."

With respect to security implications, Herrington added that the agreement "is a great step forward in promoting a stronger international nuclear nonproliferation regime [and that] the PRC has clearly indicated that it shares our concerns about any nuclear weapons proliferation."

Kenneth Adelman, as Director of the Arms Control and Disarmament Agency, similarly testified that the agreement with the Chinese helps ensure that they are part of the nonproliferation solution, rather than part of the problem.

Yet buried away in the public hearing documents relating to the agreement was a single, ominous sentence in a censored letter to the President from the Acting Chairman of the Nuclear Regulatory Commission saying, "We have concerns, however, regarding the adequacy of certain assurances provided by the PRC." Letter of July 19, 1985.

Indeed, because of China's notorious record of trafficking in unsafeguarded nuclear technology and materials—including covert dealings with Argentina, Pakistan, and even South Africa—I authored a joint resolution setting forth some specific nonproliferation criteria that would have to be met by China before United States licenses could be granted under the agreement. In particular, the President must first certify that certain basic nonproliferation standards had been met by China, including the following: That China not be actively assisting other nations to acquire nuclear weapons or relevant sensitive technology, that arrangements are in place that would be effective in ensuring that United States technology would only be used for peaceful purposes, and that the President must submit to Congress a report detailing the history and current developments in the nonproliferation policies and practices of the People's Republic of China.

As of October 1992, Congress has still not received the necessary certifications—not a surprising development, considering China's continued collaboration on secret nuclear projects in Pakistan, nuclear cooperation with Iran and Syria, and clandestine international sales of heavy water and other controlled dual-use goods. I am indeed proud to say that Congress deserves the credit for having placed the Nation's security concerns ahead of the bountiful and, it turns out, illusory, profits that would allegedly have come from nuclear sales to China. In taking this step, Congress was only following a tradition well summarized by President Gerald Ford, when he stated on October 28, 1976 that America "must be sure that all nations recognize that the U.S. believes that nonproliferation objectives must take precedence over economic and energy benefits if a choice must be made . . . The goal is to prevent proliferation, not simply to deplore it."

THE CHALLENGES AHEAD

Mr. President, the demands of the new world order will require all nations to show greater sensitivity to the collective threats posed by the global spread of weapons of mass destruction. Nonproliferation initiatives—both of the unilateral and multilateral variety—will have to get higher priority than they have received in the past. Our initiatives must not be limited to rhetorical flourishes and closed-door diplomacy. They must be deeply rooted in our national experience.

After looking over the recent record of United States policies with respect to Pakistan, Iraq, and China, I think the time has come for a serious review of the organization of our whole foreign policy establishment—why is our system so resistant to learning from the errors of the past? Why does our machinery of government so stubbornly refuse to learn from its experiences, especially in the face of information indicating that our actions are not only ineffectual and inadequate, but may in some cases be contrary to long-term U.S. national security interests?

When China or any other nation says it is advancing the cause of human rights and nonproliferation, yet our evidence tells us otherwise, we should believe what we see, not what we hear, and adjust our policies accordingly.

When special interests press forward with notions of bountiful profits and commercial solutions to these most fundamentally political of problems, we should recall our past experience from practicing such remedies in similar situations, and ensure that long-term national and global interests take precedence over the interests of the few.

We must learn from our past if we wish to build for the future. Let us show the world where human rights and nonproliferation issues stand on America's ranking of priorities. Let us show this determination by voting now on the right terms for resuming China's trade benefits. Let us lead the way to a new world order based not the pursuit of profits, but the achievement of peace, prosperity, and justice for all.

The PRESIDING OFFICER. The Senator from Oregon has 1 minute and 35 seconds. The majority leader has 4 minutes and 49 seconds.

Mr. PACKWOOD. Mr. President, I yield my remaining time to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would make a couple of corrections if I might in the statement of the distinguished majority leader. This is not a double standard as opposed to the vote that was taken yesterday. Yesterday's vote said we will not provide aid to the Russian Republics under certain circumstances. This has nothing to do with aid. The measure we are debating today, the MFN, most favored nation status, we grant to Iraq and practically every other nation in the world.

Second, the majority leader is incorrect when he says that $1 billion of imports costs 20,000 American jobs. That is not so. No one in Commerce has said that.

What they have said in Commerce is $1 billion of exports creates 20,000 jobs. But the reverse does not follow. That argument is not accurate, that $1 billion of imports automatically costs 20,000 American jobs. Indeed, the whole philosophy of the GATT and all the other measures is that trade swells the number of jobs, in both the exporter and importing Nation.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, we have a factual disagreement. I will place in the RECORD the documentation from Commerce with respect to the loss of jobs. The Senator can place what documentation he wants in and anyone can make a choice. I am relying on information from the Department of Commerce.

Let me just state two final points before we vote.

First, many of the Senators who today say it is wrong to deny China MFN status as a trade tool supported taking MFN status away from the Soviet Union during the cold war. Why did it make sense in the case of the Soviet Union's Communists but does not make sense in the case of Chinese Communists? The answer of course is that the position is totally inconsistent. If it made sense in the one, it ought to make sense in the other.

Finally, on the question of aid, there is absolutely nothing that the United States could do more for China than to continue the current trading status. A trade deficit for the United States that is exploding, a trade surplus for China that is of spectacular benefit to them—that is what they want and need. And the only way we are going to influence the behavior of the Chinese Communist dictators is to make clear to them that they are not going to continue to derive this benefit unless they change their ways.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START TREATY)

Mr. DURENBERGER. Mr. President, I rise to express my strong support for the START Treaty. This treaty represents a major milestone in our decade-long effort not simply to slow the growth of strategic weapons, but to actually reduce their overall numbers.

I wish to commend and congratulate President Bush for his determination to forge this agreement. And I thank as well the Foreign Relations, Armed Services, and Intelligence Committees for their efforts to lead the Senate in the execution of our advice and consent functions.

This treaty dramatically reduces the number of strategic, offensive nuclear weapons. It also restricts the total throw-weight of deployed land- and sea-based strategic missiles. Throw-weight is an important measure of a missile's overall destructive capacity. The treaty places further restrictions on long-range missile launchers, heavy bombers, ballistic missile submarines, and on certain types of facilities.

Mr. President, another extremely important aspect of the START Treaty is the far-reaching, intrusive inspection and verification regime that it establishes. This regime, which builds on the experiences of the INF Treaty, includes on-site inspections, special access visits, continuous on-site monitoring of certain facilities, and other inspection methods.

Of course, the principal means of verifying compliance remains our national technical means, that is, our satellites and other electronic capabilities. The on-site inspection regime, however, is a significant complement to technical means.

Mr. President, several very important objectives are served through our ratification of this treaty. Enhancing crisis stability has been an overriding objective since we began negotiating the treaty. We sought to limit the potential that a strategic crisis would get out of hand.

Although there is clearly less concern today about this kind of crisis stability than there was in 1982, START still regulates the arsenals and offers new opportunities for cooperation that will help ensure that the old threats do not return in any significant fashion.

Of course, START has the objective of reducing the actual strategic, offensive nuclear arsenals and of setting the stage for further reductions. START certainly achieves this objective.

Another goal of the START Treaty is to reduce the existing inequalities in each side's strategic arsenals and leave each side with equivalent capabilities. According to the report of the Foreign Relations Committee, "START accomplished this without any serious questions."

Needless to say, the issue of effective verification has been central not only to this treaty but to every arms control treaty we would consider entering into. The START verification regime is the most far-reaching and complex ever negotiated. Although 100 percent certainly in any enterprise of this magnitude is difficult to achieve, the consensus view is that the verification regime adopted for START will be quite adequate.

Mr. President, some observers have commented that this treaty is no longer necessary because of the dramatic changes in the former Soviet Union and because of other agreements already reached between Russia and the United States for even greater reductions. To a very limited degree, perhaps, START has been overtaken by events. But this Senator believes it is very important that we codify these START reductions into formal, legally binding international agreements.

Such a formal treaty provides for legal recourse if there are violations of the terms. It means that we do not rely simply on the word and good intentions of Russia or the other successor States. Formalizing the treaty codifies the verification regime as well, which sets an important precedent for future arms control arrangements.

Mr. President, in the final analysis, I believe this treaty is strongly in the best interest of the United States. I congratulate President Bush and Secretary Baker for their skill and determination in bringing this treaty to a conclusion and for their commitment to pursue even deeper reductions.

This is an important treaty for the United States, and I am pleased to offer my enthusiastic support for its ratification. Thank you, Mr. President. I yield the floor.

Mr. SIMPSON. Mr. President, I rise today to make a few brief comments about the START Treaty that the Senate has been considering for the past few days.

This treaty is not perfect and that point has been made very ably and clearly by my good friend and senior colleague Senator WALLOP. I believe Senator WALLOP has done the Senate a fine service by explaining the short comings of the treaty and the complex issues involved in arms control efforts. He is an accomplished student of defense and arms control issues and this debate has been enlightening.

No treaty is perfect and that is certainly true of the START Treaty. But arms control is a slow and arduous process of taking steps and of confidence building. While it is true that the Soviets do not have an unblemished compliance record with regard to other arms control agreements, I believe the unprecedented verification procedures agreed to in the START Treaty will go a long way toward ensuring that compliance improves in the future. I also believe that we will have new opportunities in the coming years to address any shortcomings in this agreement.

By ratifying this treaty we will be taking a step in the direction of solidifying mutual trust and cooperation with the Commonwealth of Independent States. This does not mean we should have blind trust, but that we should enter into this agreement with our eyes wide open and fully cognizant of past Soviet behavior in the area of arms control. The ratification of this treaty will mean that our national security will be enhanced and more importantly it will serve as a foundation for concluding more comprehensive arms control agreements in the future with these republics which could make the world an even safer place to live.

President Bush and Secretary of State Baker have worked hard to move us forward in the arena of arms control and enhanced national security. They are to be commended for their diligent efforts. The President has demonstrated outstanding leadership in pushing for and reaching an agreement with the Soviets. Now we must follow through with the actions he initiated and approve this valuable and historic international agreement. It is only one step, but it is a critically important step and I trust the Senate will ratify the START Treaty today.

START I TREATY

Mr. NUNN. Mr. President, I would like to begin my remarks on the pending START I Treaty by commending Senator PELL, Senator BIDEN, Senator LUGAR, and Senator HELMS for their leadership on the Foreign Relations Committee in bringing this important agreement before the Senate for its advice and consent. The Foreign Relations Committee began holding hearings on START I last September—2 months before the treaty was formally submitted to the Senate by President Bush. Between September 1991 and September this year, the Foreign Relations Committee held 17 hearings on the treaty. During these hearings, the Foreign Relations Committee received

testimony from top administration officials responsible for arms control, the senior civilian and military leadership of the Department of Defense, and a wide range of outside experts—including, I might add, witnesses with regard to whom the label pro-arms control would not normally come to mind.

I would also like to congratulate Senators BOREN and MURKOWSKI for the excellent review of the verification and monitoring implications of the treaty conducted by the Intelligence Committee. On this treaty, as was true also with the CFR Treaty, the INF Treaty, and the TTPT and PNE nuclear testing treaties, the three Senate committees of jurisdiction and expertise in the arms control area coordinated their efforts very effectively. I believe the three committees managed to avoid overlap and redundancy while bringing their respective expertise to bear on different aspects of the treaty.

Credit is also due for the smooth passage of this treaty through the Senate ratification process to the Arms Control Observer Group and its leader and founder, Senator BYRD.

When Senator BYRD wrote then-President Reagan on December 13, 1984, to propose the creation of the Observer Group, he had a clear vision of the contribution such a group could make to facilitating a truly bipartisan and informed congressional executive relationship in the arms control treatymaking area. In his letter, he predicted that establishment of such a group "can only enhance the prospects for a successful outcome, should a treaty come before the Senate for ratification." In addition, he stated that the group "should be of great benefit to the knowledge and understanding of all Senators," and that "the informal reactions and views of Senators to the ongoing talks should be of real value" to the President and his negotiators.

I believe the record of the Observer Group has more than exceeded Senator BYRD's expectations. Since the Observer Group was established in January 1985, the U.S. Senate has given its advice and consent to four major arms control treaties—INF, TTBT, PNET, and CFE—and has begun ratification proceedings on three others, including the important treaty that is now before the Senate. In each case, the Senate's proceedings have been characterized by careful scrutiny of the accords, a high level of informed debate, genuine bipartisanship, an effective working relationship between the Senate and the executive branch, and close cooperation and coordination between the three committees of jurisdiction and expertise in the arms control area.

This impressive record, which stands in stark contrast to the bitter divisions over the SALT II Treaty, is in large measure a tribute to the Observer Group. Indeed, during Senate hearings on these treaties, senior negotiators and administration officials have repeatedly taken time to praise the Observer Group for its pivotal role in this process. These accolades in the truest sense reflect the realization of the high goals Senator BYRD envisioned for the group when he proposed its establishment 7½ years ago.

Mr. President, the Armed Services Committee completed its review of the START I Treaty earlier this month. In preparation for its hearings on START, the committee conducted many briefings and meetings, and was, of course, fully represented in the meetings, consultations, and visits to Geneva undertaken by the Observer Group. In July and August, the committee held four hearings on START, including two which were held jointly with the Intelligence Committee, and received testimony from executive branch officials, former administration officials, and public witnesses. These included a July 28 hearing with Secretary Cheney and General Powell and an August 4 hearing on the disposition of United States and Commonwealth of Independent States [CIS] strategic nuclear warheads under START with witnesses from the Departments of State, Defense, and Energy and outside experts.

After completing its review of the treaty, the Armed Services Committee submitted its views and recommendations to the Foreign Relations Committee on September 18. As noted in a letter to Senators PELL and HELMS from Senator WARNER and me, the Armed Services Committee reviewed the START I resolution of ratification approved unanimously by the Foreign Relations Committee on July 1 and, with two exceptions, concurred with the committee's action on this treaty. The exceptions concerned, first, the Condition proposed by the Foreign Relations Committee relating to the four former Soviet Republics' implementation arrangements, SFRC condition 5, and second, the Condition the committee proposes with regard to monitoring the disposition of nuclear warheads and fissile materials, SFRC condition eight. In its report, the Armed Services Committee also highlighted an important common understanding it reached with the administration in the course of our hearings concerning U.S. freedom of action for using the B–1 bomber in conventional roles.

With the exception of Senator GLENN and Senators WALLOP and SMITH, who filed separate dissenting views, and Senator MACK, who took no position on the report at the time we submitted it, all members of the Armed Services Committee concurred on balance with the report. A number of members of the committee also filed additional views. Let me now summarize the main points in the committee's report.

OVERALL ASSESSMENT

Mr. President, the Armed Services Committee has concluded that the START I Treaty would promote the national security interests of the United States and should be approved by the U.S. Senate. This conclusion is predicated on the committee's assumption that the United States will fully exercise its rights under both treaties, including in particular its rights with regard to verification, inspections, modernization, and the maximum deployment levels permitted under the various START I ceilings. The Armed Services Committee defers to the SSCI in providing the Senate with its views on these matters, which the committee recognizes are properly within that committee's jurisdiction.

The Armed Services Committee believes that the START I Treaty achieves the principal objectives that the United States established at the beginning of this long and difficult negotiation. First, the treaty enhances crisis stability by granting preferential treatment to such stabilizing systems as bombers and cruise missiles, which benefit from intentionally discounted weapons attribution rules for these systems. Second, the agreement mandates the first significant reduction in the strategic forces of the United States and the former Soviet Union, rather than simply attempting to regulate the buildup of such forces. Under START I, the United States will cut its current inventory of over 12,600 strategic nuclear warheads and bombs to about 8,500. Russia will reduce from over 11,000 to about 7,000. Finally, through its ceilings and its extensive data exchange, notification and inspection regime, the accord provides for both equality and predictability in the strategic balance between these respective nuclear forces.

Although the treaty incorporates many mutual concessions, its scope and limitations are much closer to the original United States proposal than the original Soviet proposal. For example, the United States succeeded in keeping many things out of START I that the Soviets had originally wanted in, including British and French nuclear forces, see-launched cruise missiles, and linkages to United States compliance with the ABM Treaty.

Nonetheless, by the time the Senate took up START I, questions were being raised as to its worth and relevance. With the cold war over, communism dead, and Russia even professing interest in joining NATO, many regarded the 15,000-plus nuclear warheads that could still be deployed under this accord as vastly excessive. As in the Peggy Lee song, many looked at START I and asked, "Is that all there is?"

Fortunately, two important diplomatic achievements late this spring infused the START I Treaty with new value and relevance. The first was the May 1992 Lisbon protocol. As a result of the dissolution of the Soviet Union

last December, the Senate was not asked to approve the treaty until a protocol was concluded at a meeting of foreign ministers in Lisbon this May resolving a number of difficult legal succession issues. Under this protocol, the United States and Russia agreed to recognize Ukraine, Belarus, and Kazakhstan as coequal parties to the treaty. In return, these three nations agreed to eliminate all nuclear weapons and all strategic offensive arms from their territories by the end of 1999 and to accede to the Non-Proliferation Treaty as nonnuclear States in the shortest possible time. For the first time in history, nations had willingly agreed to divest themselves of nuclear weapons, and the START I Treaty became the means to this historic end.

If this historic achievement is to be realized, though, it is critically important that all the obligations undertaken at the Lisbon meeting by the four former Soviet Republics be fully honored. In this regard, and as I shall discuss at greater length presently, the Armed Services Committee is concerned by the failure to date of these four States to reach agreement on necessary implementation and verification arrangements among themselves, as required by article II of the Lisbon Protocol to START I. In recommending that the Senate approve the START I Treaty, the committee assumes that the former Soviet Republics that are parties to START I reach agreement on and carry out their obligations in this regard. Should disagreement among the Republics prevent the effective implementation or verification of START I, the viability and integrity of the treaty would have to be reassessed.

Second, the START I Treaty served as the springboard for the far more consequential START II agreement reached at the Washington summit in June. With agreement on these further reductions nailed down in principle at the June summit, including in particular the new requirement in START II to eliminate all multiple-warhead [MIRV'd] ICBM's, criticism of the meager reductions that would have attained had START I stood alone has been tempered.

RECOMMENDATIONS REGARDING THE SFRC RESOLUTION OF RATIFICATION ON START I

A. COMMON UNDERSTANDING REGARDING FREEDOM OF ACTION FOR CONVENTIONAL BOMBERS

Mr. President, paragraph 28 of article 5 of the START I Treaty prohibits the basing of strategic offensive arms outside each party's national territory. However, the eighth agreed statement to the treaty states, "With respect to heavy bombers, the provision of paragraph 28 of article 5 shall not preclude the temporary stationing of heavy bombers outside the territory of the party for purposes not inconsistent with the treaty."

According to the June 1992 Bomber Roadmap, the Air Force plans to use its fleet of 96 B–1 heavy bombers as the mainstay for conventional bombing missions in regional contingencies. Toward this end, the Air Force is proposing to spend substantial sums to upgrade the B–1's conventional bombing capabilities. The Air Force also intends to use the liberalized bomber exclusion rules of the START II Treaty to declare all 96 B–1's to be conventional bombers and hence not subject to the ceilings on strategic offensive systems provided for in this treaty. However, since the Air Force will not spend funds to physically modify the B–1's to prevent their employment in a nuclear role, all 96 B–1's will still count as nuclear bombers under START I and, as such, will be subject to the basing restrictions of article 5, as qualified by agreed statement eight.

The Armed Services Committee determined that if the United States is to have full freedom of action to use the B–1 fleet in a conventional role in future contingencies, including the option of maximizing its sortie generation rates and bombing effectiveness by using forward basing, it was essential that the Senate pin down the meaning of the terms "a purpose not inconsistent with the treaty" and "temporary" in article 5, agreed statement eight.

At its July 28 hearing, I asked Chairman Powell a series of questions to clarify this issue. During this exchange and in subsequent submissions the following assurances and clarifications were presented to the committee:

First, deployment of conventionally armed B–1's to Diego Garcia for use in a possible Persian Gulf war would be considered "a purpose not inconsistent with the treaty";

Second, deployment of conventionally armed B–1's to NATO bases in Europe in a crisis in which Russia was an antagonist would be considered "a purpose not inconsistent with the treaty";

Third, there is no definition of the word "temporary" and no quantitative time limit on such forward basings. The only restriction in this regard is that if more than 30 bombers are involved or if the forward deployment lasts more than 30 days, the United States must notify the other parties.

Fourth, the other parties to the START I Treaty do not have the right to inspect conventionally armed B–1's temporarily deployed outside the United States during a contingency or regional conflict, though they do have the right to raise such deployments for discussion in the Joint Compliance and Inspection Commission;

Fifth, were another party to the START I Treaty to demand a data update inspection of B–1's stationed in the United States while those bombers were engaged in long-range bombing missions from those bases in support of a regional conflict, the United States could invoke paragraph 3, section VII, of the protocol on Inspections and Continuous Monitoring Activities to temporarily exempt those air bases from inspection;

Sixth, during a major strategic exercise duly notified and conducted pursuant to paragraph 2, article XIII of the treaty, another party to the START I Treaty would not have the right to conduct inspections of the B–1 bombers involved in the exercise.

Consistent with the constitutionally based principles of treaty interpretation set forth in condition one of the resolution of ratification on the INF Treaty, the Armed Services Committee believes that in light of General Powell's authoritative representations on behalf of the President on this issue, the President and the Senate share a common understanding as to the meaning of paragraph 28 of article 5, as clarified by agreed statement eight. Accordingly, the United States shall not agree to or adopt an interpretation different from that understanding. The only exception to this rule would be in the unexpected circumstance that the President were to propose a different interpretation of this provision and that changed interpretation were to be approved pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute.

As in all instances in which common understandings as to the meaning of a treaty are reached between the Senate and the President at the time the Senate gives its advice and consent to ratification, a declaration restating this common understanding need not be incorporated in the START I resolution of ratification to make that understanding binding.

B. EXCEPTION TO SFRC CONDITION ON IMPLEMENTATION ARRANGEMENTS (SFRC CONDITION FIVE)

Mr. President, article II of the May 23, 1992, Lisbon protocol to START I obligates Russia, Ukraine, Belarus, and Kazakhstan to "make such arrangements among themselves as are required to implement the treaty's limits and restrictions; to allow functioning of the verification provisions of the treaty equally and consistently throughout the territory of these four nations; and to allocate costs." During the Armed Services Committee's review of the START I Treaty, the administration expressed considerable optimism that the portions of this required four-party agreement dealing with START I implementation and verification would be completed prior to the Senate's return from the August–September recess. However, to date the agreement has not been signed, although a preliminary text evidently exists in draft form.

The fifth condition incorporated in the START I Resolution of Ratification adopted by the Foreign Relations Committee provides that if "by the date of entry into force of the treaty,"

Russia, Ukraine, Belarus, and Kazakhstan have not concluded the implementation and verification agreement required pursuant to article II of the Lisbon protocol, then the President "shall consult with the Senate regarding the effect on the START Treaty of such developments."

At the time the Armed Services Committee filed its report on START I, it was concerned that this condition did not go far enough. The condition proposed by the Foreign Relations Committee does not condition the entry into force of START I on the completion of this four-party agreement. Moreover, the Armed Services Committee believed that the condition could be read as not requiring the President even to consult with the Senate on this matter until after the treaty had entered into force.

The Armed Services Committee believes that it would not be advisable to enter the START I Treaty into force in a situation in which our treaty partners could not formally agree on how the accord was to be implemented and verified. The fact that the administration's optimistic estimates of when this agreement would be completed have not been met suggests that substantive difficulties may be involved and that the delay may be linked to larger disputes and underlying tensions between the four States. This concern was certainly magnified, Mr. President, by the public statements made by a delegation of Ukrainian Members of Parliament who visited Washington earlier this month.

When the United States and Russia reluctantly agreed at the Lisbon meeting to demands from Ukraine, Belarus, and Kazakhstan that these three former Soviet Republics be granted coequal status under the START I Treaty, the two Governments had to overcome their original concern that this action might be construed as indication that the United States and Russia recognize these three States as nuclear powers. The administration has rebutted this line of argument by emphasizing that the leaders of the three States have made a binding legal commitment to remove all nuclear arms and strategic offensive arms from their territories by the end of the 7-years START I reductions period.

However, if the United States were willing to enter the START I Treaty into force without first obtaining the other parties' compliance with article II of the Lisbon protocol, it would risk sending a signal that parts of the overall Lisbon compromise could be disregarded without repercussion. If the United States expects to hold Ukraine, Belarus, and Kazakhstan to their fundamental commitment to remove all strategic nuclear weapons from their territories and accede to the NPT as nonnuclear States, it is important that the United States not suggest that other obligations by these States in this agreement can be disregarded.

The Armed Services Committee is aware that the administration has argued that the United States can live with ambiguity in this regard and that it points to the INF Treaty as a precedent—a treaty which in most cases has continued to operate effectively without a formal agreement between these four States on treaty implementation and verification. The committee noted in its report, however, that all INF weapons were destroyed under that accord prior to the disestablishment of the former Soviet Union.

The Armed Services Committee also pointed to the INF Treaty in terms of another precedent—the precedent of the Senate's refusing to complete its advice and consent on a treaty in which critical verification implementation details had yet to be finalized. In March 1988, the Senate suspended its committee hearings on the INF Treaty until United States and Soviet negotiators had concluded a then-unresolved Memorandum of Understanding on verification.

Rather than risk having United States inspectors indefinitely face a potentially confused and inhibiting situation as they tried to carry out their responsibilities within these four States, the Armed Services Committee believes the United States should use the leverage that is presented by the prospective withholding of the exchange of the instruments of ratification of the START I Treaty to attain the agreement of Russia, Ukraine, Belarussia, and Kazakhstan on their respective responsibilities to implement the treaty's limits and restrictions and allow functioning of the verification provisions equally and consistently throughout the territory of all four States. The Armed Services Committee has no position on how the four States allocate the costs of these activities among themselves as long as the costs are met.

The Armed Services Committee therefore recommended that the text of the condition on this issue proposed by the Foreign Relations Committee either be revised to make completion of the implementation and verification arrangements required by article II of the Lisbon protocol a prerequisite for entering the treaty into force or, at a minimum, that the condition be amended to make it clear that the consultation and urgent high-level diplomatic meeting specified in subparagraphs (A) and (B) of the condition be accomplished prior to the President's entering the treaty into force.

After the Armed Services Committee submitted its START report to the Foreign Relations Committee, the Foreign Relations Committee filed its report to accompany the treaty. The condition proposed by the Foreign Relations Committee on implementation arrangements is discussed on pages 87–89 of that report. Let me read from that discussion:

> The committee condition on implementation arrangements sets the date of entry into force of the START Treaty as a time-limit for Byelarus, Kazakhstan, Russian and Ukraine to reach arrangement on implementing treaty limits and restrictions [and] the functioning of the verification provisions of the Treaty through their respective territories. * * * The executive branch has kept the Committee informed as to progress on these issues *and will report fully and formally prior to entry into force* (emphasis added)

Mr. President, I believe this citation provides an important clarifying interpretation of the language of this condition. As noted, the administration has pledged full and formal consultations with the Senate on this issue "prior to entry into force" of the treaty. I continue to believe, however, that the President should withhold entering the treaty into force if these implementation and verification arrangements have not been concluded by that time.

C. EXCEPTION TO SFRC CONDITION ON MONITORING DISPOSITION OF NUCLEAR WARHEADS AND FISSILE MATERIALS (SFRC CONDITION EIGHT)

Mr. President, in its START report and Armed Services Committee also expressed its concerns with regard to condition eight in the START I Resolution on Ratification approved by the Foreign Relations Committee. This condition would require the President, "in connection with any further agreement reducing strategic offensive arms," to "seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures, to monitor (A) the numbers of nuclear stockpile weapons on the territory of the parties to this treaty; and (B) the locations and inventory of facilities on the territory of the parties to this treaty capable of producing or processing significant quantities of fissile materials."

In its report, the committee assumed that the words "any further agreement reducing strategic offensive arms" apply to the June 17, 1992, United States-Russian Joint Understanding—that is, the prospective START II Treaty. However, it was not clear to the Armed Services Committee how the Foreign Relations Committee intended that the words "in connection with" be interpreted. If this language was intended to establish a precondition to the formalization in treaty form of the summit agreement, then it would have required a difficult and potentially protracted negotiation on issues which were not addressed in the talks which resulted in the June summit accord. The Armed Services Committee does not believe that the timetable for achieving START II should be jeopardized by any such requirement.

The Armed Services Committee shares the concern expressed in the preamble to the proposed condition regarding the dangers posed by the loss

of control of nuclear warheads or fissile materials in the former Soviet Union. Indeed, this concern was the principal motivation for the committee's efforts in promulgating the "Soviet Nuclear Threat Reduction Act of 1991"—the Nunn-Lugar amendment. By virtually everyone's measure, the Nunn-Lugar program has been a major success in facilitating the disabling, transport, storage, and safeguarding of the nuclear weapons of the former Soviet Union.

On June 17, 1992, Presidents Bush and Yeltsin signed implementing agreements pursuant to the Nunn-Lugar legal framework in three nuclear-related areas: First, providing armored blankets to protect Russian nuclear weapons containers; second, providing equipment to improve Russia's ability to respond in an emergency to an accident involving a nuclear weapon; and third, providing containers used to store and transport the fissile material components from dismantled Russian nuclear weapons.

On August 28, agreements were reached between the United States and Russia on additional Nunn-Lugar programs, including providing safety modifications for Russian railcars and extending United States technical assistance in designing large storage facility for fissile material removed from Russian nuclear warheads. Russian officials have indicated that the United States will have joint operational control over this facility—even to the extent of a dual-key access system—to allow us to be sure that the facility will only be used in the manner for which Nunn-Lugar money was intended. Talks are continuing with good prospects in other areas, including providing sophisticated United States computer programs for improving Russia's accounting system for nuclear warheads and materials.

Two of the key conditions that are central to the Nunn-Lugar amendment were designed to address the committee's concern that in assisting Russia to reduce the nuclear threat to the United States and its allies, we not heighten proliferation dangers. Condition three of the Nunn-Lugar legislation requires the President to certify that the recipient state is "committed to forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons". Condition four of that legislation requires the President to certify that the proposed recipient is "committed to facilitating United States verification of weapons destruction" carried out under this program.

On April 8, Lawrence Eagleburger, the then-Deputy Secretary of State, certified that all conditions in the legislation were being satisfied, including the two outlined above. In response to a question submitted at the committee's August 4 hearing on START, Assistant Secretary Gallucci stated that the administration "stands by this certification" and added: "Our judgment is that Russia is committed to foregoing any use in new nuclear weapons, and preventing the transfer to other countries, of fissile material and other components of dismantled nuclear weapons."

In its START report, the Armed Services Committee also took note of the recent landmark agreement announced by the administration concerning highly enriched uranium [HEU]. This accord will provide for United States purchases of large volumes of Russian highly enriched uranium extracted from nuclear warheads and its conversion into low-enriched uranium [LEU] for use as commercial reactor fuel. This important accord, which further advances our common objectives in preventing nuclear nonproliferation, was reached in the negotiating channel established pursuant to the Nunn-Lugar amendment.

In conclusion, for a variety of reasons the Armed Services Committee did not agree that implementation of this treaty should be conditioned on the President's fulfillment of the condition proposed by the Foreign Relations Committee. These included:

First, the continuing progress in meeting our nonproliferation concerns being recorded under the Nunn-Lugar initiative;

Second, the questions raised at the committee's August 4 hearing as to the verifiability, advisability, and legality under current U.S. law of the reciprocal monitoring and inspection regime envisioned in the proposed condition; and

Third, the benefits to U.S. national security interests accruing from the START I Treaty that would be put in jeopardy were the START I Treaty to be held hostage to the proposed condition.

In its report, the Armed Services Committee recommended that the Foreign Relations Committee either delete condition eight from its START I Resolution of Ratification or recast it in the form of a nonbinding declaration expressing the sense of the Senate that the President should vigorously explore what additional measures, beyond those already being executed pursuant to the Nunn-Lugar program and other recent United States initiatives, could be developed with Russia, Ukraine, Belarus, and Kazakhstan to further reduce the dangers of the proliferation of nuclear weapons, nuclear know-how, and nuclear materials.

Mr. President, as I previously mentioned, the Armed Services Committee submitted its report on START before the Foreign Relations Committee filed its report. As a result, our committee unfortunately did not have the benefit of being able to review the clarifying language the Foreign Relations Committee decided should accompany this condition. As it turned out, the qualifying language provided by the Foreign Relations Committee is extremely significant.

Mr. President, I would direct my colleagues' attention to several key excerpts in language, as printed on page 92 of the Foreign Relations Committee report:

> Some administration officials have argued that a delay could result from seeking to include these monitoring arrangements in the treaty being developed pursuant to the landmark Bush-Yeltsin reductions accord of June, 1992. But the conditions say only that the President "shall seek an appropriate arrangement * * * in connection with" the follow-on to START. Furthermore, at the time of its passage, Senator Biden stated that he was only seeking "a good faith effort" to achieve agreement on this issue.
>
> The Condition does not require agreement on this new subject coincident with submission of the Washington Summit Agreement to the Senate for advice and consent.
>
> The Condition does not specify precisely what form this new arrangement should take. It does not specify what combination of measures are necessary. Nor does it require that sensitive information be made available to Russia or any other country. On the contrary, the Condition merely requires the Executive Branch to mount a serious effort to ensure the accountability and control of warheads and fissile material in the former Soviet Union. In so doing, the Committee recognizes that the Administration may have to make difficult choices between helping to prevent nuclear proliferation on the one hand and providing limited information about U.S. facilities on the other.
>
> The committee's language is intended to leave it up to the discretion of the President to determine the scope and terms of this arrangement.

In my opinion, the clarifications presented by the Foreign Relations Committee are so-far reaching as to remove my concern about the condition. Although the condition is still labeled a condition, the effect of the clarifying language in the Foreign Relations Committee's report is effectively to turn the condition into a nonbinding policy recommendation which affords the next President great flexibility and latitude. Accordingly, I would not object if the condition remains unchanged.

In conclusion, Mr. President, I recommend that the Senate give its approval to the pending resolution of ratification.

SUPPORT THE START AGREEMENT

Mr. KERRY. Mr. President, I strongly support this treaty, including the May 23 Lisbon protocol making it clearly applicable to the four nuclear-arms-possessing republics of the former Soviet Union.

There is no question that the START Treaty is a creature of the very first stages of the thaw in relations between the United States and the former Soviet Union. The painstaking process of negotiation has run well behind the breathtaking pace of political events.

Thus, it is clear that far more substantial arms reductions are possible than those required under this agreement. But START remains important because:

It goes beyond informal promise to formal agreement;

It is the first time there has been agreement actually to decrease, rather than merely limit the increase, in nuclear arms;

It sets a precedent for extensive and intrusive verification; and

Despite all the progress and despite all the change, there remains within the borders of the former Soviet Union a vast and deadly arsenal of nuclear arms.

The terms of the START agreement do not reverse the nuclear arms race, but they do apply the brakes. The definitions, procedures, and understandings provide a framework within which more substantial reductions in arms cannot just be promised, but reliably and verifiably achieved. Last June, Russia and the United States agreed to a 10-year plan slashing nuclear weapons, requiring the destruction of thousands of warheads and taking the hydra-headed monsters known as MIRV'd ICBM's off the strategic map. A treaty based on that agreement but tied, as well, to START terms of verification and procedures, will be considered by the Senate early next year.

Hanging over the celebration of the Soviet Union's breakup last December was the possibility that it might lead to the rapid proliferation or reckless handling of nuclear arms. That possibility remains with us, but negotiation of the Lisbon protocol clearly obligates Belarus, Kazakhstan, and Ukraine not to assert control over the nuclear arms on their territory and to enter the Nuclear Non-Proliferation Treaty as nonnuclear weapons states. This is not a trivial issue, since the weapons in these Republics exceed in potency the combined nuclear arsenals of France, Great Britain, and China. Within 7 years, all nuclear arms from the former Soviet Union must be concentrated on Russian soil.

Approval of the START agreement is just that—a start. If we are truly to end the nightmare threat of nuclear war, we must not stop here or relax now. We must insist on full enforcement. We must codify the June 1992 arms reduction outline. We must find the funds required safely to store, transport, and dismantle nuclear arms. We must work to strengthen the nuclear nonproliferation regime to prevent others from following the example of Iraq. We must move ahead with multilateral efforts to control the transfer of advanced nuclear and missile technology. And we should halt unnecessary nuclear testing.

The nuclear arms race was not only the most deadly in human experience, but also the most expensive and the most wasteful. Although the specific reductions required by START will produce few savings, the deep reductions to follow will save an estimated $130 billion over the next 20 years.

Mr. President, there may be a tendency on the part of some to downplay the significance of this agreement because of the changes that have occurred in the world since negotiations began. There may be a tendency to assume that agreements of this type are barely necessary, now that governments and attitudes have changed. There may be a tendency now to take the nuclear problem for granted, and to believe that because the threatening words have stopped, the threat itself is gone.

But this issue is too important to take for granted, or to rely on assumptions or to live on hope.

We want never to return to the age of civil defense drills, fallout shelter construction and attack-on-warning tests. We want never again to watch breathless as world leaders play nuclear poker with our lives. We want never again to ponder the consequences of human and machine miscalculation in a world where neither is perfect and a single such mistake could be Earth's last. We want to put behind us the endless jargon-ridden debates among the high priests of nuclear theory. We want to believe that our hopes, encouraged beyond any logical expectation by the events of the recent past, will prove real and that the arms race is truly over, the nuclear threat truly gone, the fear of armageddon truly a thing of the past.

We want Dr. Strangelove to stay retired.

I hope, and believe, that our desires on all these points can be fulfilled. But if our experience over the last half-decade proves anything, it is that the future is beyond our power confidently to predict. The START agreement provides no guarantee, but it leads the way away from the brink of disaster and down the path toward peace. In an uncertain and rapidly changing world, it is the best insurance available, and a policy we ought eagerly and overwhelmingly to embrace.

Mr. DODD. Mr. President, I rise in strong support of the pending resolution of ratification of the START Treaty. I want to commend the chairman of the Foreign Relations Committee, Senator PELL, as well as the senior Senator from Indiana, [Mr. LUGAR], for effectively guiding this measure through the committee and bringing it to the floor of the Senate.

This is a groundbreaking treaty in a number of ways. It is the first treaty to actually reduce—not just limit—the number of strategic nuclear weapons deployed in the United States and the former Soviet Union. It includes a verification regime that is more comprehensive and intrusive than any ever negotiated before. And it sets the stage for even deeper cuts in land-based multiple-warhead missiles and mobile missiles.

Our advice and consent to ratification of this treaty will signal our lasting intention to put the era of the cold war behind us. And it will be a very real step toward bringing an end to the global nuclear arms race. For this reason, I believe it is imperative that we give our unswerving approval to this resolution of ratification, and I urge my colleagues to vote in favor of this measure.

Mr. President, I have listened to the arguments of the treaty opponents in this Chamber. They have identified, and rightfully so, additional areas that future arms control measures could address. They believe we should continue to press for an accord that would eliminate multiwarhead ballistic missiles, eliminate heavy weapons like the deadly SS–18 missiles of the former Soviet Union, and ban all mobile missiles. I would take no issue with this argument.

But the opponents of this treaty then go on to say that until these breakthroughs have been achieved, we should not give our advice and consent to ratification of this treaty. And here I must strongly disagree. This treaty will bring substantial benefits on its own merits:

It will reduce the total number of nuclear weapons deployed in the United States and the former Soviet Union by one-third, from about 22,000 now to about 15,000 7 years from now.

It will eliminate half of the former Soviet SS–18 missiles and 48 percent of all former Soviet ICBM's and SLBM's.

It will reduce the average throw-weight of former Soviet missiles by 46 percent.

It will allow us to conduct 12 different types of on-site inspections, including 68 baseline inspections and 15 follow-up or suspect-site inspections per year, plus additional inspections for new facilities, formerly declared facilities, and several other categories.

It will ban the encryption of telemetry data and require comprehensive data exchanges.

But the most notable thing about START, Mr. President, is the simple fact that it has come before this body today. Let us not forget that this treaty was negotiated over 10 long years with an entity that used to be known as the Soviet Union. Today the Soviet Union no longer exists, and what was once a bilateral treaty has now become a multilateral accord including Russia, Ukraine, Kazakhstan, and Byelarus.

This treaty is most important because it affixes in international law the procedures by which the nuclear weapons of the former Soviet Union will be maintained and controlled by the successor Republics. It confirms and builds upon the Minsk declaration of

December 1991, at which all the successor States agreed to joint command and control of their nuclear weapons. It requires each of the four nuclear-armed Republics to abide by the provisions of the treaty. And it requires Ukraine, Byelaurus, and Kazakhstan to accede to the Nuclear Non-Proliferation Treaty of 1968 as nonnuclear States.

In doing so, the START Treaty not only succeeds in reducing nuclear weaponry, but also helps to govern and regulate the very breakup of the Soviet Union. This remarkable accomplishment alone is worth our advice and consent to ratification.

Mr. President, this treaty is an enormous step forward in bringing an end to the nuclear arms race. Even so, this treaty is only the beginning. The joint understanding signed by the United States and Russia on June 17 of this year would bring the level of deployed warheads down between 3,000 to 3,500 on each side. And most importantly, it would achieve the very bans in land-based mobile missiles and MIRV'd ICBM's that the opponents of this treaty would desire.

But if this new agreement is to be successfully completed and brought before the Senate, we must give our unflinching endorsement to the agreement before us today. I strongly urge my colleagues to vote in favor of this resolution of ratification.

START TREATY APPROVAL—FOUNDATION FOR A SAFER WORLD

Mr. PELL. Mr. President, this is a very proud day for the U.S. Senate. It has today approved for the first time, by an overwhelming and fully bipartisan majority, a treaty reducing strategic offensive arms.

The START treaty has a long pedigree tracing through the SALT I interim agreement signed by President Nixon, the Vladivostok accord signed by President Ford, the SALT II Treaty signed by President Carter, and finally the START Treaty negotiated under Presidents Reagan and Bush.

It has been a long process. The negotiation of the accord approved today, in fact, took almost a decade. There has been a lot of naysaying and skepticism along the way. At times, it appeared that the effort might be overwhelmed by antagonisms and skepticism and that we might lose ourselves in the trees looking for the forest. Fortunately, that START Treaty emerged from this process intact, with useful and valuable controls upon the strategic arms race. The final treaty was burnished by the fire of critics and able to withstand the closest scrutiny.

Thirty-two years ago, as I began my service in the Senate, President Dwight David Eisenhower gave a farewell address to the American people that I admired then and recall even now. President Eisenhower, who had seen the beginnings of the nuclear arms competition, expressed a strong sense of despair at the future he envisaged:

> Disarmament, with mutual honor and confidence, is a continuing imperative. Together we must learn how to compose differences, not with arms, but with intellect and decent purpose. Because this need is so sharp and apparent, I confess that I lay down my official responsibilities in this field with a definite sense of disappointment. As one who has witnessed the horror and the lingering sadness of war—as one who knows that another war could utterly destroy this civilization which has been so slowly and painfully built over thousands of years—I wish I could say tonight that a lasting peace is in sight.

The gloom of President Eisenhower was merited, unfortunately, when we went ahead with the strategic arms race and piled weapon upon weapon as the Soviets did the same. To the earlier gravity bombs and strategic bombers we added intercontinential ballistic missiles, submarine-launched ballistic missiles, and cruise missiles. The Soviet Union did the same.

I recall in the late 1960's arguing that it was in both sides' interest not to put multiple warheads on missiles. My counsel and that of other Senators, and even a Senate position on the matter in 1970, were ignored and the possibility of a ban on multiple warheads for missiles was never seriously discussed in the negotiations that led up to the SALT I interim agreement. The administration thought that we would lead in the development of multiple warheads and would outdo the Soviets. That notion, like so many aspects of the arms race, turned into a fool's game as the Soviet Union followed suit and the warhead totals mounted into the thousands on both sides.

Throughout this long period of a spiraling arms race, one had to be reminded of the dreadful accuracy of George Bernard Shaw's scathing comment in the "Man and Superman":

> There is nothing in Man's industrial machinery but his greed and sloth; his heart is in his weapons. This marvelous force of life of which you boast is a force of death: Man measures his strength by his destructiveness.

The distinguished Nobel Laureate, Dr. Hans Bethe told the Committee on Foreign Relations this year at a START hearing:

> If even a small fraction of these weapons were used in war, it would mean the end of our civilization. We would be lucky if our living standard then matched that of Bangladesh.

President John F. Kennedy was able to build upon the foundation created by President Eisenhower to achieve the Limited Test Ban Treaty of 1963—the first accord to limit strategic offensive arms. President Kennedy addressed the challenge that remained in a September 1963 address to the 18th General Assembly of the United Nations.

He told the assembled delegates in New York of the special responsibility the United States and the Soviet Union should be prepared to bear:

> The fact remains that the United States, as a major nuclear power, does have a special responsibility in the world. It is, in fact, a threefold responsibility—a responsibility to our own citizens; a responsibility to the people of the whole world who are affected by our decisions; and to the next generation of humanity. We believe the Soviet Union also has these special responsibilities—and that those responsibilities require our two nations to concentrate less on our differences and more on the means of resolving them peacefully. For too long both of us have increased our military budgets, our nuclear stockpiles, and our capacity to destroy all life on this hemisphere—human, animal, vegetable—without any corresponding increase in our security.

That special responsibility was recognized time and again in such documents as the Limited Test Ban Treaty, the Nuclear Nonproliferation Treaty, SALT I, and the Threshold Test Ban Treaty. Finally, at last, with START we have given evidence that we have taken our responsibility seriously since we now have taken a positive, even revolutionary, course and do our best to turn the arms race around and move away from the heavy dependence on nuclear weapons.

Even now, we are able to contemplate a treaty, START II, that will build upon the START I reduction of one-third in warheads by cutting the warheads available to the two sides by a second third. Experts tell us that it should be possible to go still further to the level of perhaps 1,000 warheads. In that task, we must be joined by the other nuclear weapon states—France, Britain, and China—so that together we can truly remove the threat posed by nuclear weapons.

This morning, we have demonstrated that the United States is up to the current challenge. Soon, I hope, the four former Soviet Union States with nuclear weapons—Russia, Kazakhstan, Byelarus, and Ukraine—will join us in ratifying the treaty.

All of those States except Russia have pledged to us in the May 23, 1992, Protocol to this treaty to eliminate all of their nuclear weapons within 7 years and to become parties to the Nuclear Non-Proliferation Treaty. This is no insignificant matter, since the three states now have on their territory nuclear arsenals several times greater than the total arsenals of France, Great Britain, and China.

No one can seriously question that—while it took far longer than it should and was more torturous than it need have been—we can point to considerable accomplishment in today's action. Nonetheless, many challenges remain as we attempt to go further. And we must go much further.

Looking ahead, I see these are the priorities that must be met:

First, we must ensure that the START Treaty is implemented carefully and expeditiously.

Second, we must move quickly to complete the START II Treaty based

upon the June 1992 joint understanding between Presidents Yeltsin and Bush.

Third, we must build upon the momentous decision made by the Congress this year to bring about a comprehensive test ban, reinforce the Nuclear Non-Proliferation Treaty, and ensure that treaty's extension at the review conference in 1995.

There will be challenges facing us in the Congress next year: As chairman of the Committee on Foreign Relations, I look forward to meeting these challenges.

As of this date, it is not clear whether the Congress will pass S. 1128, the Omnibus Nuclear Proliferation Control Act, which I have authorized with the Senator from Ohio [Mr. GLENN] and the Senator from North Carolina [Mr. HELMS]. Because of problems on the House side, this bill remains unenacted. If we fail this year, it is vitally important that we succeed next year. That bill, when enacted into law, could be central in our efforts to control the spread of nuclear weapons and nuclear weapons technology in many troubled regions of the world and it will put the United States in the forefront of those nations willing to take tough action to stop nuclear proliferation.

We must also address next year the Chemical Weapons Convention approved this summer in Geneva and put it into place so that the development, manufacture, possession, and use of chemical weapons will be completely banned. The horrible Iraqi decision to gas its own citizens provided graphic evidence of the necessity for this legislation.

We must strengthen our own controls over chemical, biological and nuclear equipment, materials and technology trade so that those seeking weapons of mass destruction will be frustrated at every turn—the ability of our Government to deal effectively and in coordination on chemical, biological and nuclear proliferation issues will be the subject of a series of hearings, which I intend to chair next. We must also complete action on the Open Skies Treaty, which is so important to those European nations needing reassurance as to each others activities.

We will take on these tasks with resolve and with anticipation of success through perseverance. Dramatic changes in the world have opened the way to accomplishments in arms control and, equally important, to further steps that we do not now envisage.

We must not lose heart. We must not falter. We owe this to ourselves and we owe this to those that will inherit the world from us. As we look around the globe and see the problems of hunger, of disease, of continued strife, we must realize that there is a better way and that there is a desperate human need waiting to be met.

Mr. President, all Senators should be pleased with today's accomplishment in giving advice and consent to the ratification of the START Treaty.

This is the first treaty limiting strategic offensive arms ever to be approved by the Senate. I hope very soon that the second such treaty—START II—will be concluded and sent to the Senate for its consideration early next year.

At this time, I would like to give thanks to the ranking Republican member, the Senator from North Carolina [Mr. HELMS] and all the other Members who worked constructively together to achieve this result. During the committee's consideration of the resolution of ratification, which included seven conditions and five declarations, the Senator from Delaware [Mr. BIDEN] made the constructive contribution of an eighth condition on warhead and fissile material accountability.

I would particularly like to thank my friend and colleague, the Senator from Indiana [Mr. LUGAR] for his outstanding efforts in the committee deliberations and on the floor.

At the outset of our work on this treaty, the committee's staff director, Geryld B. Christianson, and I put together a staff team to see us through the process. They include George W. Ashworth, who first joined the committee in 1972 to staff SALT I and has led this effort; David W. Hafemeister, a physicist who has made a strong contribution to the committee's work on the CFE, TTBT, and START Treaties; Edwin K. Hall, the chief counsel to the committee, Steve Polansky, who assisted in the committee's evaluation of the military complications of the treaty, and Mary Stakem, who, with the assistance of Dawn Ratliff, kept the team glued together. Kenneth Myers of Senator LUGAR's staff made valuable contributions to this bipartisan effort. I would also like to express my appreciation for the excellent cooperation given in this work given by the committee's minority staff director, James W. Nance.

I would also like to extend my appreciation to the administration's START support team, led by Ambassador Linton Brooks, the Congressional Research Service, the Congressional Office of Technology Assessment, and the Congressional Budget Office for their considerable contributions to the work.

Mr. WELLSTONE. Mr. President, today we will vote on whether or not to grant the Senate's advice and consent to ratification of the Strategic Arms Reduction Treaty [START]. This treaty took 10 years to negotiate. It is an important step in the long process of winding down the cold war—a process that must be accelerated. In many ways, START has been eclipsed by history, by the changes that have dissolved the former Soviet Union into its constituent republics. Even so, the treaty is a modest beginning toward the deep cuts in superpower nuclear arsenals that must still be made, I urge my colleagues to support it.

This treaty has been approved unanimously by the Senate Foreign Relations and Intelligence Committees, and the Armed Services Committee has indicated its support for ratification. I commend Chairman PELL, Chairman BIDEN, and ranking minority member LUGAR for their dedicated efforts to bring this resolution of ratification to the Senate floor.

START is the first arms control agreement that requires superpowers actually to reduce their long-range strategic nuclear arsenals. Under the START Treaty, the United States will cut its strategic warheads from 1990 level of 13,000 to about 8,500. Russia will reduce from the Soviet Union's 1990 level of 11,000 to about 6,500 warheads; the other republics will eliminate all strategic nuclear weapons on their territory. The treaty enters into force when ratified, will stay in effect for 15 years, and can be extended for 5-year intervals thereafter. The programmed reductions in the agreement will take place over the 7-year period after the treaty becomes effective.

Under the START Treaty, there will be two phases of strategic arms reductions, the first by 1999, the second by 2003, which would bring total forces down to approximately 3,000 warheads on each side. Further, the agreement would eliminate all multiple-warhead land-based missiles, and set strict limits on sub-based warheads. We are ratifying the treaty subject to a set of conditions, one of the most important of which was written by Chairman BIDEN. This condition directs the President to seek appropriate arrangements to monitor the number of stockpiled weapons in START country member countries, and the location of facilities in those countries capable of producing or processing significant amounts to fissile materials. This information will be critical to future arms control and anti-proliferation efforts.

As we vote on this treaty, let us keep in mind that START is only the first step in a series of much deeper cuts to be negotiated in our nuclear arsenals. In June 1992, Presidents Bush and Yeltsin announced a far-reaching agreement to reduce by two-thirds, by the year 2003 strategic nuclear weapons held by the United States and Russia. For many months, negotiations toward a new treaty have been stalled. Recent reports have given me new hope that these discussions are moving forward now, after Acting Secretary Eagleburger's recent intervention. This informal agreement, which hopefully will lead soon to a new arms control treaty designed to implement deeper cuts, is too important to be caught up in election-year politics here in the United States, or in disagreements with Russian conservatives who have

reportedly balked at its de-MIRV'ing provisions.

Of course, I hope and believe that both sides will go even lower than the Bush-Yeltsin agreement—much below 3,000 warheads, perhaps even to 1,000 or fewer. In addition, I believe we should not only reduce deeply the numbers of these weapons, but we must also dismantle them—and help the Russians dismantle theirs. Some say this effort is too expensive, but I believe that it is an investment in our future, and that of our grandchildren.

This is an important point. Simply removing and storing weapons components intact not the answer. We should dismantle these weapons completely, and then enter into tight agreements for reciprocal monitoring of these efforts. Such an agreement would increase confidence on both sides in the disarmament process considerably.

The June 1992 agreement between Bush and Yeltsin also raises the possibility of halting production of all nuclear fissile materials—plutonium, enriched uranium, even tritium. This should be vigorously pursued. Accelerating negotiations toward this goal would prevent us from wasting more and more money on production of additional weapons—even as we are scaling back substantially on others. This would enable us to put some of America's best scientists back to work on the most important issues of our day—developing new technologies and materials to make us more competitive, creating new medicines, teaching, and preparing us for the future. Of course, such large cuts in nuclear arsenals have enormous implications for wasteful and unnecessary programs like SDI, the B–2 bomber program, and the Trident II missile program. That's why many of us have argued for so long that we should vastly scale back these programs in anticipation of such cuts.

Another important element that must be pursued in negotiations involves strict international safeguards on fissile materials. We should keep in mind that while we move forward on arms control, others will be trying to gain access to these weapons, despite our best antiproliferation efforts. Tightening current safeguards would make an enormous contribution to these efforts.

I urge my colleagues to support this resolution of ratification today. I will continue to support, and to urge, much deeper cuts in strategic nuclear weapons programs on both sides. Arms control efforts like START are not only a test of our political will, but of our imagination. To imagine a world without the threat of nuclear holocaust, with strict controls on nuclear weapons proliferation, is today's real challenge.

FOREIGN OPERATIONS APPROPRIATIONS

Mr. GRASSLEY. Mr. President, I am pleased to offer my support to this year's foreign operations appropriations bill. The bill represents a cut in foreign aid—almost one-half billion dollars less than last year's foreign aid appropriation, and about $1 billion less than the amount requested by the President.

This bill includes loan guarantees for Israel's effort to resettle hundreds of thousands of new immigrants. This historic migration of Jews from the former Soviet Union, as well as Ethiopia, represents some two decades of work on the part of American leadership. And the loan guarantees represent the continued American commitment to the struggle for freedom for Soviet Jewry.

Israel has already taken in more than 400,000 new citizens over the last 2½ years. More than 600,000 are expected to arrive in the next several years. Few countries would welcome 1 million refugees with open arms. But Israel stands as a beacon to Jews everywhere.

But Israel can't provide for the absorption and integration alone. Israel needs a massive influx of new capital to expand her economy. In spite of this dramatic need, Israel did not ask the United States to provide a cash grant. Nor did Israel ask for direct loans from the United States. Instead, with this legislation, we are providing guarantees to back the massive loans Israel will be taking from private banks. But Israel has never defaulted on a loan, so providing these guarantees won't cost us anything.

Moreover, Israel has agreed to pay the insurance or scoring cost that must be set aside under the 1990 budget agreement. So, these loan guarantees won't cost the U.S. taxpayers one cent.

A year ago, these loan guarantees were needlessly caught up in the effort to convene a Middle East Peace Process Conference. These guarantees are humanitarian assistance, and they shouldn't be used like a political football. So I am pleased that President Bush and Prime Minister Rabin were able to quickly agree to terms and conditions for the guarantees. And as we can see from the continued bilateral and multilateral talks, providing this assistance won't sidetrack the peace talks.

Mr. DURENBERGER. Mr. President, I rise to offer my support for final passage of the fiscal year 1993 foreign assistance appropriations bill. I believe this bill represents a reaffirmation of this country's intention to remain engaged in world events and important international policy matters.

The end of the cold war presents a period of opportunity and hope unparalleled since the end of the Second World War. We are at the threshold of a new era, and I believe the United States has both a unique opportunity and responsibility to participate in the shaping of this era.

Foreign aid is never among the most popular Government programs, and is certainly less popular in these days of economic uncertainty. Yet it is essential that we recognize the unavoidable link between our foreign and domestic policies, between international events and conditions here at home. It is increasingly impossible to separate cleanly and neatly matters here at home and those abroad.

Clearly, we have many pressing domestic needs, but this does not require that we withdraw from the world. Just the opposite is true. A world community of free and prosperous nations is our best assurance of freedom and prosperity for America. The more we can promote democracy and free markets throughout the world, the more we are enriched right here in the United States. For instance, it is estimated that for every $1 billion increase in exports, 20,000 American jobs are created.

The end of the Cold War, while immensely positive, has not eliminated all sources of international concern for us. A variety of international issues will continue to require attention and leadership. Nuclear proliferation, environmental degradation, drugs, trade, terrorism, immigration and refugees, as well as the explosion of ethnic conflicts throughout the world remind us all of that global peace that remains elusive and that the United States still has international concerns.

Although many contend that foreign aid takes away from needy Americans, providing foreign aid and addressing our domestic problems are not mutually exclusive pursuits. It is important to note that the approximately $15 billion U.S. foreign aid budget—including economic, humanitarian, and military aid—comprises only about 1 percent of the Federal budget. Furthermore, a substantial amount of the economic and military aid we provide to other countries is returned to us through the purchase of U.S. goods and services.

I believe these programs, properly managed, are not handouts, but prudent and cost-effective investments in America's security and prosperity as well as a conscientious and vigorous advancement of American values. Our best interests are well served in a world where nations are freed of poverty, disease, ignorance, and insecurity.

Mr. President, this appropriations bill has many significant components, several of which I will comment on only briefly.

This bill provides the long-overdue loan guarantees to assist the people of Israel in their efforts to absorb the massive influx of immigrants from the former Soviet Union and Ethiopia. This legislation reflects the United States

desire to follow through on our decades' long commitment to help free Soviet and Ethiopian Jewry from their repressive homelands.

Importantly, Mr. President, I would note that this legislation providing the loan guarantees requires no direct outlay of U.S. taxpayer funds. The United States is acting as the guarantor of loans Israel will secure in the financial markets. Israel itself will pay the so-called scoring costs that are required to cover potential default on the loans.

On another matter, Mr. President, this appropriations bill includes United States assistance to the former Soviet Union. This is an important element in President Bush's foreign policy initiatives toward Russia and the other successor States. It is extremely important for the United States not only to remain engaged with the former Soviet Union, but to actively support their efforts to build truly functioning democracies and free markets.

We here at home benefit immeasurably in the long run from a peaceful, stable, and prosperous Eurasian continent. Providing this assistance goes a long way toward achieving that objective.

Mr. President, this bill also includes a very responsible aid package for El Salvador. Since the signing of the peace accords in January of this year, El Salvador has made remarkable progress toward healing the wounds of the civil war. The road toward full peace, reconciliation, and reconstruction is long and difficult, but the people of El Salvador have repeatedly demonstrated their unending commitment to succeed in their courageous effort.

In January, the Senate passed 96 to 0 a resolution I introduced that commends and congratulates the people of El Salvador for achieving the long-sought peace accords. Importantly, the resolution also put the Senate on record as committing itself "to providing appropriate assistance to the government and people of El Salvador that promotes the process of reconstruction, reconciliation, and further strengthening of democracy and democratic institutions."

This appropriations bill lives up to that commitment, and I am pleased to have played a role, however modest, in ensuring that United States aid is properly balanced and effective in assisting the people of El Salvador help themselves.

Mr. President, not much attention has been given to another very encouraging aspect of this bill, but I want to highlight the increased U.S. contribution to international efforts to treat the victims of torture. The committee deserves commendation for increasing the U.S. contribution to the U.N. Voluntary Fund for Victims of Torture and for calling attention to the needs in this area of human rights.

In recent months, I have learned a great deal about the rehabilitative needs of torture victims. Minnesota is home to this country's first center designed specifically to treat victims of torture. Through its treatment and rehabilitation efforts, the Center for Victims of Torture in Minneapolis is meeting the desperate needs that so few of us even think about.

I want to thank Doug Johnson, the director of the center, for his efforts as a national and international leader to provide these kinds of services and to educate governments and publics about the needs of torture victims and the potential for successfully treating them. Doug and his staff in Minneapolis have contributed immeasurably to my understanding and appreciation of these matters, and I thank them for that.

Mr. President, at the appropriate time, I will ask unanimous consent to insert in the RECORD a letter I recently sent to Acting Secretary of State Eagleburger on the issues of torture and the treatment of its victims.

On one final note, Mr. President, I state my opposition to the provisions in this bill that appropriate funding for the U.N. Population Fund. This program has assisted China in its family planning programs, which are alleged to include such odious practices as forced abortions and coerced sterilizations. I am confident that the conference committee will remove these objectionable provisions from the bill so that President Bush will be able to sign it into law.

Overall, this is a very good bill, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks a letter to Secretary Eagleburger.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 16, 1992.

Hon. LAWRENCE EAGLEBURGER,
Acting Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: Congratulations on your assuming the duties of Secretary of State. I am very confident in your leadership of the Department and your stewardship of U.S. foreign policy.

As you may know, I have long been concerned about international human rights. The incidence of torture, in particular, remains one of the most serious human rights challenges facing the international community. In its 1992 annual report on the state of human rights, Amnesty International indicates that of the 143 countries it reviewed, torture or ill-treatment of prisoners occurred in at least 104.

The U.S. delegation to the Preparatory Committee of the World Conference on Human Rights has proposed that the Conference make elimination of torture by the year 2000 one of its principal goals. It is my understanding that U.S. Ambassador Kenneth Blackwell urged that the Conference agree on steps to make this goal a reality.

Through its treatment and rehabilitation efforts, the Center for Victims of Torture in Minneapolis is helping to achieve that reality. It is the first center established in the United States to provide rehabilitation services to victims of torture. Such services are provided by a full range of health professionals enabling its clients to recover their lives and resume active roles in their communities.

The Center also has an international outreach program helping centers get started and maintained in countries where torture is or has been a problem. I have visited the Center twice in recent months and am very impressed with their program.

I believe that U.S. leadership in assistance to victims of torture should be an integral ingredient of our international human rights policy. Such leadership would:

First, acknowledge the wrongs that have been committed against torture victims and provide them with essential humanitarian relief;

Second, free societies from the fears of repression and thereby revitalize their ability to meet the social and economic needs faced by their peoples, and

Third, demonstrate by our actions that we will not tolerate the continuation of this deplorable practice.

During my recent visit to Turkey, I took a special interest in its human rights situation and, in particular, the prevalence of torture. The Department's own annual country report states that "most persons charged with—or merely suspected of—political crimes are tortured, while significant numbers of those detained for ordinary crimes are subjected to police brutality." I addressed these concerns directly in meetings with the Prime Minister and the Deputy Prime Minister.

I also visited the Human Rights Foundation of Turkey and met with its staff to discuss their efforts to provide rehabilitation and treatment services for victims of torture in Turkey. The Foundation, which has offices in Ankara, Istanbul, and Izmir, is committed to providing this assistance, but it lacks the resources to meet the demand.

It is understanding that they are interested in applying for support for their programs from the Agency for International Development. Our Embassy in Ankara indicated to me that they would follow up and provide me with an evaluation of the needs of the Foundation. I look forward to receiving that report.

Because of the critical nature of the problems of torture and the clear value of rehabilitation services, I urge you to take active leadership in encouraging the Department and A.I.D. to support rehabilitation services for victims of torture. I would further urge you to seriously consider assisting the Human Rights Foundation of Turkey.

Thank you very much for your consideration of these issues. I look forward to working with you on this and other important matters.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

Mr. DOMENICI. Mr. President, the Senate is now completing action on the 1993 foreign assistance appropriations bill.

The Senate bill provides $26.5 billion in budget authority and $5.7 billion in new outlays for the foreign assistance and export financing programs of this Nation.

When outlays from prior year budget authority and other completed action are taken into account, the Senate reported bill, as adjusted, totals $14.3 billion in budget authority and $13.3 billion in outlays.

The bill is less than the President's request and less than last year's level. It is less than 1 percent of the budget.

INTERNATIONAL MONETARY FUND AND RUSSIA

The largest single item—for $12.3 billion—does not result in any net outlays or increase our deficit. It is for the United States share of a 50-percent increase in the size of the International Monetary Fund.

The IME is key to the single major foreign policy issue of the 1990's: Whether there will be a successful transition toward a democratic market economy in Russia and other nations in Eastern Europe and Central Asia.

That's why I offered the amendment in full committee markup to provide the IMF appropriation.

If these East European countries and Russia—don't forget that they were Communist when President Bush took office—don't make it; if they follow the path taken in Yugoslavia, then we can forget about a safe, post-cold-war world.

We can forget about further savings from our defense budget.

The Senate cannot now provide much more for these emerging democracies. When we decide that we need to do more with them, we will not increase foreign aid.

We will have to take any increase for them from other foreign aid programs; from outdated cold war relics and from programs that discourage the development of free markets. For now we don't have to make that choice. We rely on the International Monetary Fund and other multilateral banks. Our IMF appropriation triggers matching funds. For every dollar the United States makes available for interest-bearing loans to the IMF, another $4 worth of yen, marks, and other currencies is provided by other countries. The IMF knows it doesn't have all the answers, but it provides sound advice and needed resources.

The subcommittee allocations are adjusted so that this IMF appropriation does not crowd out other items.

NEW APPROACHES TO FOREIGN AID CRITICAL

In closing, I would remind the Senate that this member has never opposed the notion of foreign aid. My voting record reflects that fact.

I long ago concluded that it is in America's interest to help others when we can, within the limits of our resources and capabilities.

This year, both presidential candidates indicate that the existing, unreformed cold war structure we use to provide foreign aid will be drastically changed after the election.

I would go further than they do. I would abolish the agency for International Development, dramatically restructure the State and Commerce Departments, and start over.

This bill does nothing to make it possible for the next administration to restructure American foreign aid. It does the opposite.

By increasing micromanagement and adding obscure earmarks, this bill generally cements in place the current mess. More than ever, this is the time to give the executive branch some flexibility. Let them reform, if we in Congress won't.

I have many reservations about the excessive micromanagement, the absence of restructuring, and the low priority assigned to programs encouraging market reforms.

Nonetheless, I will support the bill this morning in order to take the IMF funding to conference and secure minimal funding for Eastern Europe, Ukraine, Russia, and the other nations that have escaped communist rule.

Mr. BRADLEY. Mr. President, I rise today to thank my distinguished colleague, Senator LEAHY, and the Foreign Operations Subcommittee for including student exchanges in the overall funding under this bill to aid the former Soviet Union. This $50 million will go far to help instill a vision of democracy in the future leaders of the new countries, and to renew our own commitment to democratic ideals and hope for world peace.

Our most valuable resource is not our dollars, but our people. Americans are born with the understanding that in the democratic system, everyone counts; everyone is not only able to make a difference, but that it is their duty to try. This is a power that cannot be transferred through grain credits. It must come from person to person contact. We must pass this vision of democracy on to the future leaders who will be shaping new countries in the former Soviet Union. It is a tall order, but America is up to the challenge.

The Senate will soon take up the conference report on the Freedom Support Act. Included in this bill is $50 million in authorizations for greatly expanded exchanges of students, young businessmen, agriculture specialists, and local officials. This appropriations bill provides $50 million of the $60 million needed to implement the idea. It is now up to the agencies of the Government to get this program up and running as soon as possible. I will be urging these agencies to expedite this process by utilizing the experience and the expertise of the nonprofit sector to start these exchanges immediately.

Mr. President, the fragile reforms that President Yeltsin has set into place must be buttressed with dreams as well as reality. Through this bill, we have made this possible.

ON EXTENDING LOAN GUARANTEES FOR ISRAEL

Mr. BRADLEY. Mr. President, I rise to express my satisfaction that with the passage of the Foreign Operations appropriations bill today, we will finally extend the loan guarantees to Israel. It has been a long year of negotiations and debate. I am glad to see that we will finally honor Israel's legitimate request for assistance.

These guarantees were never meant to have been used as a political tool to influence Israeli policy. We should never have held these guarantees hostage to implement our own relationship with Israel almost to the breaking point. Over the past year, we have placed our ally in a precarious position.

Mr. President, I applaud the efforts of those who contribute to the continuing peace talks. The success in bringing all sides to the table is testimony to the hard work of those involved and the grave importance of achieving regional stability. Yet with our agenda, we are lucky that we did not sabotage these talks. The settlement issue has no place in a discussion on humanitarian aid. By demanding that Israel halt its settlements before we would guarantee loans, we undermined one of Israel's most valuable bargaining chips. As supposedly impartial facilitators, we interfered in the talks to the detriment of our ally.

With the demise of the Soviet Union, many Jews are for the first time able to consider the option of leaving. Israel, having been established as a haven for all Jews, is turning none away. Over 1 million immigrants are expected to arrive between 1990 and 1996, the largest wave of immigrants since the State's creation. No one can deny that Israel's need for access to capital is great.

By extending these guarantees, we now can make good on our commitment to Israel, just as it has made good on its promise to accept the emigres. Will remain consistent with our longstanding policy of pushing the Soviet Union to allow free emigration of all its citizens, and of supporting successive Israeli Government attempts to bring Jews home.

Mr. President, some have argued that we should not provide loan guarantees because we already spend too much on foreign aid. The loan guarantees are not foreign aid; they are guarantees for loans made by private banks—in other words, they are private loans backed by the U.S. Government. I believe that backing Israel makes good sense. Israel has an outstanding credit record. Since 1949, Israel has never defaulted on a loan nor received debt forgiveness from the United States. Israel has even agreed to reimburse us for the money we would have had to spend to set aside the loan. The actual dollar cost of these guarantees will be virtually zero.

Mr. President, I hope that the extension of these guarantees will restore Israel's faith in the United States as an ally. Israel must be sure that it can

trust America if it is to continue to take risks in negotiations for peace.

LOAN GUARANTEE ASSISTANCE TO ISRAEL

Mr. DODD. Mr. President, almost two decades ago, with the passage of the Jackson-Vanik amendment to the 1974 Trade Act, our Nation made a commitment to support the principle of free emigration. This dream was partially realized just a few years ago, when the Soviet Union opened its doors to permit the emigration of Jews to Israel.

Today, with the passage of this appropriations bill, we take one more step toward fulfilling this solemn pledge. The bill before us today provides up to $10 billion of loan guarantee assistance to help Israel with the enormous task of absorbing the newest settlers to its land. I strongly urge my colleagues to support this vital initiative.

I would remind my colleagues that this is a task we could just as easily have accomplished some time ago. In fact, it was just 1 year ago this month that the President told a nationwide television audience he would withhold loan guarantee assistance to Israel until certain political conditions were met. The President made that statement in spite of the fact that more than 400,000 refugees had already flooded the land of Israel—and half a million more were expected to arrive by 1996.

What the President was saying, in effect, was that the same rules permitting loan guarantees to Iraq without conditions, the same rules permitting loan guarantees to Algeria without conditions, and the same rules permitting loan guarantees to El Salvador without conditions, somehow weren't good enough for Israel. That logic was wrong a year ago and it is wrong today.

Nonetheless, Mr. President, the delay in this legislation does not diminish in any way the urgent need these loan guarantees will address. And it does not diminish in any way the critical role these loan guarantees will play in helping the absorption of refugees in Israel. These loan guarantees are absolutely essential if Israel is to complete its remarkable mission of humanity.

Mr. President, the way these loan guarantees will work deserves some explanation. This is not a cash grant, nor is it a loan. Under this program, the United States will simply offer to underwrite up to $10 billion of private, commercial loans to Israel. These loans will be underwritten at a rate of $2 billion every year for a period of 5 years.

Mr. President, I think two additional comments are in order about this measure. First of all, I would note that under the legislation before us today Israel will provide the entire portion of the set-aside required under United States law to support these guarantees. Therefore, as long as these loan guarantees are repaid—and Israel has never defaulted on a loan in its 44-year history—there will be absolutely no cost whatsoever to the United States taxpayer.

I would also like to point out, Mr. President, that once the first year's portion of guarantees have been extended, the legislation provides the President with broad authority to determine the terms and conditions under which the rest of the guarantees are to be issued I want to express my very strong hope that the President will use this authority in a fair and responsible manner.

Mr. President, almost 2 years ago, in January 1991, Israel stood by the side of the United States and the Desert Storm coalition during the Persian Gulf war. The fortitude and resolve of the Israeli people did not come without a price. Indeed, the Scud attacks on Israel left a terrible scar on the psyche of that nation.

Today, with the legislation before this body, we have a means to repay that moral debt. Our obligation is clear: To approve this vital legislation without delay. I urge my colleagues to support this very important measure.

AID FOR BOSNIAN SELF-DEFENSE: A NECESSARY RESPONSE TO BARBARISM

Mr. BIDEN. Mr. President, 2 years ago, the President of the United States introduced a beguiling phrase into our public vocabulary. He spoke of a "new world order," in which wrongs would be put right through collective action.

The unfortunate truth is that the President invoked this phrase only after a sustained act of appeasement constituting a colossal foreign policy blunder.

On Tuesday, my colleague Senator GORE catalogued the full and lamentable story, which is nothing less than a saga of Presidential miscalculation. Only after propping up Saddam Hussein with loans, only after disregarding a mountain of incriminating evidence that Saddam was using American aid to buy arms, only after ignoring Saddam's genocidal slaughter of his own Kurdish citizens, only after fostering high-technology exports to Iraq even as Saddam provided safe haven for the world's most infamous terrorists, only after overlooking Saddam's manifest quest for chemical and nuclear weapons, only after supplying Saddam with military intelligence almost until the eve of his invasion, and only after first responding that the United States contemplated no military action—only then did the Bush administration summon itself to assemble a multinational coalition to evict Saddam from Kuwait and restore the Kuwaiti Emir to his royal throne.

Unfortunately, as our President basked in the heroic light cast by the gallant men and women of the American Armed Forces, his administration failed to realize the fruits of their endeavor in two critical respects.

First, captivated by a bizarre concern to maintain Iraq's territorial integrity, the President failed to drive Saddam from power. Instead, he ordered our forces to stand idle while this ruthless tyrant, whom the President had equated to Hilter, regrouped his defeated army to massacre tens of thousands—tens of thousands—of Kurds and shiites who had been inspired by the Bush rhetoric to rise in rebellion.

The Bush administration then failed further, by doing nothing in the many months thereafter to give any meaning whatsoever to the concept of a new world order, which it had trumpeted so loudly as a rallying cry for war.

There is little to add to Senator GORE'S detailed account of the Bush administration's moral and political failure in Iraq, which I ask be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIDEN. Mr. President, there is much more to be said about the Bush administration's overall foreign policy, and its abject failure to move purposefully in competent pursuit of a new world order.

I think it fair to assume that the President did not follow through with the concept of a new world order because he had not thought it through—just as the administration has consistently lacked any guiding principle that would give coherence to its policy toward Iraq. The new order apparently was no more than an expedient slogan—a rhetorical device as useful, and expendable, as a Willie Horton commercial.

But whatever the explanation, the Bush administration has neglected the very real promise of shaping of a new structure of international relations for the 21st century. As the November election nears, the administration's past blunders and pervasive inertia pose for the American people a question of historic consequence.

Must we continue to relate to the world with a stumbling myopia, a denial of real and looming problems, and a fear of bold commitment? Or can we, with the cold war behind us, discern a coherent and principled new agenda, that will guide our conduct, and successfully serve our Nation's global interests, as we move toward the third millennium?

My answer is that the moment is upon us to retrieve Mr. Bush's expedient slogan from cynical neglect, define a compelling concept of a new world order, commit ourselves to it, and lead the world in its realization. We will do so, I am convinced, only with the energy of a new administration and the leadership of a new President.

Some weeks ago, in a series of addresses on the new world order, I de-

scribed a four-part American agenda I believe can give meaning to this concept in the decade that will carry us into the 21st century. That agenda must be:

Directed, politically, at cementing the democratic foundation on a new world order.

Directed, militarily, at protecting world peace through a new strategy of containment designed to stop the proliferation of dangerous weapons.

Directed, again militarily, at fortifying this containment strategy with an expanded commitment to secure the peace by collective military action where necessary; and finally.

Directed, in the economic-environmental realm, at launching a concerted, full-scale multilateral effort to promote, and reconcile, the broadening of global prosperity and the preservation of our global environment.

I believe that the United States of America cannot afford the continuation of an administration whose record, in each part of this agenda, is sadly wanting.

My focus today is on the third task in what I regard as the compelling American agenda for a new world order. In this task, which I call "organizing for collective security," the United States has two avenues for potential progress.

One involves a new role for NATO; the other, a stronger enforcement power for the U.N. Security Council. On neither of these fronts has the administration demonstrated serious leadership.

In NATO, the Bush administration has allowed itself to be diverted by a comparatively petty concern arising from the Franco-German initiative to form a small Euro force. In the process, the administration has failed to focus on the far more urgent business of rendering NATO relevant to real needs in the post-cold-war period. A transformation is required—involving the assumption of new NATO responsibilities beyond mere passive self-defense, and the President has not yet supplied the leadership to accomplish it.

The second avenue toward expanded readiness for collective military action is to equip the U.N. Security Council to exercise the police and enforcement powers set forth in the U.N. Charter—but rarely used. As affirmed in the collective security participation resolution now before the Foreign Relations Committee, the time has come that the United States, in conjunction with other key nations, should now designate forces under article 43 of the U.N. Charter.

Yet, from President Bush we have heard barely a whisper of any initiative to strengthen the U.N. Security Council at a moment when history is finally providing the opportunity to do so. If his rhetoric implies anything, it is that the United States will continue in the grandiose posture of trying to play Globo-Cop—or doing nothing at all.

The need for enhanced preparedness for collective military action is underscored by the ongoing disaster in Yugoslavia. There, a barbarism unexpected in modern Europe has unfolded in the face of outside disbelief and a growing recognition of the world's unreadiness, even after the gulf war, to act decisively with collective military force.

The unabated slaughter in Bosnia instructs us:

If our multinational bodies are to act when needed, we must first prepare them to act.

If we do not prepare for collective action, the end of the cold war could usher in not a new world order but an era of endless interethnic bloodletting.

If we are to have a new world order, we must build one.

Since this administration has not yet undertaken a serious effort to do so, we are left to take ad hoc measures. But the absence of a fully realized new order must not prevent us from taking actions embodying principles that must govern a new world order. Of these principles, none is more fundamental than the imperative that the international community not turn its back to blatant acts of ruthless and barbaric aggression.

The amendment to the Foreign Operations Appropriations Act which I offered yesterday, and which the Senate adopted, is designed to empower and encourage the President to lead the international community in providing the assistance by which the people of Bosnia can at least defend themselves against one of this century's most wanton acts of inhumanity.

The amendment speaks of the perverse effect to the current United Nations embargo against the Republics of the former State of Yugoslavia—an embargo that has achieved no other purpose than to leave the people of Bosnia-Hercegovina unarmed against a ruthless and heavily armed enemy.

The amendment provides this authorization: That at such time as the United Nations takes the corrective action needed to lift the embargo against Bosnia-Hercegovina, the President may, in conjunction with other allied nations—provide military assistance to that government, through a drawdown of up to $50 million in Defense Department stocks of military weapons and equipment.

The amendment is not a requirement, it is an authorization, with a strong implication that action is urgently needed.

Since the Senate last debated this issue, much more has been learned. We now know of the existence of death camps in which thousands of Bosnians have been exterminated. We now know that this winter—barring a dramatic change in their circumstances—more than 100,000 more Bosnians will die, having starved and frozen while under Serbian siege.

There is, I believe, some expectation that my amendment will now be dropped in conference. I urge that it not be.

Are we truly to adjourn, having done nothing?

I have no more desire than General Powell or any other American to see United States ground troops in combat in the former Yugoslavia. But that goal does not require self-imposed blindness or irresponsible inaction.

It has for some time been taken as a given that the Bush administration's strong suit is foreign policy. But mere acquaintance with foreign leaders, accompanied by stasis in the realm of action, is not a foreign policy.

Indeed, if a sound foreign policy is one that comprises coherent initiatives and responses in the world arena—directed at promoting well-conceived national interests—then the Bush administration is perilously close to being without a foreign policy.

President Bush began his administration with the homily that America has more will than wallet. But this administration has demonstrated that its limitation is quite the reverse. We are a wealthy and gifted Nation, in danger of squandering our human and material resources, and abdicating our duty to lead the world, because of a failure of leadership—of our President—to galvanize our national will.

With the imperatives now building around us, we can no longer afford an American foreign policy of denial and drift.

On Tuesday, Senator GORE laid out the sad story of the Bush administration's most ironic foreign policy failure—the Iraq policy for which it has tried to claim so much credit.

But there is a larger irony. It is that the entire foreign policy of this administration falls equally short of the grandiose claims that have been made for it. All told, it is a foreign policy of boast, of miscalculation, and of blunder—in Iraq and far beyond.

Congress can rectify one tragic consequence of this pattern of inaction. We must no longer stand idly, when we can at least cease the current perverse policy that denies to the people of Bosnia the means of their own defense. Let us take this one small step for mankind.

EXHIBIT 1

SPEECH BY SENATOR AL GORE, CENTER FOR NATIONAL POLICY, SEPTEMBER 29, 1992

One of the most important questions in this campaign involves the judgment of the candidates on foreign policy. The American people know the world is full of unexpected surprises and dangers—and as a result they want to know whether or not a president can handle these uncertainties, recognize unanticipated dangers, and realize when national policy must be changed to reflect new realities. The American people also want to know whether or not they can count on their president to tell them the truth.

President Bush, in his handling of our policy toward Iraq, has failed all these tests, and failed them badly. His poor judgment, moral blindness and bungling policies led directly to a war that should never have taken place. And because of his naïveté and lack of candor, U.S. taxpayers are now stuck with paying the bill for $1.9 billion President Bush gave to Saddam Hussein even though top administration officials were repeatedly told Saddam was using our dollars to buy weapons technology. Bush, of course, believes that the war with Iraq was his finest hour as the organizer and leader of a vast coalition of armed forces, united for the purpose of frustrating the designs of an evil dictator.

But the war with Iraq had deep roots, and if George Bush's prosecution of the war is part of his record, so too is his involvement in the diplomacy which led to it, both in the Reagan/Bush era, and far more so, during his presidency when he accelerated foreign aid and the sale of weapons technology to Iraq—right up until the invasion of Kuwait—in spite of repeated warnings that anyone with common sense would have had no difficulty understanding. The path leading us to that war, and the path which the President has followed after, are deeply shadowed in profound error, in duplicity, and in amoral disregard for our most basic values as a nation. There is also substantial evidence that his administration intentionally falsified export records, and reports to Congress—and in the process apparently violated a number of laws intended to prevent such horrendous mistakes.

Nineteen months ago, President Bush called Saddam Hussein a new Hitler who had to be stopped at all costs. Yet today, that same tyrant remains firmly in power, resisting by every means the will of the international community. No wonder so many Americans ask themselves whether our victory over Saddam will ultimately prove an illusion.

The conduct of the war will remain a proud memory for all Americans. But the full history must also include events before and after the war. That detailed record requires a little more time and effort to understand. And if we really want to judge President Bush's stewardship of policy, then we had better pay attention to that detailed record, which provides a deeply disturbing look at a blatant disregard for brutal terrorism, a dangerous blindness to the murderous ambitions of a despot, and what certain appears to be an ongoing effort to hide the facts from the American people whose tax dollars paid for this policy and whose sons and daughters risked and lost their lives in its pursuit.

George Bush wants the American people to see him as the hero who put out a raging fire. But new evidence now shows that he is the one who set the fire. He not only struck the match, he poured gasoline on the flames. So give him credit for calling in the fire department, but understand who started the blaze.

Let me begin by providing a basic historical frame of reference: In September of 1980, Iraq invaded Iran. Iraq was the odds-on favorite to win the war in short order. However, by May 1982, Iraq was clearly in trouble. It had lost a major battle with Iran. Our policy-makers began to imagine Iran under a radical Islamic government emerging as the dominant regional power: a nightmare. I believe that is why, in February 1982, President Reagan took Iraq off the list of states that sponsored terrorism. He did this not because Iraq had gone straight and given up terrorism, but because he wanted to help Iraq while there was time. By taking Iraq's name off the list, President Reagan opened the way for Iraq to receive U.S. credits through subsidized agricultural loan guarantees and Export-Import Bank credits. Reagan's decision also removed certain kinds of export controls intended to block the transfer of U.S. technology to countries on the official terrorism list.

In other words, for strategic reasons, the Reagan/Bush Administration would overlook virtually any unpleasant reality in Iraq, and apparently subvert U.S. laws in order to prop up Saddam Hussein's brutal regime.

George Bush claims he was an outsider in another momentous Reagan decision—to sell arms to Iran in exchange for American hostages. Of course by now, most people find that very hard to believe and the documentary record is closing in on him. Recently, we learned that former Secretary of State George Shultz and former Secretary of Defense Caspar Weinberger were outraged when they heard then Vice President Bush was disclaiming any knowledge of the Iran arms deal and the fact that the two senior cabinet officers had vigorously opposed it. Notes taken at the time of their telephone conversation about this event have Mr. Weinberger saying that Bush's comments were "terrible" and that, far from being ignorant of developments, Bush had been "on the other side" of the struggle over policy. Just last week, more evidence surfaced showing that Bush is recorded as having attended numerous meetings across a span of three years when White House senior officials debated the plan to sell arms to Iran and then were briefed on the status of the program. He was also present at the meetings in which the trade for arms for American hostages was explicitly discussed. And now two of the briefers have directly challenged the veracity of President Bush's claim that he didn't know arms were being swapped for hostages. Far from being "out of the loop", Bush seems to have been one of the most vigorous and vociferous advocates of the illegal side of the argument. Indeed, his arguments to the contrary are simply no longer credible. His national security advisor was clearly uncomfortable even going so far as to say that Bush's version was "possibly" true.

Now, new evidence about this policy toward Iraq directly contradicts President Bush's repeated statements to the American people that he did nothing that helped Saddam's effort to acquire weapons of mass destruction during the months and years preceding Saddam's invasion of Kuwait. To begin with, George Bush cannot even try to claim ignorance where policy toward Iraq was concerned. Not only was he directly in the loop, he was a principal architect of the policy from its earliest days. For example, in April of 1984, Bush personally lobbied the Ex-Im Bank's chairman—a friend from college days—to disregard the views of his own economists, and extend credits to Iraq. Doubts about Iraq's credit-worthiness were very well-founded. But the overriding issue was whether Iraq could continue to hold on in the war with Iran. That's all that seemed to matter.

In pursuit of that objective, the Reagan/Bush Administration would overlook the fact that it was an Iraq-based group that masterminded the assassination attempt against Israel's ambassador to the UK, which occurred in June 1982. This event triggered Israel's invasion of Lebanon—not exactly a minor consequence for US policy. The Reagan/Bush Administration was also prepared to overlook the fact that the terrorist who masterminded the attack on the Achille Lauro and the savage murder of American Leon Klinghoffer fled with Iraqi assistance. Nor did it matter that the team of terrorists who set out to blow up the Rome airport came from Baghdad with suitcase bombs.

Iraq not only stayed off the terrorist list no matter what, but in November 1984, full diplomatic relations were established with the country. The US government continued to exert every effort to channel assistance to Saddam Hussein—even with evidence that he was not only promoting terrorism, but was also pursuing a nuclear weapons program. As early as May of 1985, Assistant Secretary of Defense Richard Perle warned about the suspected diversion of US exports of dual-use technology to the Iraqi nuclear weapons program. But Bush ensured that the flow of technology continued.

In March 1987, Bush again took a prominent role: when Iraq's ambassador complained that our Defense Department was taking too long and being too cautious about export licenses for high tech items, Bush apparently agreed with him that the Defense Department was being capricious and had to get with the program.

There might have been a moment's pause for reflection when Iraqi aircraft intentionally attacked the USS Stark in May 1987, killing 37 sailors—but the Administration smoothed it over very fast. This was the spring when the Ex-Im Bank staff resisted another $200 million loan for Iraq, but again the loan was granted after Bush again personally intervened to stress its political importance. The loan went through in May, just two days before the attack on the Stark.

Now, let me make a point about foreign policy and the real world. The actual conduct of foreign policy often bears as much resemblance to academic theory as the conduct of domestic politics bears to a civics course. If we have to deal with someone bad in order to handle someone even worse, then for heaven's sake we should at least be ready to re-evaluate that relationship the moment it has outlived its value to the United States.

In other words, whatever the arguments for temporarily supporting Saddam Hussein as a barrier separating Saudi Arabia's oil from Iran's militant fundamentalists, Bush deserves heavy blame for intentionally concealing from the American people the clear nature of Saddam Hussein and his regime, for convincing himself that friendly relations with such a monster were possible, and for persisting in this effort far, far beyond the point of folly. Throughout this period, Saddam's atrocities continued. In March 1988, Saddam Hussein used poison gas on the Kurdish town of Halabja, brutally murdering some five thousand innocent men, women and children. None of us can ever forget the pictures of their bodies—of parents trying to shield their infants even in death—that were in our news media.

The Iran-Iraq War ended in August of 1988. Iraq had not prevailed, but neither had it been defeated. As a result, you would think that the Administration would give our policies a second look to see if they should be altered. But the Reagan/Bush Administration never hesitated even when the news became much, much worse. Within days of the end of the Iran-Iraq War, Saddam Hussein—seeing that he had gotten away with using poison gas against the Kurds previously—launched additional major gas attacks on them. The war was over, and he was determined to settle accounts. Saddam's attacks created, in addition to the wave of deaths, a flight of about a half million Kurdish refugees.

The effect of these events on the public and on Congress was electrifying. The outrage and disgust sparked action and ignited an intensification of efforts to pull the plug on US assistance to Saddam Hussein. I myself went to the Senate floor twice demanding tough action. But these efforts were resisted to the bitter end by the Reagan/Bush and Bush/Quayle Administrations. For example, they pulled out all the stops to defeat the Prevention of Genocide Act, after the US Senate had passed it unanimously in September of 1988.

Meanwhile, the US Customs Service was reporting that in 1988, it had marked a notable increase in the activity of Iraq's network of procuring agents and front corporations. A concerted effort was underway to obtain missile technology, chemical weapons technology, and biological weapons technology.

In January 1989, George Bush was sworn in as President. Based on plentiful evidence, he had reason to know that his ongoing policy regarding Iraq was already malfunctioning.

Just last week, we learned of a memorandum written in March, 1989, to Secretary of State Baker, as he prepared to meet with a senior Iraqi official in which the author noted that Iraq continued to cooperate with terrorists, that it was "meddling" in Lebanon, and that it was "working hard at chemical and biological weapons and new missiles." What is especially interesting about this memo is that it notes that in the months preceding this meeting Iraqi oil exports to the US had increased dramatically and on favorable terms. That point raised the question of a quid pro quo sought by Iraqi officials—cheap oil in exchange for "freer export licensing procedures for high tech." The memo's drafter notes—somewhat critically and impatiently—that export applications were being held up by the Commerce Department, and by the Defense Department, out of concern that the proposed exports could enhance Iraq's military capabilities.

These concerns were well-founded. In April 1989, a nuclear proliferation expert from the Department of Energy reported intelligence indicators that Iraq had a crash program underway to build an atomic bomb. In June, the Defense Intelligence Agency reported that Iraq was running a major European network to procure military goods that were not supposed to be sold. In August, the FBI raided the Atlanta Branch of the Italian Banca Nazionale del Lavoro (BNL) and seized evidence of over $4 billion in illegal loans to Iraq, as well as use of about $2 billion of those funds to buy nuclear and other military technologies. And on September 22nd, Assistant Secretary of State John Kelly wrote a memo acknowledging that money coming to Iraq through the Atlanta branch of the BNL did "appear to have been used" to finance acquisition of sensitive military technology. Also in September, the USDA reported kickbacks and possible diversions of US-supplied agricultural funds for military purposes.

Most significant of all, in the same month, the CIA reported to Secretary of State James Baker and other top Bush administration officials that Iraq was clandestinely procuring nuclear weapons technology through a global network of front companies.

Now, in the midst of this flood of highly alarming information, on October 2, 1989, President Bush signed a document known as NSD–26, which established policy toward Iraq under his Administration. This document is the benchmark for judging George Bush's record for the direction of American policy toward Iraq in the period that would ultimately lead to war. We have only a partial idea of what is in that document, since the version that was finally released to Congress has been heavily censored. But the core statement of purpose and the fundamental assumptions behind it are clear. And so is the incredibly poor judgment of George Bush.

NSD–26 mandated the pursuit of improved economic and political ties with Iraq on the assumption that Iraqi behavior could be modified by means of new favors to be granted. Perhaps so, if this were a state not under the complete control of a single man whose ruthlessness was already totally apparent. The text of NSD–26 blindly ignores the evidence already at the Administration's disposal of Iraqi behavior in the past regarding human rights, terrorism, the use of chemical weapons, and the pursuit of advanced weapons of mass destruction. Instead it makes a heroic assumption of good behavior in the future, on the basis of an interesting theory—namely, that Iraq would suddenly and completely change its ways out of a fear of economic and political sanctions.

It leaps from the page, that George Bush, both as Vice President and President, had done his utmost to make sure that no such sanctions would ever apply to Saddam Hussein. Consequently, the question is unavoidable: why should Saddam Hussein be concerned about a threat of action in the future from the same man who had resolutely blocked any such action in the past? To the contrary Saddam had every reason to assume that Bush would look the other way—no matter what he did.

In my view, the Bush Administration was acting in a manner directly opposite to what you would expect with all the evidence it had at the time. Saddam Hussein's nature and intentions were perfectly visible.

In October of 1989, representatives of the Departments of State and Agriculture met to discuss Iraq's diversion of US agricultural credits into the acquisition of US technology for its nuclear weapons program. Later that same month, however, on October 26th, Assistant Secretary of State Kelly sent Secretary Baker a memo jointly written with the State Department's legal counsel, Abe Sofaer, urging that Baker push an additional $1 billion in agricultural loan guarantees for Iraq, notwithstanding the mushrooming scandal surrounding the diversion of BNL loans by Iraq for nuclear purposes.

I will leave to others to debate whether Sofaer's efforts—or those of White House Counsel Boyden Gray's staff—to sound out the intentions of the Atlanta prosecutor constituted a crude form of intervention. My point is that before and after consecrating a policy that tied us hip and thigh to Saddam Hussein, George Bush had all the information he needed to know that he was in deep, deep * * * water. But he persisted, although in November the CIA again reported that Baghdad was shopping everywhere for chemical, biological, and nuclear technologies and for ballistic missile technology. And even though the CIA again reported a link between BNL funding and the Iraq nuclear and missile programs, in November the Administration agreed to go ahead with another billion dollars in US taxpayer subsidized loan guarantees to Iraq.

In January of 1990, President Bush issued a determination that exempted Iraq from section 512 of the Foreign Operations Appropriations Act of November 1989 prohibiting further loans to Iraq. On grounds of "national security," the President declared that the Act's prohibition would not apply. And yet, this was the season when the Rand Corporation reported that an estimated 1400 terrorists were operating out of Iraq.

In February 1990, Saddam Hussein called for the removal of US military forces from the Persian Gulf. And yet, the same month the Administration actually apologized to Saddam for the content of a Voice of America broadcast criticizing Iraq's human rights record. Coddling tyrants is a hallmark of the Bush foreign policy.

March, 1990, brought no improvement, when U.S. and British agents arrested several Iraqis in the act of trying to smuggle nuclear triggering devices into Iraq. In April, Saddam Hussein issued his infamous threat to burn up half of Israel with chemical weapons. Still, Bush toadied up to Saddam.

Also in April, the Federal Reserve Bank of New York noted that BNL money was diverted to purchase nuclear triggers in the United States, which had later been seized by British customs. That same month, British Customs also seized pipe sections heading for Iraq which were determined to have been parts of a super-gun. Similar shipments were seized in Greece, Turkey, Italy, West Germany and Switzerland.

Yet, on April 12th, at the personal request of Bush, Senator Bob Dole and Alan Simpson—the number one and number two Republican leaders in the Senate—travelled to Baghdad and told Saddam Hussein that President Bush was still ready to veto any sanctions bill that Congress might pass. They added—again at Bush's personal request—the conforming news that the author of the offending Voice of America criticism had been fired the same day in an effort to please Saddam.

In April and May, Commerce Under Secretary Dennis Kloske attended two meetings at the White House where he recommended that the U.S. tighten restrictions on exports of high technology, but he was overruled, and the flow of technology from the US continued. As a side-note, when Kloske testified about this before the House Foreign Affairs Subcommittee on International Economic Policy and Trade about a year later, he was fired within forty-eight hours. May arrives, and a terrorist attack on the public beaches of Tel Aviv was launched and thwarted. It was planned by a Palestinian group operating openly in Baghdad. On May 21, the USDA sent up another warning about diversions of funds from U.S.-guaranteed loans. But on June 15th, 1990, Assistant Secretary of State Kelly told the Senate Foreign Relations Committee that the Administration still opposed any Congressional sanctions against Iraq. And in July, as Iraqi tanks and soldiers massed on the Kuwaiti border, the Senate tried to pass another sanctions bill against Iraq * * * and the Administration opposed it. Not only that, but on the eve of the invasion, the Bush/Quayle Administration kept selling Saddam dual-use technology such as sophisticated computers, flight simulators, and equipment to manufacture gun barrels.

At that very moment, however, high level officials in the Administration, including Secretary of State James Baker, were finally forced to confront what they had known from the outset of Bush's administration: that Iraq had grossly abused the benefits extended to it by Bush. In July, a memo jointly drafted by four senior officers of the Department of State was sent to Secretary Baker and approved by him. According to this memorandum—the existence of which just came to light a few days ago—the Ad-

ministration acknowledged that "Iraq is actively engaged in developing chemical and biological weapons and ballistic missile systems, and may be seeking to develop nuclear weapons as well. Iraq has been attempting to obtain items to support these proliferation activities from U.S. exporters, in some cases successfully." The memorandum concludes that the time had come for the Administration to "move now on Iraq because of its very active proliferation-related procurement efforts" and because "there is a danger that U.S. exporters could become implicated in these efforts."

Bear in mind that Saddam Hussein was then only one week away from an act of open aggression that would bring us to war. It had taken this long for an awareness of what was going on for years to be acknowledged within the Administration.

Much has been said about the record of our Ambassador to Iraq April Glaspie's famous interview of July 25th with Saddam Hussein. But the Ambassador's servile message was a clear expression of Bush's personal views. Her message was totally in line with U.S. policy as laid down by President Bush in October 1989, and clung to until August 2, 1990, when Iraq invaded, conquered, and annexed Kuwait.

Within a month, our sons and daughters were to be sent to risk their lives facing a threat that had been built up through U.S. technology and U.S. tax dollars by our own President, who now summoned them to battle. In answer to this charge, President Bush has explicitly denied that his policies enhanced Saddam Hussein's nuclear, biological and chemical capabilities. He denied this, not only in an official report to Congress in the fall of 1991, but as recently as June 13th and July 1st of this year, when Bush said: "We did not enhance Saddam Hussein's nuclear, biological, or chemical weapons capability." But as I have just mentioned, his own Secretary of State knew differently at least as of July 1990, and the actual record of our exports shows the facts rather differently than the President wants to remember them:

Almost 30% of our non-agricultural exports to Iraq between 1985 and 1990 went to the Iraqi military-industrial complex.

Of these exports, there were 162 items that were licensed for sale despite their potential nuclear applications.

The Administration permitted the sale of powerful computers comparable to those used in our own missile test ranges, despite objections from the Department of Defense.

It allowed shipment of high-tech equipment needed for Iraq's Condor II missile, which was to have been able to deliver a nuclear warhead at a range of more than 600 miles.

It allowed for the export of materials needed for the infamous "supergun" project, intended to have the ability to launch nuclear weapons like artillery shells over hundreds of miles.

Machine tools, lasers and other equipment for the manufacture of rocket casings used in SCUD missiles were sold. When UN inspectors got into Iraq, they found at Saddam Hussein's main nuclear weapons complex a carbide-tipped machine tool factory which had been built with technology and equipment licensed for export by the Bush Administration.

The Administration licensed technology and equipment for fabricating shapes out of glass fiber over the objections of the Department of Defense, which noted that the purchaser was part of the Iraqi military-industrial complex, and that this kind of equipment was needed for a nuclear weapons program. The Administration preferred to blindly accept the importer's ludicrous claim that the equipment would be used to make shower stalls.

Equipment for a "detergent" factory was licensed, yet this same factory was used to make chemical weapons.

17 licenses for the export of bacterial and fungus cultures to Iraq were granted, even though the CIA specifically linked the Iraqi government agencies involved to "biological warfare support and numerous other military activities."

The UN Special Commission, once it finally got inside Iraq, is reported to have found equipment from eleven American companies in Iraqi missile and chemical weapons plants.

It is astounding to look at the list of Iraqi customers approved by the Administration:

The Ministry of Industry and Military Industrialization (known as MIMI), which was headed by a brigadier general who was Saddam Hussein's son-in-law, and which the CIA identified as "controlling Iraq's nuclear network."

The Saddam State Establishment and Salah Al Din, called in an intelligence report "typical of Iraq's arms production facilities."

SAAD 16, identified back in 1986 as a key missile production site, where as much as 40% of the equipment was reported to be US-made.

The Administration even sold Saddam Hussein helicopters for his personal use, equipped with special infra-red guidance and defensive systems.

Incredibly, the Bush administration knew all along that the chief purchasing agent for much of this material was the head of an Iraqi weapons complex. "The tentacle of the octopus," as one law enforcement official put it, was a US company called Matrix-Churchill. It was a key player in Saddam Hussein's efforts to acquire nuclear and other weapons technologies. The chairman of this so-called "American" corporation was one Safa al-Habobi, who was simultaneously the Director General of the Iraqi Nasser State Enterprise for Mechanical Industries, well-known by our intelligence agencies as a major Iraqi military-industrial complex where missiles and nuclear weapons equipment were manufactured.

There was report after report linking Habobi's firm, Matrix-Churchill, to Iraq's global network of front companies and even back to the Iraqi Ministry of Industry and Military Industrialization (MIMI) and Saddam's son-in-law Hussein Kamal. But the Bush Administration kept issuing licenses.

And as for how Iraq paid for all this when it was already far over its head in debt as the result of the war with Iran and Saddam Hussein's economic policies, a large part of the answer is: on credit in the form of loans guaranteed by the Bush/Quayle Administration. In the fall of 1989, Bush pushed hard to make sure that $1 billion in new loan guarantees were provided to Saddam Hussein. It didn't matter that federal agencies were reporting severe abuses of prior loan guarantees from the United States. In the end, the US taxpayer has been left holding the bag for almost $2 billion of loans to Iraq which will never be repaid. After bailing out the savings and loans, American taxpayers are now being forced by Bush's poor decisions to bail out Saddam.

When it came time to confront the consequences of these years of serious mistakes, when it came time to confront Saddam Hussein's invasion of Kuwait with an international coalition united in its resolve and purpose, George Bush, all the way up until the moment the combat ended, displayed fortitude and skill. But the chestnuts he pulled from that fire were his own. His policies nurtured Saddam Hussein. He was deaf to information that to any other ear was a fire-bell in the night, ringing clearly that our policies were disastrously wrong.

And incredibly, immediately following the war, President Bush reverted to form. At President Bush's encouragement, an armed resistance to Saddam Hussein sprang up in Iraq. But at the critical moment, it was George Bush's decision to betray that resistance by tolerating Saddam Hussein's use of attack helicopters to put down the rebellions. That was a clear violation of the terms of the ceasefire, and it was a violation we had more than enough power to suppress.

Had we insisted on the terms of the ceasefire, there would have been a much better chance that today we would not be facing Saddam Hussein in power.

Should a man who mistook Saddam Hussein for a docile ally—and who then pursued that error to the point where the lives of hundreds of thousands of Americans had to be put on the line—have a second term as President of the United States? Has George Bush told the truth, the whole truth about a policy that left our nation facing a brutal, murderous dictator? If he will take credit for the victory, will he also take responsibility for the policy that made war inevitable? The answer to these questions is no.

George Bush sent loan guarantees to an oil rich dictator. George Bush sold dangerous technology to a criminal who was intent on developing and using lethal weapons. George Bush sent secret intelligence reports to a man who, by any stretch of the imagination, could not be trusted. George Bush refused to face the truth or hear the urgent warnings coming from his own Administration. And then, George Bush put American lives on the line to cover in a war that never would have happened except for his mistakes.

In so many ways, George Bush does not fit the requirements of the New World Order his own speechwriters once summoned up. We require a fresh approach from a new leader of vigor and high intelligence, of courage and vision, who believes to the core that the enemies of freedom cannot be anything but the enemies of our country. I think that the people of the United States have and will take the opportunity to select such a leader. Bill Clinton is that man.

Mr. PRYOR. Mr. President, I rise today to discuss my vote against H.R. 5368, the foreign operations appropriations bill. Before outlining the reasons for my vote, I want to make clear that I am not voting against assistance to Israel or our other long-time allies, nor am I voting against getting prudent amounts of assistance to the truly needy. Despite these commendable and worthwhile portions of the bill, my long standing concerns about waste, fraud, and abuse at the Agency of International Development [AID] forced me to conclude that I must oppose this bill.

Mr. President, I have long been concerned about AID's poor management of its consulting services. When I placed a cap on the amount of money AID could spend on consulting services

in 1989, I based my amendment on the same figures that AID had submitted to the Congress. AID had requested $4 million to spend on consultants. I was surprised to be approached by AID officials after my amendment passed with a request that I allow the figure to be modified. It seems AID had made a mistake and they actually needed $44 million to purchase consulting services. The AID explanation was that the agency's accounting and contracting systems were not coordinated. This was my first hint that AID is an agency in need of drastic reform.

Mr. President, I then directed my Governmental Affairs staff to begin collecting some information on AID and its use of consultants. I ask unanimous consent to insert in the RECORD a speech I gave on March 21, 1991, in which I criticized AID for hiring a consulting firm to help it cooperate more fully with the Peace Corp. I was disappointed to learn that AID had not checked to determine if any of its in-house workers could have performed this task, but instead awarded a contract for $100,000 to help AID talk to the Peace Corps.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1).

Mr. PRYOR. This contract for performing coordinating duties with another Federal agency was only the tip of the iceberg. I obtained a copy of the AID phone book and discovered that contractors are listed right along with AID employees and they occupy key positions throughout the agency. This is a graphic representation of an agency that has been taken over by contractors.

Mr. President, as far as I know, AID is the only Federal agency that permits private contractors to serve as contracting officers. Think of the problems inherent in allowing private individuals to obligate the Government for possibly millions of dollars. The rationale of AID is that they have so many places around the world where they have to award contracts they need to allow these private contractors to sign away our tax dollars.

Finally, Mr. President, last Sunday "60 Minutes" featured a segment on AID's role in exporting U.S. jobs to foreign countries. This information alarmed me and a number of my colleagues and heightened the attention on this agency. An earlier investigation by a CNN special investigation team, conducted about a year ago, dealt with the extensive public record of waste and fraud that has plagued this agency for years. This three part series had numerous examples of both criminal behavior on the part of persons associated with AID and also wasteful practices associated with our tax dollars.

Mr. President, while I am mindful of the fact that several congressional committees are working on reform packages that hopefully will begin to correct some of the incredible mismanagement that has taken place at AID for years, I could not in good conscience vote to allow AID to continue to misuse our tax dollars.

I would like to express my gratitude to the chairman, Senator LEAHY, and the other members of the Foreign Operations Appropriations Subcommittee for working long and hard on this bill. Furthermore, I am pleased that the compromise to the Israeli loan guarantee issue was addressed in this bill.

However, Mr. President, based on my continuing frustration with the mismanagement of the Agency for International Development, I cannot support this bill.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Mar. 21, 1992]

CONSULTING SERVICES

Mr. PRYOR. Mr. President, it is spring, finally, and it is that time of the year when we in Washington once again begin turning our attention to the subject of the Federal budget.

The Appropriations Committee and subcommittees are meeting to begin working with administration officials on what the spending levels will be for the next fiscal year. The Budget Committee is crunching numbers. Economists from everywhere are coming out of the woodwork, appearing before the proper committees, to prognosticate on what the fiscal situation is going to be in the coming year.

Mr. President, I urge my colleagues this afternoon to consider one component of the Federal budget that I think receives far too little attention; namely, how much is our Government spending on consulting services?

Mr. President, for 12 years, I have asked that question; for 12 years I have gotten the answer: We do not know. The Office of Management and Budget does not know that figure. The Congressional Budget Office does not know that figure. The General Accounting Office does not know that figure. And yet agencies go on spending and spending and spending on private consultants and consulting firms from a seemingly open money sack.

Mr. President, let me give you one example, just one of the type of activity that is going on every day throughout the entirety of the Federal Government.

Last summer, the Peace Corps, a fine institution, and the Agency for International Development, decided they really needed to begin cooperating more in their efforts, since they both worked in the less developed countries and often do similar work, similar jobs, similar missions. And it only makes sense, they decided, for them to better cooperate.

Mr. President, did the director of the Peace Corps and the Administrator of the Agency for International Development pick up the phone and call each other to set up a meeting to see how this new spirit of cooperation might be implemented? The answer is "no." Did anyone from either staff of the Agency for International Development or the Peace Corps, Mr. President, decide maybe we should get together and at least talk by phone to see how we might best coordinate our efforts? That answer, Mr. President, is "no."

What actually resulted and what actually happened is very simple, and it is what a lot of agencies in our Government do today, and they do it because it is so easy and no one looks at them; very few people audit them.

What they did was each of these agencies did go together on a joint venture, and they hired a consulting firm to act as a liaison between the Peace Corps and the Agency for International Development.

The cost of that contract, Mr. President, to get these two agencies talking to each other was $100,000. Was there any competition in that bid? We do not know. But we do know that the Agency for International Development and the Peace Corps had never even thought of hiring a consulting firm to perform this liaison or go-between service until a consulting firm walked in one day and said, "Do you know what you people need? You need to hire us, and for $100,000, we will get you talking to each other and better coordinating your activities." So they wrote them a check, Mr. President, for $100,000, and today I assume that the Peace Corps and the Agency for International Development are now talking to each other. But I find it impossible to understand why the American taxpayer had to fork over $100,000 to a private consultant so that two Federal agencies committed to the same tasks could talk to each other. It is beyond this Senator's comprehension.

Mr. President, we went a little further into this contract. This is just a $100,000 contract. In fact, there are hundreds and hundreds and perhaps thousands of contracts that are worse than this. But we decided we would take this contract and look at it. They decided to have some meetings between the Agency for International Development and the Peace Corps officials. Who prepared the agenda for the joint meetings of these two agencies? Of course, the consulting firm did. That was part of the way they earned their fee of $100,000. Who got up to tell everyone the purpose of these two Government agencies having a meeting? The private consulting firm.

Mr. President, we found some interesting memos to high-ranking agency officials going back and forth between these two agencies to tell them what to say to their counterparts at the other agency. Who prepared all of those memoranda that were circulated between these two agencies? The answer is simple. The consulting firm.

I cannot believe this is an appropriate and judicious role for a private consultant. Senior level administration officials certainly ought to be able to sit down with one another and talk, plan their objectives, and coordinate their services. They do not need to write a check for $100,000 to a private consultant to tell them what to say or what to do. They do not need to prepare memoranda to say what the policy of those agencies might be because, if these officials do not know what the policy is, in my opinion, those officials need to find another job. I think that Federal officials can arrange their own meetings, set their own agenda with other Federal agencies, and they do not need a consulting firm to do that job for them.

Finally, Mr. President—and here is where we really have to look at the danger of private contractors in this field—did either agency, AID or the Peace Corps, check one time to see who else this private consulting firm happened to be working for? The answer is, I doubt it. If they had checked, they would have discovered that this private company also works for less-developed countries.

In fact, one of the principals of this particular private consulting firm is a registered foreign agent for a textile concern in Latin America. How are the taxpayers going to ever believe that the other interests of this consulting firm will not influence their work for these two agencies?

Mr. President, I think all of us know the answer to that question.

I am convinced that the best way to avoid these potential conflicts of interest and to avoid the contracting out of work that can and should be performed by Government employees is for all of us to exercise some common sense.

Mr. President, the cycle is about to begin—the authorization committees and the appropriations committees, the budget resolutions and reconciliation. I am only hoping, before we appropriate money for any agency or any department or any function of Federal Government, we will exercise the good judgment to simply ask how much they are spending on consultants, why do they need to hire consultants in the first place, and is this contract really necessary. Before agency officials call down to the contract office and order a consulting contract to be written, they could and should ask: Is this a job we can do ourselves?

Mr. President, some contracting out may save money for the taxpayer, and that is good. However, I am not convinced that contracting out like this AID-Peace Corps type of contract ultimately saves money or is a good idea at all. Today I am urging agency officials and the proper committees in the Senate and the House involved with contracting to ask: Is this contract really necessary? This simple step may well save the taxpayers some dollars, and I think it will save our Government some additional embarrassment.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that each of the votes after the first vote, that is the second, third and fourth votes, be for 10 minutes in duration. and I ask all Senators remain in the Chamber to cast their votes so as not to inconvenience others so we do not have a lot of time running over.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START TREATY)—TREATY DOC. NO. 102–20

PROTOCOL TO THE TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—TREATY DOC. NO. 102–32

The PRESIDING OFFICER. The Senate will now go into executive session to resume consideration of Executive Calendar Nos. 45 and 46.

The assistant legislative clerk read as follows:

Calendar 45, Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms;

Calendar 46, Protocol to the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms.

The PRESIDING OFFICER. The Senate will now proceed to vote on the resolution of ratification accompanies the START Treaty.

The question is on the adoption of the resolution of ratification with conditions and declarations accompanying Executive Calendar No. 45, Treaty Document 102–20, Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (The START Treaty); and Executive Calendar No. 46, Treaty Document 102–32, Protocol to the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 93, nays 6, as follows:

[Rollcall Vote No. 253 Ex.]

YEAS—93

Adams	Exon	Metzenbaum
Akaka	Ford	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Garn	Moynihan
Biden	Glenn	Murkowski
Bingaman	Gorton	Nickles
Bond	Graham	Nunn
Boren	Gramm	Packwood
Bradley	Grassley	Pell
Breaux	Harkin	Pressler
Brown	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Riegle
Burdick, Jocelyn	Inouye	Robb
Burns	Jeffords	Rockefeller
Byrd	Johnston	Roth
Chafee	Kassebaum	Rudman
Coats	Kasten	Sanford
Cochran	Kennedy	Sarbanes
Cohen	Kerrey	Sasser
Conrad	Kerry	Seymour
Cranston	Kohl	Shelby
D'Amato	Lautenberg	Simon
Danforth	Leahy	Simpson
Daschle	Levin	Specter
DeConcini	Lieberman	Stevens
Dixon	Lott	Thurmond
Dodd	Lugar	Warner
Dole	Mack	Wellstone
Domenici	McCain	Wirth
Durenberger	McConnell	Wofford

NAYS—6

Craig	Hollings	Symms
Helms	Smith	Wallop

NOT VOTING—1

Gore

The PRESIDING OFFICER. On this vote the yeas are 93, the nays are 6. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms signed at Moscow on July 31, 1991, including Annexes on Agreed Statements and Definitions; Protocols on Conversion or Elimination, Inspection, Notification, Throw-weight, Telemetry, and Joint Compliance and Inspection Commission, Memorandum of Understanding (all transmitted within Treaty Doc. 102–20), the Corrigenda of December 19, 1991, and the Protocol to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms signed at Lisbon, Portugal, on May 23, 1992, between the United States of America and the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine, as successor states of the former Union of Soviet Socialist Republics in connection with the START Treaty (transmitted within Treaty Doc. 102–32 and hereinafter referred to as the May 23, 1992 Protocol); all such documents being integral parts of and collectively referred to as, the "START Treaty", subject to the following:

(a) CONDITIONS.—The Senate's advice and consent to the ratification of the START Treaty is subject to the following conditions, which shall be binding upon the President:

(1) BINDING OBLIGATIONS.—That upon entry into force of the START Treaty, including the May 23, 1992 Protocol, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine shall be legally bound under international law to all the obligations of the Union of Soviet Socialist Republics set forth in the START Treaty, its two Annexes, six Protocols, Memorandum of Understanding and Corrigenda.

(2) LEGAL AND POLITICAL OBLIGATIONS OF U.S.S.R.—That the legal and political obligations of the Union of Soviet Socialist Republics reflected in the four related separate agreements, seven legally binding letters, four areas of correspondence, two politically binding declarations, thirteen joint statements and ten other statements on related issues transmitted in Treaty Doc. 102–20 for the information of the Senate with the START Treaty are included in the "obligations of the former Union of Soviet Socialist Republics under the Treaty" assumed by the Republics of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine pursuant to Article I of the May 23, 1992 Protocol, and that the legal obligations assumed therein are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these legal obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republics of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine, in such forms as he deems appropriate.

(3) BYELARUS, KAZAKHSTAN AND UKRAINE LETTERS.—That the letter from Chairman Shushkevich of the Supreme Soviet of the Republic of Byelarus to President Bush dated May 20, 1992; the letter from President Nazarbayev of the Republic of Kazakhstan to President Bush dated May 19, 1992; and the letter from President Kravchuk of Ukraine to President Bush dated May 7, 1992 (all having been submitted to the Senate as associated with the May 23, 1992 Protocol in Treaty Doc. 102–32), being obligations legally bind-

ing only in the event of ratification of the START Treaty, are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republic of Byelarus, the Republic of Kazakhstan and Ukraine, in such forms as he deems appropriate.

(4) NUCLEAR NON-PROLIFERATION TREATY.—That the obligations of the Republic of Byelarus, the Republic of Kazakhstan and Ukraine to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 as non-nuclear weapons States Parties in the shortest possible time, set forth in Article V of the May 23, 1992 Protocol, are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republics of Byelarus, the Republic of Kazakhstan and Ukraine in such form as he deems appropriate.

(5) IMPLEMENTATION ARRANGEMENTS.—If by the date which is ten days before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine have not made arrangements to implement the START Treaty's limits and restrictions or to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of the May 23, 1992 Protocol, or have not worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, then—

(A) the President—

(i) shall consult with the Senate regarding the effect on the START Treaty of such developments; and

(ii) shall seek on an urgent basis a meeting at the highest diplomatic levels to gain agreement on the completion of those arrangements, and

(B) the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place.

(6) ELIMINATION OF NUCLEAR WEAPONS FROM BYELARUS, KAZAKHSTAN AND UKRAINE.—If the Republic of Byelarus, the Republic of Kazakhstan and Ukraine have not eliminated all nuclear weapons located on their territory and have not eliminated, in accordance with the procedures of the START Treaty, all strategic offensive arms located on their territory, within seven years following the date of entry into force of the START Treaty, as agreed to in legally binding letters submitted to the Senate in connection with the May 23, 1992 Protocol in Treaty Doc. 102-32, then the President—

(A) shall consult with the Senate regarding the effect on the START Treaty of such developments,

(B) shall, if the President determines that failure to eliminate, within seven years following the date of entry into force of the START Treaty, all nuclear weapons, including all strategic offensive arms, located on the territories of the Republic of Byelarus, the Republic of Kazakhstan and Ukraine is of such significance as to constitute a changed circumstance affecting the treaty's object and purpose, and if the President decides not to invoke the withdrawal right under Article XVII of the Treaty, the President shall request a meeting of the Joint Compliance and Inspection Commission in accordance with Article XV of the Treaty, to assess the viability of the Treaty and to ascertain if an amendment is needed to accommodate the change of circumstance, or the President shall undertake other appropriate diplomatic steps; and

(C) shall, if the President has made the determination and decision described in subparagraph (B)—

(i) submit for the Senate's advice and consent to ratification any change in the obligations of the States Parties under the Treaty that is designed to accommodate such circumstance and is agreed to by all States Parties, unless such change is a minor matter of an administrative or technical nature; or

(ii) if no such change in the obligations of the States Parties is agreed to by all States Parties but the President determines nonetheless that continued adherence to the START Treaty would serve the national security interests of the United States, the President shall seek a Senate resolution of support of such continued adherence, notwithstanding the changed circumstance affecting the Treaty's object and purpose.

(7) PRESIDENTIAL REPORT ON TREATY COMPLIANCE.—Within 180 days of the Senate's giving its advice and consent to ratification of the Treaty, the President shall submit to the Senate an updated and expanded compliance report in classified and unclassified form, setting forth—

(A) a listing and discussion of the actions which are violations or probable violations of the obligations of the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties, and the ultimate resolution of these issues;

(B) a listing and discussion of the actions which are in compliance with the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties; and

(C) a comparison of the military significance of those actions listed in subparagraphs (A) and (B).

(8) NUCLEAR STOCKPILE WEAPONS ARRANGEMENT.—In as much as the prospect of a loss of control of nuclear weapons or fissile material in the former Soviet Union could pose a serious threat to the United States and to international peace and security, in connection with any further agreement reducing strategic offensive arms, the President shall seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures, to monitor—

(A) the numbers of nuclear stockpile weapons on the territory of the parties to this Treaty; and

(B) the location and inventory of facilities on the territory of the parties to this treaty capable of producing or processing significant quantities of fissile materials.

(b) DECLARATIONS.—The Senate's advice and consent to ratification of the START Treaty is subject to the following declarations, which express the intent of the Senate:

(1) SUBSTANTIAL FURTHER REDUCTIONS.—Cognizant of the United States' obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control", the Senate finds that the President entered into a Joint Understanding of June 17, 1992, on behalf of the United States, with President Yeltsin, on behalf of the Russian Federation, agreeing to conclude promptly a treaty providing for substantial further reductions in strategic offensive arms. The Senate encourages the conclusion of such a treaty at the earliest possible date and will give it prompt consideration upon submission by the President for advice and consent to ratification. In anticipation of the completion, ratification, and entry into force of a treaty with the Russian Federation for substantial further reductions in strategic arms, the Senate calls upon the other nuclear-weapons-states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.

(2) MISSILE TECHNOLOGY CONTROL REGIME.—The Senate urges the President to seek the adherence by the Republic of Byelarus, the Republic of Kazakhstan and Ukraine to the guidelines of the Missile Technology Control Regime.

(3) ELIMINATION AND DISMANTLEMENT OF NUCLEAR WARHEADS.—The Senate commends the Republic of Byelarus, the Republic of Kazakhstan, and Ukraine for eliminating the tactical nuclear warheads from their territories and urges the rapid elimination of the strategic nuclear warheads from their territories pursuant to their obligations under the START Treaty. The Senate urges the President to instruct the Safety, Security and Dismantlement negotiators to proceed expeditiously to obtain the destruction of all nuclear warheads from eliminated systems and to facilitate secure safeguarded storage of the special nuclear material withdrawn from eliminated weapons.

(4) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988.

(5) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power set forth in Article II, Section 2, Clause 2 of the Constitution.

(6) ELIMINATION OF ICBM SILO LAUNCHERS IN AN ENVIRONMENTALLY SOUND MANNER.—In accordance with Article II of the Protocol on the Joint Compliance and Inspection Commission (relating to convening a session of the Commission), the United States upon the convening of a session of the Joint Compliance and Inspection Commission shall place on the agenda for discussion the elimination of ICBM silo launchers located in the United States of America in ways that would minimize the impact of such elimination on the environment, including the impact on water wells and aquifers.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

FAMILY PLANNING AMENDMENTS ACT OF 1992—VETO

The PRESIDING OFFICER. The question is: Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The Chair will advise the body there are three subsequent rollcall votes, each of 10 minutes. This is the first, on S. 323, the family planning veto message of the President of the United States. The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—73

Adams	Glenn	Nunn
Akaka	Gorton	Packwood
Baucus	Graham	Pell
Bentsen	Harkin	Pryor
Biden	Hatfield	Reid
Bingaman	Heflin	Riegle
Bond	Hollings	Robb
Boren	Inouye	Rockefeller
Bradley	Jeffords	Roth
Brown	Kassebaum	Rudman
Bryan	Kennedy	Sanford
Bumpers	Kerrey	Sarbanes
Burdick, Jocelyn	Kerry	Sasser
Byrd	Kohl	Seymour
Chafee	Lautenberg	Shelby
Cohen	Leahy	Simon
Conrad	Levin	Simpson
Cranston	Lieberman	Specter
D'Amato	Lugar	Stevens
Daschle	McConnell	Warner
DeConcini	Metzenbaum	Wellstone
Dixon	Mikulski	Wirth
Dodd	Mitchell	Wofford
Exon	Moynihan	
Fowler	Murkowski	

NAYS—26

Breaux	Ford	Mack
Burns	Garn	McCain
Coats	Gramm	Nickles
Cochran	Grassley	Pressler
Craig	Hatch	Smith
Danforth	Helms	Symms
Dole	Johnston	Thurmond
Domenici	Kasten	Wallop
Durenberger	Lott	

NOT VOTING—1

Gore

The PRESIDING OFFICER. On this vote, the yeas are 73 and the nays are 26. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

UNITED STATES-CHINA ACT—VETO

The PRESIDING OFFICER. The Senate will now proceed to vote on the veto message on H.R. 5318, an Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes.

The question is: Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required.

The clerk will call the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—59

Adams	Fowler	Moynihan
Akaka	Glenn	Nunn
Bentsen	Graham	Pell
Biden	Harkin	Pryor
Bingaman	Heflin	Reid
Boren	Helms	Riegle
Bradley	Hollings	Robb
Breaux	Inouye	Rockefeller
Brown	Kennedy	Sanford
Bryan	Kerrey	Sarbanes
Bumpers	Kerry	Sasser
Burdick, Jocelyn	Kohl	Simon
Byrd	Lautenberg	Smith
Cranston	Leahy	Specter
D'Amato	Levin	Thurmond
Daschle	Lieberman	Wallop
DeConcini	Mack	Wellstone
Dixon	Metzenbaum	Wirth
Dodd	Mikulski	Wofford
Ford	Mitchell	

NAYS—40

Baucus	Garn	Murkowski
Bond	Gorton	Nickles
Burns	Gramm	Packwood
Chafee	Grassley	Pressler
Coats	Hatch	Roth
Cochran	Hatfield	Rudman
Cohen	Jeffords	Seymour
Conrad	Johnston	Shelby
Craig	Kassebaum	Simpson
Danforth	Kasten	Stevens
Dole	Lott	Symms
Domenici	Lugar	Warner
Durenberger	McCain	
Exon	McConnell	

NOT VOTING—1

Gore

The PRESIDING OFFICER. On this vote, the yeas are 59 and the nays are 40. Two-thirds of the Senators present and voting, not having voted in the affirmative, the bill, on reconsideration, fails of passage.

FOREIGN OPERATIONS APPROPRIATIONS FOR FISCAL YEAR 1993

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senate will now proceed to vote on the passage of the bill H.R. 5368, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1992, and for other purposes.

The bill having been read a third time, the question is, Shall it pass? On this question, the years and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessary absent.

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 12, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—87

Adams	Ford	Metzenbaum
Akaka	Fowler	Mikulski
Baucus	Glenn	Mitchell
Bentsen	Gorton	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Nickles
Bond	Grassley	Nunn
Boren	Harkin	Packwood
Bradley	Hatch	Pell
Breaux	Hatfield	Pressler
Brown	Heflin	Reid
Bryan	Inouye	Riegle
Burdick, Jocelyn	Jeffords	Robb
Chafee	Johnston	Rockefeller
Coats	Kassebaum	Rudman
Cochran	Kasten	Sanford
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
Cranston	Kerry	Seymour
D'Amato	Kohl	Shelby
Danforth	Lautenberg	Simon
Daschle	Leahy	Simpson
DeConcini	Levin	Specter
Dixon	Lieberman	Stevens
Dodd	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	Wellstone
Durenberger	McCain	Wirth
Exon	McConnell	Wofford

NAYS—12

Bumpers	Garn	Roth
Burns	Helms	Smith
Byrd	Hollings	Symms
Craig	Pryor	Wallop

NOT VOTING—1

Gore

So the bill (H.R. 5368), as amended, was passed.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. LEAHY, Mr. INOUYE, Mr. JOHNSTON, Mr. DECONCINI, Mr. HARKIN, Ms. MIKULSKI, Mr. BYRD, Mr. KASTEN, Mr. HATFIELD, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. NICKLES, and Mr. STEVENS, conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, in the bill just adopted by the Senate there was an amendment, number 3323, the so-called Leahy-Kasten jobs amendment.

I ask unanimous consent that the Senator from West Virginia [Mr.

ROCKEFELLER] be listed as an original cosponsor of that amendment, 3323.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank the Members of the Senate who supported this legislation. I would tell my colleagues again, we have a foreign aid bill which is substantially below the President's request in an effort to save money. It shows some of the largest cuts that I can remember being made and is one where we have worked very, very hard with each Senator to come out with a fiscally responsible piece of legislation.

I do want, on this side of the aisle, to compliment very much, Eric Newsom, who has spent much of the summer and early fall, working days, evenings, weekends as the staff director of the Foreign Operations Subcommittee in getting us into this position.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, may I ask the order of business?

The PRESIDING OFFICER. There is no pending business.

The Senator from the State of Arizona is recognized.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 3295 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to morning business with Senators allowed to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 1992 OCTOBER QUARTERLY REPORTS

The mailing and filing date of the October Quarterly Report required by the Federal Election Campaign Act, as amended, is Thursday, October 15, 1992. All principal campaign committees supporting Senate candidates in the 1992 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 8 a.m. until 9 p.m. on October 15th, to receive these filings. In general, reports will be available the day after receipt. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

REGISTRATION OF MASS MAILINGS

The filing date for 1992 third quarter mass mailings is October 26, 1992. If any office did no mass mailings during this period, please submit a form that states none.

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3294, a bill introduced earlier today by Senators SARBANES and MCCONNELL dealing with the Overseas Private Investment Corporation.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3294) to amend the Foreign Assistance Act of 1961 to extend for one year the authority of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Is there debate?

If there is no objection, the bill is read a third time.

OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 4996, and that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken, and that the text of S. 3294 be substituted in lieu thereof; the bill be deemed to have been read the third time and passed; that the motion to reconsider be laid upon the table; that the Senate insist upon its amendment; request a conference with the House; and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4996) was deemed read the third time and passed.

There being no objection, the Chair appointed Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. HELMS, and Mr. MCCONNELL conferees on the part of the Senate.

MEASURE INDEFINITELY POSTPONED—S. 3294

Mr. FORD. Mr. President, I ask unanimous consent that S. 3294 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, might I inquire what the business of the Senate is?

The PRESIDING OFFICER. The Senate is in morning business with each Senator allowed to speak therein for up to 5 minutes.

Mr. BURNS. Thank you, Mr. President.

FAA REAUTHORIZATION

Mr. BURNS. Mr. President, we are rapidly moving toward the end of the session and for that, I believe the country is grateful. the number of must-pass items are quickly dwindling and we will all be home soon to face our constituents.

And while we were quick to pass a continuing resolution to keep the Government bureaucracy running, I want to point out to my colleagues that an important program was allowed to lapse. The Nation's Airport Improvement Program [AIP], which funnels nearly $2 billion a year of airport construction funding into the economy, is suspended in the absence of authorization. The FAA reauthorization bill, S. 2642, is on the Senate cal-

endar and could be passed in short order. It is a bill that Secretary Card and the administration would like to see passed because of its importance to aviation and the economy.

The economic importance should not be forgotten. In 1991, for example, my State of Montana received over $17 million in AIP funding. We cannot afford to lose or delay this money.

Just as highway construction funding creates jobs, it is estimated that for every billion dollars of airport construction funding, 50,000 jobs are created or sustained in the economy. Airports are economic engines in their local communities. We need these jobs right now. The airport bill is not only an important safety measure, it is also a job creator.

I urge my colleagues to take note of this problem and I urge the leadership to schedule the bill for consideration before we adjourn.

THE ENERGY BILL

Mr. BURNS. Mr. President, I also would like to congratulate the energy conference for finally working out all of the problems that we had between the Senate and the House on the energy bill.

I want to congratulate the leadership in the Senate for moving on this. Increasingly, we are handing over 50 percent of our energy needs to foreign interests. I think we have passed a bill, or agreed on a bill, a conference report, that I think is responsible. It moves us towards some kind of independence. This bill takes a responsible course, and we are very happy about that.

The bill has also some important provisions on energy conservation, the use of electricity, and hydropower, alternative fuels provisions, which are good for Montana and because of ethanol and methanol we can finally start using some fuels that can be produced from a renewable resource.

Also, we have passed in this session the tourism bill, which is the first time since 1981 we had a bill and reauthorized the USTTA; and as you know, tourism is one of our biggest exports in this country. It is in the black; $64 billion is spent in the United States by those who come here to visit our country. For right now, we have a policy that helps tourism, and also an important part of that is the Rural Tourism Foundation that would move our foreign visitors into the rural areas and heartlands of the United States and help out those areas that formerly were not helped.

I am also gratified to see the President sign the important legislation dealing with the Tongue River. And the Indian compact we have been working on so long between the northeastern Cheyenne in the State of Montana and the Federal Government. It is very significant for our part of the country, to get that out of the way and to move on down the line.

Mr. President, I thank you for the time and I yield the floor.

Mr. GRAHAM. Mr. President, am I correct that we are currently engaged in morning business with each Senator allowed to speak therein for up to 5 minutes each?

The PRESIDING OFFICER (Mr. ADAMS). The Senator is correct.

Mr. GRAHAM. I ask unanimous consent that I be allowed to speak for up to 10 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, the Senator is recognized in morning business for a period of 10 minutes.

Mr. GRAHAM. Thank you, Mr. President.

HAITI

Mr. GRAHAM. Mr. President, yesterday we celebrated the 1-year anniversary of the coup in Haiti through which the elected Government, President Jean-Bertrand Aristide, was overthrown by military thugs.

After months of trying to negotiate a return of democracy, we have almost nothing to show for our efforts.

Diplomacy has failed. After months of inconclusive debate, the Organization of American States last week dispatched an 18-member observer mission to Haiti. Its goal is to monitor human rights and evaluate economic conditions. But, according to reports, the mission is haphazardly organized, poorly equipped and without leadership.

Mr. President, I ask unanimous consent that a September 27, 1992, Miami Herald article by Mr. Don Bohning describing the mission be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. The economic embargo has also failed. In large part due to lack of strong U.S. leadership, the embargo has become a sieve. In fact, the United States earlier this year unilaterally decided to allow some United States businesses to continue to operate in Haiti. At the same time, our European allies continue to circumvent the embargo, delivering oil and other essential products to Haiti.

Failure is producing frustration that I fear is leading to accommodation with the rulers in Port-au-Prince. If we allow the coup in Haiti to stand, we will be making a number of serious policy errors.

First, we risk making a bad human rights situation even worse. The Lawyers Committee for Human Rights, respected for their objectivity, said in its August 1992 report to Haiti that the human rights in Haiti is worse than at any time since the Duvalier era.

Mr. President, I also ask unanimous consent that a report of Amnesty International for 1992, as it relates to human rights in Haiti, be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRAHAM. Second, Mr. President, our inaction will encourage even greater flows of refugees from Haiti. We have already experienced thousands of Haitians attempting to leave that beleaguered island. That flood is likely to increase.

Third, the past efforts by the administration to slow the flow of refugees has led to the United States having to place itself in a position of violation of its own principles—which recognize the right of an individual fleeing a foreign country to be able to present their case of political persecution—and we are operating in violation of international law.

Fourth, militaries around the hemisphere are carefully watching what is happening in Haiti. If we allow this coup to stand, we will send the wrong signal to the hemisphere that we are not serious about protection of democratic governments.

Rather than accommodation, we as a nation—we as the leader of the democracies of the Western Hemisphere—must recommit ourselves to the restoration of democracy.

Mr. President, I have reluctantly concluded that we now have one option and that is we must organize our democratic allies in the hemisphere to be prepared to use force to remove the illegal government now holding power, should such action ultimately be necessary.

Force, and the credible threat of its use, is the only currency the rulers in Port-au-Prince respect.

With diplomacy and economic pressure having failed, we finally have reached the point where we must either acquiesce to the permanence of the coup or be prepared to use force.

It is time to deliver an ultimatum to the cutthroats in Port-au-Prince. We should tell General Cedras that he has 48 hours to turn over the Government to President Aristide. Either Cedras leaves under his own power, or he and his henchmen get carried out.

Mr. President, we have no policy and no long-term strategy for Haiti. We continue to take incremental steps that are ineffective.

In today's Washington Post an article appears which talks about Haiti's impasse now 1 year old. This article begins with these sentences.

A year after the violent overthrow of president Jean-Bertrand Aristide, his supporters and the military that ousted him remain in entrenched positions that make chances of his return to power bleak, according to diplomats and analysts.

Officials of the United States and other countries in the 34-nation Organization of

American States that imposed an economic embargo following the coup appear to have formed a consensus that the trade cutoff has outlived its usefulness.

But at the same time, the military-backed government of Prime Minister Marc Bazin appears unable to get the army to make any concessions that would justify modifying or lifting the measure.

Diplomats and analysts here said that when the coup occurred a year ago, led by enlisted men, it appeared unlikely that the ragtag force of 7,000 would be able to survive the wrath of the international community, which vowed to show that military overthrows were no longer acceptable in this hemisphere.

Now, the sources said, Aristide's return as functioning president is unlikely, despite the fact that he appears to have retained the vast majority of the support that won him 67 percent of the vote in 1990.

"What we have are mutually exclusive positions. We are chasing our tails," said one analyst here. "We are on a slow descent to oblivion. A few people are getting very rich off the embargo, and the rest of the country is sinking almost to the point of no return."

Mr. President, I ask unanimous consent the full article from today's Washington Post be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GRAHAM. Mr. President, Bob Pastor of the Carter Center recently asked the question that we each must ask ourselves. Is it humane to starve this country indefinitely, with no realistic strategy for restoring a constitutional system?

I submit that the only realistic strategy is military intervention.

Mr. President, there will be other Haitis in the future. Working with the Organization of American States, the time has come to establish an Inter-American defense force.

The Senate last week approved an amendment to the fiscal year 1993 Defense appropriations bill directing the Pentagon to study the feasibility of an Inter-American force. I urge conferees to support this amendment in conference.

For several years the United States has been uttering all of the right words in support of democracy in Haiti. But now our words will be tested by action. During the last year, we have failed that test. Let us hope that in the next 365 days, we take the necessary action to back up our verbal commitment to democracy with meaningful action.

EXHIBIT 1

[From the Miami Herald, September 27, 1992]

OAS OBSERVER MISSION TO HAITI IS LEADERLESS, OFF TO SHAKY START

(By Don Bohning)

PORT-AU-PRINCE, HAITI.—An 18-member observer mission dispatched to Haiti by the Organization of American States has gotten off to a shaky start, with the country's de facto government wondering whether it has accepted a Trojan horse.

One of the 18 left the country Wednesday at the government's request because of ties to exiled President Jean-Bertrand Aristide. Another may be on the way out for the same reason.

Additionally, perception of the mission by both the government and some foreign officials here is that it has been haphazardly organized with little or no preparation, no equipment and still leaderless, with its Trinidadian coordinator due in this week.

The mission, agreed on earlier this month by Haitian Foreign Minister Francois Benoit and the Rev. Antoine Adrien, Aristide's representative, was seen as a small but significant break in a yearlong political crisis that began with a Sept. 30 coup against Aristide.

The mission's mandate is to monitor human rights and evaluate economic conditions as a result of an OAS embargo, with an eye toward recommendations on humanitarian assistance.

The mission had planned to put two-member teams in each of Haiti's nine provinces.

DISPATCH DELAYED

But as it now stands, officials say the dispatch of teams to the countryside will be delayed some three weeks until vehicles and communications equipment arrive. There also has not yet been any coordination with the government about security, logistics and other technical details.

Adding to the confusion, it is still not clear whether former Jamaican Prime Minister Michael Manley will accept a role as special representative of OAS Secretary General Joao Baena Soares.

The government, when it agreed to accept Manley—albeit reluctantly because of his past statements and Jamaica's position in the crisis—thought he already had agreed to take the job.

MANLEY UNDECIDED

Diplomats in Haiti said they had been left with the same impression by the OAS, only to find out that Manley is still undecided.

In agreeing to both the mission and Manley, the de facto government headed by Prime Minister Marc Bazin had hoped the concessions would be a first step in modifying or ending the embargo.

Instead, officials are questioning the selection process for the members, who were recruited from around the hemisphere mainly on the basis of language ability and familiarity with Haiti.

PRO-ARISTIDE MEMBER

The government says it has yet to receive résumés of the members as it has requested, but in doing some checking on its own, it discovered that at least one member—John Kozyn—was an Aristide partisan.

Government officials said Kozyn, a Canadian, had been second-in-command at the Washington Office on Haiti, a pro-Aristide advocacy group, when it was headed by Fritz Longchamps, now Aristide's ambassador to the United Nations.

In addition, the officials say, Koyzn has been doing translation at the Haitian Embassy in Washington. The embassy is headed by Jean Casimir, Aristide's ambassador to both the United States and the OAS. On that basis, the government asked the OAS to withdraw Kozyn. He left Wednesday.

Government officials say they are also suspicious of a member from Argentina because of alleged links to Aristide partisans.

"I am very surprised that the OAS was not more careful in looking for an independent mission," Bazin said in an interview Friday. "For the mission to be objective, it has to be impartial. It's in the best interests of the OAS that they [mission members] are carefully chosen."

Another government official put it more bluntly, saying it looked like Aristide's backers were "trying to introduce a bunch of Trojan horses."

The Bazin government has said nothing publicly about the Kozyn case.

Neither has it said anything publicly about its concerns over Manley, whose government had taken one of the more aggressive positions—including suggesting foreign military intervention—to restore Aristide to power.

Manley, who resigned as Jamaica's prime minister in March for health reasons, was asked to take the role in Haiti because of his international stature and because he is from the Caribbean, rather than from Latin America, which many Haitians view as insensitive to their country.

"We have been led to believe he [Manley] has become more reasonable" regarding Haiti, a Bazin government official said. "He has more information about Aristide's seven months in the presidency and a more balanced attitude toward Haiti."

BISHOP WHO SUPPORTS ARISTIDE WAS DETAINED

(By J.P. Slavin)

PORT-AU-PRINCE, HAITI.—Monsignor Willy Romelus, the only Haitian bishop to support exiled President Jean-Bertrand Aristide publicly, was detained three times last week in western Haiti, and soldiers stormed the rectory he was visiting, a human rights official said.

At 1 a.m. Thursday, soldiers stormed a rectory in Lesirois, about 40 miles southwest of Jeremie, where Romelus is bishop, said Paul Dejean of the Haitian Platform for the Defense of Human Rights. Soldiers said they wanted to arrest Romelus, Dejean said, but left after other priests protested.

Before entering the rectory, soldiers beat the Rev. Alfred Dorestan, Romelus told Dejean.

Dejean said he learned of the assault after speaking to witnesses who arrived in the Haitian capital Saturday.

Driving northeast to Jeremie the next morning, Romelus was stopped in the village of Anse d'Hainault and interrogated by soldiers, Dejean said. He was detained for one hour.

Later, in Dame-Marie, about 15 soldiers stopped Romelus again, pointed their weapons at him, and detained him for two hours.

Romelus said he had also been stopped Tuesday on the way to Lesirois by soldiers who swore at him and searched his vehicle for weapons.

Romelus, a cousin of Aristide, was a leader in the popular uprising against the dictator Jean-Claude "Baby Doc" Duvalier in 1986.

[From the New York Times, Sept. 27, 1992]

HAITI'S PLIGHT: ARISTIDE SEEKS MORE THAN MORAL SUPPORT

(By Howard French)

PORT-AU-PRINCE, HAITI.—When he confidently strode to the podium of the General Assembly one year ago bearing news of democracy's triumph after nearly two centuries of bloody failures, Haiti's first elected President, the Rev. Jean-Bertrand Aristide, was the toast of the United Nations. This week, as Haiti's deposed President, overthrown in a military coop no sooner than he had returned home, Father Aristide will stand before the same audience to plead that the world not forget his country's tragedy.

He will surely be greeted with hearty applause, but it is much less certain that he will get anything beyond moral support. Dip-

lomats say there is little chance that anything but the use or serious threat of force can now dislodge a Haitian army that has bloodily secured its hold on the nation while gorging itself on drug money and contraband since the coup last Sept. 30. Such a rescue seems remote. If anything, as time has passed, the world consensus against taking action on Father Aristide's behalf has hardened. For different reasons, likely defenders seem not to want to get involved.

At the United Nations, increasingly stretched by compelling crisis from Yugoslavia to Somalia, most diplomats agree there is little chance that the body will take up Father Aristide's expected call to actively work for his return. Nor is the Organization of American States as indignant as it once was. Having announced plans for a 500-member observer mission to Haiti, the O.A.S. is now ploddingly assembling a corps of 18.

As for the United States, since shortly after the overthrow—when Secretary of State James Baker echoed President Bush's famous "this aggression will not stand" statement about Iraq—little consideration has been given to backing up American principles in Haiti with American muscle.

Virtually all observers agree that facing down Haiti's ill-equipped and undisciplined 7,000-man army would take little in the way of force. Recently, an adviser of the provisional Government of the army-backed Prime Minister Marc L. Bazin repeated Father Aristide's longtime complaint when he said that "all it would take is one phone call" from Washington to send the army leadership packing. Certainly, in Haiti, it is keenly recalled that the United States played a critical behind-the-scenes role in forcing out the last military leader, Col. Prosper Avril, setting the stage for the democratic elections that Father Aristide won in a landslide.

Father Aristide has undoubtedly been frustrated that other nations have found ways to avoid effectively rallying to his cause. Mexico, for example, has invoked deep-seated opposition to American or even multilateral intervention by the O.A.S. in a member country's internal affairs. The European Community has failed to even slow its trade with Haiti.

Indeed, supporters and opponents of Father Aristide agree, nothing more threatening than a leaky and ineffective embargo, quickly imposed on Haiti after the coup, has ever been seriously contemplated, which reflects Washington's deep-seated ambivalence about a leftwing-tilting nationalist whose style diplomats say has sometimes been disquietingly erratic. Father Aristide rode to popularity on the wings of his calls for redemption for the hemisphere's poorest and most oppressed people and on stinging speeches that often depicted the United States as a citadel of evil and the root of many of his country's problems. His salutations have long invoked the name of Charlemagne Peralte, a leader of the Haitian resistance to the United States' occupation early in the century, so he himself recognizes trickiness of calling for stronger American measures.

Despite much blood on the army's hands, United States diplomats consider it a vital counterweight to Father Aristide, whose class-struggle rhetoric during his nearly eight months in office, threatened or antagonized traditional power centers at home and abroad. For months Washington has mixed almost rote-like public statements of the need to restore Haitian democracy with private comments that confess its unwillingness to take on the military.

"He wants us to get rid of his enemies for him so that he can have a free hand to mop up, and we're just not going to do that for him," a senior official said in a comment that has been repeatedly echoed in American diplomatic circles.

For Father Aristide there remains only the slim possibility that a new effort at mediation by the former Jamaican Prime Minister Michael N. Manley, who was recently recruited by the O.A.S. for the task, can revive diplomatic efforts to restore him to office. Failing that, Father Aristide's backers can only hope that a people who have so far remained quiescent, will rise up again, as they did in 1986 to cast off the Duvalier family dictatorship, and reclaim the right to choose their leaders.

"It is possible that the international community fails to find the instruments to help us and even that our civilian Government fails," said Father Aristide's Ambassador to Washington, Jean Casimi. "But time cannot help these gorillas, and given time, the Haitian people cannot lose."

EXHIBIT 2

AMNESTY INTERNATIONAL REPORT 1992

(A Comprehensive Report on Human Rights Violations Around the World)

HAITI

At least 20 political prisoners detained by the government of President Jean-Bertrand Aristide were held for up to seven months without charge or trial; other political prisoners apparently received unfair trials. Five people were apparently summarily executed in July. Following a violent military coup in September, security forces shot and killed hundreds of unarmed civilians. More than 300 people, including many prisoners of conscience, were arrested arbitrarily, and many of them were detained without charge for longer than the constitutional maximum of 48 hours. Many detainees were tortured or ill-treated. Prison conditions continued to be harsh.

In January Roger Lafontant, a prominent member of deposed President Jean-Claude Duvalier's government and the former head of the armed civilian militia known as the tontons macoutes, led an attempt to overthrow the government by force. He and his accomplices intended to prevent Father Jean-Bertrand Aristide, who had been elected President in December 1990, from taking office. The coup attempt failed, but about 30 people were reportedly killed in the ensuing wave of violence.

President Aristide took office in February. His government initiated some prosecutions against those responsible for human rights violations under previous governments. In March a landowner was arrested in connection with the 1987 killing of more than 200 peasants at Jean-Rabel by people who were acting on behalf of local landowners and were believed to include members of the tontons macoutes (see Amnesty International Report 1988). Two other people implicated in the same killings were arrested in April. In April Elysée Jean-François was convicted of murder in connection with the 1988 St Jean Bosco Church killings (see Amnesty International Report 1989) and sentenced to life imprisonment with forced labour. He was released after the September coup. Chefs de section (rural police chiefs), notorious for human rights abuses under past governments, were instructed to turn in their weapons and were placed under civilian authority in April. Some of those known to have committed the worst human rights abuses were dismissed. In August the government set up a commission on human rights workers and politicians to investigate human rights abuses committed between 1986 and 1990.

On several occasions crowds attacked or threatened suspected political opponents of President Aristide leading to violent incidents in which a number of people died. In August, for instance, a senator thought to support a proposed motion of no confidence in the government was attacked and beaten. President Aristide appeared to condone several such incidents.

On 29 September a military coup overthrew the democratically elected government of Haiti. President Aristide was deposed and went into exile in Venezuela. In October Supreme Court judge Joseph Nerette was appointed provisional president; Jean-Jacques Honorat, Executive Director of the Centre haïtien des droits et libertés publiques (CHADEL), Haitian Human Rights Centre, became provisional prime minister. The coup was condemned by the United Nations (UN) General Assembly and other international bodies. The Organization of American States (OAS) mediated in negotiations between the new authorities and deposed President Aristide, who was still in exile at the end of the year.

In December the de facto authorities granted an amnesty to all those "arrested, prosecuted, tried or convicted for political crimes committed between 16 December 1990 and 27 September 1991". Many of those covered by the amnesty had been convicted of committing serious human rights violations and had reportedly been released immediately after the coup.

In February Haiti acceded to the International Covenant on Civil and Political Rights.

During President Aristide's administration more than 20 people accused of plotting against the security of the state were held for prolonged periods without charge or trial. At least two of them, Major Isidore Pongnon and Anthony Virginie St-Pierre, were former government officials allegedly involved in past human rights abuses.

Roger Lafontant and 21 others charged with crimes against state security following the failed January coup attempt were tried and convicted in July. Their lawyers were refused access to them before the trial, thereby infringing their right to have adequate time and facilities for the preparation of their defence. Roger Lafontant was sentenced to life imprisonment with forced labour, although the Penal Code stipulates a maximum sentence of 15 years' imprisonment for such an offence. He was shot and killed inside the National Penitentiary on 30 September in circumstances which remain unclear.

At least 21 men deported from the United States of America after completing prison sentences there were arrested upon arrival in Haiti early in 1991 and held for several months without any apparent legal basis at the National Penitentiary.

Ill-treatment by the security forces decreased after February but continued to be reported. In May lawyer Monique Brisson was beaten by a prison officer at the National Penitentiary when she presented a court order for the release of a client. According to her testimony, the officer refused to release the prisoner, then slapped Monique Brisson and hit her with a metal object on the head, causing her to bleed profusely. She was locked in a cell for several hours and denied medical treatment.

Five people were apparently summarily executed in July. Stevenson Desrosiers, an 18-

year-old student, was shot dead by a police officer identified by eye-witnesses as the chief of the *Service d'investigation et de recherches anti-gang*, Anti-Gang Investigation Service. Four witnesses to the shooting, Jacques Nelio and three teenagers who had been in Stevenson Desrosiers' car, were taken away in a police vehicle. Their bodies were found at the General Hospital morgue the following day, riddled with shotgun wounds and bearing signs of ill-treatment. The police claimed that the young men were criminals killed while resisting arrest. One police lieutenant was arrested and the chief of the Anti-Gang Investigation Service was suspended during an investigation which had not been completed by the time of the coup.

The days immediately following the 29 September coup were marked by violent repression, particularly in impoverished communities where support for President Aristide had been strongest. Many people were killed by soldiers in circumstances suggesting they had been extrajudicially executed. Soldiers deliberately opened fire into crowds, killing and wounding hundreds of people, including children, sometime in the course of demonstrations against the coup. In Gonaives, Artibonite department, six people were shot dead by the security forces after demonstrators set up barricades in the city. After a soldier was killed by a crowd in Lamentin 54, Port-au-Prince, soldiers reportedly raided private homes and shot more than 30 unarmed people dead, then forced relatives and other local people to bury the bodies.

Jacques Gary Simeon, known as Jacky Caraibe, a journalist and director of Radio Caraibe, was seized on 30 September by a group of soldiers who arrived at his home and beat him severely in the presence of his family. The soldiers took him to an unknown destination. His bullet-riddled body was later found in the Delmas 31 district of Port-au-Prince, bearing the marks of severe tortune.

In the aftermath of the coup over 300 people, including many prisoners of conscience, were arbitrarily arrested by the military. They were often held without charge for longer than the 48 hours laid down by the Constitution before being released.

There were widespread reports of torture by members of the armed forces, including severe beatings and the use of the technique known as the djak — a baton is wedged under the thighs and over the arms of the victim who is then beaten repeatedly. Many torture victims who sustained serious injuries were repeatedly refused medical attention.

On 7 October Evans Paul, the mayor of Port-au-Prince and a prominent supporter of President Aristide, was arrested at the airport by about 20 soldiers. He was on his way to meet OAS representatives, and was then scheduled to travel to Venezuela for talks with the ousted President. Before his arrest, Evans Paul had reportedly received assurances of safety from General Raoul Cedras, commander-in-chief of the armed forces. Evans Paul was severely beaten and otherwise ill-treated in custody. He suffered fractured ribs, a back injury, eye damage and severe burns. He was released later in the evening of 7 October and subsequently went into hiding.

In October soldiers arrested Aldajuste Pierre, the leader of a rural cooperative and a member of the *Mouvement paysan de Papaye* (MPP), Papaye Peasant Movement. He was reportedly accused of possessing a clandestine newspaper, and was severely beaten before being transferred to a military hospital in Hinche, where he remained in custody. At least two other MPP members were also briefly detained, apparently for their membership of that organization.

In November about 20 street children, aged between 10 and 15 years, were arrested and detained at the National Penitentiary. They were apparently held because they came from *Lafanmi Selavi*, the orphanage founded by President Aristide. They had reportedly been released by the end of the year.

On November uniformed policemen and men in civilian clothes broke up an apparently peaceful student demonstration in support of the return of President Aristide, at the National University. According to their testimonies, many students were attacked with sticks and rifle butts. More than 100 students and eight journalists were arrested, and taken in army vehicles to the Anti-Gang Investigation Service and to the National Penitentiary, where they were again severely beaten. One student, Marie-Claude Paul, suffered a broken arm. About 30 students remained in detention without charge at the end of the year.

At least one person reportedly "disappeared" in military custody. In November a military street patrol in Port-au-Prince discovered Adelin Télémaque writing a pro-Aristide political slogan on a wall. The soldiers beat him severely in front of witnesses before taking him away. The military later denied holding Adelin Télémaque, and his fate and whereabouts remained unknown.

Conditions at the National Penitentiary, Saint-Marc, Gonaïves, Cap Haïtien and other detention centers were harsh throughout the year. Beatings and other ill-treatment were frequently reported. Many inmates suffered from malnutrition and lack of medical treatment. Boys aged between 11 and 17 were held with adults at the National Penitentiary and Cap Haïtien prison, sometimes for several months. In June, following a prisoners' protest at the National Penitentiary, the government promised to end prison beatings and to establish a permanent commission to examine prison conditions.

In May Amnesty International delegates visited Haiti, met human rights organizations and individuals, and presented the organization's concerns to the government. In October and November Amnesty International wrote to the new Haitian authorities to communicate its concerns in the aftermath of the coup. No response was received.

In February in an oral statement to the UN Commission on Human Rights, Amnesty International welcomed the Commission's decision in 1990 to give increased scrutiny to the human rights situation in Haiti.

EXHIBIT 3

[From the Washington Post, Oct. 1, 1992]

HAITI'S IMPASSE NOW A YEAR OLD

(By Douglas Farah)

PORT-AU-PRINCE, HAITI, September 30.—A year after the violent overthrow of president Jean-Bertrand Aristide, his supporters and the military that ousted him remain in entrenched positions that make chances of his return to power bleak, according to diplomats and analysts.

Officials of the United States and other countries in the 34-nation Organization of American States that imposed an economic embargo following the coup appear to have formed a consensus that the trade cutoff has outlived its usefulness.

But at the same time, the military-backed government of Prime Minister Marc Bazin appears unable to get the army to make any concessions that would justify modifying or lifting the measure.

Diplomats and analysts here said that when the coup occurred a year ago, led by enlisted men, it appeared unlikely that the ragtag force of 7,000 would be able to survive the wrath of the international community, which vowed to show that military overthrows were no longer acceptable in this hemisphere.

Now, the sources said, Aristide's return as functioning president is unlikely, despite the fact that he appears to have retained the vast majority of the support that won him 67 percent of the vote in 1990.

"What we have are mutually exclusive positions. We are chasing our tails," said one analyst here. "We are on a slow descent to oblivion. A few people are getting very rich off the embargo, and the rest of the country is sinking almost to the point of no return."

Since Monday, the military has been on maximum alert to head off any pro-Aristide rallies. Police with bullhorns rode through main streets today, ordering people to keep moving so no crowds could assemble.

But Aristide's followers said they had asked supporters not to take to the streets. "It has demoralized supporters, yes, but we must accept that," said the Rev. Antoine Adrien, an adviser to Aristide. "I think enough blood has been shed."

The sources said that the military, by denying Aristide's return for a year while perpetrating extensive human rights abuses with immunity, has crossed an important psychological threshold—giving officers more confidence that they can survive the embargo without making significant concessions.

The embargo has grown porous enough that for those with money, virtually anything is now available. There are no longer any fuel shortages.

Knowledgeable sources here said that while much of the business community and the poor have been devastated by the embargo, some of the very rich, along with some top military officers, have made fortunes in contraband and drug smuggling, diminishing their enthusiasm for ending the embargo.

At the same time, Aristide, 38, a priest turned politician and Haiti's first democratically elected president, has succeeded in depriving the de facto Bazin government of legitimacy in the eyes of the international community. The result is virtually the same stalemate that existed the day Aristide was overthrown.

"There is, of course, a psychological threshold being reached with the one-year anniversary," said Michel-Rolph Trouillot, a Haiti analyst at Johns Hopkins University. "But it is not exactly that things are going well. One year has not created any legitimacy for the government."

Among formulas under discussion here is having the military recognize Aristide as president, but not allowing him to return or exercise any real power. In exchange, the embargo would be lifted and the Bazin government recognized.

But, according to sources here, many in the military feel that even accepting Aristide's title would give Aristide authority to begin demanding a return and the right, if not the power, to name key officials, something they will not accept.

Complicating matters, the monied elite, who helped finance the coup, according to diplomats and knowledgeable sources here, have refused to pay taxes or import duties, except for a one-time contribution in July, depriving Bazin of the base he needs to keep the country afloat economically.

"The elite and military want to have their cake and eat it too," said a veteran diplomat here. "They want things the old way, without an embargo, where they pay no taxes and no duties, and no Aristide return. In return they want to give up nothing."

A source familiar with the thinking of the military said that even its recent "concession," allowing 18 OAS observers here to monitor human rights and evaluate needs for humanitarian assistance, had angered the officers. Originally, 500 observers were envisioned for the task. One of the 18 monitors has been forced to leave because the military found him unacceptable because he was viewed as too sympathetic to Aristide.

Those familiar with the OAS effort said the observers had carried out no missions yet. Bazin's supporters said the prime minister could offer no further concessions and if the international community did not ease the embargo within months, the army could opt for another coup to replace Bazin with one of their own.

Adrien said any formula that stripped Aristide of his constitutional powers and obligated him to exile was "unacceptable." But many in the U.S. administration and the OAS now view Aristide as part of the problem. These officials said his intransigence and fiery rhetoric of revenge have served only to harden the military's position.

Aristide sounded defiant when he addressed the United Nations on Tuesday, calling for a full U.N. embargo of Haiti and attacking the de facto government as enemies.

"This is a conflict without compromise between Aristide and the military," said one diplomat. "There is a palpable fear on both sides, the fear of revenge. And that makes mutual trust-building impossible."

TRIBUTE TO SENATOR JAKE GARN

Mr. THURMOND. Mr. President, I rise today to pay tribute to my esteemed colleague and good friend Senator JAKE GARN of Utah, who will be retiring at the end of this session. Senator GARN is a man of character, courage, compassion, and capacity, and he has done an outstanding job representing the State of Utah in the U.S. Senate for the past 18 years.

Senator GARN is a man of many talents, as his record shows. He served with distinction as a Navy pilot, achieving the rank of lieutenant, and is a retired brigadier general in the Utah Air National Guard. He has also been a successful businessman, working as an insurance executive for 8 years, and his previous public service includes stints as both city commissioner and mayor of Salt Lake City.

Probably the one thing about Senator GARN which has most captured the imagination of the public is his brief but renowned career as an astronaut. In 1985, the Senator was part of the crew on a flight of the space shuttle *Discovery*, performing various medical tests and serving as a payload specialist.

Throughout his career in the Senate, Senator GARN has been an effective representative of his State and a conscientious advocate for the American people. He is known for his strong adherence to conservative principles and his passionate dedication to those causes he holds dear. He is also known as a good man to have in your corner, and his colleagues on both sides of the aisle respect him for his knowledge, hard work, and integrity.

During the past 18 years, Senator GARN has established himself as a proponent of a strong national defense, an opponent of wasteful spending, and one of the most eloquent and forceful spokesmen for the space program. He served as chairman of the Banking, Housing and Urban Affairs Committee for 6 years, and is currently its ranking member. He is also a member of the Appropriations Committee, the Energy and Natural Resources Committee, and the Senate Rules Committee.

Mr. President, Senator JAKE GARN is a living example of the hard work and determination which earned his home State the title of the Industrious State. He is a man of intelligence, ability, and principle, a true patriot, a loving husband and father, and an outstanding Senator. He will be deeply missed in Washington, especially by this Senator, and I wish him and his lovely wife Kathleen the very best in the future.

OUTCOMES RESEARCH OF DISEASE PREVENTION AND HEALTH PROMOTION

Mr. GRAHAM. Mr. President, on June 4, 1991, I introduced S. 1213 to expand and improve the Federal Government's involvement in the outcomes research of disease prevention and health promotion services.

The bill would require the Centers for Disease Control [CDC] to make grants to evaluate which disease prevention and health promotion activities achieve the highest cost-benefit, cost-efficacy, and health improvement.

The data will be utilized to consider and rank certain procedures and activities in terms of quality, cost, short and long term improvement and to set practice guidelines. The information would be made available by the Federal Government through a clearing house within CDC.

Over the past few months, I have heard from various groups who strongly believe that such legislation needs to be enacted. To make this happen, Senator KENNEDY, chairman of the Labor and Human Resources Committee, and I have worked diligently to include parts of this legislation in various measures up for reauthorization. I want to thank the distinguished chairman for his cooperation in this regard.

The bill has been reorganized in the following manner. The CDC will be authorized to conduct disease prevention and health promotion evaluations which include these services: blood pressure screening and control; early cancer screening; blood cholesterol screening and control combined with stress management; smoking cessation programs; substance abuse programs; dietary and nutrition counseling including nutrition assessments; physical fitness counseling; stress management; diabetes education and screening; and intraocular pressure screening. An additional $6 million will be authorized for the evaluations.

The CDC clearinghouse will be authorized to disseminate models and standards in the areas of health information and health promotion, preventive health services, education, and the insurance coverage of these services for the appropriate use of health care. This information would be accessible to practitioners, health care providers, employers and employees to improve quality of life.

In addition, the Agency for Health Care Policy and Research [AHCPR] is authorized to produce a set of disease prevention and health promotion practice guidelines which include not fewer than three conditions that account for significant national health expenditures.

Finally, the Administrator of the AHCPR will consult with the Director of the CDC concerning dissemination of disease prevention and health promotion data and practice guidelines.

As Congress considers health care reform in the coming year, it is crucial that the acute-care bias of the system is debated. Outcomes research in the disease prevention and health promotion area will further a wellness approach in our health care system. It would encourage both public and private entities to begin disease prevention and health promotion activities which in turn reduce long-term health costs and premature disease and mortality, and overall, provide a better quality of life for all.

Again, Mr. President, I thank the distinguished chairman for his assistance in enacting this important provision.

WALLINGFORD, CT'S BANDECCHIS CELEBRATE DIAMOND JUBILEE ANNIVERSARY

Mr. LIEBERMAN. Mr. President, I rise today to honor the diamond jubilee anniversary of Julia and Reno Bandecchi of Wallingford, CT. This is one of the most wonderful occasions that two people can ever share, and I am honored to have this opportunity to pay tribute to the Bandecchis' enduring marriage of 70 years.

The Bandecchis were married September 12, 1922, in Wallingford and have lived their entire married life on Orchard Street. They raised 4 children and have since been blessed with 12 grandchildren and 30 great-grandchildren.

Mr. and Mrs. Bandecchi both emigrated from Italy early in this century and met through mutual friends soon

after they settled in Wallingford. The couple grew up in the neighboring Italian cities of Pisa and Lucca, but did not meet until they arrived in the United States.

A marriage of 70 years is certainly a milestone and one that is seldom seen in this day and age. Mrs. Bandecchi declared that in her generation, "When you got married, you got married for life." They are the living truth of that statement.

The kind of love, respect, and mutual commitment that they share is an example to our children and a symbol of hope. Their marriage has exemplified the values that we hold dear, and it offers a model to others who would strive to emulate the strength of their bond.

On this special occasion, it was heartening to see the Bandecchis surrounded by family and friends, enjoying the memories of a wonderful life together. On behalf of the Senate, I wish Mr. and Mrs. Bandecchi much happiness in this, their 70th year of marriage, and more to come.

THE ECONOMY

Mr. RIEGLE. Mr. President, I sought the time to share with colleagues an item that has just come across the AP wire relating to the economy. The headline of the AP story, dateline today, is: "Variety of Reports Show Widespread Economic Weakness."

I want to just read it verbatim.

Economists said taken together, all of the reports showed that the sluggish U.S. economy stumbled further in recent weeks.

"All of today's reports were weaker than expected," said Bruce Steinberg, an economist at Merrill Lynch in New York. "All of us have been guilty of looking for a recovery that hasn't happened."

The jobless claims report said that the number of Americans filing new claims for unemployment benefits climbed to 429,000 in mid-September, the highest level in six weeks.

The jump was blamed in part on higher layoffs in the auto industry and the continued effect of Hurricane Andrew.

The Labor Department said the level of first-time claims rose by 15,000 for the week ending Sept. 19 from a revised level of 414,000 for the previous week.

The latest weekly increase was the fifth in a row and it pushed the jobless claims level to the highest point since Aug. 8, when 474,000 Americans filed first-time claims. That weekly number was skewed by a temporary shutdown of General Motors plants.

Economists said the deterioration in recent weeks reflected a worsening job picture as the weak economy failed to generate enough jobs to take care of new entrants into the labor market.

More bad news was expected Friday when the government reports the unemployment rate for September. In advance of that report, many economists were looking for the jobless rate, at 7.6 percent in August, to climb perhaps as high as 7.8 percent, matching an eight-year high set in June.

The Friday report will be the last release of the most politically sensitive of all the economic statistics before the November election.

The deterioration in labor markets was widespread in mid-September. A total of 44 states and territories reported higher claims levels for the week ending Sept. 19 while only nine reported declines.

The four-week moving average of claims, which helps to smooth our erratic weekly movements in the figures, also rose for the latest week, climbing to 409,000, the highest level since Aug. 29.

The state with the largest number of layoffs was Michigan, where the increase was 11,373, a jump blamed on layoffs in the auto industry, followed by California, which reported an increase of 7,614.

Three new economic reports today showed that an already weak economy lost more steam as the summer ended.

The Labor Department said that the number of Americans filing first-time claims for unemployment benefits climbed for a fifth straight week in mid-September while a key gauge of American industry dipped back into recession territory.

The National Association of Purchasing Managers said its widely followed index fell sharply to 49 percent last month, down from an August reading of 53.7 percent.

It marked the first time the index has fallen below 50 percent since last February. A reading below the 50 percent mark is generally viewed as a signal that the industrial section of the economy is in recession.

A third gloomy report today showed that construction spending fell 0.8 percent in August. It was the steepest decline in nine months and was led by a sharp fall in spending for non-residential projects, which fell to their lowest level in more than eight years.

I will not read the rest of this except to say that this data today, just off the AP wire, indicates that the economy is in deep trouble. The problem is getting worse, not better. We need a new economic strategy in the country that can start to create jobs in America.

We have a jobs crisis these days. People are looking for work, cannot find it. People with all kinds of background training—graduate degrees, excellent work records—have lost their jobs, have been laid off, their jobs have been eliminated, their plants have been closed. They cannot find alternative work in our economy.

We need a new economic plan. I have said before I think we need a new administration, a new President to help put that plan in effect. But it is essential that we pay attention to this data and insist on a change in economic strategy so we can reverse these trends that are apparent in today's news.

I thank the Chair and yield the floor.

IN SUPPORT OF YOUTHBUILD ACT OF 1991

Mr. LAUTENBERG. Mr. President, I rise today in support of the Youthbuild Act of 1991, which was incorporated in title IV of the National Affordable Housing Act Amendments approved by the Senate in mid-September. I am proud to be a cosponsor of that act. As the housing bill goes to conference today, Mr. President, I urge the conferees to preserve the Youthbuild provisions of that legislation.

Youthbuild has three goals, Mr. President: to build homes for the Nation's homeless and poor, to train economically disadvantaged young adults to construct those homes, and to provide them in the process with the educational and employment skills that they need to become self-sufficient when their Youthbuild experience is over.

In a nutshell, Mr. President, Youthbuild makes it possible for 30 to 40 young adults between the ages of 16 and 24 to rehabilitate an abandoned building in their community. Typically, program participants are low or very low income and most dropped out of high school. But, by the time their 12 to 18 months in Youthbuild are over, Mr. President, these young men and women have learned a trade well enough to qualify for entry level jobs in construction or a related industry. Having spent half their time in the classroom, they've also earned their high school equivalency diplomas. Counseling, peer support, driver's license training and cultural activities also are available.

We have heard many times on the floor of this Senate, Mr. President, about the need to provide meaningful education and good jobs for the disadvantaged youth of our country, and about the need to provide affordable, quality housing for homeless and lower-income Americans. Youthbuild programs, Mr. President, will contribute to meeting all of these needs and more. Without question, our support will increase the number of young lives, and quality homes, that these programs can build across America.

Youthbuild could not be better named, Mr. President. It has built self-respect, cognitive skills, and literacy while exposing teenagers and young adults at high risk to the construction trades, leadership opportunities, and cultural events. In the process, Mr. President, it has gained the support of organizations in almost 300 of the Nation's poorest communities in 43 States.

More than a dozen communities to date have gained screly needed housing, Mr. President, and nearly 20 others, including Atlantic City, Camden, Jersey City, Mendham, Newark, and Princeton in my State of New Jersey, are in the advanced planning stages. The funds authorized by the bill will bring Youthbuild to scores of other communities across the country.

It's time to rebuild America, Mr. President, child-by-child and home-by-home. I urge my colleagues as they confer today to join with Senator KERRY, me, and S. 1100's other cosponsors to support unequivocally the Youthbuild provisions of the National Affordable Housing Act Amendments of 1992.

Thank you, Mr. President. I yield the floor.

INTELLECTUAL PROPERTY PROTECTION ACT OF 1993

Mr. ROCKEFELLER. Mr. President, on August 11, I introduced S. 3172 to address one of the most critical trade issues facing U.S. businesses around the world at the present time: intellectual property rights protection. Intellectual property is the seed corn that builds our national income, our social well-being, and our international competitiveness. When the intellectual property of Americans is not protected, our country loses not only jobs, production, and profits today, but also our ability to undertake the research and the investments that lead to further technological progress tomorrow. This hurts not only today's workers and investors, but also future generations of Americans.

The legislation I introduced addressed these critical issues through an amendment to section 337 of the Tariff Act of 1930. Section 337 is one of the most effective laws available to U.S. businesses to enforce intellectual property rights against infringing imports and to deal with other unfair trade practices. But section 337 has a real problem that needs to be fixed. It has been found to be in violation of our international obligations under the General Agreement on Tariffs and Trade [GATT] because it provides different treatment for foreign violators of our intellectual property rights than we provide for domestic violators. Inevitably, we will have to bring the law into line with our obligations.

By preserving and enhancing the authority section 337 grants to the U.S. International Trade Commission, the bill I sponsored will help ensure that foreign companies cannot steal U.S. technology and then use that stolen property to compete here in the United States against the rightful owners and against American workers. With this protection against intellectual property rights infringement, U.S. competitiveness, and U.S. jobs can be preserved.

Mr. President, the Congress will not have sufficient time this session to act on S. 3172, but the problem it addresses will not go away. I therefore wish to indicate today that I plan to reintroduce this legislation, to be called the Intellectual Property Protection Act of 1993, at the beginning of the 103d Congress.

In anticipation of the Senate's examination of the problem and this proposed solution, I would like to share with the Senate an endorsement of S. 3172 that I received this week from the U.S. Chamber of Commerce. Mr. William T. Archey, the chamber's senior vice president for policy and congressional affairs, wrote on behalf of the Chamber:

> The U.S. Chamber of Commerce Federation of local and state chambers of commerce, businesses, and associations strongly supports Section 337 as a proven and effective remedy against the import of goods by those who seek to benefit unfairly from American invectiveness. On March 23, 1990, the Task Force wrote to the Office of the U.S. Trade Representative in response to a Federal Register Notice request and offered suggestions for amending Section 337. * * * The Task Force reviewed S. 3172 since its introduction and has concluded that the bill substantially accords with the position the Task Force communicated to the Trade Representative.

Mr. President, I ask unanimous consent that the full text of the Chamber of Commerce's letter be printed at the conclusion of my remarks. I also want to comment on a very important issue that Bill Archey raised in this letter.

He wrote:

> A major concern by industry is that actions under Section 337 continue to be expeditiously handled, and we are pleased to note that S. 3172 speaks of this issue and calls for the International Trade Commission to establish target dates for completion of its investigations under Section 337. We strongly recommend that the legislative history for S. 3172 emphasize this aspect of the bill and give specific indications of the times that Congress would consider reasonable for the Commission's target dates, which in our view should continue to be the 12-month and 18-month times that are currently required under the statute.

As part of the legislative history to which Bill Archey refers, my statement today will clearly indicate that, as the author of the bill, I believe that the removal of the statutory time limits from section 337—something the United States is required to do to comply with our GATT obligations—should not, and indeed will not, result in the determinations of the U.S. International Trade Commission taking any longer than they have in the past. There are three specific reasons for this belief.

First, I want to make clear that my amendment to section 337 does not in any way change the very strict 90-day or 150-day time limits on the Commission's determinations with respect to petitions for temporary exclusion orders. Furthermore, my proposal that a temporary exclusion order be enforced by the posting of a bond "in an amount determined by the Commission to be sufficient to protect the complainant from any injury" will make these temporary exclusion orders even more effective than they were previously. These temporary orders, which can remain in place until a final determination is made, were found by the GATT panel to be consistent with our obligations.

Second, the language I have proposed for the Commission's final determinations says, "The Commission shall conclude any such investigation and make its determination under this section at the earliest practicable time after the date of publication of notice of such investigation." The Commission has repeatedly and consistently demonstrated that it is practicable for it to conclude investigations and make determinations within 12 months, or within 18 months in especially complicated cases. This record clearly sets the standard for "the earliest practicable time" that I expect the Commission to maintain.

Third, to ensure the Commission can meet this expectation, my amendment states: "To promote expeditious adjudication, the Commission shall establish, in consultation with the parties, a target date for its final determination." I do not expect these target dates to be any later than the 12 to 18 months deadlines now in the statute. In fact, because the U.S. International Trade Commission has repeatedly and consistently demonstrated that it can finish its work before those deadlines, I anticipate that the target dates established by the Commission will be well within those deadlines.

I also want to make a clear that these target dates are established by the Commission "in consultation with the parties". This does not mean negotiated with the parties or established with the agreement of the parties. It means established by the Commission unilaterally after it hears the views of the parties.

I hope this statement, which I am making to establish clearly in the legislative record what my bill means, will help move this proposal very rapidly in the next Congress. The situation we have now should not be allowed to continue. The use of the International Trade Commission's section 337 process has fallen significantly since the USTR acquiesced in the adoption of the GATT panel report. I have been told by U.S. businesses that the drop in such cases is not due to greater respect by foreign companies for U.S. intellectual property rights. Rather it is because some potential U.S. complainants fear that any determination they obtained in the Commission could be invalid because the U.S. Government has accepted the GATT ruling against the current procedures, or that an investigation could be stopped part way through, after a company has spent a great deal of time and money, when the rules change.

Mr. President, the intellectual property rights of U.S. businesses—their copyright, patent, trademark, and computer chip mask work registrations—are too important to be left without effective protection from imports which violate these rights. With the enactment of the bill I will introduce in January 1993, we can maintain and reinforce the authority section 337 of the Tariff Act of 1930 gives the International Trade Commission to enforce intellectual property rights against infringing imports, and to deal with other unfair trade practices. I will urge the Senate to take expeditious action on this proposal.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, September 24, 1992.

Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate, Washington, DC

DEAR SENATOR ROCKEFELLER: This letter is to advise you of the views of a representative cross-section of U.S. business on S. 3172, the bill which you introduced on August 11, 1992, to amend Section 337 of the Tariff Act of 1930. These views were developed by the U.S. Chamber of Commerce Intellectual Property Task Force, a diverse group of 45 member companies which has been considering possible amendments to Section 337 since the U.S. government unblocked the GATT Panel Report that calls for changes in Section 337.

The U.S. Chamber of Commerce Federation of local and state chambers of commerce, businesses, and associations strongly supports Section 337 as a proven and effective remedy against the import of goods by those who seek to benefit unfairly from American inventiveness. On March 23, 1990, the Task Force wrote to the Office of the U.S. Trade Representative in response to a Federal Register Notice request and offered suggestions for amending Section 337. A copy of that letter is attached. The Task Force has reviewed S. 3172 since its introduction and has concluded that the bill substantially accords with the position the Task Force communicated to the Trade Representative.

A major concern by industry is that actions under Section 337 continue to be expeditiously handled, and we are pleased to note that S. 3172 speaks to this issue and calls for the International Trade Commission to establish target dates for completion of its investigations under Section 337. We strongly recommend that the legislative history for S. 3172 emphasize this aspect of the bill and give specific indications of the times that Congress would consider reasonable for the Commission's target dates, which in our view should continue to be the 12-month and 18-month times that are currently required under statute.

In addition we recommend that any legislation to amend Section 337 include enabling provisions to make the bill effective only upon successful completion of negotiations on Trade Related Aspects of Intellectual Property Rights (TRIPS) taking place in the Uruguay Round of GATT trade talks. In our view, U.S. interests would be best served by awaiting evidence of responsiveness by our GATT partners as reflected in a successful conclusion to the intellectual property negotiations in the Uruguay Round trade talks.

If you would like additional information or assistance, please contact Wolf Brueckmann at (202) 463-5478.

Sincerely,

WILLIAM T. ARCHEY.

ANTISTALKING LEGISLATION

Mr. ROCKEFELLER. Mr. President, I rise today in support of S. 2922, the antistalking legislation, which was introduced by my distinguished colleague Mr. COHEN. This bill has been added as an amendment to the supplemental appropriations bill. In the past, I have introduced and supported legislation for the protection of domestic violence victims, and I am proud to be a cosponsor of this bill. This legislation is of vital importance to ensure the protection of victims of domestic violence and victims of stalkers.

Domestic violence and stalking victims have, in the past, been unable to receive adequate protection for two reasons: One, the lack of physical proof, and two, the request is often dismissed as a domestic dispute. Not only is it difficult for the victims to receive protection, but the protection for these victims is generally issued through the use of noneffective restraining orders.

The majority of stalking incidences are an outgrowth of domestic violence, beginning when one partner decides that she, or he, is fed up with the abuse of the other. Many women within my State of West Virginia have been victims of stalkers. The West Virginia State Police Department of Public Safety has recorded that 14 females murdered within West Virginia in 1991 were related to domestic violence.

Due to the increased awareness of stalking, West Virginia has passed antistalking legislation that includes imprisonment of the stalker for a 6-month period, if convicted. In addition, the West Virginia legislation, enacted in 1991, would allow a restraining order, without probable cause, to protect victims. The West Virginia legislation has good intentions, but it is limited to protecting victims who have had intimate relationships with the stalker. Although the majority of reported stalkings are perpetuated by domestic violence incidences, legislation needs to be broadened to protect people who are the focus of someone's obsession, including that of a stranger.

Senator COHEN has stated that presently 21 States have enacted antistalking laws. many of these statutes are well-intended for the protection of stalked victims, but are generally too broad, or too restrictive.

S. 2922 permits drafting of a constitutional and enforceable antistalking law that can be used by all States. This legislation enhances the national attention of this issue, and ensures that those convicted of stalking will be criminally punished.

Mr. President, I sincerely hope this legislation receives the serious attention that I believe it deserves.

A TRIBUTE TO DANTE FASCELL

Mr. DECONCINI. Mr. President, I rise today to pay tribute to DANTE FASCELL, an energetic human rights advocate who will retire from the House of Representatives at the end of the current session. As cochairman of the Commission on Security and Cooperation in Europe, I can attest to the significant contribution DANTE has made to the Helsinki process. Mr. FASCELL served as the Commission's first chairman, from its establishment in 1976 until 1985. During the formative years, he built the Commission into a respected organization recognized for its expertise and commitment to advancing human rights in the CSCE participating States.

Chairman FASCELL was never timid in speaking out on behalf of individuals denied their human rights and fundamental freedoms. He insisted that the governments which had signed the Helsinki Final Act live up to their human rights commitments. He pressed officials for the release of political prisoners and the resolution of outstanding refusenik cases.

From the outset FASCELL played an active role in the Helsinki process, serving as vice chairman of the United States delegations to the Belgrade and Madrid followup meetings. He used these and other occasions to raise individual human rights cases with foreign leaders. He kept the pressure throughout the difficult years following the Soviet invasion of Afghanistan and the imposition of marshal law in Poland to the downing of the Korean passenger jetliner.

Eventually, hundreds of political prisoners were set free and thousands of families were reunited. A number of these human rights activists went on to play leading roles in the peaceful revolutions which toppled Communism in Central and Eastern Europe and the Soviet Union.

I commend Chairman FASCELL for his dedication and diligence in defense of human rights during his many years of service on the Helsinki Commission. I wish him every success in his future endeavors.

AMENDMENT NO. 5013

Mr. SANFORD. Mr. President, I rise to express my thanks to my Senate colleagues for their support of H.R. 5013 and amendment No. 3354, which the Senate approved last night, and which will bring about very important corrections to the Coastal Barrier Resources Act [CBRA]. I appreciate the good will and cooperation of Senators CHAFEE and MOYNIHAN as they maintained the House language of this bill and also agreed to this amendment which benefits the people of North Carolina. I am pleased to have been a cosponsor of the amendment.

My good friend, the late Congressman Walter Jones, saw the need to correct a few mistakes made by the Government in 1990 when Congress added units to the coastal barrier resources system and designated other areas as otherwise protected. Several tracts on North Carolina's Outer Banks were improperly designated as "otherwise protected areas" [OPA's], thereby preventing these properties from being eligible for Federal flood insurance. Congressman Jones added language to H.R. 5013 to correct those maps used by the Department of the Interior in 1990 to determine which areas should receive OPA status. This language makes certain that privately owned tracts in the Roosevelt Natural Area in Carteret County, and in the Pine Island Bay area of Currituck County, will be eligible for Federal flood insurance.

In addition to maintaining the House language regarding OPA status for a number of properties in North Carolina, I am pleased that the Senate Environment Committee agreed to designate, through amendment No. 3354, approximately 5,221 acres of valuable wetlands and diverse wildlife habitat as a unit of the coastal barrier resources system. This Federal protection is welcomed by the conservation community and many coastal North Carolinians who hope to continue to enjoy the natural qualities of our Outer Banks.

Mr. President, I am pleased that H.R. 5013 was improved in such a way as to directly benefit both private landowners and the environment of coastal North Carolina. I am also glad that Congress accepted its responsibility and took this opportunity to correct errors made by the Federal Government.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,045,288,956,151.50, as of the close of business on Tuesday September 29.

Anybody familiar with the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year which ended last night, it cost the American taxpayers $286,022,000,000 just to pay the interest on Federal spending approved by Congress—spending over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $15,745.06—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

ELIZABETH AND LAWRENCE REGHITTO OF CAPE COD—MAKING A DIFFERENCE IN CROATIA

Mr. KENNEDY. Mr. President, I want to call the attention of my colleagues to a recent article in the Cape Cod Times about an extraordinary effort of compassion being made by a local couple on behalf of the displaced families in Croatia.

Elizabeth Reghitto is one of the skilled and compassionate nurses who provides care to my mother in Hyannis Port. She and her husband Lawrence, the parents of five children, decided recently that they wanted to make room in their wonderful family for one more—and they decided to adopt a child from Croatia.

When they began making inquiries and talking with international agencies, they became aware of the urgent needs of vast numbers of families in that war-torn country. They decided that while they were waiting for their own adopted child, they would organize an effort to help as many others in Croatia as possible.

The result is a relief effort they have organized to collect urgently needed clothing and other materials for Croatian families before the harsh winter sets in. Elizabeth and Lawrence Reghitto are shipping the materials overseas at their own expense. They are providing much needed humanitarian assistance, and they are also providing an example to their own children and to all the rest of us about effective ways to reach out to those less fortunate than ourselves.

The same dedication and caring that Elizabeth Reghitto has given to my family is now being brought to the needy in Croatia. I commend the Reghitto family for their outstanding service, and for the impressive difference they are making for desperate families in Croatia.

I ask unanimous consent that the article on the Reghitto family may be placed in the RECORD so that our colleagues in the Congress may be aware of their magnificent enterprise.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Cape Cod Times, Sept. 13, 1992]

POWER OF CARING—ONE FAMILY MAKES A DIFFERENCE; CAPE CLOTHING DRIVE TO HELP CROATIANS

(By Karen Jeffrey)

WEST BARNSTABLE.—A West Barnstable couple with five children of their own have started a relief effort for displaced families in Croatia.

And next weekend they will collect women's and children's clothing, which they say is badly needed in the war-ravaged country before winter arrives.

"The need is so great that they will take anything," said Elizabeth Reghitto, who corresponds regularly with a Roman Catholic nun in Zagreb, Croatia, and who is organizing the relief effort.

"They especially need underclothes, shoes, boots and winter outer clothing for children because so many people have lost everything because of the war, and the winters there are very harsh," she said.

The supplies will be collected from 9 a.m. to 5 p.m. Saturday and next Sunday at Our Lady of Victory Church in Centerville.

Ms. Reghitto and her husband, Lawrence, an orthopedic supply salesman, are making arrangements to ship the materials overseas at their own expense.

Specifically the Reghittos are requesting winter shoes, socks, boots, coats, mittens and hats for women and children. Used clothing, boots and shoes are acceptable, she said.

Also needed are "pencils, papers, crayons, and games for children because there are so many kids in the refugee camps and in orphanages who have nothing left," said Ms. Reghitto, who works as a private duty nurse for Rose Kennedy.

She said the list was compiled by Sister Angelica Sokic, with whom Ms. Reghitto speaks several times a week.

The relief effort began initially when the Reghittos decided they wanted to adopt a child from Croatia and Ms. Reghitto began calling agencies in the United States, at the United Nations and finally in Croatia.

One telephone call led to another, until she connected with Sister Angelica.

"When this started I would get up at 3 in the morning—one of the quietest times around the house—and I'd call various government offices in Croatia. The more I talked with people, the more convinced I became that even though we are proceeding with our efforts to adopt a child, there is something immediate we can do to help people," she said.

"If people cannot donate clothing, there is an organization based in Connecticut which is seeking financial donations, Americares, 161 Cherry St., New Canaan, Conn. 06840," she said.

The Reghittos still hope to adopt a child from Croatia and are working with a number of international agencies in hopes of seeing this happen. But they know that conditions are in such a state of flux in Croatia, that there are no guarantees.

"So many children have been orphaned, but many more may have a parent who is in a prison camp. The government is wary of placing children out for adoption in foreign countries if there is a chance that a parent will survive," she said.

Nonetheless, the Reghittos have gone through the various state and federal examinations, including home visits by social workers, and having their wellwater tested by the state and their fingerprints taken as part of a criminal background check—all are necessary in order to adopt a child in Massachusetts and to adopt a foreign child. If they do not adopt a child this year, they hope to do so in the future.

"Unfortunately there is no shortage of wars and famine which leave children in need of families," Ms. Reghitto said.

"Before we were married we talked about having children and about some day adopting a child, so this is not an instance of seeing pictures of children on television and acting on impulse. This is something we've talked about for several years, and something we've discussed with our children," she said.

"This seems like the perfect opportunity," her husband said.

"We are very fortunate in our lives. We are able to provide for our own children and we are blessed with the kind of resources that mean we can help others. We are at a time and place in our lives that it seems only natural to share our resources with a child who needs a family," he said.

The children, Elisa, 12, Sarah, 11, Lindsey, 5, Andrew, 4, and Michael, 2, are excited about the prospect of having a new brother or sister.

"We included the older children in discussions. While it wasn't their decision to make—whether or not we adopt a child—we recognize the big impact this can have on their lives. A child who has been traumatized by war or separation can have very serious adjustment problems," Ms. Reghitto said.

But bringing a new brother or sister in the family is not all the Reghittos discussed with their children.

"We want our children to understand there is more you can do than just talk about problems. We want them to know that every one individual can make a difference, even if it is something like one schoolchild giving a pencil for a child in another country," she said.

"Sometimes people feel so overwhelmed because there is so much bad happening in the world, so much famine, the hurricane, wars, all of that. But we want to help and we want our children to know that they too can make a difference if they care," Ms. Reghitto said.

TRIBUTE TO SENATOR BROCK ADAMS

Mr. THURMOND. Mr. President, I rise today to pay tribute to my friend and colleague, Senator BROCK ADAMS, who will be leaving the Senate at the end of this term. Senator ADAMS has been an effective and energetic representative for the people of Washington during his 6 years in the Senate and 12 years in the House, and I wish him well in the future.

Senator ADAMS has had a long and varied career. Following 2 years' service in the Navy, he was graduated summa cum laude from the University of Washington with a degree in economics. He went on to earn his juris doctorate from Harvard Law School in 1952, and practiced law for several years. His public service career includes 3 years as a U.S. attorney for the western district of Washington, and 2 years as Secretary of Transportation under the Carter administration.

While Senator ADAMS and I subscribe to widely differing political beliefs, I have enjoyed serving with him, and I respect his achievements. I would like to take this opportunity to extend my best wishes to Senator ADAMS as he returns to private life.

CELEBRATING MR. AND MRS. ELDON W. KINDER'S GOLDEN WEDDING ANNIVERSARY

Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to Mr. and Mrs. Eldon W. Kinder on their 50th wedding anniversary. They were united in holy matrimony September 26, 1942, in Richmond, MO.

Mr. and Mrs. Kinder were born in Carroll County, MO, and lived there until 1952. Mr. Kinder was employed by Sinclair Pipe Line Co. and later transferred to Salt Lake City, UT. He was also employed by Engineers Unlimited until 1960. In 1960 the Kinder family decided to move to Trotter Township. They wanted to pursue the family's great love for farming and life in the country.

Mrs. Kinder worked many years in retailing. She owned and operated the Mode O'Day Dress Shop in Carrollton for 10 years before retiring. Mr. and Mrs. Kinder are members of the United Methodist Church in Carrollton, MO. They have been active in 4-H youth programs. Mr. Kinder has also been active in the Carroll County Pork Producers and the I.O.O.F. Lodge for several years. Mrs. Kinder has also been active with the university homemakers extension for many years.

The Kinder's have two children, Rex Eldon and Cathy Minnis Kinder. They also have four lovely grandchildren. Mr. and Mrs. Kinder are both retired and continue to enjoy their life in the country, especially relaxing in their chairs on the back porch.

Mr. President, I would like to extend my sincere congratulations to Mr. and Mrs. Kinder on their golden wedding anniversary. I hope this day brings much happiness and wonderful memories of their 50 years together. Best wishes to them both on this wonderful occasion.

THE PLEDGE OF ALLEGIANCE COIN BILL

Mr. SIMPSON. Mr. President, I rise to express my enthusiastic support for the Pledge of Allegiance Commemorative Coin Act. This bill was introduced by Senators HARKIN and GRASSLEY on May 16, 1991, so I am a bit late in joining this cause. Nonetheless, I believe that their proposal is a thoughtful and appropriate means by which to commemorate the 100th anniversary of the Pledge of Allegiance.

The Pledge of Allegiance is a most special and remarkable expression of American patriotism. Although Francis Bellamy originally authored this memorable pledge for the occasion of the 400th anniversary of the discovery of America, generations of Americans—both young and old—have since come to appreciate and treasure the Pledge of Allegiance as a unique symbol in its own right.

As a small child in my early years of schooling, I clearly recall the daily recitation of this short passage as a sign of respect for the American flag. As adults, we may no longer recite the Pledge of Allegiance on a daily basis, but the words still carry that special ring of honor and reverence for our flag and our Nation. They serve as an important reminder of our rich national heritage and our enduring commitment to liberty and justice for all.

So I believe it is very fitting that Congress should act to observe the 100th anniversary of the Pledge of Allegiance with a commemorative coin. I am also pleased that this legislation will enable the United States Capitol Historical Society to expand upon its education activities with new programs that promote patriotism and respect for the flag of the United States. The bill accomplishes this by directing half of the proceeds from the sale of this coin to the United States Capitol Historical Society, while devoting the other half toward reducing the national debt.

I can think of no better organization than the Capitol Historical Society to entrust the responsibility of educating Americans on the history of our flag and the Pledge of Allegiance. For 30 years, this congressionally chartered, nonprofit entity—under the able leadership of the Honorable Fred Schwengel—has produced a wide range of educational materials on the history of Congress, our flag, and other aspects of our national heritage. Fred Schwengel, a former U.S. Congressman from Iowa, is an extraordinary man with tremendous energy, foresight, and ability. Yes, it was he alone who was responsible for the creation and success of the Capitol Historical Society. He has worked doggedly and invested his life into this remarkable organization. He is to be richly commended.

Those of us who are familiar with the work of the Capitol Historical Society have a special appreciation for its many contributions and its strong commitment to honoring our Nation's history. This legislation provides us with an opportunity to help the society strengthen this commitment and, at the same time, to commemorate the centennial of the Pledge of Allegiance. I urge my colleagues to join me in supporting this worthy proposal.

I ask unanimous consent to insert in the RECORD a brief history on the founding of the United States Capitol Historical Society.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAPTER 1. THE FOUNDING OF THE UNITED STATES CAPITOL HISTORICAL SOCIETY, 1962

On July 17, 1962, fifteen men and women met in room F18 of the United States Capitol to establish the United States Capitol Historical Society (USCHS). The meeting had been called by Republican Congressman Fred Schwengel, who had represented Iowa's First District since 1955. The meeting marked the beginning of a new historical society, but it was also only part of a chain of events that began with Congressman Schwengel's initial interest in history.

Fred Schwengel's interest in history antedated his congressional service. As a college student-athlete in Missouri three decades earlier, he had heard the great American poet and biographer Carl Sandburg speak about Lincoln. That experience stimulated his interest in Lincoln, Republican politics, and American history. As a businessman in Davenport, Iowa, he continued to build a collection of books, pamphlets, and art relating to Lincoln that is today housed in a special collection at his alma mater, Northeast Missouri State University in Kirksville. In Congress he initiated the commemoration of the sesquicentennial of Abraham Lincoln's birth in 1959, and he played key roles in the congressional celebrations of the centennials of the 16th President's first and second inaugurals. He was also a member of the Civil War Centennial Commission.

Given Fred Schwengel's interest in history it was logical for him to seek out like-mind-

ed colleagues. Soon after his arrival he sought to join a historical society but found that none existed in Congress. Research indicated that there had been a short-lived American Historical Society (1835–1840) on Capitol Hill, whose president had been Congressman John Quincy Adams, but none had been organized since that time. He held several conversations with friends in the history community, including Allan Nevins, Carl Sandburg, and Professor Walter Rundell. Congressman Schwengel had also developed a friendship with Speaker of the House Sam Rayburn who, although a Democrat, was also equally devoted to the Capitol and its history. As Fred retells the story, one Saturday morning over breakfast in the House restaurant he had been lamenting the lack of a historical society when Rayburn interrupted, "By damn, let's do something about it." It was from that abrupt but pragmatic suggestion that the July 17, 1962 meeting later developed.

Congressman Schwengel opened the meeting by reading from a prepared statement on the importance of the Capitol and its history. In concluding the statement he touched upon the need for a historical society: "It seems to me that the millions of people, adult and youth, who come here need somehow to be helped while they are here to catch something of the fire that burned in the hearts of those who walked and talked in these halls . . . It seems to me that we must try to do a better job of educating our people on these things. This can be done with publications, producing films, better identification of pictures and statues and through organized effort. The development of a wider and more avid interest in this place we proudly call our Capitol will be good for America."

Representative Marguerite Stitt Church of Illinois then moved that an organization, either chartered as a non-profit group under the laws of the District of Columbia or chartered by act of Congress, be established "for the purpose of presenting information about the Capitol and the work done therein." The resolution was unanimously approved, as was a motion by Dr. Richard Howland of the Smithsonian Institution to name the organization the United States Capitol Historical Society. Senator Carl Hayden, who was present, was named honorary chairman, and Congressman Schwengel was appointed chairman of a steering committee to present recommendations on the form of the permanent organization, its officers and objectives.

In the ensuing weeks the founders of this fledgling endeavor reached decisions that would shape the future of the organization. A membership committee meeting on July 26, 1962, addressed the basic question of financing—would the Society be self-supporting or would it rely upon congressional appropriations? The memorandum of the meeting records their decision: "It is the sense of your Committee that the objectives of the Society could best be achieved if it were self-supporting." The recommendation to avoid government subsidization had originated earlier from conversations with Senator Hubert Humphrey, who had argued that congressional funding would jeopardize the Society's nonprofit status and its independence of action. The membership committee believed that the Society could be privately financed through a combination of grants, membership fees, and sales receipts.

At the organization's second meeting on July 31, the question of annual versus lifetime membership dues was debated. Helen Bullock from the National Trust for Historical Preservation recommended annual dues, as did Melvin Payne of the National Geographic Society (NGS), who reasoned that annual memberships would create "a more dynamic, active organization." Although the minutes do not record a vote on this question, the Society adopted a policy of lifetime memberships and established several classifications with dues as low as one dollar. It was Congressman Schwengel's belief that the Society belonged to all the people and should be as open as possible to the widest participation. In a statement inserted in the Congressional Record, Congressman Robert R. Barry (R–NY) explained the Society's unique concept of membership: "Mr. Speaker, the Capitol Historical Society, by the will of those who created it and the Constitution already adopted that now governs it, proposes to become the most open, the most integrated, the numerically largest, and the most democratic society of men, women and children in the world and, very likely, in the history of societies. In fact we shall consider ourselves 100 percent organized only when, under certain respective categories, we shall have attained a possible membership of 187 million people, or when we shall have enlisted as members the total population of the United States. . . .

"We are to be, of course, a nonprofit society, financed not through Federal appropriation, but through grants from private funds and through subscriptions deliberately planned to be modest and widely attractive. . . . For we want the people of the United States, all our people everywhere, to be themselves learners and scholars, teachers and missionaries of their own great and remarkable history."

The Articles of Incorporation were adopted at a meeting held on August 28, 1962. The key provision was the statement of purposes and objectives found in article three: "The purpose for which the corporation is formed, and the business and the objects to be carried on and promoted by it are to encourage in the most comprehensive and enlightened manner an understanding by the people of the founding, growth and significance of the Capitol of the United States of America as the tangible symbol of their representative form of government; to undertake research into the history of the Congress and the Capitol and to promote the discussion, publication and dissemination of the results of such studies; to foster and increase an informed patriotism of the land in the study of this living memorial to the founders of this nation and the continuing thread of principles as exemplified by their successors."

The last clause in this article was inspired by an episode in Congressman Schwengel's life. As a schoolteacher in Kirksville, Missouri, he had been introduced to Harry Truman at a Masonic meeting. Informed that Brother Schwengel was a fellow Baptist and a history teacher, but also a Republican, Truman replied that although some might call him a "goddamned Republican," he shared an interest in history: "Young man, you've gotta know your history if you want to be a good citizen." Convinced that an appreciation of history was inextricably linked with good citizenship, Congressman Schwengel believed that this new society could become a history teacher to the nation.

The August 28th meeting also heard a report from the Plans and Program Committee presented by Dr. Howland. The primary goal, the report revealed, was the production of a historical guidebook to the Capitol that would follow the model of the recently-produced guide to the White House by the White House Historical Association. Howland's report estimated that the Society would need to raise $200,000 to finance publication of the book and to hire a small staff and set up offices. The report also suggested the possibilities of producing an educational film and contributing to the restoration and refurbishing of the Capitol. Officers were then elected: Congressman Schwengel was elected president, and the five vice presidents selected were Representative Marguerite Stitt Church, Senator Hubert Humphrey, Melvin Payne, Allan Nevins and Carl Haverlin. Lillian Kessell was elected secretary and Victor M. Birely, treasurer.

The Articles of Incorporation were filed with the Office of Superintendent of Corporations of the District of Columbia on August 8, and the seal was affixed to the document on October 3, 1962. The first meeting of the incorporators took place on the following day at which time a proposed constitution, largely written by counsel Arthur Hanson, was adopted and the officers were again elected. The Internal Revenue Service ruled on October 17 granting the Society tax-exempt status as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code.

Within the space of three months Fred Schwengel's dream of a historical society on Capitol Hill had become a reality. A small group of dedicated men and women had taken a concept and created an organization complete with a statement of purpose, a constitution and bylaws, elected officers, a program of publications, and a plan for a self-supporting financial base.

The USCHS was created at a time when Congress was divided over the creation of a bipartisan Commission on Art and Antiquities of the Capitol proposed in the Senate by Mike Mansfield and Everett Dirksen. The news media interpreted the founding of the privately-funded USCHS as an alternative to the Senate plan for a federally-funded curator for the Capitol.

The creation of the Society also followed closely upon the success of the White House Historical Association, chartered on November 3, 1961 with the encouragement of Mrs. Jacqueline Kennedy and with the assistance of the National Geographic Society. The White House Historical Association's book, "The White House: An Historic Guide," was produced as a public service by the NGS in 1962. The National Geographic Society was also to play a key role in the publication of the USCHS's first and most widely distributed publication, "We, the People: The Story of the United States Capitol."

THE $100 CLAIM RENTAL FEE AND SMALL MINER EXEMPTION

Mr. STEVENS. Mr. President, I appreciate the opportunity to explain the $100 claim rental fee contained in the Interior appropriations bill and the small-scale miner exemption to the fee. The bill passed yesterday after it was received by the House. I offer these clarifying remarks on the $100 fee and the exception.

The administration has proposed a $100 per mining claim holding fee for several years. This year, the fee was included in the final version of the House bill. It was included in the Senate bill, but was altered by my amendment in the Senate passed bill. A further modification was adopted by the conferees.

I have already had a colloquy with the Senator from Arkansas on one aspect of the conferees' modification, but I would like to address other parts of the provision.

I understand that, under the conferees' agreement, the fee will be in place for two fiscal years. Fiscal year 1993 and fiscal year 1994 fees, if applicable, will be due in August 1993.

The terminology of the administration's proposal which placed a holding fee on mining claims was changed by my amendment.

I prefer to call the fee a claim rental fee because a holding fee implies inaction on the part of claimants. And this is most often not the case. Claim rental fee, on the other hand, implies that the claimholder is paying for a privilege to utilize Federal land for mining or mine development activities before it is patented.

I want to stress that the claim rental fee required by this bill, if applicable, is in lieu of assessment work for the next 2 years. I hope not to hear the argument in the future that these claims are stale and all a claimant must do is pay a fee for them each year. The fee was not the idea of the mining community.

The concept of assessment work has not necessarily vanished. When the fee expires in 2 years, assessment work will again be required generally if Congress has not reinstituted the fee. And if a claimholder qualifies for the small miner exemption, assessment work is still required.

In addition, the terminology in the Senate passed language referring to claims held in an integrated operating area was dropped by the conferees. This was done because no definition of the term exists and it would have made the statute more difficult to administer.

However, as passed, when assessment work is applicable under the small miner exemption, it can be done on a part of the block of 10 claims. The claims do not necessarily need to be contiguous.

The easiest way to explain how the amendment works is to run through a quick analysis to illustrate the intent on qualifying for the small-scale miner exemption to the holding fee.

To qualify, the claims must be covered by a valid notice or plan of operation and the miner must be either producing or exploring for mineralization. If the claimholder is producing, gross revenues can be no less than $1,500 and no more than $800,000. Up to 10 claims may be exempted from the holding fee.

Total surface disturbance from the production activity or exploration must be less than 10 unreclaimed acres. This is a great incentive for the miner to keep his unreclaimed area less than 10 acres. The mined area includes areas such as the surface area of physical extraction, stockpiling, or disposal of ore, overburden, tailings, processed materials, settling ponds and the like. Once reclamation is completed for some portion of the mined area, it can be removed from the 10-acre maximum and other new acres can be mined.

For purposes of the calculation of the 10 acres, unreclaimed surface disturbance includes only areas actually disturbed by mining activity and is therefore different than the areas included in the calculation for purposes of the BLM 5-acre rule. It would not include, for example, an airstrip.

The claimholder must make proper certification of these factors.

Some claim holders may not have access to their claims. The claim rental fee is structured so that it is to be paid in lieu of assessment work and FLPMA filing requirements. Thus, if a claimholder qualifies for in the unavoidable contingencies escape from assessment work under the general Mining Law, 30 U.S.C. 28b, 28c, 28d, and 28e, the claimholder would not be required to pay the fee.

We have miners in Alaska and I know there are miners in other States who have inaccessible inholdings, for example, who qualify for the deferment or tolling of assessment work requirement.

Under current regulation, unavoidable contingencies include circumstances in which access across adjacent land to the claim has been denied, is in litigation, or is being acquired under State law. Included also are access impediments and other legal impediments which affect the right of the claimant to enter the surface of such claims or to gain access to the boundaries of such claims. If such a situation exists, claimholders would not be required to pay the fee because they would not be required to do the assessment work under current law. During the years that the fee is imposed, it is in lieu of assessment work.

This intention is generally in line with basic concepts of fairness: Congress and the Secretary should not exact rentals for property, including a mining claim, when its occupation or enjoyment is prohibited. That is particularly true in situations such as mining claims in wilderness study area or in inaccessible National Park areas. When Congress by law, or agencies by regulation or fact, impose such restrictions, rental fees for such claims rental fees should not be charged. Certainly that was an implied assumption when we dealt with the concept of the claim rental fee this year.

I expect that the Secretary, in promulgating and implementing regulations for the rental fee, to provide for temporary deferment of rental payment for unpatented mining claims, mill and tunnel sites which are inaccessible because of Government action or the other factors I mentioned, whether in a wilderness study area or a park inholding. I also expect that the Secretary will make the fee easy to comply with.

THE KINGDOM OF SAUDI ARABIA

Mr. MOYNIHAN. Mr. President, there can be no doubt of the importance and complexity of our relationship with the Kingdom of Saudi Arabia. In recent years this relationship has been damaged, however, by the serious violations of human rights there. Moreoever, there is very good reason to be concerned about the human rights of American citizens working or doing business in Saudi Arabia. I am not alone in the Senate or on the Committee on Foreign Relations in believing that more is required from the Government of Saudi Arabia in order to improve, strengthen and, perhaps, even to preserve a positive relationship between our governments. What is needed is a demonstrated willingness on the part of the Saudi Government—clearly absent to date—to respect the fundamental rights of its own citizens and of American citizens in Saudi Arabia.

In 1991 the State Department reported that [h]uman rights continue to be subject to pervasive abuse in Saudi Arabia. It cites recent instances of the tortune of Saudi nationals as well as foreigners while in the custody of Saudi police and military authorities. It cites a pattern of arbitrary arrest and detention. It notes a wholesale disregard for the most fundamental civil liberties. On the seven-point scale in the respected annual Freedom House report "Freedom in the World" Saudi Arabia rates a bottom-of-the barrel seven on political rights and a next-to-last six on civil liberties. Its status: Not free.

It is Saudi Government policy, in the words of the State Department report, not to respond to such criticisms. Neither does the Saudi Government respond to individual complaints of abuse. Repeatedly Saudi Government institutions have proven themselves incapable of preventing abuses, punishing perpetrators or compensating victims. Again, the State Department is candid in reporting that there is no semblance of an independent judiciary or of equal treatment before the law. Nor are there standards for adjudicating claims or compensating victims in accordance with minimum standards of international law.

This situation has severe consequences not solely for Saudi citizens, but, as I mentioned, also for foreigners who are induced to work and live in Saudi Arabia. Among these are even American citizens who have made credible claims of having been the victims of arbitrary detention and torture at the hands of the Saudi Government, some of whom have been left scarred and crippled as a result, and to whom the Saudi system offers no effective recourse.

Of these cases, the best known is that of Scott Nelson, an American citizen left permanently disabled because of the abuse he suffered at the hands of Saudi officials. It is a matter of some concern that when Mr. Nelson sought to have his claims against the Saudi Government adjudicated here in the United States the Department of State sought to intervene in the case on the Saudi side. Scott Nelson, an American citizen, should have an opportunity to have his claims heard; he has no effective recourse in Saudi Arabia. It is most disturbing that the Department argued that his case should be thrown out of court. Surely the Saudi Government has more than adequate resources to make its case before the court without the Department of State siding with a foreign government against a U.S. citizen.

I am, therefore, pleased that our distinguished Acting Secretary of State, Lawrence Eagleburger, has declared that "the U.S. Government places a high priority on the swift and equitable resolution of the Nelson case and other similar cases involving American citizens." According to the Secretary, it is "our own strong view that the Saudi Government should resolve these cases." I am confident that with this expression of concern by the Department of State, combined with the strong concern expressed in recent days in the Senate, will result—finally—in a resolution of this and other similar cases. Certainly I intend to pursue this issue and to stay abreast of our Government's efforts to bring about a satisfactory resolution to these cases.

Mr. President, I ask unanimous consent that Secretary Eagleburger's letter to me be placed in the RECORD, along with certain questions I submitted to President Bush's nominee to be Ambassador to Saudi Arabia, John Bookout, and his answers to those questions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, DC, September 30, 1992.

Hon. PATRICK J. MOYNIHAN,
U.S. Senate.

DEAR SENATOR MOYNIHAN: I am writing to say that the Department of State shares your deep concern over the alleged mistreatment of American citizens in Saudi Arabia.

Various members of the Senate Foreign Relations Committee have made it clear that allegations by Americans, including Scott Nelson, that they were tortured or otherwise abused by Saudi officials are causing very serious damage to our bilateral relations. Because this is a matter of such serious import, I can assure you unequivocally that we will convey to King Fahd the Committee's concern over this particular case and others and our own strong view that the Saudi Government should resolve these cases. Because it is so much in the interests of Saudi-American comity, we will explain that the United States Government places a high priority on the swift and equitable resolution of the Nelson case and other similar cases involving American citizens.

Since we are aware of your strong and continuing interest in these matters, we would also undertake to inform you of any progress being made in resolving the Nelson case and other similar cases.

Sincerely,

LAWRENCE S. EAGLEBURGER,
Acting Secretary.

QUESTION FOR THE RECORD SUBMITTED TO MR. JOHN F. BOOKOUT, SENATE FOREIGN RELATIONS COMMITTEE, SEPTEMBER 24, 1992

Q. Senator Moynihan (3) Do you believe that Americans who are subject to unlawful arrest, detention, harassment or torture in Saudi Arabia have adequate judicial recourse within Saudi Arabia? If so, what is that judicial recourse? Can you provide any examples in which an American citizen suffering such abuse has been successful in pursuing recourse through the Saudi judicial system? Can you provide any example in which any Saudi official accused of wrongdoing by an American citizen has been penalized by Saudi authorities?

A. I have not done a thorough study of the Saudi judicial system. I would agree with what I think is the thrust of your question that the system does not provide guarantees which our system considers basic rights. The State Department's annual human rights reports point to these inadequacies. That said, I am not aware of a case in which an American has attempted to use the Saudi judicial system to gain redress for wrongful arrest, detention, harassment or torture. In the cases of which I am aware, the claimant has declined to take a case before the Saudi court. It follows that I cannot provide the names of officials punished as a result of such actions.

Q. Senator Moynihan (4) In your testimony you spoke of the Saudi Government Grievance Board. It is my understanding that under the Board's Charter it is not permitted to investigate matters of "sovereign" character. Is this correct? I also understand that the government of Saudi Arabia has taken the position that arrests and allegations of abuse and torture involving "sovereign" acts beyond the Board's purview. Is that correct?

A. That is not my understanding. From my briefings on the cases alleging abuse or torture it is my understanding that the Government of Saudi Arabia has repeatedly indicated that the Board of Grievances is, indeed, the correct venue to which to bring such claims.

Q. Senator Moynihan (5) If American citizens tortured in Saudi Arabia cannot bring suit in the United States, what recourse do you believe they should pursue for their injuries.

A. My understanding from the briefings I have received, is that the United States follows accepted international practice. A person who claims injury—personal or financial—must first exhaust local remedies, in the courts of the country where the alleged injury occurred. If it is demonstrated that the judicial system could not or would not consider the claim and render justice, the U.S. Government could then take up the case and espouse it.

Q. Senator Moynihan (6) If confirmed, would you feel that it was your responsibility to encourage the government of Saudi Arabia to compensate American citizens who have been victims of unlawful arrest, torture or other abuses? Would you espouse the credible claims of such American citizens?

A. If confirmed I would give the highest priority to the well-being of American citizens living in Saudi Arabia. I would certainly press for compensation of credible claims. I would encourage settlement of claims whenever appropriate, and I would certainly recommend espousal when it was determined that local remedies were inadequate.

Q. Senator Moynihan (7) What is your understanding of the U.S. Government position concerning whether Scott Nelson, an American citizen who claims to have been tortured in Saudi Arabia, should be permitted to bring suit against Saudi authorities in the U.S.? Do you agree with this policy, if so why?

A. My understanding is that Mr. Nelson has sought to have his case heard in Federal District Court under a new, and extremely broad interpretation of the commercial exclusion clause of the FSIA, an interpretation which the U.S. Supreme Court is currently reviewing. The U.S. Government believes this interpretation to be flawed. Further, it has been suggested to me that such an interpretation would expose Americans and American businesses abroad to suits not previously countenanced by foreign courts. I am not a lawyer and I will not attempt my own, independent analysis. If confirmed I will as a government official carry out the law of the land.

Q. Senator Moynihan (8) Are you aware of other Americans who claim to have been tortured or otherwise abused by Saudi authorities? Of which cases are you aware?

A. I am aware that there are other American who have alleged torture or mistreatment. One such case I believe involved Mr. James Smrkowski, who has testified before a Senate Committee.

SOMALIA

Mr. RIEGLE. Mr. President, while the world focused its attention on the problems in Bosnia-Hercegovina and the former Soviet Union during the past year, it tragically managed to avert its eyes from the growing crisis that affects people like Abdi Hussein and thousands of other starving Somali refugees. Hussein, a farmer whose 7 children have all died from malnutrition or fighting between warring clans, is just one of 1.5 million Somalis facing the threat of starvation, according to the Red Cross.

Hundreds of thousands of helpless Somalis have already died in towns like Baidoa, where between 200 and 300 people continue to die each day. At the national level, the U.N. Special Envoy for Somalia reports that as many as 5,000 children die daily and more than 4.5 million more Somalis of all ages, virtually the entire population of Somalia, are in dire need of relief and medical assistance.

Although I support President Bush's efforts to work with other nations to send food and medical aid to Somalia, I am disturbed by the fact that millions of lives had to be placed in jeopardy before the Bush administration would act. Moreover, not only has this country acted too slowly, but our commitment to humanitarian aid has not kept pace with the explosion of need in

the region. Since 1988, Africa's emergency food needs have grown from 1.1 million tons to 7.1 millions tons this year. The crisis has reached such cataclysmic proportions that feeding centers must turn away hundreds of exhausted, famished Somalis every day.

Exacerbating the problem are leaders of the Somali warring factions who have objected to the delivery of food and medical assistance into the territories they control. I strongly believe that the need has become so great that the international community must provide aid with or without the consent of the belligerents. The United States must support and assist efforts, such as the United Nation's recent airlift of 500 Pakistani troops, to override the selfish actions of regional warlords and to act in the interest of those Somalis most in need. Furthermore, I have written to Assistant Secretary of State for African Affairs Herman Cohen and Ronald Roskins, the Administrator of the Agency for International Development requesting that United States Government agencies mobilize as quickly as possible in an effort to save hundreds of thousands of Somali lives. Only through swift and sustained action can we alleviate the suffering of innocent Somalis.

HEALTH CARE

Mr. DOLE. Mr. President, the question of health car has become a core issue this year. Various plans and proposals have been discussed and analyzed throughout the year. Among the many bills under consideration is the Russo Bill (H.R. 1300). This bill incorporates a number of principles from the Canadian plan.

Present deficit problems indicate that an additional $600 billion in spending annually, as proposed by the Russo bill, would do nearly irreparable damage to an already fragile economy.

We all need to look very closely at such a proposal and its potential impact. I ask unanimous consent that the following staff analysis of this bill be printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL HEALTH EXPENDITURES—1992

[In billions of dollars]

National health expenditures	Source of funds			
	Private	State and local	Federal	Total
A. Health services and supplies:				
1. Personal health care:				
a. Nursing home	30.4	13.2	21.4	64.9
b. Home health	2.3	1.4	4.8	8.5
c. All other (hospital, physician, drugs, vision, dental, and so forth)	380.1	70.8	192.3	643.2
2. Administrative costs and insurance profits	34.4	5.4	6.0	45.9
3. Government public health (Centers for disease control and the like)	0	18.7	2.5	21.2

NATIONAL HEALTH EXPENDITURES—1992—Continued

[In billions of dollars]

National health expenditures	Source of funds			
	Private	State and local	Federal	Total
B. Research and construction	10.2	3.3	11.7	25.2
Totals by Source and grand total	457.4	112.8	238.8	809.0

Source: Health Care Financing Administration. National health expenditures from all sources: $809.0 billion.

TAXES IN RUSSO BILL

Preliminary Joint Committee on Taxation and Congressional Budget Office estimates of the revenue proposals in the Russo health care reform bill:

Attachment No. 1 describes the proposals.

Attachment No. 2 is a chart showing the average annual revenue produced and the total revenue produced over the next five years (1993–1997).

REVENUE PROPOSALS IN RUSSO SINGLE PAYER BILL

The Russo bill contains a variety of revenue proposals to pay for his health care plan. For some revenue proposals, Russo uses what the Federal government receives under current law in addition to any new revenues. For other revenue proposals, Russo uses only new revenues and ignores current law revenues.

For example, when he increases the HI tax on employers, he claims the current law revenues and the new revenues due to the change in the payroll tax rate. When he increases the personal income tax rate, he only claims the new revenue raised from the change in the tax rate.

The following is a description of the various tax proposals in the Russo bill:

1. *Employer HI Tax.*—Employers currently pay a 1.45 percent Medicare payroll tax (HI tax). The Russo bill would increase the employer HI tax by 6 percentage points. Therefore, the total HI payroll tax under the Russo bill on employers is 7.50 percent (the tax is really 7.45 percent, but Russo rounds it up in his bill). The Russo bill also eliminates the cap on the taxable wages subject to the HI payroll tax ($130,200 in 1992). The current law employer HI tax and the new revenues from the changes produce an average of $220 billion per year over the next 5 years.

2. *Employee HI Tax.*—Employees currently pay a 1.45 percent HI payroll tax. The Russo bill continues this tax and eliminates the cap on taxable earnings subject to the HI tax. The combination of the current law HI payroll tax and the new revenues from eliminating the cap on taxable wages would produce an average of $51 billion per year over the next 5 years.

3. *State and Local Government HI Tax.*—Under this proposal:

a. State and local employees not currently covered by Medicare would be required to pay the 1.45 percent HI payroll tax;

b. Sate and local governments would be required to pay the proposed 7.50 percent HI tax on these remaining uncovered employees; and

c. The cap on taxable wages would be eliminated. New revenues from previously uncovered state and local government workers and their employers produces an average of $5 billion per year over the next 5 years.

4. *State effort.*—States would be required to contribute to the Federal government a fee equal to:

a. $85 per resident; and

b. 85 percent of current state Medicaid payments.

These two new revenues produce an average of $74 billion per year over 5 years.

5. *Senior premium.*—The current Medicare Part B premium of $31.80 per month would be replaced with a new $55 per month premium. The new premium would only apply to people over the age of 65 with incomes above 120 percent of the poverty line. The new $55 per month premium produces an average of $18 billion per year over the next 5 years.

6. *Corporate income tax.*—The corporate tax rate is increased from 34 percent to 38 percent for businesses with over $75,000 of profits. The new revenue raised from the increased corporate tax income rate produces an average of $10 billion per year over 5 years.

7. *Personal income tax.*—The personal income tax rates are increased as follows:

a. The 15 percent stays at 15 percent;

b. The 28 percent rate goes to 30 percent;

c. The 31 percent goes to 34 percent; and

d. A new 38 percent tax rate is added for families with income over $200,000.

The effect of these changes is to raise taxes on incomes over $40,000 (couples) and $25,000 (singles). The new revenues from the rate increases produce an average of $27 billion per year over 5 years.

8. *Tax on Social Security Benefits.*—The taxable portion of Social Security benefits for higher income elderly is increased from 50 percent to 85 percent. The new revenues produce an average of $6 billion per year over the next 5 years.

REVENUE ATTRIBUTED TO PROPOSALS IN RUSSO BILL FOR FISCAL YEARS 1993–97

[In billions of dollars]

	Annual average	5-year total
1. Increase employer HI tax rate from 1.45 percent to 7.5 percent and eliminate wage cap	[1] 220	[1] 1,095
2. Eliminate wage cap on employee HI tax of 1.45 percent	51	255
3. Impose HI tax on remaining State and local government employers (7.5 percent) and employees (1.45 percent) with no wage cap	5	24
4. Require State contribution of: $85 fee per resident and 85 percent of State Medicaid spending	74	370
5. Replace Medicare Part B premium with new 55 monthly premium on seniors	18	90
6. Increase corporate income tax rate from 34 percent to 38 percent	10	48
7. Increase personal income tax rates on incomes over $40,000 (couples) and $25,000 (singles)	27	137
8. Increase tax on Social Security benefits from 50 percent to 85 percent	6	30
Grand total	411	2,049

Note.—This number includes revenue generated under current law and new revenue generated by the Russo change.

Sources.—Preliminary estimates by Joint Committee on Taxation and the Congressional Budget Office.

INDIVIDUAL AND CORPORATE INCOME TAXES

The President's FY 1993 Budget estimates the following FY 1992 revenue will be raised from income taxes:

	Billions
Individual	$480
Corporate	90
Total	570

If a national health care program costing $600 billion was paid for by tax increases of $300 billion in individual income taxes and $300 billion in corporate income taxes, individual income taxes would increase 65 percent and corporate income taxes would increase 333 percent.

Note: A corporate tax increase of 333 percent, which would raise $300 billion, would be

confiscatory because total corporate taxable income for 1991 is estimated to be in the $250–$300 billion range.

FINANCING OF HEALTH CARE REFORM

Total health care expenditures—$809,000,000,000:

Total national health care expenditures for 1992 are estimated to be $809 billion. Based upon calculations done by the Congressional Research Service, a payroll tax rate of 28.4 percent would be needed to pay for total national health care expenditures of $809 billion. (The payroll tax rate estimate assumes a cap on taxable earnings equal to the limit set for the Medicare payroll tax—$130,200 in 1992.)

Total non-Federal health care expenditures—$570,000,000,000:

Total non-Federal health care expenditures for 1992 are estimated to be $570 billion ($809 billion total health care expenditures less Federal expenditures of $239 billion). A payroll tax rate of 20 percent would be needed to pay for expenditures of $570 billion. (The payroll tax rate estimate assumes a cap on taxable earnings equal to the limit set for the Medicare payroll tax—$130,200 in 1992.)

IMPROVED ENERGY EFFICIENCY CONFERENCE REPORT

Mr. DOLE. Mr. President, I am very pleased there has been agreement reached in conference on energy legislation. I commend the chairman of the Energy Committee, Senator JOHNSTON, and the ranking Republican member, Senator WALLOP. I think this is so important. It has been 25 years, 25 years since we have had a comprehensive energy bill pass the Congress of the United States. If there is any one thing that ought to keep us here until we complete this session, it should be this energy bill.

Now, we still have a portion of the energy bill, the revenue section, which has not yet been agreed upon by the House and Senate conferees on the Finance and Ways and Means Committee, and it is my hope that can be done yet today. So we have an opportunity we have not had for almost a quarter of a century and we should not let it slip away in the last few days of this session.

I urge my colleagues particularly on the Finance and Ways and Means Committees—I am a member of the Finance Committee—to complete the revenue section and complete the conference report no later than this evening or sometime tomorrow. There is no reason we should not pass that bill and meet our adjournment schedule of Monday, October 5.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may at any time turn to the consideration of the legislative appropriations bill, H.R. 5427; that the committee amendments be agreed to for the purposes of original text, and that no point of order be waived by this agreement, and that the only other amendments in order be the following, and that the listed amendments be in the first degree with no second-degree amendments in order. The amendments are:

An amendment by Senators SEYMOUR and BROWN reducing spending, on which there will be 20 minutes for debate, equally divided;

An amendment by Senator DANFORTH regarding nominees' legal expenses, 20 minutes for debate, equally divided;

An amendment by Senator GRASSLEY regarding Federal travel accountability, on which there will be 20 minutes equally divided for debate;

A managers' amendment on behalf of the majority and minority leaders, on which there will be 40 minutes for debate, with 10 minutes under the control of the majority leader and 30 minutes under the control of the Republican leader, or manager;

A managers' amendment on behalf of the majority and minority leaders, on which there will be 10 minutes equally divided; that there be 20 minutes for debate on the bill; that all time for debate be equally divided in the usual form, except where noted; that no motions to recommit be in order and that when the amendments are dispensed with and all time is used or yielded back, the Senate vote, without any intervening action or debate, on passage of the bill.

I further ask unanimous consent that all rollcall votes ordered in relation to this unanimous-consent request be stacked following final debate of all of the amendments on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993

Mr. REID. Mr. President, after having consulted with the majority leader and the Republican leader, I ask that the clerk present to the Senate H.R. 5427 for consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5427) making appropriations for the legislative branch for the fiscal year ending September 30, 1993, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

MILEAGE AND EXPENSE ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,895,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,431,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $432,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,076,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $644,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $942,000 for each such committee; in all, $1,884,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $362,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $172,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $11,715,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $33,739,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,133,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $16,307,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,080,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $833,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $1,199,100 for each such committee; in all, $2,398,200.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $77,000,000.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $336,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,452,500.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $82,944,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,748,000: Provided, That funds appropriated under this heading for fiscal years 1991 and 1992 pursuant to S. Res. 239 (102d Congress agreed to November 27, 1991), shall remain available until September 30, 1993.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $185,768,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, $825,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $20,000,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. Effective October 1, 1992, section 111(a) of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 61-1 note) is amended by striking "$149,286" and inserting, "an amount equal to 3 times the maximum annual gross rate of compensation that may be paid to an employee of the office of a Senator".

SEC. 2. (a) The Secretary of the Senate is authorized to establish a Senate Gift Shop for the purpose of providing for the sale of gift items to Members of the Senate, staff, and the general public.

(b) All moneys received from sales and other services by the Senate Gift Shop shall be deposited in the revolving fund established by subsection (c) and shall be available for purposes of this section.

(c) There is established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Gift Shop Revolving Fund (hereafter referred to in this section as the "fund"). The fund shall consist of all amounts collected or received by the Secretary of the Senate from sales and services by the Senate Gift Shop. All moneys in the fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate in connection with the operation of the Senate Gift Shop, including supplies, equipment, and other expenses. In addition, such moneys may be used by the Secretary of the Senate to reimburse the Senate appropriations account, appropriated under the heading "SALARIES, OFFICERS AND EMPLOYEES" and "OFFICE OF THE SECRETARY", for amounts used from such account to pay the salaries of employees of the Senate Gift Shop.

(d) The provisions of section 4 of the Act of July 31, 1946 (40 U.S.C. 193d), shall not be applicable to any activity carried out pursuant to this section.

(e) To provide capital for the fund, the Secretary of the Senate is authorized to transfer, from moneys in the Stationery Revolving Fund in the contingent fund of the Senate, to the fund such sum as he may determine necessary, not to exceed $300,000.

(f) For the purpose of acquiring supplies, equipment, and meeting other initial expenses in implementing subsection (a), the Secretary of the Senate is authorized, upon the date of the enactment of this Act, to expend, from moneys appropriated to the appropriations account, within the contingent fund of the Senate, for expenses of the Secretary of the Senate, by the Legislative Branch Appropriations Act, 1991, such amounts as may be necessary to carry out this section.

(g) Disbursements from the fund shall be made upon vouchers approved by the Secretary of the Senate, or his designee.

(h) The Secretary of the Senate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

SEC. 3. Section 69a of title 2 of the United States Code is amended by striking "$4,000" and inserting "$10,000".

SEC. 4. Section 7 under the heading "Senate" and "Administrative Provisions" of Public Law 101-163 (103 Stat. 1046) is amended—

(1) by striking "enter into an agreement with the Secretary of Education to" in the first sentence thereof;

(2) by striking the second sentence thereof; and

(3) by striking in the last sentence "Miscellaneous Items" and inserting in lieu thereof "Secretary of the Senate."

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES (PRIOR YEARS)

(RESCISSION)

Of the funds appropriated in the Legislative Branch Appropriations Act, 1991, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total of $6,775,642.83, in the amounts specified for the following headings and accounts:

(1) "HOUSE LEADERSHIP OFFICES", $308,988.51, as follows: (A) "Office of the Speaker", $17,647.07; (B) "Office of the Majority Floor Leader", $36,233.46; (C) "Office of the Minority Floor Leader", $183,097.26; (D) "Office of the Majority Whip", $61,579.53; and (E) "Office of the Minority Whip", $10,431.19.

(2) "COMMITTEE ON THE BUDGET (STUDIES)", $8,261.37.

(3) "STANDING COMMITTEES, SPECIAL AND SELECT", $2,171,051.63.

(4) "ALLOWANCES AND EXPENSES", $2,592,737.63, as follows: (A) "Official Expenses of Members", $2,196,821.48; (B) "supplies, materials, administrative costs and Federal tort claims", $3,108.30; (C) "net expenses of purchase, lease and maintenance of office equipment", $292,766.95; and (D) "stenographic reporting of committee hearings", $100,040.90.

(5) COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $955,144.83.

(6) "OFFICIAL MAIL COSTS", $41,210.33.

(7) "SALARIES, OFFICERS AND EMPLOYEES", $698,248.53, as follows: (A) "Office of the Postmaster", $1,000.53; (B) "Office of the Parliamentarian", $119,087.71; (C) "for salaries and expenses of the Office of the Historian", $54,324.08; (D) "for salaries and expenses of the Office of the Legislative Counsel of the House", $198,559.05; (E) "six minority employees, $85,315.44; (F) "the House Democratic Steering Committee and Caucus", $123,537.90; (G) "the House Republican Conference", $94,273.55; and (H) "other authorized employees", $22,150.27.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $699,109,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $5,561,000, including: Office of the Speaker, $1,383,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $994,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,348,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $1,095,000, including $5,000 for official expenses of the Majority Whip and not to exceed $405,830, for the Chief Deputy Majority Whip; and Office of the Minority Whip, $741,000, including $5,000 for official expenses of the Minority Whip and not to exceed $97,330, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of official and representative duties, $228,313,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $70,950,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $389,000.

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $57,900,000.

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, $22,885,000, of which $8,139,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement for services provided from Members and Officers of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account: *Provided further*, That amounts so credited for fiscal year 1992 and not obligated shall be available for obligation in fiscal year 1993.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $222,737,000, including: Official Expenses of Members, $78,545,000; supplies, materials, administrative costs and Federal tort claims, $19,116,000; net expenses of purchase, lease and maintenance of office equipment, $4,427,000; furniture and furnishings, $1,720,000; stenographic reporting of committee hearings, $1,055,000; reemployed annuitants reimbursements, $1,039,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $116,203,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $632,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $6,631,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, $47,711,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $50,778,000, including: Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $22,354,000; Office of the Sergeant at Arms, including not to exceed $500 for official representation and reception expenses, $1,369,000; Office of the Doorkeeper, including overtime, as authorized by law, $10,750,000; Office of the Postmaster, $4,079,000; Office of the Chaplain, $123,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $854,000; for salaries and expenses of the Office of the Historian, $310,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,403,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,155,000; six minority employees, $735,000; the House Democratic Steering and Policy Committee and the Democratic Caucus, $1,461,000; the House Republican Conference, $1,461,000; and other authorized employees, $1,724,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Amounts appropriated for any fiscal year for the House of Representatives under the heading "ALLOWANCES AND EXPENSES" may be transferred among the various categories of allowances and expenses under such heading, upon approval of the Committee on Appropriations of the House of Representatives.

(b) Amounts appropriated for any fiscal year for the House of Representatives under the heading "SALARIES, OFFICERS AND EMPLOYEES" may be transferred among the various offices and activities under such heading, upon approval of the Committee on Appropriations of the House of Representatives.

(c)(1) Amounts appropriated for any fiscal year for the House of Representatives under the headings specified in paragraph (2) may be transferred among such headings, upon approval of the Committee on Appropriations of the House of Representatives.

(2) The headings referred to in paragraph (1) are "HOUSE LEADERSHIP OFFICES", "MEMBERS' CLERK HIRE", "COMMITTEE EMPLOYEES", "STANDING COMMITTEES, SPECIAL AND SELECT", "HOUSE INFORMATION SYSTEMS", "ALLOWANCES AND EXPENSES", "OFFICIAL MAIL COSTS", and "SALARIES, OFFICERS AND EMPLOYEES".

SEC. 102. The provisions of H. Res. 199, approved April 1, 1991, establishing 114 civilian support positions for the Capitol Police with respect to the House of Representatives, shall be the permanent law with respect thereto.

SEC. 103. (a) Upon the transfer of any function to the Director of Non-legislative and Financial Services or the Office of General Counsel by reason of the House Administrative Reform Resolution of 1992, and upon the commencement of operation of the Office of Inspector General, the applicable amounts appropriated by the Legislative Branch Appropriations Act, 1992, or by this Act for the purposes specified in subsection (b) shall be available to the Director, the Office of General Counsel, and the Office of Inspector General for the carrying out of such function or operation, upon the approval of the Committee on Appropriations of the House of Representatives. *In no case shall the transfer of any function referred to in the preceding sentence include the transfer of any function of the Capitol Guide Service.*

(b) The purposes referred to in subsection (a) are (l) salaries and expenses of the House of Representatives under the headings "ALLOWANCES AND EXPENSES" and "SALARIES, OFFICERS AND EMPLOYEES"[, AND (2) JOINT ITEMS UNDER THE HEADING "CAPITOL GUIDE SERVICE"].

SEC. 104. (a) There is established a subaccount in the appropriation account for salaries and expenses of the House of Representatives for the deposit of fees received from Members and officers of the House of Representatives for services provided to such Members and officers by the Office of the Attending Physician. The amounts so deposited shall be available, subject to appropriation, for the operations of the Office of the Attending Physician.

(b) This section shall take effect at the beginning of the first month after the month in which this Act is enacted.

JOINT ITEMS

For joint committees, as follows:

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1993

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1993, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 102, One Hundred Second Congress, agreed to March 25, 1992, $906,000, to remain available until September 30, 1993. Such funds shall be available for payment, on a direct or reimbursable basis, for such construction, salaries, and expenses, whether incurred on, before, or after, October 1, 1992.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,020,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $1,391,000.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,759,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month each to two assistants and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $973,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,509,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, [$62,852,000] *$64,093,000*, of which [$31,000,500] *$31,741,500* is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and [$31,851,500] *$32,351,500* is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided, That of the amounts appropriated for fiscal year 1993 for salaries, including overtime, and Government contributions to employees' benefits funds under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.*

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including pur-

chasing and supplying uniforms; the purchase, maintenance, and repair of police vehicles, including two-way police radio equipment; and contingent expenses, including advance payment for travel for training, protective details, and tuition and registration, expenses associated with the implementation of the Capitol Police Employee Assistance Program, including but not limited to professional referrals, and expenses associated with the awards program not to exceed $2,000, expenses associated with the relocation of instructor/liaison personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $85 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $2,029,000, to be disbursed by the Clerk of the House: *Provided*, That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed $4,000: *Provided further*, That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000: *Provided further*, That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1993 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

ADMINISTRATIVE PROVISION

SEC. 105. Of the amounts appropriated for fiscal year 1993 for "Capitol Police Board", "Capitol Police," such amounts as may be necessary may be transferred between the headings "Salaries", and "General expenses", upon approval of the Committees on Appropriations of the Senate and House of Representatives.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,644,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, **[**$292,000**]** *$366,000*, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the One Hundred Second Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $20,0000, to be paid to the persons designated by the chairman of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official reception and representation expenses (not to exceed $3,500 from the Trust Fund), and expenses incurred in administering an employee incentive awards program (not to exceed $1,800), rental of space in the District of Columbia, and those expenses necessary to carry out the duties of the Director of the Office of Technology Assessment under 42 U.S.C. 1395ww, and 42 U.S.C. 1395w-1, $21,025,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or shall be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $22,542,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; and other personal services; at rates of pay provided by law, **[**$8,286,000**]** *$8,144,000*.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $50,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000**[**, which shall remain available until expended**]**.

CONTRACT STUDY OF GAO

To enable the Architect of the Capitol to obligate and expend funds, as contracting officer, for the expenses of the General Accounting Office Peer Review Committee, including the expenses of engaging, by contract or otherwise, the services of accountants or accounting firms and persons or entities with expertise in the fields of auditing and public program and policy analysis, for the purpose of conducting audits, examinations, and studies of the organization, administration, management, and operations of the General Accounting Office, as provided by section 316 of this Act, $2,000,000, to remain available until expended.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase and installation of security systems which are approved by the Capitol Police Board, as authorized by House Concurrent Resolution 550, Ninety-Second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by **[**$300,000**]** *$340,000*; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, **[**$23,515,000**]** *$24,040,000*, of which **[**$4,245,000**]** *$4,645,000* shall remain available until expended: *Provided*, That of the funds to remain available until expended, $1,328,000 shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, **[**$5,256,000**]** *$6,000,000, of which $200,000 shall remain available until expended.*

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $47,339,000, of which $11,339,000 shall remain available until expended: Provided, That of the funds to remain available until expended, $2,000,000 shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Superintendent of Garages as authorized by law, $32,387,000, of which $2,940,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office; and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $32,088,000, of which $665,000 shall re-

main available until expended: *Provided*, That not to exceed $3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1993.

ADMINISTRATIVE PROVISION

SEC. 106. There is established in the Treasury a revolving fund for the House of Representatives gymnasium. The Architect of the Capitol shall deposit in the fund such amounts as the Architect may receive as gymnasium dues or assessments from Members of the House of Representatives and other authorized users of the gymnasium. The amounts so deposited shall be available for obligation by the Architect for expenses of the gymnasium.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, [$56,583,000] *$58,000,000*: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further*, That notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $89,591,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1993".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, [$2,906,000] *$10,131,000 of which $7,225,000 shall remain available until expended*[: *Provided*, That effective upon enactment of this Act, such amount, not exceeding $500,000, deemed necessary for preparation of working drawings, specifications, and cost estimates for renovation of the Conservatory of the Botanic Garden may be transferred to the Botanic Garden appropriation from among the various Architect of the Capitol appropriations, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate].

ADMINISTRATIVE PROVISION

SEC. 201. Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c), not more than $6,000,000 shall be accepted and not more than $6,000,000 of the amounts accepted shall be available for obligation by the Architect of the Capitol for constructing, equipping, and maintaining the National Garden.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, [$200,073,000] *$206,252,000*, of which not more than $7,500,000 shall be derived from collections credited to this appropriation during fiscal year 1993 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,500,000: *Provided further*, That of the total amount appropriated, $7,669,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That, notwithstanding the provisions of 2 U.S.C. 150, as amended, $303,000 is to be available to support the catalog cards service: *Provided further*, That, of the total amount appropriated, $3,186,000 is to remain available until expended for the rental *or purchase* and outfitting for a warehouse and book storage facility away from Capitol Hill.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, [$26,040,000] *$26,417,000*, of which not more than $14,500,000 shall be derived from collections credited to this appropriation during fiscal year 1993 under 17 U.S.C. 708(c), and not more than $2,217,000 shall be derived from collections during fiscal year 1993 under 17 U.S.C. 111(d)(2), 116(c)(1), 119(b)(2), and 1013: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $16,717,000: *Provided further*, That $200,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $43,144,000, of which $10,377,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,490,000.

ADMINISTRATIVE PROVISIONS

SEC. 202. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $175,690, of which $54,800 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 203. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 204. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 205. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 206. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 207. All sums ordered by any judicial or administrative authority as restitution to the Library of Congress for lost, stolen, damaged, or destroyed books, periodicals, newspapers, or other materials from the Library of Congress collections shall be credited to funds appro-

priated to the Library of Congress for the acquisition of the same, and said restitution sums shall remain available until expended.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $9,733,000, of which $860,000 shall remain available until expended.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $911,000, of which $781,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,082,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $120,000: *Provided further*, That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1989 and 1990 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and Expenses" together may not be available for the full-time equivalent employment of more than 4,950 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15, nor to any employee involved in the in-house production of printing and binding: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

[ADMINISTRATIVE PROVISION

[SEC. 207. (a) Section 206 of the Legislative Branch Appropriations Act, 1991 (44 U.S.C. 501 note) shall not apply with respect to funds appropriated for fiscal year 1993.

[(b)(1) None of the funds appropriated for fiscal year 1993 by this Act or any other law may be obligated or expended by any entity of the executive branch for the procurement of any printing related to the production of Government publications (including forms, CD–ROM's, and map/chart products), unless such procurement is by or through the Government Printing Office.

[(2) Paragraph (1) does not apply to (A) individual printing orders costing not more than $1,000, if the work is not of a continuing or repetitive nature, and, as certified by the Public Printer, cannot be provided by the Government Printing Office, (B) printing for the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or (C) printing from commercial sources that is specifically authorized by law.

[(3) As used in this subsection, the term "printing" means the process of composition, platemaking, presswork, silk screen processes, binding, microform, and CD–ROM replication, and the end items of such processes.]

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); [$442,167,000] *$440,167,000*: *Provided*, That not more than $1,200,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1993: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That, notwithstanding any other provision of law, $2,191,000 of this appropriation shall be available for the planning, administering, receiving, sponsoring and such other expenses as the Comptroller General deems necessary to represent the United States as host of the 1992 triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI): *Provided further*, That the General Accounting Office is authorized to solicit and accept contributions to be held in trust, which shall be available without fiscal year limitation, not to exceed $20,000, for any purpose related to the 1992 triennial Congress.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those

contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

(c) This section shall apply with respect to fiscal years beginning after September 30, 1992.

[SEC. 306. Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of purchase, rental, lease, or other agreement, of storage and warehouse space for use by the Library of Congress during fiscal year 1993, and to incur incidental expenses in connection with such use.]

SEC. 306. Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of purchase, rental, lease, or other agreement, of storage and warehouse space for use by the Library of Congress during fiscal year 1993, and to incur incidental expenses in connection with such use.

SEC. 307. The amounts deposited in the account established by section 312(d)(1)) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)) shall be available for salaries and expenses of the House of Representatives Child Care Center without fiscal year limitation, subject to the approval of the Committee on Appropriations of the House of Representatives.

SEC. 308. (a) Section 316(a) of the Legislative Branch Appropriations Act, 1990 as so redesignated by section 311(h)(3) of the Legislative Branch Appropriations Act, 1991 (39 U.S.C. 3210 note) is amended—

(1) in the matter before paragraph (1), by striking out "or a Member of the House of Representatives"; and

(2) in paragraphs (1) and (2), by striking out "or Member" each place it appears.

(b) The amendments made by subsection (a) shall take effect on October 1, 1992.

SEC. 309. (a) Section 3210 of title 39, United States Code, is amended—

(1) in subsection (a)(7), by striking out "of the Member, except" and all that follows through the end of subparagraph (B) and inserting in lieu thereof "from which the Member was elected."; and

(2) in subsection (d)(1), by striking out "delivery—" and all that follows through the end of subparagraph (B) and inserting in lieu thereof "delivery within that area constituting the congressional district or State from which the Member was elected.".

(b) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 310. Effective November 5, 1990, section 106(a) of Public Law 101–520 is amended by striking out "(a) The" and inserting in lieu thereof "Section 9 of the".

[SEC. 311. No part of any appropriation contained in this Act shall be used to carry out the provisions of subsections (b)(1) and (b)(3) of section 5 of Public Law 100–480, approved October 7, 1988, as those provisions relate to interior security of the Federal Judiciary Building.]

SEC. 311. (a) Paragraphs (1) and (3) of subsection (b) of section 5 of the Judiciary Office Building Development Act (40 U.S.C. 1204(b)) are amended by deleting "and interior" and by adding the following new subsection:

"(c) The United States Capitol Police are authorized to police the building and other improvements constructed pursuant to the Judiciary Office Building Development Act, including the interior and exterior thereof, and to make arrests within the interior and exterior of such building and other improvements for any violation of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto.".

(b) Subsection (a) of section 9 of the Judiciary Office Building Development Act (40 U.S.C. 1207(a)) is amended by deleting "and interior".

SEC. 312. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "1992" and inserting "1993".

SEC. 313. Section 12 of the Act of November 5, 1990 (2 U.S.C. 58c–1) is amended by deleting "the lesser of $100,000 or 50 percent of the amount allocated to such Member for mass mail" and inserting in lieu thereof "$100,000 of the amount allocated to such Member".

SEC. 314. Section 734 of title 31, United States Code, is amended by adding "a" at the beginning of the first paragraph, and the following new paragraph after the period at the end of the first paragraph "(b) Any committee of the Congress or a joint committee of Congress shall reimburse the Comptroller General for the pay of each officer or employee of the Office for the time the officer or employee is assigned or detailed to the committee or joint committee beginning after March 1, 1993."

SEC. 315. (a) There is established the Independent General Accounting Office Peer Review Committee (hereafter in this section referred to as the "Committee"). The Committee shall consist of 11 members as follows—

(1) the Comptroller General of the United States; and

(2) 10 members who—

(A) are not officers or regular employees of the General Accounting Office;

(B) have expertise in government program analysis, public policy analysis, financial and auditing review; and

(C) are appointed by the Comptroller General of the United States in consultation with the chairman and ranking members of the Senate Committee on Governmental Affairs, the House of Representatives Committee on Government Operations, and the chairman and ranking minority member of the Subcommittee on Legislative Branch of the Committee on Appropriations of the Senate, and the chairman and ranking minority member of the Subcommittee on Legislative of the Committee on Appropriations of the House of Representatives.

One of the members appointed pursuant to paragraph (2) shall be appointed chair of the Committee.

(b) The Committee shall conduct a review of the organization, administration, management, and operations of the General Accounting Office, including the way the General Accounting Office conducts its reports, studies, and reviews. To conduct the review, the Committee shall engage the services of accountants or accounting firms and persons or entities with expertise in the fields of auditing, and public program and policy analysis pursuant to the appropriation under the heading "CONTRACT STUDY OF GAO". In planning the review the Committee shall take into account generally accepted standards for an external quality review of an auditing organization. In conducting the review the Committee shall—

(1) select a sample of General Accounting Office reports, studies, and reviews conducted over the past 24-month period preceding the date of the enactment of this section, which shall encompass a variety of topics, sectors, and subjects that adequately reflect the endeavors of the General Accounting Office;

(2) submit the sample reports, studies, and reviews to independent analysis by organizations, selected by the Committee, with recognized expertise in the relevant field of the selected reports, studies, and reviews to assess the accuracy, fairness, and professionalism of the reports, studies, and reviews; and

(3) ensure that the Committee or the organization responsible for conducting the analysis includes in each report of the independent analysis—

(A) a thorough examination to determine the objectivity, integrity, validity, and timeliness of each General Accounting Office product;

(B) the requesting and clearance procedures to maintain objectivity in analysis;

(C) the number of and reasons for the use of outside consultants and contract services required to complete the final General Accounting Office report;

(D) the contents and findings of any other support agencies' reports for duplication of scopes of work, and related efforts designed to solicit different findings and recommendations;

(E) the costs associated with preparing the final reports by the General Accounting Office, and the costs incurred by other support agencies in preparing similar or identical scopes of work; and

(F) a review of the final submission process to determine how the information was released to the appropriate congressional Members or committees, to the public, and to any relevant Federal departments or agencies.

(c) In conducting the review and analysis under subsection (b), the Committee shall ensure that Federal departments and agencies, Members of Congress, appropriate congressional staff, and any other relevant organizations or individuals are consulted concerning their input, participation in, and responses to General Accounting Office studies, reports, and reviews with the intention of determining the objectivity and integrity of the final analysis.

(d) No later than 12 months after the date of the enactment of this Act, the Committee shall consolidate all analyses and submit a report of the review conducted under this section to the Comptroller General of the United States, the chairman and ranking minority member of the Subcommittee on Legislative Branch of the Committee on Appropriations of the Senate, and the chairman and ranking minority member of the Subcommittee on Legislative of the Committee on Appropriations of the House of Representatives, and to the chairman and ranking minority member of the Senate Committee on Governmental Affairs, and the chairman and ranking minority member of the House of Representatives Committee on Government Operations. Such report shall include an overall summary with recommendations for ways in which the General Accounting Office can accomplish its mandates in the most efficient and professional manner, at the most reasonable cost, with minimal duplication of other support agencies and Office of Inspector General undertakings, and with maximum objectivity and integrity.

(e) The provisions of the Federal Advisory Committee Act shall not apply to the Committee, except the Committee shall consult the guidelines established under section 7(d) of such Act.

(f) The Committee shall terminate 30 days after the date of submitting the report under subsection (d).

(g) In addition to the funds appropriated by this section, funds appropriated to the General Accounting Office shall be available for the purpose of carrying out the provisions of this section.

SEC. 316. (a) The Senate Committee on Rules and Administration shall promulgate regulations—

(1) pertaining to the services provided by the Attending Physician and the operation and use of the Senate health and fitness facilities; and

(2) requiring the payment of fees for services received from the Attending Physician and for the use of the Senate health and fitness facilities pursuant to such regulations.

(b) The Secretary of the Senate is authorized to withhold fees from the salary of an individual authorized by such regulations to receive such services from the Attending Physician and to use the Senate health and fitness facilities.

(c) The Secretary of the Senate shall remit all fees required by subsection (a)(2) that are collected pursuant to subsection (b) or by direct payment to the General Fund of the Treasury as miscellaneous receipts unless otherwise provided by law.

(d) The provision of this section shall take effect on April 9, 1992.

This Act may be cited as the "Legislative Branch Appropriations Act, 1993".

[On page 34, strike line 17, beginning with "Notwithstanding" through line 20, ending with "amounts" and insert in lieu thereof "Amounts".

[On page 34, insert on line 3 after "use" the following: ": *Provided*, That no such amounts may be transferred before the date of the enactment of an Act authorizing the use of funds for that purpose".]

The PRESIDING OFFICER. Pursuant to the order the committee amendments are agreed to and are original text for the purposes of further amendment.

The Senator from Nevada is recognized.

Mr. REID. Mr. President, H.R. 5427, the legislative branch appropriations bill for fiscal year 1993, contains a total of $2,314,106,057 in new discretionary budget authority. This is, according to CBO scorekeeping, within the subcommittee's 602(b) allocation and is $29,349,543 in budget authority and $118,538,000 in outlays below currently enacted levels.

(Mr. AKAKA assumed the Chair.)

Mr. REID. Let me emphasize this point, Mr. President. The net result of the committee's actions will be to reduce, I repeat reduce, the actual spending level for the agencies in this bill by $118,538,000 below the current fiscal year. So, the bill the committee is recommending is 5.2 percent below a freeze in outlays.

The amounts in the bill are also $356 million less than the amounts requested in the President's budget, a reduction of 13.3 percent from the budgets proposed for the Congress and related agencies.

As anyone familiar with organizational financing knows, a reduction in funding below current levels cannot be achieved without risking a significant loss in functional capability. This is especially true in organizations that are, like those of the legislative branch, personnel intensive. So the cuts included in this bill are going to involve some real pain, to and by the time we finish this bill there will be some real, real pain. The Congress and the support agencies are going to have some tough adjustments to make.

In some cases, it is going to mean that staff positions will be abolished or go unfilled; in other cases; it will mean that needed investments in the maintenance, modernization, and rehabilitation of physical infrastructure will be deferred; and in still other cases, agencies will have to postpone the acquisition and upgrading of their computer and telecommunication equipment.

The overall result will inevitably entail some impairment in the ability of the support agencies to respond to requests for information and analysis. So my colleagues should be on notice that they can expect some delays and backlogs when they ask the General Accounting Office, the Office of Technology, Assessment, the Congressional Research Service, or the Congressional Budget Office for a study on some issue, policy question, or even a constituent inquiry.

They will not be as prompt as they have been. As you know, Mr. President, with all due respect to these agencies, and they work very hard, in many instances today they are not very prompt. So this will make it even worse.

These constraints will also have an effect here in the Senate. The amount appropriated for the Senate is $18 million less than the amount now available to this body. To stay within that limit will require individual Senators, committees, and the other organizations of the Senate to reduce costs. To achieve the necessary savings it will be necessary to reduce staff, defer the purchase of supplies and equipment, and/or cut back on travel and other administrative expenses.

Mr. President, I have tried in the past to explain that this is not just an appropriations bill for the Congress. This is the legislative branch appropriations bill. The House and the Senate are only part of this appropriations bill. In this bill, for example, a little less than half the funding is for the direct operations of the House and Senate. Moreover, the related agencies that are included in title I, the congressional operations title, are much more than mere appendages to the Congress. They also produce services and products that have important benefits for all our citizens. That is, citizens in Hawaii, Nevada, Washington, Colorado, every State in the Nation will benefit.

This applies, even more strongly, of course, to the organizations funded in title II. The Library of Congress, Government Printing Office, and the General Accounting Office have very significant functions and responsibilities in their own right that have little, if anything, to do with the direct operations of the Congress.

As I said Mr. President, I have tried to make this point every time I have come to the floor with this bill. But some of my colleagues and some elements of the media apparently have not been listening to what we have said. I do not know how else to explain the continuing stream of misinformation, misrepresentation, and arrant nonsense that continues in articles, TV talk shows, and—worse yet—on this floor.

As an example, Mr. President, I see it repeated time after time that Members of Congress get free haircuts. I went in to get my haircut over here to the man that cuts my hair, and I said: "Mario, I keep reading about these free haircuts. Is there something I am missing?"

I do not remember the exact date. He said in either 1967 or 1976, or years ago, they stopped that. There was a time that some staff and Members of Congress got free haircuts but that was a long, long time ago, Mr. President. But you keep seeing these things in the press. And we are trying to correct the continuing stream of misinformation but it is difficult.

HIGHLIGHTS

The report accompanying the bill, Senate Report 102–418, provides a detailed explanation of the committee recommendations for each of the accounts in the bill. But I want to take a few moments here to highlight the impact that a $120 million reduction from current spending levels will have on specific agencies.

LIBRARY OF CONGRESS

The Library of Congress is one of only five agencies that is above a freeze in this bill. We are recommending appropriations of $314,086,000 which is a reduction of $18,525,000 below the

request, but an increase of $9,195,000 over the amount available for fiscal 1992. In addition, the Library will have authority to spend $24,217,000 in receipts from copyright registrations and sales of cataloging data for the Library of Congress.

The amount we are recommending is an increase of $7.9 million over the House level and restores the equivalent of 139 positions not funded by the House. However, the committee allowance will still cut the Library staff by at least 57 positions.

The committee was reluctant to accept the House level for the Library of Congress, because it really represents a program reduction of 6 percent when inflation and mandatory salary costs are taken into consideration. In the decade of the 1980's, Library staff declined by 568 positions or about 10 percent due to funding constraints. This down sizing occurred at the same time congressional and public demand for the Library's services sharply increased in all categories.

Perhaps the best single measure of the resulting loss in the Library's capacity was the development of what is called the arrearage in collected but unprocessed materials. This arrearage, Mr. President, is constituted of materials that the Library has acquired but, due to staffing shortages has been unable to sort, catalog, and shelve. It includes items ranging from books to manuscripts to music to maps. All of these unprocessed materials are inaccessible to the library community at large and to researchers and the general public. By the year 1989, this backlog of uncataloged and unusable materials had grown to a total of over 38,000,000 items.

When I became chairman of the subcommittee I saw that we had to do something about this deterioration in the Library's services and about the arrearage problem in particular. So beginning in fiscal year 1991, we began to try to rebuild the Library's staffing base. Putting first things first, we provided the funds required to fill 164 positions dedicated to reducing the backlog of materials in the Library collections. In the meantime, we have sought to restore some of the positions supporting other core Library functions that had been lost over the years.

The House allowance would maintain support for the arrearage effort but would reverse the progress we have made in these other Library activities.

One million two-hundred thousand dollars of the increase over the House allowance is to restore 19 of the 38 positions not funded by the House for the Congressional Research Service. These 19 positions are for information and reference support to the Congress provided through reference centers, reading rooms, and its congressional reference quick response capability. It should be noted, however, that CRS will still have 19 fewer positions this coming fiscal year than at present.

GENERAL ACCOUNTING OFFICE

We are recommending for the General Accounting Office an appropriation of $440,167,000 plus authority for $1.2 million in offsetting collections. This is a reduction of $47,316,000 below the request and $2,480,000 below the enacted level. In addition, GAO will be required to reduce its staffing by 162 average positions from the current level of 5,062.

Since fiscal year 1984 GAO's budget, when adjusted for inflation and mandatory pay increases, has grown by about 4 percent. The agency has been the same size for 15 years.

The funding and staffing reductions contained in this bill will result in a smaller GAO with fewer resources available to support its congressional request workload. Specifically, the agency will have to curtail significantly travel, consultant and expert services, contractor services, time sharing, and data base resources in carrying out its congressional request work. Although GAO is committed to managing within this constrained level, these reductions coupled with the staffing reduction will result in an increase in the current backlog of congressional requested jobs from 261 to 374 an increase of 113 or 50 percent.

The bill includes a general provision establishing an independent peer review committee to oversee a comprehensive audit of GAO. This provision reflects the ideas of Senators GORTON, BOND, and DOMENICI, and myself. I believe the audit and the comprehensive review mandated by the language will help to clear the air with respect to questions that have arisen about GAO's mission and the quality of its work.

OFFICE OF TECHNOLOGY ASSESSMENT

The recommended bill contains $21,025,000 for OTA activities in fiscal 1993. This is the same level as was provided in fiscal 1992 and is $2,643,000 below the request.

The committee recommendation will force OTA to eliminate merit pay increases, to reduce project-oriented staff and contractual services, and to provide facilities management with temporary employees.

OTA provides Congress with thorough, impartial analyses of the potential role of science and technology in creating and addressing the pressing concerns of today—and tomorrow.

In these times of limited economic resources, OTA's analyses of domestic problems—unemployment, lack of affordable health care, illiteracy—as well as global problems—climate change, loss of control over nuclear weapons, increasing tensions between the economic haves and have nots—are important to the Congress.

CONGRESSIONAL BUDGET OFFICE

The bill includes $22,542,000 for the Congressional Budget Office which is the same level as was fiscal 1992 and is $1,353,000 below the budget request.

For more than a decade, the Congressional Budget Office has had no real growth in its budget. Annual budget increases have averaged just 3.8 percent, virtually even with inflation, leaving CBO with no more purchasing power today than it had in 1984. The hard freeze contained in this bill is a real cut in the agency's funding level, and will force CBO to cut 2 to 4 staff years from its current level, to reduce planned merit pay increases by 50 percent, and to postpone needed analytical model updates in critical areas such as Medicare costs and defense budget reductions.

CBO is best known for its budget-related functions. It gives the Congress an independent and nonpartisan source of budgetary and economic analysis. It is an invaluable antidote to politicized data from OMB.

But CBO also presents the Congress with options and alternatives in a wide range of subject areas beyond the budget per se. CBO's annual analysis of the President's budget and its semiannual updates of the budget and economic outlook are of particular value to the overall work of this committee. But CBO studies help to inform policymaking in almost every domain, from defense and national security to agriculture and human resources.

ARCHITECT OF THE CAPITOL

Mr. President, the bill includes $171,962,000 to support the operations under the Architect of the Capitol, including the Botanic Garden. This is a reduction from the request of $31.1 million or 15.3 percent. It is, overall, barely 1 percent more than the amounts available in the current fiscal year.

Mr. President, the Architect of the Capitol is responsible for the supervision of all structural and mechanical improvements, additions, alterations, and repairs to: The Capitol Building and surrounding Grounds; Senate Office Buildings; House Office Buildings; Library of Congress Buildings and Grounds; Supreme Court Building and Grounds; Robert A. Taft Memorial; and the Botanic Garden.

These facilities, aside from their intrinsic historical and architectural significance, constitute invaluable capital investments. Their care, maintenance, and enhancement is a public trust of the highest order.

The virtual freeze in resources the committee is recommending means that the Architect will be required to absorb nondiscretionary compensation costs, reduce staffing levels by 48 positions, and curtail or defer a number of projects important to the preservation and enhancement of the Capitol complex.

Moreover, the general funding level is somewhat misleading, because the committee has provided funding for the costs of several unavoidable and expen-

sive new initiatives within that total. For example, we have provided $2 million for acquisition of a dormitory for Senate pages, $6 million for the expenses of leasing and occupying space in the Postal Square facility, $2 million for a contract audit of the General Accounting Office, and $7 million for the initial phases of the reconstruction of the conservatory at the Botanic Garden. As a result, it has been necessary to cut even more deeply below current levels into the budgets for other programs and activities under the jurisdiction of the Architect.

SENATE

The total recommended for the Senate in fiscal year 1993 is $451.5 million. This represents a decrease of $17.9 million below the enacted level and is a reduction of $54.7 million from the request. The committee allowed no increases with the exception of the new Office of Fair Employment Practices, for which $825,000 is included. The effect, taking the unfunded January COLA and other inflation-related costs into account, is a real cut below the Senate's current funding level of over 7 percent.

In closing, let me again express my appreciation to Senator GORTON, the ranking member, for his assistance in bringing this legislation to the Senate. We have worked closely together in the development of the bill and it reflects a good many of his ideas and suggestions. It is a pleasure to work with him and his staff.

As always, our full committee chairman, Senator BYRD and his staff have been especially helpful and supportive in moving this bill. Having his advice and counsel is of incalculable value. No one understands this institution better nor exemplifies its best qualities more fully than the President pro tempore. It is an honor to serve under his leadership.

Senator HATFIELD, the ranking member of the full committee, also has a longstanding interest in the welfare of the Senate and the legislative branch. His commitment to protecting and improving this institution, its sister Chamber, and related organizations is well known to everyone in this Chamber. But, in a larger sense, he deserves the thanks of the American people. For this is, after all, their branch of the Government. Be that as it may, I want him to know that I admire his effort on our behalf and value his counsel.

Mr. President, I am just going to talk about some of the highlights in this bill.

The report accompanying the bill provides detailed explanations of the committee recommendations for each of the accounts in this bill. They are public record. I want to take a few moments though to highlight the impact that a $120 million reduction from current spending levels will have on specific agencies.

The Library of Congress is one of the only five agencies that is above a freeze in this bill. We do that, because the ranking member, Senator GORTON, the ranking Republican on this full committee, Senator HATFIELD, and many others, including this Senator, have great affection and admiration for the Library of Congress. It is the Library of Congress but also the library of the American public. It is one of the greatest institutions that has ever been developed by government. Because of the many good things it does for us as a country, we are recommending appropriations of $314 million which is below the request but an increase of about $9 million over the amount available for this year.

In addition, the Library will have authority to spend $24 million in receipts from copyright registrations and sales of cataloging data. I am not going to go into a lot more detail, but we have made great strides with the Library of Congress, with taking care of materials that were laying around in a fashion that they were being destroyed. There simply was not enough manpower to catalog and put these materials where they are supposed to be. We have done a lot in taking care of that great backlog. We have done other things in the Library of Congress, but the most important thing we have been able to do is to maintain the Library of Congress as a library of the American public. All over this country there are libraries that use the resources of the Library of Congress. So I am sure that Senator GORTON will say more, because he has expressed publicly and privately, as has Senator HATFIELD, and others, their great commitment to this institution.

THE OFFICE OF TECHNOLOGY ASSESSMENT

The recommended bill contains $21 million for OTA activities in fiscal year 1993. This was the same level that was provided in 1992 and is about $2½ million below the request. OTA provides Congress with a thorough analysis and impartial analysis of the potential role of science and technology in creating and addressing the pressing concerns of today and more importantly, Mr. President, the pressing concerns of tomorrow. I wish we could have fully funded the request for OTA. They do a great job and I think we as a country should be proud of the work they do.

CONGRESSIONAL BUDGET OFFICE

This bill includes about $22½ million for the Congressional Budget Office which is the same level as last year and is about $1.3 million below what they requested. For more than a decade the Congressional Budget Office has had no real growth in its budget. The annual budget increases have averaged just about 3½ percent, virtually even with inflation, leaving CBO with no more purchasing power today than they had in 1984.

The PRESIDING OFFICER. The manager's 10 minutes have expired.

Mr. GORTON. Mr. President, I yield 5 minutes from my time to the distinguished manager.

Mr. REID. I thank the Senator.

Mr. President, we have the Architect of the Capitol which we have funded below what is required to maintain the great infrastructure we have here in the Capitol. But we have done the best we can.

THE GENERAL ACCOUNTING OFFICE

We have a provision in this bill that will require an extensive study of the GAO. In effect, the GAO is going to have done to them what they do to others. And I say that on a positive note. They are going to be audited. That is included in this legislation. I think it is long overdue.

We have had a lot of concern from both sides of the aisle about GAO performance, and I think this will do it in the right way. Rather than doing a dramatic cut, we are going to study the General Accounting Office to make sure that they are meeting their obligations under law.

The total recommended for the Senate in fiscal year 1993 is about $451.5 million. This represents a decrease of almost $18 million below the enacted level, and is a reduction of about $5 million from the request.

The committee allowed no increase with the exception of the new Office of Fair Employment Practices for which $825,000 is included.

Mr. President, in closing let me express my appreciation to Senator GORTON, the ranking member, for his assistance in bringing this legislation to the Senate. We have worked together closely. I hope there are other subcommittees in the Congress that work as closely as we do. If that in fact is the case, it speaks well of us as a body.

We have worked closely together in the development of this bill, and it reflects a good many of his ideas and suggestions. It is a pleasure to work with him and his staff.

Also, our full committee chairman, Senator BYRD, and his staff have been especially helpful.

I have already thrown a bouquet or two toward Senator HATFIELD. He also has had a longstanding interest in the Senate and in the legislative branch of Government, and I appreciate his commitment. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from Nevada has eloquently and persuasively outlined the provisions of this bill and has outlined the important facts that actually include significantly fewer dollars for the operation of the legislative branch that was requested for the appropriations for fiscal year 1993.

He has pointed out that this will create some difficulty but that this nevertheless follows the general directions of this body.

I need not repeat his details by any stretch of the imagination, but I can reciprocate by saying that I believe that he has operated in the most responsible possible fashion given the very difficult limitations imposed upon him in producing this bill.

The legislative branch of course, Mr. President, includes more than just the Congress of the United States. It includes most particularly the Library of Congress, one of the great adornments of American civilization. That is a facility for all of the people of the United States, one which the Senator from Nevada and I agree should constantly be supported in a way which is adequate to keep it up to date in its acquisitions and in the way in which it stores and retrieves knowledge.

The legislative branch includes the Botanical Garden, for example, which also adorn most particularly this Capitol, and a number of other agencies which deal in information, information of value not only to Members but to the people of the United States as a whole.

We must therefore, Mr. President, take great care in the way in which we support institutions which have literally been passed down to us from the first generation in the Congress of the United States operating under the Constitution of the United States.

As a consequence, this is a responsible bill. It deals appropriately with our need for knowledge. It deals appropriately with our need to correspond with our constituents. It deals with those portions of the legislative branch which are for all of the people of the United States and not for the convenience especially of Members of the Congress of the United States itself.

This marks the last of the 13 appropriations bills to be considered on this floor; last not by accident but because this bill always creates more controversy than, in the mind of this Senator, is warranted under the circumstances, it is responsible. It is a good bill.

I hope that we can pass it promptly during the course of this afternoon without great damage to its provisions and that a conference committee can quickly work out differences so that we are no longer working under a continuing resolution by early next week.

Mr. President, on behalf of the Committee on Appropriations, Senator REID and I bring to the Senate today the committee's recommendations on the Legislative Branch Appropriations Act for Fiscal Year 1993. Those recommendations are supported by the narrative contained in our committee report, Senate Report 102-418. I also direct my colleagues' attention to our hearings on the fiscal year 1993 Legislative Branch budget. Those hearings are printed and available as Senate hearing document 102-658.

The funding recommended in this bill costs $2,314,106,057, representing a reduction of $29,939,543 in budget authority from the amounts appropriated for the current fiscal year. The amounts requested in the budgets for the various entities covered by this bill total $2,670,364,500 in budget authority, so the committee's recommendations are $356,258,443, or 13 percent below the amounts requested for fiscal year 1993.

The Congressional Budget Office has stated that this bill will result in $2,187,629,000 in outlays in fiscal year 1993. That represents a reduction of $119,280,000, or 5.2 percent, from fiscal year 1992 outlays. That is a very significant reduction, Mr. President. I think we can say with conviction that we are doing our part.

I hope the Senate will support the committee's recommendations on this bill. It will undoubtedly be difficult for the legislative branch to make do with less money next year than is available this year, but the funding constraints necessitated by our continuing fiscal crisis demand that we do so. To go much further than the committee recommends in making reductions, however, would be irresponsible.

TITLE I—CONGRESSIONAL OPERATIONS

Mr. President, title I of the bill is formally titled the "Congressional Operations Act, 1993." This title covers the operations of the House and Senate and the agencies providing direct support to Congress. The committee's recommendations for appropriations in this title total $1,575,552,700, which is a reduction of $31,686,900 below the current year level and $280,154,800 below the requested amount for fiscal year 1993. That is a 15 percent reduction below the amount requested. Our recommendations are displayed in a summary table on page 4 of the committee report.

SENATE

For the Senate, the committee recommends a total fiscal year 1993 appropriation of $451,450,700, a reduction of $17,987,000 below the fiscal year 1992 level and nearly $55,000,000 below the amount requested. All Senate items are at or below fiscal year 1992 levels—no increases have been recommended. Senators' personal office funding, committee funding, the leadership offices, the party conferences, and policy committees are all held at current year levels. In three notable areas—the office of the Secretary of the Senate, the office of the Sergeant at Arms and Doorkeeper of the Senate, and Senate official mail costs—the amount recommended for fiscal year 1993 is a reduction from fiscal year 1992 levels.

All of the committee's recommendations for fiscal year 1993 Senate operations are duly authorized with two minor exceptions. The committee is recommending continued funding for the U.S. Senate Caucus on International Drug Control, in the amount of $336,000. This caucus was created by section 814 of Public Law 99-93, the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and first funded in the fiscal year 1986 Legislative Branch Appropriations Act. The original authorization expired in 1987, and was extended 1 year by the omnibus continuing resolution for fiscal year 1988 (Pub L. 100-202). Since that time funding has been provided without authorization.

The second matter pertains to the Senate's Albert Einstein Fellowship Program. Funding for this program was authorized by Senate Resolution 239, adopted November 27, 1991, for fiscal years 1991, 1992, and 1993. The costs of the program are shared with a private, nonprofit organization, and delays in reaching a contractual agreement with that organization have prompted us to modify the original authorization by extending the availability of funds appropriated for the Senate's share of program costs.

HOUSE OF REPRESENTATIVES

For the House of Representatives, the committee recommends concurrence with the House allowance of $699,109,000. This is in keeping with the longstanding tradition of comity between the Houses on matters pertaining solely to one House. However, the House did include matter in one of its admistrative provisions changing the status of the Capitol Guide Service from a joint item to a matter within the jurisdiction of the House. The committee has been advised that this was an inadvertence, and has stricken the provision.

JOINT ITEMS

The balance of title I of the bill provides funding for nine joint items, the Office of Technology Assessment, the Congressional Budget Office, the Architect of the Capitol, except operations concerning the Library of Congress, the Congressional Research Service, and the congressional printing and binding activities of the Government Printing Office.

For joint items, the committee recommends a total of $81,737,000, which is $6,124,000 below the request and $1,021,000 above the fiscal year 1992 level. We recommend agreement with the House on most of these items, but differ with our colleagues on a few. The committee is recommending $906,000 for the joint committee on inaugural ceremonies, a new item which came too late for House consideration.

On the appeal of the Senate Sergeant at Arms, we are recommending $64,093,000 for the salaries of the Capital Police, an amount which is $1,241,000 over the House allowance but is the same as the fiscal year 1992 level. The Sergeant at Arms and the Chief of the Capital Police have assured us this will be sufficient to maintain necessary operations and respond to unforeseen circumstances as they arise.

I direct the attention of the Chief of the Capitol Police to language in the

committee report concerning traffic violations in the various intersections around the Senate office buildings. It has been the committee's observation that there is increasing disregard of traffic signals by vehicles and pedestrians alike, and increasing hazard to members of the Senate community and the citizenry at large. The committee encourages the Chief, therefore, to consider assigning officers to improve traffic control at the various intersections.

We are recommending the full amount of $366,000 requested for the Special Services Office. This is an increase of $74,000 above the current year level and the House allowance, but we believe the Congress must have the resources necessary to provide special assistance to the disabled. We also differ from our House colleagues in providing the $20,000 requested for the preparation of the statements of appropriations volumes, which the complied jointly by the Senate and House Committees on Appropriations pursuant to a directive in the Legislative Appropriations Act of June 7, 1924.

For OTA, CBO, the several joint committees, and the Office of the Attending Physician, we recommend concurrence with the House allowance at the fiscal year 1992 level. For the Capitol Guide Service, there is a recommendation of $1,644,000, the same as the House allowance but $41,000 above fiscal year 1992. The committee recommends an increase above fiscal year 1992 to maintain services to the millions of annual Capitol visitors.

ARCHITECT OF THE CAPITOL

For the activities of the Architect of the Capitol funded in title I of the bill, the committee recommends a total of $152,098,000. This amount is $26,257,000 below the request of $178,355,000, and only $464,00 above fiscal year 1992. Our recommendation is $50,466,000 over the house allowance, but the other body did not consider the request for Senate office buildings or the items in the Capitol buildings and grounds appropriations that pertain solely to the Senate.

There are a few matters pertaining to the Architect that I should emphasize before a general discussion of the committee's funding recommendations.

Last year, the committee asked the Architect to prepare his budget request with a presentation of new projects and ongong activities in some sort of priority order. The Architect complied with that request, presenting his budget with programs listed as "critical," "highly desirable," and "desirable." That presentation has been helpful to the committee in evaluating the architect's budget. As the committee report declares, however, the Architect should be more judicious in his characterization. The committee does not believe, for example, that all the new positions can or should be described as critical.

I also wish to emphasize and direct the attention of the Architect to a committee directive concerning the obligation of funds from contingent expenses, miscellaneous improvements, of similar accounts. For years, the committee has directed that it be notified of obligations from the contingent expenses appropriation. While the Architect has complied with that directive, it has too often been after the fact. The committee has also found that funds in the Senate office buildings appropriation have been obligated to undertake projects about which the committee is not informed until work has already been initiated. The installation of hydraulic delta barriers and the construction of guardhouses on C Street NE, between First and Second streets is an example. The committee was not given an explanation of this work until staff inquiry was made well after work had begun. The Architect did seek the approval of the Committee on Rules and Administration, but did not bother to inform the Committee on Appropriations of his intention to spend appropriated funds.

Mr. President, the Architect of the Capital spends considerable time and effort putting together his annual budget requests, and the committee takes some care in reviewing and assessing that request. When we recommend funding for programs the Architect has requested, we expect that the money will be spent for those purposes. We understand there will be changes in a multimillion-dollar budget prepared a year in advance of the work proposed to be undertaken. But if new projects or activities not justified in the budget presentation are to be undertaken, the committee must be notified in advance and its approval sought.

Accordingly, I direct the Architect's attention to the committee directives in this regard in the contingent expenses, Capitol buildings, Capitol Grounds, and Senate office buildings accounts.

The committee's funding recommendations for the activities of the Architect are only slightly above the fiscal year 1992 amount. For the immediate office of the Architect, the committee recommends $8,144,000, the same as for fiscal year 1992 and $142,000 below the House allowance. For contingent expenses, the recommendation is $100,000, the same as the request, the current year, and the House allowance. The committee does not agree with the request to appropriate this money on a no-year basis.

CAPITOL BUILDINGS AND GROUNDS

For the Capitol buildings account, the recommendation is $24,040,000, a reduction of $5,038,000 from the request and $3,571,000 below the fiscal year 1992 enacted amount. The recommendation of $525,000 above the House allowance is for Senate related items not addressed by the other body.

Under the Capitol Grounds account, the committee is recommending $6,000,000, which is $734,000 above the fiscal year 1992 level, $744,000 over the House allowance, and $400,000 over the fiscal year 1993 request. This is an area in which I personally am very interested, and Senator REID has joined with me to promote improvements in the Capitol Grounds. This is an area where a relatively small amount of money can yield great benefit to all the citizens of Washington, DC, and millions of visitors. We are recommending approval of the Architect's full request for Capitol Grounds, plus additional projects identified by the Landscape Architect, and funds for three new positions for the labor-intensive activities of the gardening division.

SENATE OFFICE BUILDINGS

The Architect's budget request for the Senate office buildings account was $58,861,000. The committee recommends a fiscal year 1993 appropriation of $47,339,000, a reduction of 20 percent. The amount recommended is over the fiscal year 1992 amount by $2,233,000, but it should be noted that our recommendation provides $2,000,000 for the acquisition and renovation of property for a Senate page dormitory facility, and $6,000,000 for leasing costs at Postal Square for Senate operations that will be moving there in the coming year. We also recommend $881,000 for Postal Square furnishings. There are only two other new projects funded in our recommendation—$500,000 to begin the work on relocating the Senate library from the Capitol to the Dirksen Building, and $300,000 to construct a staircase from the ground floor to the basement of Dirksen.

With regard to the relocation of the Senate library, the committee notes the testimony of the Secretary of the Senate that the library's reading rooms in the Capitol will be kept open, and wholeheartedly agrees with the Secretary that those rooms should be kept open for the use of Senators and staff.

The committee has also directed the Architect to prepare his design of the soon-to-be vacated space in Dirksen to permit the relocation of those elements of the Senate Legislative Counsel's office sufficient to allow the opening of the sixth floor corridor from the Dirksen Senate Office Building to the Hart Senate Office Building. Keeping this corridor closed presents not only an inconvenience but also a potential safety hazard to Senators, staff, and visitors on the seventh floor of Hart.

HOUSE OFFICE BUILDINGS

The committee recommends agreement with the House allowance of $32,387,000 for House office buildings. As a matter of comity, the committee does not express an independent judgment on matters pertaining solely to the other body.

REMAINING TITLE I ITEMS

For the Capitol Power Plant, the committee recommends $32,088,000, an

increase of $85,000 over fiscal year 1992 that is driven primarily by mandatory items and an increase in the purchase of electrical energy. For the congressional printing and binding activities of the Government Printing Office, the committee recommends $89,591,000, a reduction of $2,000,000 from the current fiscal year and $28,004,000 from the request.

Finally, for the Congressional Research Service in the Library of Congress, we recommend $58,000,000, an increase of $1,417,000 above the House allowance and the fiscal year 1992 level. This is one of the few instances where the committee is recommending an appropriation above the fiscal year 1992 amount. We are still $3,274,000 below the request.

TITLE II

Title II of the bill provides funding for those entities whose work goes beyond direct support to the Congress. These include the Botanic Garden, the Library of Congress operations exclusive of CRS, the operations of the Government Printing Office exclusive of congressional printing and binding requirements, the Copyright Royalty Tribunal, and the General Accounting Office.

The General Accounting Office is by far the largest of these accounts. The Comptroller General's request for fiscal year 1993 was $487,483,000, an increase of 10 percent above the fiscal year 1992 enacted level of $442,647,000. The committee recommends denial of that request, and has provided $440,167,000 for the upcoming fiscal year. This recommendation is $2,000,000 below the House allowance, and a reduction of $2,480,000 below the fiscal year 1992 level. The recommendation will provide for 4,900 positions, a reduction of 162 positions from the current level.

There has been a great deal of concern expressed recently by Senators on both sides of the aisle regarding the work of the GAO. The methodology and conclusions of reports have been questioned. The way reports are initiated has been challenged. The number and cost of GAO detailees to Congress has come under scrutiny. The committee has responded to these concerns with several legislative provisions.

At Senator REID's urging, the committee has proved $2,000,000 from the GAO budget to conduct an independent management audit of the GAO, under the guidance and control of the joint leadership of the Congress. This audit will scrutinize every aspect of missions and methodologies. The committee has also included, at the request of Senators BOND and DOMENICI, a provision establishing a peer review process for GAO reports. And we have provided that the cost of detailing GAO employees to committees of Congress must be reimbursed to GAO by those committees, effective at the beginning of the next committee budget year. The committee believes that these recommendations will create a more efficient, less costly, and more credible General Accounting Office.

For the Botanic Garden, the committee is recommending a fiscal year 1993 appropriation of $10,131,000, an increase of $7,269,000 above the fiscal year 1992 level and $7,225,000 over the House allowance. This significant increase is almost exclusively attributable to the committee's recommendation of $7,000,000 for the reconstruction of the conservatory structure at the Garden, which has been dismantled for safety reasons. The conservatory is an historic structure which should not sit in unused ruin and significantly reduce the operations and contributions of the Botanic Garden to our citizens. The committee believes that this is one area where a significant increase in funding is warranted, and has so recommended.

For the Library of Congress' salaries and expenses account, the committee recommends an appropriation of $198,752,000 combined with the authority to spend receipts of $7,500,000, for total fiscal year 1993 resources of $206,252,000. This is $15,251,000 below the request, $7,778,000 above fiscal year 1992, and $6,179,000 above the House allowance. The increase above the House allowance is upon the appeal of the Librarian of Congress, who wrote the committee urging the restoration of these funds.

For the books for the blind and physically handicapped program of the Library of Congress, for which a separate appropriation is made, the committee agrees with the House in providing $43,144,000, a reduction of $2,873,000 from the request and an increase of $960,000. The committee is informed that the increase will be sufficient to provide an adequate number of cassette machines in fiscal year 1993 for current and anticipated new readers.

For the Copyright Office, the committee recommends an appropriation of $9,700,000, which is $377,000 above the House allowance but is a reduction of $946,000 below the request and is $361,000 below the fiscal year 1992 amount. Even with that reduction, the committee recommendation will fund nine positions over the House allowance because of our recommendation for an increase in the authority to spend receipts.

For Library furniture and furnishings, the committee recommends $4,490,000, the same amount provided for the current fiscal year and the House allowance. Our recommendation is a reduction of $3,168,000 from the request.

For the care and maintenance of the Library buildings and grounds under the auspices of the Architect of the Capitol, the committee recommends $9,733,000, which is the same as the House allowance and is a reduction of $5,454,000 from the current fiscal year level. I refer Senators to our committee report for information on the projects to be undertaken with these funds.

For the Copyright Royalty Tribunal, the committee recommends a direct appropriation of $130,000, the same as the fiscal year 1992 amount and the House allowance. In addition, we agree with the House in recommending an increase over fiscal year 1992 in the authority to spend receipts, from $735,000 to $781,000, for a grand total of $911,000 in spending authority for the Tribunal.

And finally, Mr. President, the committee recommends $29,082,000 for noncongressional requirements of the Government Printing Office, an amount which is $2,000,000 above fiscal year 1992 and is $1,901,000 below the request.

That concludes my remarks, Mr. President. I emphasize again that the legislative branch appropriations bill for fiscal year 1993 is a very responsible piece of legislation. We are recommending less money for the upcoming fiscal year than we are spending in this fiscal year. While reducing funding for congressional operations, we are maintaining the operations and services of our valuable national institutions, such as the Library of Congress and the Botanic Garden. We are instituting important reforms in the General Accounting Office, and sharply reducing its funding. I congratulate our subcommittee chairman, Senator REID, for fashioning this bill and thank him for continuing his bipartisan approach. Both sides of the aisle work together on this bill, Mr. President, and it is an enjoyable task.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mr. SEYMOUR] is recognized.

AMENDMENT NO. 3357

Mr. SEYMOUR. Mr. President, on behalf of myself and Senator BROWN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR], for himself and Mr. BROWN, proposes an amendment numbered 3357.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Notwithstanding any other provision of law total obligations for the accounts covered by this Act shall not exceed 95 percent in fiscal year 1993, 90 percent in 1994, and 85 percent in 1995 of the amounts obligated in fiscal year 1992. No unobligated funds for any year may be expended in any subsequent fiscal year, and any such funds shall be returned to the Treasury in order to reduce the deficit. An independent firm jointly selected by the Speaker of the House, the minority

leader of the House, the majority leader of the Senate, and the minority leader of the Senate, shall conduct a study of the staff needs of the Congress, to be funded out the contingency funds of the House and Senate.

Mr. SEYMOUR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SEYMOUR. Mr. President, I rise in support of this amendment, along with my colleague, Senator BROWN, because although the Senator from Nevada and the Senator from Washington have, I am certain, made every attempt they can to pare back the continuing growth in the budget of Congress, I think we need to go much further.

As a matter of fact, Mr. President, the last 10 years of Congress spending, particularly the last 5, is a glaring example of congressional exemption. Indeed, past history is proof that, when it comes to controlling its own spending, Congress has been part of the problem, not the solution.

Mr. President, during the fiscal years of 1970 to 1992, the total budget of Congress has moved in one straight forward direction—up. Indeed, total spending during this period rose from $343 million in 1970, to $2.3 billion in 1992. And in the past 12 years, from 1981 to 1992, the cost of Congress to the American taxpayer has more than doubled.

We have today far many more employees than I am sure the Founding Fathers ever thought this body would go to with over 20,000 staff and employees.

Indeed, Mr. President, ours is the most expensive legislature in the world. The $2.3 billion congressional price tag for this year is nearly 10 times the cost of Canada's 346-member parliament.

But let me focus, Mr. President, on spending for our own operations just here in the Senate.

Taking a look at this chart, this chart shows that in 1981, Mr. President, the U.S. Senate cost the American taxpayer roughly $160 million. In the fiscal year 1992, the Senate cost the taxpayers of this country $488 million. In other words, the cost of the Senate, just the Senate, has tripled in the last 10 years. And in the last 4 years, from 1988 to 1992, the cost has risen by nearly 40 percent.

Looking at it another way, the annual percentage of growth of the Senate over the past 12 years exceeded that of many vital Federal programs, surpassing Head Start, Federal job training, and emergency homeless assistance services.

Indeed, to truly understand why we need to control our own spending, I would direct our colleagues' attention to this chart which compares the average growth rates in legislative operations with other crucial programs.

As you can see, the rate of spending growth in the operation of the U.S. Senate exceeds spending for vital programs. Just look at it. Our growth rate exceeds the cost growth of Medicare, unemployment, mandatory programs such as food stamps, Social Security, defense programs, welfare, and so forth.

Mr. President, the operations of Congress taken together grew faster from 1981 to 1992 than the growth of all our mandatory spending program combined, including Medicare, the earned income tax credit, veterans benefits, housing assistance and food—nutrition assistance for our children.

It is time the Congress no longer serve as the example of what is wrong with spending policies, but it is time that we set the example of future fiscal responsibility. In times of $1 billion a day deficits and limited Government resources, Congress must take the lead and demonstrate that it is capable of controlling its own spending.

So, in this amendment that we have before us now—and this is but a small step, Mr. President, this is not a giant step—what we are asking for in this amendment is to reduce the legislative branch budget by 15 percent over the next 3 years. Furthermore, the amendment would prohibit the carrying over of funds from one year to the next. And finally and most important of all, it would require an independent audit of the current staff needs of this Congress, something that is sorely needed. This will be, if this is successful, the first time that the budget has truly been cut. Indeed, it is modest.

You recall, Mr. President, in April of this year I offered an amendment to the Senate budget resolution asking for a 25-percent cut over a 2-year period. And that was agreed to by more than a majority in this house. I understand the give and take of this process. Although I would prefer to see a 15-percent cut, as was approved by this body before, I believe this is probably the best we are going to be able to get right now.

For those who would say that this is draconian, I would only point to my State of California. When I was a State senator there some 23 months ago, I had supported an initiative that was overwhelmingly passed by the people of California that not only set term limitations on members of the State legislature, and I think that is a good idea for Congress as well, but it also cut the legislature's budget by 40 percent; 40 percent, Mr. President, not 15 over 3 years.

Was that draconian? Some would say yes. But the California legislature survived. They survived that 40 percent cut and they are still in operation today.

I would like to take a moment to recognize the efforts of Senator REID, chairman of the legislative branch subcommittee and Senator GORTON, the distinguished ranking member. I know how tough it is. But I am hopeful that we will now join together to go beyond that level of spending that they have proposed and, in fact, enact this amendment which I think is reasonable—I think is altogether reasonable and appropriate.

Mr. President, I also ask unanimous consent that Senator MCCAIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. I yield the remainder of my time to Senator BROWN.

The PRESIDING OFFICER. The Senator from Colorado is recognized. The Senator has 3 minutes remaining.

Mr. BROWN. Mr. President, this amendment marks a major step forward indeed, if it is agreed to. It is a dramatic change because it is a 15-percent cut over 3 years, 5 percent a year. If it is agreed to it will be the first real dramatic cut the Congress has faced.

The amendment it calls for an independent commission to analyze the appropriate staffing level for Congress. It also eliminates the slush fund that can be used to carry money unspent in 1 year, over to another year. This is a dramatic reform.

But no one should believe that this measure is enough. No one should believe that Congress has faced up to the task of bringing its budget on line. This is a very modest measure because we want it passed and we think it has a chance of passing.

But take a look at the facts right now. Congress has a staff nine times bigger than that of any country in the world. We are not just the gold medal winners, we are nine times bigger than the silver medal winners.

GAO has 10 accountants for every Member of Congress. That is every Member of the House and every Member of the Senate; there are 10 times that number in accountants. How many accountants do you need?

We have several policemen for every Member of Congress, enough to follow us around all day long should that be necessary. The Government Printing Office has nine printers—actually a few more—for every Member of Congress.

The architect manages to spend $171,962,000 under this bill. They are not all architects. Some of the elevator operators on automatic elevators come there.

But no one should believe that this is an austere budget even with the cut. The Library of Congress has nine librarians for every Member of Congress. We are talking in this budget bill about almost $10 million for maintenance and almost $4.5 million for new furniture. Anyone who believes there is not room for further cuts in this bill has not taken a close look at the bill.

The truth of the matter is this. If America is going to face up to its defi-

cit problem, this Congress has to provide the leadership. Mr. President, I do not know if I will have an opportunity but I believe a cut ought to be made in the Executive Office of the President budget as well. I think the President's call for cuts in both branches is appropriate and right on track.

There is one other comment I might share and I hope the distinguished chairman of the subcommittee might comment. As I read the amendment, I believe it gives the Congress discretion in where to allocate these cuts in spending. I am wondering if the distinguished Senator from Nevada would agree with my interpretation of the language of the amendment in that regard?

Mr. REID. Yes. I would respond to my friend from Colorado: The amendment does give discretion that we can apportion the reductions the amendment mandates. I think that is one of the merits of the amendment. Rather than a willy-nilly cut here and there—we are going to take a look at this and do it the right way. We will determine where there is too much fluff and where there is not enough capacity. It does give us discretion. I think that is the way it should be.

Mr. BROWN. I thank my friend from Nevada. Mr. President I simply close with this thought.

Over the years I have had an opportunity to deal with a number of people on the Appropriations Committees, both in the House and Senate, that work in this area. I must say I have never found two such distinguished public servants as the distinguished Senator from Nevada and the distinguished Senator from Washington more willing to face up to the tough problems of our country in developing a responsible budget for the Congress.

I salute them for the efforts they made.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I will take a brief few minutes. As I indicated earlier, I do believe that this amendment has the potential to do great good for this body. We all recognize that there are going to have to be some cuts made. One of the provisions in this legislation calls for a study group—that is not made up of us, not made up of Members of Congress—but an independent auditing agency to look at how we spend our money and whether we spend it on the right things or the wrong things. I look forward to the results of this study.

On a much smaller scale, I know when I had my little business we called in experts to find out whether we had too many secretaries, whether we had enough bookkeepers, whether we had the personnel developed correctly in the office. No matter how long we were at the business, a fresh, independent, outside body could always come up with unique ways of saving money.

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I hope the same can take place here. In short, I agree with the objectives of this amendment. The deficit must be reduced. We all acknowledge that. And we need to do our share.

But we also have to be fair when we talk about how many accountants each Member of Congress has. Remember, these auditors, these GAO accountants that my friend from Colorado talked about, they are not doing work for you and me and him and her. They have wide responsibilities dealing with large projects—for instance the General Accounting Office is looking at whether too much money is being spent in star wars, or not enough.

We have the same idea in mind, the same objective. I hope as time goes on we can come back with some information that will allow us to do this in a constructive fashion. That is why the committee has reduced spending in this bill already by 5.2 percent in outlays. That is significant.

I am pleased to work with Senators SEYMOUR and BROWN. They have been hard, but I think objective. And I think as a result of their dedication, we are going to attempt to do even a better job in this legislation than we have done. The amendment is well-intentioned and we will continue to do our part.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

Mr. GORTON. Mr. President, in the presence of the Senator from Colorado, for the purposes of determining legislative intent, I want to agree with the answer from my distinguished subcommittee chairman. This amendment and the cuts which it proposes would not be required to be equal in every element of the legislative appropriation.

There would be discretion to cut more deeply in some areas and less deeply in others.

I also want to express one narrow form of agreement with the amendment by saying that I think that an objective outside study of expenditures on the part of the legislative branch is appropriate. With the thrust of the amendment, however, I am in disagreement.

First, I do not believe that this Congress can bind three future Congresses with respect to what those Congresses wish to appropriate for their own operations.

But, second, I do not believe much is gained by engaging in exercises of this sort.

I believe that the functions of the legislative branch are important ones. To say there are nine librarians in the Library of Congress for every Member of Congress is a meaningless statement. They are not there for every Member of Congress. They are there for the people of the United States. The number of people working in that library do not seem to me to be excessive, given this central function and the civilization of this country.

To force a reduction in the legislative branch at a time of increasing complexity, and a time when problems facing us and the need for knowledge constantly increase seems to me more likely to inhibit the operation of Congress and the public interest than it will be to enhance it.

Mr. DODD. Mr. President, I rise in support of the Seymour amendment.

As the 102d Congress draws to a close, I am reminded that we have discussed the budget deficit countless times on the floor of the Senate this year. We have debated budget walls, line-item vetoes, balanced budget amendments, rescission bills, and the annual appropriations measures. We have voted to shave the administrative expenses from Federal agencies, and have voted on killing the superconducting super collider.

The reason is clear: All of us recognize that the budget must be balanced in order to safeguard the future of our Nation, and of our children.

Make no mistake about it. Balancing the budget will require tough choices. It will require sacrifice shared by all Americans, so that the burden does not fall disproportionately on any one group. And the effort must get underway now, without further delay.

The Seymour amendment is a step in the right direction. It will help force Congress to do its part, by cutting the budget for the legislative branch by 15 percent over the next 3 years. Moreover, the independent audit mandated by the amendment will help to pinpoint areas for reduction to meet this target.

Cutting and trimming is not easy. It will require all of us to make do with less. But if we are to lead the way on balancing the budget, we must do so by example. The Seymour amendment fulfills that purpose, and I urge my colleagues to support it for that reason.

Mr. REID. Mr. President, under the order previously entered, I will yield back my time on this amendment.

AMENDMENT NO. 3358

(Purpose: To provide for the payment of attorney's fees incurred by a nominee in connection with the consideration by the Senate of a nomination to Federal office made by the President)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 3358.

Mr. DANFORTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 23, strike all that follows through page 6, line 2 and insert:

"For miscellaneous items, $7,748,000: *Provided*, That funds appropriated under this heading for fiscal years 1991 and 1992 pursuant to S. Res. 239 (102d Congress, agreed to November 27, 1991), shall remain available until September 30, 1993: *Provided further*, That there is established within this account a line item entitled Legal Counsel for Presidential Nominees' and not to exceed $1,000,000 of the funds appropriated under this heading shall be available to the Secretary of the Senate out of such line item to pay reasonable attorney's fees and expenses for legal counsel rendered to a nominee of the President to a Federal office in the context of the consideration by the Senate of the nomination: *Provided further*, That payment of attorney's fees and expenses out of the line item referred to in the preceding proviso shall be made at the request of a nominee for legal counsel if the chairman or ranking minority member of the Senate committee of jurisdiction finds that such payment is reasonably necessary to protect the interests of the nominee.".

Mr. DANFORTH. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DANFORTH. Mr. President, this amendment creates a $1 million line item which would be available to nominees, people who have been nominated by the President of the United States, to hire legal counsel to defend them in Senate confirmation proceedings.

The drawing of funds from this line item would have to be approved by either the chairman or the ranking member of the committee with jurisdiction over the nomination in question.

It is, of course, a small amount of money by governmental standards, $1 million, and generally a rollcall vote would not be asked for such an amount. But, Mr. President, it is being asked for on this particular amendment because, while the amount of dollars is small, the principle is a very large one, and the statement that the Senate will be making whether it votes for or against this amendment is, I think, a major statement to make.

The point that is being made by the amendment is this: Confirmation proceedings before the Senate are, for the most part, the overwhelming majority of them, very, very ordinary. They really do not amount to much of a threat to the nominee. There is an inquiry as to the qualifications of the nominee, as to the position of the nominee on various issues. But in some confirmation proceedings, particularly in recent times, the confirmation of a Presidential nominee has come more to represent a kind of trial, relating not so much to qualifications for the job as to the personal background and activities of the individual in question.

We have had, in very recent times, very visible confirmation rights in the U.S. Senate in which an assortment of personal allegations have been made against nominees. Nominees have been accused, for example, of public drunkenness, of drug use, of womanizing, of sexual harassment, of racism, of false statements on their resumes, of receiving improper gifts from defense contractors, of receiving illegal campaign contributions, and so forth.

The proceedings before the committees handling the confirmation are like trials, but they are trials without rules, without the nominee being represented by legal counsel, and without any real protection being provided to the nominee.

I think that this is an important problem that exists and a problem which we should begin trying to remedy.

The White House does have legal counsel in the White House. They are very competent. But the problem is that the White House is not the nominee. The reputation of an individual is at stake, and the interests of the White House are not necessarily concurrent with the interests of the nominee. It is somewhat like the interests of a corporation not necessarily being the same as the interests of an employee.

In nominations, very frequently Members of the Senate attempt to defend the nominee before the committee. But the Senators on a particular committee are not necessarily skilled trial attorneys. The Senators do not owe a primary obligation to the client, but rather to their constituents. And it is clear that Senators who try to defend nominees may do so at considerable political peril to themselves. Therefore, the position that is taken in this amendment is that there should at least be the possibility, with the approval of the chairman or the ranking member of the committee, for a nominee to hire the nominee's own attorney and to have that attorney compensated by the Senate, which is the body that has created the situation in the first place.

Mr. President, this is a little amendment by Senate standards and dollar amounts. It is an amendment that makes a big point. The point that it makes is that Presidential nominees often are at risk when they become nominated. They are people generally who have perfectly fine reputations at the time that they are nominated. Those reputations are at risk.

The nominees are not adequately protected under the present system, and the nominees should be entitled to legal representation during the confirmation process.

I reserve the remainder of my time.

Mr. REID. Mr. President, I would like to direct a question to my friend from Missouri. It is my understanding that there is no intent to make this retroactive. It would be prospective in nature.

Mr. DANFORTH. This would create a fund which is prospective only. It only applies to a fund created by this bill. There is apparently a doubt as to whether such funds could be made available under the current law. That is a matter that has been raised before, I understand, and generally has required a vote on the floor of the Senate. So it may be that there is at least the possibility. But I want a clear fund to exist that could be designated by the chairman or ranking member. Of course, that would only be prospective.

Mr. REID. Mr. President, I understand, having spoken briefly a few minutes ago to the Senator from Missouri, that this amendment is to add $1 million to the Senate's miscellaneous items account, as he has explained very clearly, for the purpose of underwriting any legal expenses incurred by nominees in the course of their confirmation hearings.

I think that the direction that the Senator from Missouri is taking could be appropriate at the right time. As I also indicated to my friend from Missouri, there has been some talk in the Senate about perhaps providing similar assistance to those Members of the Senate who are brought before the Ethics Committee under bogus allegations, under allegations that have no foundation or merit, but they are required to spend thousands and thousands of dollars in legal fees on a fallacious complaint.

Is it right that they have to bear those expenses? I would think that the Senator's proposal and something along the lines that I have described, is something that the Rules Committee should seriously consider. I believe that what the Senator is proposing may have some merit, but I think we should have some hearings on it. I do not think this is the right place and time for this to be done. I suggest that Senator STEVENS and Senator FORD from the Rules Committee should be the ones leading on this.

I would be happy to join my friend from Missouri in the next Congress in looking at this problem. As I said, I would be happy to join my friend in the next Congress, but I do not think this is the right way to do it—an amendment in the waning days of Congress. I know that the Senator from Missouri was very closely and personally involved in the last set of confirmation hearings before the Senate Judiciary Committee regarding a Supreme Court nominee, and that did bring to mind a lot of things that were not fair, perhaps. But I think it would be best left to the next Congress to take a look at this. I do not think we have enough information to set aside $1 million out of the very limited moneys that we have.

Mr. DANFORTH. Mr. President, how much time do I have?

The PRESIDING OFFICE. The Senator has 4 minutes, 10 seconds remaining.

Mr. DANFORTH. First of all, with respect to the money, this is $1 million. It is my understanding that it is within the budget, and that it is well under the amount which was requested by the administration.

I want to say to Senator REID that I agree that this is a general subject that should be taken up by the Rules Committee. I made the same point to the Rules Committee and to the chairman of the Rules Committee. I believe that we should have rules. Now we do not have any. I think we should have rules on how we handle confirmations. I believe that in confirmations, particularly the contested confirmation, there should be the right to counsel, there should be the right to take depositions of witnesses, to question witnesses, and to subpoena documents. There should be more of the general rights that are afforded to parties in civil cases, much less criminal cases.

So I absolutely agree that this should be a matter for the Rules Committee. But I do not think we should wait for the Rules Committee to develop what I hope would be a full set of rules to handle confirmation proceedings. I think we have a more immediate problem. What trial attorneys are skilled at doing is helping people who are in a jam, people who, today, without rules, appear before Senate committees for confirmation and often find themselves to be people in a jam. What they have spent their lifetimes building up can be torn down very, very quickly.

It has become something of an art to tear down people's reputations. It is a method of operation. In fact, there is a word that has been developed. The word is "Borking" nominees.

I hope we will not wait for the rules to be developed, although I hope that the rules are developed. And I hope that we would at least provide a fund so that reasonable attorney's fees are paid, or can be paid, in the case of people who under the present set of circumstances find themselves in a jam. A million dollars, by Washington standards, is about as small an amount of money as you can spend on anything. Just out of a sense of basic fairness to the next nominee, for whatever position, who finds himself or herself in a very difficult personal situation, fighting for his or her reputation, I believe this is the least we can do.

Mr. REID. Mr. President, I yield the remainder of my time.

Mr. DANFORTH. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Pursuant to the order, the yeas and nays having been ordered, the vote on the amendment by Senator DANFORTH, No. 3358, will occur immediately before the vote on passage of the bill.

AMENDMENT NO. 3359

(Purpose: To establish a bipartisan Senate Task Force to determine which laws can or should appropriately be extended to the Senate)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Mr. MITCHELL and Mr. DOLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. MITCHELL, for himself, and Mr. DOLE, proposes an amendment numbered 3359.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) There is established in the Senate a Bipartisan Task Force on Senate Coverage (referred to in section as the "Task Force") which shall consist of—

(1) the Majority Leader and the Minority Leader, as ex officio members;

(2) 3 Senators appointed by the Majority Leader;

(3) 3 Senators appointed by the Minority Leader;

(4) 4 representatives appointed jointly by the Majority Leader and the Minority Leader, who are drawn from the administrative offices of the Senate, including—

(A) the Office of Secretary of the Senate;

(B) the Office of the Sergeant at Arms; and

(C) the Office of the Architect of the Capitol.

(b) The Task Force is authorized to consult with the Senate committees with jurisdiction over the statutes referred to in subsection (c)(2).

(c)(1) The Task Force shall—

(A) review all existing statutes under which the Senate is covered;

(B) review Senate rules to determine whether the Senate is effectively complying with other statutes that could be applied to the Senate such as those listed in paragraph (2); and

(C) recommend the extent to which, and the way in which, these statutes should be applied to the Senate.

(2) The statutes referred to in paragraph (1) are—

(A) conflict statutes;

(B) the Freedom of Information Act;

(C) the Privacy Act; and

(D) labor laws such as the Fair Labor Standards Act of 1938 and the Occupational Safety and Health Act.

(d) The Task Force shall use existing Senate staff to carry out its responsibilities under this section.

(e) The Task Force shall report its findings and recommendations to the Majority Leader and the Minority Leader not later than September 1, 1993.

Mr. REID. Mr. President, what this amendment does is establish a task force on Senate coverage. This amendment would create a bipartisan task force, and when I say bipartisan, I mean an equal number of Democrats and an equal number of Republicans, to review the extent to which the Senate is covered, or should be covered, under several laws, including OSHA, the Fair Labor Standards Act, the Privacy Act, and the Freedom of Information Act.

The majority and minority leader will each appoint three Senators to the task force, as well as representatives from the administrative office of the Senate; that is, the Secretary of the Senate, Sergeant at Arms, and the Architect of the Capitol. The task force would be authorized to work with committees of jurisdiction in reviewing various statutes.

Last year, as the Senate will recall, we passed legislation expanding the rights and protections of the Civil Rights Act to Senate employees. The Senate has fully implemented that law. It has been very difficult, but it has been implemented, including the formation of the Office of Senate Employment Practices. We, in this bill, have appropriated almost a million dollars for that office to make sure it functions right, and so that Senate employees are treated fairly.

There are other laws which could be applied to the Senate, and this task force will take up where the Civil Rights Act left off. It will review a variety of labor and other laws to determine the extent to which and the way in which these laws should be applied to the Senate as a body.

I personally support the efforts of the majority and minority leaders to deal with the issue of Senate coverage and hope that the task force recommendations will result in equitable and effective coverage of the Senate under these laws.

I know that my friend, the junior Senator from Oklahoma, is concerned about this. During the time that he served as ranking member of this subcommittee, this was a matter of frequent conversation, and I know that this is something that he personally feels strongly about. I am eager to hear his feelings on this issue before the Senate at this time.

Mr. GORTON. Mr. President, on behalf of the Republican leader, I join in advocating this current amendment, which will cause a thorough and bipartisan study of the ways in which the Congress of the Untied States ought to have applied to it other laws that apply so generally throughout our society.

This proposal was drawn up as a result of the concern which the Senator from Oklahoma and others had shown last year in several amendments on this bill with respect to the general custom of Congress to exempt itself from laws applicable to others.

So the Republican leader joins with the majority leader, and I join with the Senator from Nevada in advocating this particular amendment, but the remainder of the 30 minutes on this side has been reserved for the Senator from Oklahoma and for at least two other Senators who wish to speak on the issue.

Mr. President, I first yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 5427, the legislative branch appropriations bill for fiscal year 1993.

The bill, as reported, provides $2.3 billion in new budget authority and $2 billion in outlays for the Congress and other legislative branch agencies, including the Library of Congress, the General Accounting Office, and the Government Printing Office, among others.

I want to commend the distinguished chairman and ranking member of the Legislative Branch Subcommittee for producing a bill that is within their 602(b) allocation.

I would also like to thank them for including language Senator BOND and I requested which would establish an Independent Peer Review Committee for the General Accounting Office. As the chairman and ranking member know, for some time now I have been concerned about the direction in which GAO seems to be heading—that it seems to be more interested in making policy pronouncements and grabbing headlines, rather than performing its traditional accounting and auditing functions.

My concerns have been expressed to the authorizing committee and the Legislative Branch Subcommittee. Last year, I introduced S. 1400, the General Accounting Office Reform Act, to bring attention to and to address some of these issues.

I am not the only person voicing these concerns. When I mentioned that I was working on this legislation, many Members of the Senate, Members of the other body, and heads of executive agencies related to me their problems and apprehensions regarding this agency.

Much to my disappointment, the authorizing committee has declined to examine any of the issues raised with regard to GAO. Therefore, I felt compelled to offer this language that addressed at least one of the issues.

The purpose of this legislation is to examine both the general procedures used in report generation, review, and issuance, as well as the methodologies employed in producing the reports.

This legislation would set up a panel, headed by the Comptroller General, composed of various experts in the field of government program analysis, including representatives from other congressional support agencies.

The Independent Peer Review Committee would draw a representative sample of GAO reports and testimony for review by independent nongovernmental experts in relevant fields. For example, the agriculture department of a major university might be chosen to review agriculture-related reports to evaluate the appropriateness of the methodology, the size and composition of the data sample, and other factors that could affect the objectivity of the conclusion.

These analyses would be given to GAO and the Independent Peer Review Committee, as well as appropriate congressional committees, who would then determine whether corrective actions need to be taken in this area.

The Review Committee would also be responsible for ensuring the evaluation of internal GAO procedures relating to the objectivity, confidentiality, and integrity of the work product.

GAO has contributed much in its role as the Government's watchdog, and hopefully this modest reform will help GAO operate in a more efficient and effective manner.

I urge the adoption of the bill.

Mr. GORTON. Mr. President, I yield such time as the Senator from Oklahoma may desire to use.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Mr. President, first I thank my colleagues, Senator GORTON and Senator REID, for their courtesy and also their assistance in this amendment.

Mr. President, I will tell you as far as this Senator is concerned this amendment is not really as much as I would like. As I stated to my colleagues, it is my intention to introduce legislation identical to legislation we introduced last year called the Congressional Accountability Act and require Congress to live under 11 laws that it found itself convenient to be exempt from.

I happen to be one, for example, who believes that Congress would learn a lot if we had to live under the same laws, with the same rules, and with the same enforcement as the private sector as everybody else in America.

Unfortunately, when I tried that last year we only had 38 voting, and frankly the votes have not changed. So if I pursued that I do not think we would be successful.

I do believe that the legislation as introduced by the managers of the bill on behalf of the leaders of the Senate is a step in the right direction and so it is better than nothing. I want something. I want something to come out of this bill that will help us lead toward the effort of making sure that Congress has to live under all the other laws that everybody else in America has to.

I will just give a couple of examples. I ran a manufacturing plant before coming to the Senate. We frequently had inspections by the Office of Health and Safety Administration. The OSHA inspectors would come in and inspect our plant to make sure it was safe and we welcomed those inspections as long as they were done in an effort to try and really improve plant safety and not try to just raise money for the Federal Government, because, of course, every employer is interested in plant safety and worker safety and improving our work environment but not necessarily interested in the hostile activity by some bureaucrats that sometimes we find.

Even Congress could learn a lot if they also had to live under that type of regulation. So that is the reason why I introduced this last year. That is the reason I support the language that has now been offered by the managers of the bill. This will call for creation of a tax force that will review the statutes that we now find ourselves exempt from.

I might mention to my colleagues these statutes go all the way back. This is not something Congress has done in the last couple years. This goes all the way back to 1935. The Congress exempted itself from the National Labor Relations Act. Congress exempted itself from the Fair Labor Standards Act in 1938, the Equal Pay Act in 1963, the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Age Discrimination Act of 1967 and 1975, the Occupational Safety and Health Act of 1970, the Rehabilitation Act of 1973, the Americans with Disability Act of 1990, and the Privacy Act of 1974, and Ethics in Government Act in 1978. That is title VI of the Ethics in Government Act.

Mr. President, I do not think that is right. I will tell my colleagues right now that this voluntary compliance system that we now have in Congress does not work. I will tell my colleagues right now if they went into the basement of the Capitol, this Capitol would fail an OSHA inspection and it would fail it miserably. If you looked at the wiring right now in the basement of the Capitol, it would fail even if the inspector was visually impaired. It is in deplorable shape.

One Congressman, Congressman BOEHNER from the State of Ohio, asked for an inspection of his office and they found numerous violations and said he could have been assessed $1,500 in fines, and on and on.

Mr. President, I might mention some of the fines includes such real hazards as a file cabinet, a four-drawer file cabinet, that if you load it very heavily on top it might fall over on someone.

I am glad that OSHA is trying to protect everyone from every type of occurrence. They also have potential hazards because there might be a snag in the carpet.

Mr. President, I ask unanimous consent that an article from Roll Call, dated August 3, 1992, entitled "OSHA Inspects a Congressional Office, Finds Workplace Safety Violations Galore" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Roll Call, Aug. 3, 1992]

OSHA INSPECTS A CONGRESSIONAL OFFICE, FINDS WORKPLACE SAFETY VIOLATIONS GALORE

(By Timothy J. Burger)

In an inspection designed to show what would happen if Congress were subject to the same laws as private business, OSHA found a House office was in violation of 15 existing or proposed federal workplace safety regulations.

The office, that of Rep. John Boehner (R-Ohio) at 1020 Longworth, could have been assessed some $1,500 in fines for the infractions, which included ragged carpets and overloaded electrical outlets. But Congress is exempt from the rules OSHA (the Occupational Safety and Health Administration) imposes on the private sector.

Boehner persuaded OSHA to conduct the examination of his office in May, as a "demonstration"—a means of helping his staffers who deal with related legislative issues "have some idea of what these people are all about.

"And then there's the Congressional coverage issue," he added, Boehner is one of several GOP Members who insist that Congress should be covered by the same laws it imposes on the private sector.

In the past, Congress has exempted itself from most of the civil rights, labor, and workplace safety laws it passes. But the House and Senate, in recent years, have placed themselves under the strictures of such legislation as the Fair Labor Standards Act and the Americans with Disabilities Act.

But there remains a host of laws which don't apply to Congress, including the Occupational Safety and Health Act of 1970 (which empowers OSHA), the Rehabilitation Act of 1973, the Freedom of Information Act of 1966, and the Privacy Act of 1974, according to the office of Sen. Charles Grassley (R-Iowa), who has fought such exemptions.

Architect of the Capitol George White oversees a "proactive voluntary compliance" program which seeks to ensure that Hill facilities are safe for their occupants and uses OSHA standards as general guidelines according to Bill Raines, administrative assistant to White.

Boehner and others maintain that for Congress to understand the true burdens and ramifications of laws like those driving OSHA, Congress must have to abide by those laws as well.

"I think the thing we learned was just how far-reaching OSHA inspections are," said Boehner. Compared with a factory inspection, an office examination is "about as simple an inspection as there is," but many deficiencies were nonetheless found, Boehner said.

"We don't have a fire extinguisher" and no one in the office is trained in the use of such equipment. "We don't have escape routes posted. We've got wires running all over [for computers, for example] which violate regulations."

Reading from one citation, Boehner said: "The four-drawer file cabinets were not designed so as to eliminate the possibility of tipping over should two or more drawers be open.

"Remember, it can fall over on you," Boehner deadpanned. OSHA recommended that, at the very least, signs be posted to warn of the file-cabinet-tipping danger. Another OSHA observation was that, in the Congressman's office, the "carpet had ragged edges. Oooooh! Right in front of my desk," Boehner said with a touch of sarcasm. Other rug problems related to the seams where two pieces met. These were cited as "trip hazards."

Specifically, Boehner's office was issued a "Notice of Unsafe or Unhealthful Working Conditions" on May 6. The document states: "29 CFR Part 1960 requires that a copy of this Notice be posted in a prominent place at or near the locations of the violations(s) cited below. This Notice must remain posted until the unsafe or unhealthful working conditions have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. This Notice describes violations of Federal Regulations. You must abate the violation(s) by the date(s) listed below, or in accordance with an established abatement plan."

The "date by which the violation must be abated" is listed as June 6, 1992, and the transgression is described as follows:

"29 CFR 1910.22(b)(1): Aisles and passageways were not kept clear and in good repair with no obstructions across or in aisles that could create a hazard: (a) In front of Congressman's desk—Carpet had ragged edges. (b) Doorway to larger annex office—Missing threshold and curled-up carpet edges. (c) Doorway to smaller annex office—Missing threshold and curled-up carpet edges."

And that's only one set of violations. In another, OSHA inspectors found that "the lighting is too low" when only desk lamps are used. "Then," Boehner said, OSHA found that, "when you turn the overheads on, it's too bright."

Actually, OSHA standards for lighting have not yet received final approval. Neither have those for the number of square feet per employee which must be provided in an office, nor have office air quality standards.

But Boehner said his staff was told that if these standards had been in effect, his office was all but certain to have violated them. The air-quality problem, he said, came in the photocopier room, where fumes from toner and other chemicals concentrate in the small space available.

"God bless these people who were here [doing the inspection]. They were just as serious as they could be, and at times you just wanted to roll over and start laughing," Boehner said. "I didn't see where anything that they pointed out was going to cause harm to the health or welfare of my employees.

"Secondly, most of the issues, the more serious issues, are nothing that I have control over."

In the latter category, Boehner included the lighting and fire safety questions. He did, however, have the hole in his carpet fixed because it was unsightly.

Raines declined to comment on specifics because of the continuing GAO study of Congressional coverage under OSHA and other such laws. But he said White makes a good faith effort to keep Hill work space safe and the Architect's office has done so "since the late '60s."

Raines said that "as soon as we find any kind of safety deficiency, we address these issues and attempt to make these corrections as quickly as possible."

Mr. NICKLES. Mr. President, I think again our colleagues would learn something if we had to comply with all the rules and regulations, including OSHA, and maybe we would find some of the rulings and some of the regulations go too far, and then maybe we would use a little more common sense and use some of our oversight capacity and appropriations capacity to make sure that some of the regulations do not go so far that they are unwarranted, that when they do not make sense that we would repeal those.

I might just mention, Mr. President, this is not a new idea. The idea that Congress should impose laws on the Nation that will not live under itself is not new. A quote by James Madison in the Federalist Papers clearly states this:

> Congress should make no law which will not have its full operations on themselves and their friends as well as on the great mass of society.

James Madison was exactly right.

Mr. President, I hope that my colleagues will adopt this resolution. I am sure they will, because of the sponsorship by the managers and also by the leaders in the Senate. I am also hopeful that this is not going to be a task force that is going to fig leaf. This is a task force that is going to seriously review all the legislation that I have mentioned that we find ourselves exempt from, that they will seriously review the legislation that we will study it, we will figure that, yes, Congress should comply, Congress should live under the laws and Congress should have the same enforcement mechanisms as everyone else in the country.

I yield to my colleague.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I am happy to yield.

Mr. REID. Does my friend from Oklahoma agree along the same lines but maybe off a little bit that it would be a good idea every time a government agency promulgated a regulation there be a cost estimate affixed to that and every time we voted on legislation that there be a cost estimate affixed to that?

Mr. NICKLES. I appreciate my colleague's statement. He and I have been working together for some time on having what we call an economic impact statement on proposed regulations and legislation so we know how much the legislation will cost, what it costs in jobs, what it costs the State governments to comply, what it will cost the municipalities to comply. The Federal Government should comply as well as to what the real cost would be in the private sector both in jobs and dollars.

I appreciate the colleague's statement. Certainly, that should apply to Congress as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield back my time on this amendment unless the Senator from Washington has some statement.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that the Senator from Oregon [Mr. PACKWOOD] and the Senator from Iowa [Mr. GRASSLEY] be

included as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise in support of the leadership amendment to create a task force to study the application of generally applicable laws to Congress. I have long been concerned about Congress exempting itself from the laws it passes for others, but too often found my efforts to eliminate such exemptions frustrated. I am glad this issue is now getting the serious recognition it deserves from the Senate.

Almost 1 year ago, we had a 2-day debate on the Senate floor over this issue when I offered an amendment to subject the Senate to the antidiscrimination laws. Tempers flared. Some Senators were very upset over the idea of applying civil rights laws to their own offices. But, finally, common sense prevailed. We decided to establish a fair employment practices office, whose rulings can be appealed to the Federal circuit. This is an important first step. But our work is not complete.

Congress remains exempt from a variety of basic employment-regulating laws, including the Fair Labor Standards Act, the National Labor Relations Act, and the Occupational Health and Safety Act. Our employees are denied the right to organize and bargain collectively, basic wage and hour protection, and workplace safety. And we don't give our employees the same civil rights protections as other citizens. For example, Senate employees are not entitled to a jury trial.

I had considered offering an amendment to this bill to require congressional coverage under the labor laws. But in light of the leaders' serious attention to this issue, by creating a task force to study congressional coverage, I will defer until the task force comes forward with recommendations.

Hopefully, the task force will call for serious congressional coverage under the laws. For us to legislate wisely, we must know how the citizens of Main Street have to run their shops, plants and offices. To do this, we must give our employees the same rights as private sector employees have.

James Madison said it most persuasively in the Federalist Papers, when he wrote that Congress "can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society." He predicted that if Congress imposed laws that it was not obliged to follow, the people would "be prepared to tolerate anything but liberty."

Democracy demands that we have a taste of our own legislative medicine. I look forward to the work of the task force, and thank the leaders for their attention to this issue.

Mr. GORTON. Mr. President, I announce the other Senator who wished to speak on this amendment will not be present.

Therefore, I yield back the remainder of my time.

Mr. REID. Mr. President, we have concluded debate on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3359) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I extend to my friend from Washington my appreciation for his timely guidance on this last matter. I was busy going to this next matter.

AMENDMENT NO. 3360

(Purpose: To modify the reimbursement requirements of title III of Public Law 102-166)

Mr. REID. Mr. President, on behalf of Senator BYRD, and majority and minority leaders, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BYRD, for himself, Mr. MITCHELL, and Mr. DOLE, proposes an amendment numbered 3360.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Section 309(a) of Public Law 102-166 (2 U.S.C. 1209) is amended by striking "or any Member of the Senate" through "a Member of the Senate and" and inserting "and".

(b) Section 323 of such Act is repealed.

Mr. REID. Mr. President, I ask unanimous consent that a statement in explanation of this amendment be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF EXPLANATION

The Senate on October 30, 1991, passed S. 1745, the Civil Rights Act of 1991, which became Public Law 102-166. This legislation contains title III of the act, which provides procedures to protect the right of Senate employees to be free from discrimination with respect to their public employment. The provisions of title III were enacted by the Senate as an exercise of the rulemaking power of the Senate.

In the course of providing procedures to protect the civil rights of Senate employees, the Senate unwisely added to the act section 323, which makes Members of the Senate personally liable for damages.

The stated intent of the authors of title III was to ensure that employees of the Senate whose civil rights were violated would have the same remedies for discrimination as employees in the Federal and private sectors. This included the opportunity for judicial review.

Because some Members of the Senate opposed judicial review of Senate discrimination cases, the language in section 323 was included in an unsuccessful attempt to defeat the legislation.

As the Senate now attempts to organize itself to operate under this law, it has become apparent that a fair and uniform application of title III in conjunction with section 323 may be impossible to achieve. Due to the sparse legislative history on this provision, it is unclear under what circumstances section 323 would apply. The resulting confusion over this section could, therefore, impede the appropriate disposition of discrimination cases to the detriment of the Senate employees for whose protection title III was enacted.

The fact is that section 323 is inconsistent with the civil rights laws which apply to the rest of the Nation. An employee of the Federal sector who is discriminated against by a fellow officer of the Federal Government has, under the civil rights laws, a cause of action against the employing institution—an agency of the Federal Government. When an individual wins a money judgment in a discrimination case against any Federal agency, it is paid out of the Federal Treasury. Federal law provides for the appropriation of necessary amounts from the Treasury in such cases for awards assessed against an officer or employee of the U.S. Government. Similarly, in the private sector it is the employing corporation that pays the costs of damages and settlements incurred due to the discriminatory conduct of its officers and employees.

Removing section 323 from the act will ensure that:

First, discrimination cases in the Senate are treated the same as all civil rights cases in the public and private sectors;

Second, no delay will arise in discrimination cases in the Senate due to questions regarding the personal liability of Senators;

Third, employees are assured of a certain ability to collect judgments against Senate employers; and

Fourth, there are no differing standards for discriminatory practices by Members, officers, and employees of the Senate.

It is also important to note that section 219 of the act reaffirms rule XLII of the Standing Rules of the Senate which prohibits discriminatory employment practices by any Member, Officer, or employee of the Senate. Under

this rule, a Senator found guilty of discriminatory practices may be expelled from the Senate or may be subject to other disciplinary action. This enforcement scheme is in addition to the procedures and protections provided under title III of the act.

Mr. REID. Mr. President, this amendment has been cleared on both sides. I ask that it be adopted.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from Nevada is correct. This amendment has been cleared and it is appropriate for adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3360) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Will the Senator withhold his suggestion?

Mr. REID. I am happy to.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I want to congratulate the distinguished Senator from Nevada, the chairman of the Legislative Branch Subcommittee, Mr. REID, and his coworker and counterpart, the distinguished Senator from Washington, the ranking minority member of the subcommittee, Mr. GORTON, for their diligent work in shepherding this very difficult piece of legislation through the committee process and to this point in the deliberations of the Senate.

As Members know, this is the 13th regular appropriations bill to be considered by the Senate for fiscal year 1993. I wish to thank all Members and their staffs for their work on this, the final appropriations bill for the year, as well as for their work on all the other appropriations bills that we have considered.

This bill is within the subcommittee's 602(b) allocation, and I certainly hope for its adoption.

Mr. President, I yield the floor.

Mr. REID. Mr. President, while the President pro tempore of the Senate and the chairman of the Senate Appropriations Committee is on the floor, I would like publicly to express my appreciation to him for his able guidance not only with respect to this legislative branch bill, but the other subcommittees upon which I serve—the Interior Subcommittee, Labor-HHS, and Military Construction—and to spread across the record of this Senate my appreciation for all the courtesies he has extended to me and the committee and for his leadership not only for the Senate but this country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nevada suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are ready to proceed with the matter before the Senate.

What is that, Mr. President?

The PRESIDING OFFICER. Are there further amendments to the legislative appropriations bill?

AMENDMENT NO. 3361

(Purpose: To regulate congressional travel)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GRASSLEY, proposes an amendment numbered 3361.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, between lines 11 and 12, insert the following:

SEC. . (a) No part of the funds appropriated in this Act shall be used for congressional foreign travel unless such travel is in accordance with this section.

(b) Such congressional foreign travel shall be—

(1) approved in advance by recorded vote of the committee involved, or approved in advance by the appropriate authority, as the case may be;

(2) accomplished by the most economical means conveniently possible;

(3) accomplished by United States commercial carrier, unless, as determined by the committee involved or appropriate authority, an alternative means is more economical; and

(4) in accordance with committee guidelines established pursuant to subsection (c) or established by an appropriate authority pursuant to subsection (e).

(c)(1) Each committee of the house of Representatives and each committee of the Senate shall—

(A) in order to prevent duplicative and unnecessary trips, establish guidelines for congressional foreign travel by members and employees of the committee; and

(B) not later than the end of each calendar quarter, file a report with respect to congressional foreign travel by members and employees of the committee during the preceding calendar quarter.

(2) Each report filed pursuant to paragraph (1) shall with respect to each trip—

(A) specify the purpose and agenda of the trip;

(B) identify each member and employee of the committee and any other person who accompanies the member or employee at Government expense;

(C) in the case of travel by other than United States commercial carrier, describe any determination under subsection (b)(3);

(D) state the accomplishments of the trip; and

(E) categorize all expenses incurred for the trip.

(3) Each report under this section—

(A) in the case of the House of Representatives, shall be filed with the Clerk of the House of Representatives; and

(B) in the case of the Senate, shall be filed with the Secretary of the Senate.

(d) Not later than 15 days after a report is filed under this section, the Clerk of the House of Representatives, or the Secretary of the Senate, as applicable, shall—

(1) make the report available for public inspection; and

(2) provide copies of the report to any person, either upon payment of a fee sufficient to cover the expense of reproduction and mailing (other than any salary expense) or at a lesser fee if, as determined by the Clerk, or Secretary, as applicable, such lesser fee is in the public interest.

At the end of the 6-year period after the date of filing, each report shall be destroyed unless such report is required in an ongoing investigation.

(e) In the case of any Member of the Senate or House of Representatives, including a Delegate and Resident Commissioner, or other officer or employee of the Senate or the House of Representatives, including an officer or employee of Congress or of an agency of the legislative branch, not otherwise subject to subsection (c), the appropriate authority shall issue guidelines and reports comparable to those required by subsections (c) and (d).

(f) Guidelines and reports implementing subsection (e) shall be issued—

(1) by the Majority Leader and Minority Leader of the Senate, or their designee, with regard to each office of the Senate;

(2) by the Speaker of the House of Representatives, or his designee, with regard to each office of the House of Representatives;

(3) by the Majority Leader and Minority Leader of the Senate and the Speaker of the House of Representatives, or their designee, with regard to any joint committee of the Congress;

(4) by the Architect of the Capitol with regard to officers and employees of the Office of the Architect of the Capitol; and

(5) by the Comptroller General of the United States, or his designee, with regard to each agency of the legislative branch not covered by paragraphs (1) through (4).

(g) As used in this section—

(1) the term "congressional foreign travel" means official foreign travel by a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress, by an employee (including an elected officer) of the Senate or the House of Representatives, by an employee of a committee of the Senate or the House of Representatives, or by an employee of a joint committee of Congress, or an officer or employee of an agency of the legislative branch;

(2) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and any other entity in the legislative branch;

(3) the term "foreign travel" means travel outside the United States;

(4) the term "United States", where used in a geographical sense, means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(5) the term "appropriate authority" means the appropriate authority providing guidelines and reports implementing subsection (e) and specified in subsection (f).

Mr. GRASSLEY. Mr. President, last fall, I introduced a bill to address one of the ongoing problems facing our Nation today: Government waste by an imperial Congress that too often is not accountable to the people.

Everyday we hear about another scandal relating to Congress and the American people are sick of it. If my mail tells me anything, it is that Iowans are tired of the self-indulgent behavior of their Representatives.

One of the areas of excess that I hear about is the unnecessary junkets that many Members take. I say unnecessary because some factfinding—as opposed to fun-finding—trips are legitimate. Iowans are particularly irritated by the foreign junkets that Members take.

Mr. President, I am sure many of my constituents would like to have a job that paid for free foreign travel. Most do not. They are busy making ends meet and do not have the financial means to take foreign trips.

They wonder if we have such a budget deficit, how can our Nation afford for Members to have this luxury at taxpayer expense? They think that certainly there must be better ways to spend our limited Federal dollars.

Well, Mr. President, I agree.

I am introducing this amendment to add greater accountability for congressional foreign travel. The rule for foreign travel will be that it should be "accomplished by the most economical means conveniently possible." Mr. President, this is the rule used by American families every day and it is a rule that should apply to Congress as well.

Not only does this amendment require economical travel, it also requires that a report be filed that includes information on the purpose and agenda of the trip, the employees who will travel at taxpayer expense, and accomplishments of the trip and a record of all expenses incurred.

I do not believe this is too much to ask when congressional employees travel abroad at taxpayer expense. I think the American people will agree.

The amendment specifically requires that American carriers be used unless a foreign carrier is more economical. It also requires that the reports filed under the amendment shall be available for public inspection within 15 days of the filing.

The current rules of the Senate on foreign travel are described in Senate Resolution 179, agreed to on May 25, 1977.

This resolution established that foreign travel is authorized if it is official business and is approved by the leadership, in the case of travel by individual Members, or by the chairman, in the case of travel on behalf of a committee.

It further established, and I quote, that "ordinary and necessary expenses" includes, in the case of a group of Members engaged in authorized foreign travel, such special expenses as the chairman, or, if there is no chairman, the ranking member, deems appropriate.

That is a pretty loose standard.

The amendment I am introducing simply establishes the rules which will govern how funds will be appropriately spent for foreign travel, whether it is for individual Members, committee staff, or congressional agencies. Let's take steps to be more disciplined in our spending of taxpayer money.

I urge my colleagues to support this amendment.

Mr. GORTON. Mr. President, I know of no further debate on the amendment and the managers I believe are willing to accept the amendment.

Mr. REID. Mr. President, we have reviewed the amendment. It is complicated legislation. We would be happy to take this to conference and give it consideration. We have no objection to the amendment.

The PRESIDING OFFICER. Has all time been yielded back?

Mr. GORTON. All time is yielded back.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3361) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OFFICIAL MAIL PROVISION

Mr. FORD. Mr. President, this legislative branch appropriations bill includes a $20 million appropriation for official mail. The amount appropriated takes into account the fact that Members have been very responsible in the use of mass mail.

As Members will recall, the regulations governing mass mail are based upon a formula that assumes that each Member will have funds for at least one statewide mailing each year. The formula is then adjusted to the actual appropriation on a pro rata basis.

Full funding would require a $35.7 million appropriation. With a $20 million appropriation, Members will receive 54.68 percent of the amount that they would have received with full funding. The same formula will remain in effect. The amount allocated will simply be pro rated.

Mr. President, I would also like to advise Members that under the bill as reported official mail funds cannot be carried forward from 1993 to 1994.

Members should be aware of these provisions since they have an impact on the official mail allocations for 1993.

THE DETAILEES PROVISION

Mr. FORD. Mr. President, committee chairman should be aware of the provision in the legislative branch appropriations bill regarding detailees from the General Accounting Office. Under this bill, committees will be required to reimburse the GAO for detailees effective March 1, 1993.

STATEMENT ON LEGISLATIVE BRANCH APPROPRIATIONS

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 5427, the legislative branch appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $14 million and under its 602(b) outlay allocation by $2 million.

I compliment the distinguished manager of the bill, Senator REID, and the distinguished ranking member of the Legislative Branch Subcommittee, Senator GORTON on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the legislative branch appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 5427

LEGISLATIVE BRANCH SUBCOMMITTEE SPENDING TOTALS

[In millions of dollars]

Bill summary	Budget authority	Outlays
Domestic discretionary	2,314	2,305
Senate 602(b) allocation	2,328	2,307
Difference	−14	−2
Mandatory Total	88	88
Senate 602(b) allocation	88	88
Difference	0	0
Bill total	2,402	2,393
Senate 602(b) allocation	2,416	2,395
Difference	−14	−2
Domestic discretionary above (+) or below (−):		
President's request	−356	−289
House—passed bill	2	−7
Senate—reported bill		

THE LIBRARY OF CONGRESS

Mr. STEVENS. Mr. President, for the record the Members should know what will happen to various agencies whose budgets are contained in the legislative branch appropriations bill if there are further reductions. One agency I want to specially single out is the Library of Congress which not only provides support services to the Congress but services to individuals and institutions throughout the Nation. One legislative institution that certainly serves the Nation is the Libary of Congress.

"No matter what you are looking for," an author recently wrote, "you can find it at the world's largest library," the Library of Congress. It has been called a "time capsule of human knowledge," a "storehouse of our national memory," and a "national treasure." The Library's collections total almost 100 million items—books, manuscripts, music, film, recordings, maps, prints, photographs—covering virtually every subject in formats that vary from papyrus to optical disk.

Collections of the Library include reading materials in 468 languages. Its 22 reading rooms are used annually by more than a million researchers. Services provided by the Library of Congress are used by the executive, legislative, and judicial branches of the Federal Government, and libraries in every State in the Union and throughout the world.

The Library's dual role as both a legislative library and the national library has attracted the attention of large numbers of foreign visitors eager to draw upon the experience of the Library of Congress in developing similar resources in their own nations.

The Library of Congress is an unparalleled intellectual resource. As the American copyright depository, the Library also plays a key role in helping to enforce American copyrights as well as international copyright conventions. During an era of fiscal constraints on many local public libraries as well as college and university libraries, when books cannot be located anywhere else, the Library's interlibrary loan programs have proven to be of invaluable assistance. Through the Library's national service for the blind and physically handicapped, more than 22 million talking books—and the machines to enable patrons to enjoy them—are lent to more than 730,000 disabled readers annually.

Where else in the world can you walk in, sit down, and physically handle the musical manuscripts of George Gershwin, Richard Rodgers and Oscar Hammerstein, Irving Berlin, Leonard Bernstein, Victor Herbert, and Aaron Copland or European masters such as Beethoven and Brahms. The same afternoon you might also decide to look at the rough draft of the Declaration of Independence in Jefferson's own hand with the changes made by Benjamin Franklin and John Adams, watch one of Thomas Edison's early movies, or listen to a radio broadcast of the fighting during World War II.

Last month I invited Jim Billington, Librarian of Congress, to join me on the Alaska delegation's weekly television program for Alaskan citizens. He talked about how the Library of Congress serves Alaskans at home as well as in Washington, DC, through the Center for the Book which is affiliated with the Alaska Center for the Book; through the Library's cataloging services that benefit all libraries; through the National Library Service for the Blind and Physically Handicapped that provides free reading services to the blind and disabled; through the distribution of surplus books to nonprofit organizations in the State; and by providing online access through the State library to many of its automated databases. These services are offered not only to Alaska but to every State.

The preservation of this grand intellectual storehouse and the continuation of its multifaceted services to the Nation and to the world is in no small measure dependent upon what we do here today. While funding in the current bill is stringent and lower than the Library requested and will require the Library of Congress to make sacrifices, additional funding cuts will mean cutting a variety of services that are critical to libraries, public institutions, businesses, and citizens from all walks of life across the country. It is the consequences of further cuts that I want to emphasize.

Every library in the Nation is economically dependent upon Library of Congress cataloging information before they are able to make books available to the public. A conservative estimate of savings to the Nation's libraries for this service is $370 million annually—more than the entire appropriation for the Library of Congress. Even under current funding levels, the Library still has a backlog in cataloging of more than 2 million printed materials.

The history books used in our classrooms are richly illustrated with photographs and prints from the Library's collections, as are most of the current books being published about the United States. More than 11 million photographs and graphic materials, however, await Library processing and are not available for use. An additional 2.6 million motion pictures and sound recordings—including the voices and faces of Babe Ruth, and Presidents Herbert Hoover, Franklin D. Roosevelt, and John F. Kennedy—need to be processed before they can be made available to the American people.

Another casualty would be some of the services of the Law Library, which has the largest foreign legal literature collection in the world. In our shrinking world, knowledge of the laws of other nations is essential. Yet, the Law Library, because of a lack of resources, already has more than 300,000 legal documents, publications, reports, and so forth, that have not been cataloged and are not routinely available to the Congress, the State Department, or the international legal community in the United States.

Even if we adopt the Senate language to reduce funding to legislative branch agencies we will be asking the Library of Congress to reduce its services to the Nation and the world.

Any further reductions could also:

Reduce the hours the Library's various reading rooms could serve the public, limiting access to individuals who travel to Washington from around the world to use the collections;

Limit the Library's acquisition of new books, periodicals, recordings, and other materials;

Delay the cataloging of current library materials;

Increase the processing time for copyright certification, which would have an adverse impact on the creative community;

Affect the amount of deteriorating materials that might be preserved;

Further threaten the security of the Library's priceless collections;

Delay a long-range effort to disseminate the Library's vast stores of information via modern technology; and

Cripple ongoing staff development programs designed to provide employees the requisite knowledge and skills to provide services responsive to modern-day information needs.

The Library of Congress, is of course, much more than simply collections of books and documents. The staff of this great institution are talented scholars in scores of disciplines, people who are on the cutting edge of library technology, from cataloging to preservation—individuals who are experts in everything from constitutional law to cartography, from American folklife to Latin American studies. Without their experience and talents, there would be no Library of Congress as we now know it. I urge my colleagues to support the Library of Congress by resisting efforts to reduce any further the funding levels requested for this great national treasure.

Mr. MCCAIN. Mr. President, I want to express my strong support for the amendment by the Senator from California [Mr. SEYMOUR] and the Senator from Colorado [Mr. BROWN]. I am pleased to be a cosponsor. Quite simply, the amendment slashes legislative appropriations by 5 percent for next year, by 10 percent in fiscal year 1994, and by 15 percent in fiscal year 1995.

Mr. President, to be frank, I am not sure this amendment goes far enough. There is no reason the Congress should lavishly fund itself when our Nation is facing a huge, out of control Federal budget deficit. Time and time again, I have come to the floor to force the Senate to vote on reform measures that our Nation's citizens support overwhelmingly.

The American people have had it with a Congress that is out of touch with the people who elected it to serve. Yet the Congress has refused to enact reform measures that would stop the tax-and-spend policies that have become the rule in this place. It has ignored the demands of the American people to take meaningful action to reduce the unconscionable and wasteful way the Congress spends their hard earned tax dollars.

I strongly urge my colleagues to support this amendment. It may be a small step, but it is certainly one that is headed in the right direction.

I also want to express my support for the amendment offered by the President pro tempore, Mr. BYRD, the Senate majority leader, Mr. MITCHELL, and the Senate Republican leader, Mr. DOLE to create a task force on Senate coverage. For years, I have called on the Congress to end its status as our country's "last plantation." I have fought against the Congress' practice of passing laws that we require the people of our country to abide by, but from which Congress is exempt. This is wrong.

I have consistently supported and voted for legislation to make the laws of the land apply to Congress. Recently, I came to the Senate floor to point out that the Congress was not in compliance with the Americans with Disabilities Act. I supported making the Civil Rights Act of 1991 apply to the Congress. In addition, last year I offered an amendment to the Civil Rights bill that requires all committee reports to include a section specifically stating whether or not the legislation applies to the Congress and if so, to what extent. I was very pleased that this amendment was accepted by the Senate.

Nevertheless, we must do more. We must end the status of Congress as some kind of elite class of American royalty that does not have to comply with the law. I am hopeful that this task force will lead to meaningful action on this issue that the Congress simply must address. The Congress must come into compliance with the laws it has passed, and I will do everything I can to see that it does.

Mr. GORTON. Mr. President, this side yields back the remainder of the time on the bill.

Mr. REID. As does the majority.

I suggest to the Chair there is a request that for final passage there be a rollcall vote.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question occurs on the Seymour-Brown amendment, amendment numbered 3357.

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—85

Adams	Fowler	Mitchell
Akaka	Garn	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Graham	Nickles
Bingaman	Gramm	Nunn
Bond	Grassley	Packwood
Boren	Hatch	Pressler
Bradley	Heflin	Pryor
Breaux	Helms	Reid
Brown	Hollings	Riegle
Bryan	Inouye	Robb
Bumpers	Jeffords	Roth
Burdick, Jocelyn	Kassebaum	Rudman
Burns	Kasten	Sanford
Chafee	Kennedy	Seymour
Coats	Kerrey	Shelby
Cochran	Kerry	Simpson
Cohen	Kohl	Smith
Conrad	Lautenberg	Specter
Craig	Leahy	Stevens
D'Amato	Levin	Symms
Danforth	Lieberman	Thurmond
Daschle	Lott	Wallop
Dodd	Lugar	Warner
Dole	Mack	Wellstone
Domenici	McCain	Wirth
Durenberger	McConnell	Wofford
Exon	Metzenbaum	
Ford	Mikulski	

NAYS—13

Biden	Harkin	Sarbanes
Byrd	Hatfield	Sasser
Cranston	Johnston	Simon
DeConcini	Pell	
Gorton	Rockefeller	

NOT VOTING—2

Dixon	Gore

So the amendment (No. 3357) was agreed to.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 5678 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective House this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 1992.)

Mr. HOLLINGS. Mr. President, I am pleased to present the conference report to H.R. 5678, the fiscal year 1993 Commerce, Justice, and State, the Judiciary and related agencies appropriations bill. In total, this bill provides $22.478 billion in new discretionary spending.

This is a bill that I am confident the Senate will endorse and the President will sign. The conferees have resolved the language issues regarding the Legal Services Corporation that the administration found troubling. And, we have dropped our FCC spectrum provision in light of the Commission's recent decision which accomplishes the objectives of the Senate amendment.

Mr. President, before proceeding, I want to underscore that this bill is $463.8 million in budget authority and $860.6 million in outlays below the President's budget proposal for this bill. So, the conference report spends a lot less than the administration requested.

The conference agreement before the Senate presents a good compromise. We did not get everything we wanted, nor did the House. But, this agreement supports many of the objectives of the Senate bill that passed this body on August 3.

HIGHLIGHTS

First, the conference agreement supports law enforcement. It provides $9.4 billion for the Department of Justice. That is an increase of $472.5 million in discretionary spending or 5 percent over the current fiscal year. We have increased justice assistance to State and local governments—$81 million above the budget request. And we have included funds to continue to support the FBI, DEA, and U.S. attorneys in the war on violent crime and drugs.

Second, it funds priority programs needed to help American industry compete. We have provided $384 million for the National Institute of Standards and Technology. That is $73.3 million above the budget request and $133 million above the House bill. The House has now joined our effort to rebuild the Institute's R&D facilities, and we have continued to provide increases for the Advanced Technology and Manufacturing Technology Center grant programs.

Third, we have placed a priority on modernization of the National Weather Service. It sometimes takes severe weather like Hurricanes Andrew and Iniki to get everyone to remember just how important the Weather Service is to protecting the public. The conference agreement provides the Weather Service with $573.9 million, an $86 million increase over the current fiscal year, including funding for new weather technologies. This will ensure that no weather stations across the Nation will be closed.

Fourth, within our defense allocation, we have been able to accommodate a significant increase for the Ready Reserve Force of the Maritime Administration. Operation Desert Storm underscored sealift as the weak link in our defense programs. The United States had to rely on foreign ships

and crews to get our troops and supplies to the Persian Gulf. So, the conferees have provided for increases in Ready Reserve Force ship acquisitions and maintenance, and we have established a new loan guarantee program to build ships that are useful to the Department of Defense in times of war. In total, we have provided $564.2 million for the Maritime Administration—that is a $206.5 million increase over this year's level.

Fifth, we have provided the international community with the resources necessary to expand operations in the Republics of the former Soviet Union. The agreement provides $99.2 million for the activation of new diplomatic posts and $140 million to complete our new secure Embassy building in Moscow, Russia. And we have increased the U.S. Information Agency Exchange programs, such as Fulbright, by $23.5 million.

Because of differences in funding allocations between the House and Senate subcommittees this year, our conference was delayed for quite some time. I had hoped to go to conference in August, but, our House colleagues could not do so. We finished our conference last Friday, but House rules and holidays have forced final passage to be held over until today.

The final 602(b) allocations reduced this subcommittee's domestic discretionary allocation by $113 million in outlays below the Senate-passed bill. And, to get this level, we had to make some real reductions. And, again I refused to agree to Federal Communications Commission user fees, as the House suggested. So, every Member should be aware that many programs had to be reduced below the level in H.R. 5678 as passed the Senate.

DEFENSE CONVERSION

I also should note that this conference agreement does not include the defense conversion initiative proposed in the Senate-passed bill. The Senate version of H.R. 5678 contained $229 million in defense economic conversion funding for the National Institute of Standards and Technology, EDA, and the Small Business Administration. Our initiative sought to help the communities, individuals, and firms that are hurt by cutbacks in defense spending.

Unfortunately, the President's Office of Management and Budget worked hard to make sure that this initiative did not survive conference. OMB, unlike the Congressional Budget Office, claimed that these defense conversion programs were domestic discretionary programs and were not appropriate defense expenditures. OMB threatened to sequester other domestic programs—many of which were unrelated to defense—such as the Justice Department.

OMB's position is wrong. It is insensitive to the hundreds of communities and thousands of workers who will be affected by defense cutbacks. And it is inconsistent with President Bush's statements to defense workers and communities during the campaign. But, the House and Senate conferees could not responsibly bring back a bill that would trigger a sequester. We had to reluctantly recede on the Senate's defense conversion amendments. We are all hopeful that this issue will be addressed by Senator INOUYE and Senator STEVENS in the Department of Defense appropriations conference.

RECOGNITION OF CHAIRMAN BYRD

Mr. President, I would like to thank our committee chairman, ROBERT C. BYRD. For 2 years in a row, he has refused to agree to the domestic discretionary allocations proposed by the House Appropriations Committee. His recommended 602(b) allocations for the Commerce, Justice, and State Subcommittee have been above the House—this year $275 million in outlays above the House allocation. He has taken this action out of an appreciation for the importance of the programs within this subcommittee's jurisdiction—and especially law enforcement. His support is greatly appreciated.

Mr. President, I ask unanimous consent to print in the RECORD highlights of the conference agreement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS

DEPARTMENT OF JUSTICE

Overall, the conference agreement provides the Department of Justice with a total availability of $9,541,772,000. This level of funding reflects the amount appropriated plus an additional $130 million made available through various fee proposals.

The conference agreement for the Department of Justice reflects an increase of $472,539,000 or 5 percent above last year, and $596,401,000 above the House bill.

State and Local Assistance: The conference agreement provides $665,299,000 for Justice Assistance—$81 million above the budget request, preserving the State and local drug grant program, Juvenile Justice assistance, and other programs targeting drug and violent crime throughout the country.

Weed and Seed: The conference agreement includes $13 million to provide second year funding at $1.5 million to all existing Weed and Seed sites.

General Legal Activities: The conference agreement provides adjustments to base and $2.5 million in program increases for implementation of the Americans with Disabilities Act (ADA).

U.S. Attorneys: The conference agreement provides a $48 million increase over last year, reflecting full adjustments to base.

U.S. Marshals: The conference agreement provides a $20 million increase over last year, reflecting full adjustments to base.

Support of Prisoners: The conference agreement provides an increase of $42.6 million over last year, fully funding the cost of housing unsentenced federal prisoners in State and local jails.

Organized Crime Drug Enforcement: The conference agreement provides an increase of $22 million over last year, fully funding adjustments to base, as well as the DEA & FBI's Regional Drug Intelligence Squads (RDIS).

Federal Bureau of Investigation: The conference agreement provides a total availability of $1,986,935,000 for the FBI. This reflects $75.4 million for the continued automation of the Identification Division, as well as $11.5 million for RDIS in the OCDE account.

Drug Enforcement Administration: The conference agreement provides a total availability of $741,384,000 for the DEA. This reflects $12 million in diversion fees, and $10.7 million in State and local overtime costs provided under the OJP account. The conference agreement provides for adjustments to base plus $8.4 million in program increases for the State and local task force program.

Prisons: The conference agreement provides a total availability of $1,784,822,000 for the operation of the federal prison system. This reflects an increase of $186 million over last year, provides for necessary adjustments to base, and increases necessary to activate new prisons coming on line.

Prisons, Construction: The conference agreement provides fully for the President's request of $339,225,000 to expand the capacity of the federal prison system by 3,482 beds.

DEPARTMENT OF COMMERCE

NIST: The conference agreement provides $384,000,000. Of this amount, $105,000,000 is for a new initiative to rebuild NIST's research facilities. This is the result of a Senate proposed initiative not included in the budget request. And, we have included $86,067,000 for NIST extramural research and development programs—Advanced Technology and Manufacturing Technology programs. That's an increase of $22,354,000 for these programs.

NOAA: The agreement provides $1,649,282,000. Included is $573,927,000 for the National Weather Service. Of this amount, $128,621,000 is for procurement of new radars, and observing systems and $50,484,000 is for NEXRAD/weather station construction. $150,864,000 is provided for the National Ocean Service; $217,926,000 is provided for the National Marine Fisheries Service; and $202,172,000 is provided for the Office of Oceanic and Atmospheric Research. $352,178,000 is provided for satellite and related programs. The conferees have taken action to ensure continuity of the NOAA polar-orbiting weather satellite program, and we have increased funding for acquisition management. Finally, the conferees have provided $22,000,000 to convert a Navy T-AGOS ship for use as a NOAA mapping and charting vessel. This capitalizes on an fiscal year 1992 Senate initiative to rebuild the NOAA fleet.

International Trade Administration: The agreement provides $213,851,000, which is $11,693,000 above the budget request and $19,702,000 above the House allowance. Included is an increase of $4,500,000 for antidumping/countervailing duty cases and $4,500,000 to create new United States Foreign and Commercial Service posts in the republics of the former Soviet Union. Also included is $10,597,000 for textile research and $2,500,000 for the Market Cooperator program.

Export Administration: The agreement provides $41,015,000. Included is bill language earmarking $1,880,000, an increase of $300,000, for the Office of Anti-Boycott compliance.

Economic Development Administration: The conference agreement provides $244,118,000 for Economic Development Administration. So we have again refused the President's proposals to terminate economic development for American communities.

THE JUDICIARY

The conference agreement provides the Judiciary with $2,474,337,000. Including receipts from a fee for the mailing and processing of bankruptcy notices, the total increase for the Judiciary is $111,547,000 or 4 percent above the amount enacted to date. While the increase provided the Judiciary will fully fund the requested increases for the Supreme Court, and increases for the salaries of Article III Judges, the conference allocation was insufficient to provide the Judiciary with many adjustments to base and program increases.

MARITIME ADMINISTRATION

Ready Reserve Force: The conference agreement provides significant increases for the Maritime Administration's Ready Reserve Force. The conferees have provided $440,500,000, of which $200,000,000 is for fleet acquisitions. Bill language emphasizes the American ships must be purchased for the RRF, except for Roll-On/Roll-Off ships, and that any ships must be converted and repaired in United States shipyards.

Military Useful Vessel Obligation Guarantees: The conference agreement includes $52,000,00 for a new loan guarantee program to build militarily useful ships. Of this amount, $48,000,000 is for credit subsidy appropriations, which we believe will guarantee $960,000,000 in new construction.

SMALL BUSINESS ADMINISTRATION

Salaries and Expenses: The conference agreement provides $248,800,000 for SBA Salaries and Expenses. In conjunction with S&E type appropriations in the Business Loan and Disaster Loan accounts, a total of $423,901,000 for SBA administrative expenses and grants is provided. $67,000,000 is provided for the Small Business Development Center program, an increase of $6,500,000 over 1992.

Credit: The conference agreement provides $20,479,000 to subsidize $87,156,000 in SBA direct loans. This includes $29,465,000 for the Micro-loan program. The agreement provides $213,920,000 to subsidize $4,190,572,000 in loan guarantees. No new guarantee fees or credit changes are included as proposed by the Administration. The agreement also provides $80,657,000 to subsidize $376,900,000 in disaster loans.

STATE DEPARTMENT

Salaries and expenses: The conference agreement provides $2,134,700,000 for State Department operations. In addition, it provides $14,000,000 for the Buying Power Maintenance fund to cover foreign currency losses, $24,055,000 for the Inspector General, and $20,000,000 in a new appropriation for New Diplomatic Posts. In total, the conference agreement provides $99,200,000 for new State Department posts in the former Soviet Union, and Southeast Asia. The conferees also have included $31,500,000 for the Bureau of Oceans and International Environmental and Scientific Affairs for grants, contracts and other activities to conduct research and promote international cooperation. This includes $25,000,000 for climate and global change research.

Acquisition and Maintenance of Buildings Abroad: The conference agreement provides $570,500,000 for State Department buildings and facilities. This includes $140,000,000 for the new secure facility in Moscow, Russia.

USIA

The conference agreement provides $1,164,083,000 for United States Information Agency programs. This is $20,044,000 more than the budget request and $37,381,000 above the House allowance. The agreement provides $736,693,000 for Salaries and Expenses, $223,447,000 for Exchanges, and $30,000,000 for the National Endowment for Democracy. The agreement provides an increase of $23,447,000 for exchange programs such as the Fulbright program.

Mr. HOLLINGS. Mr. President, let me at this point thank particularly our staffs that have been working around the clock: Scott Gudes, Dorothy Seder, Liz Blevins, and Jolene Lavria Sullens on our staff, and, particularly, John Shank on the Republican side. They have done the lion's share of the work, trying to hammer out all the particular differences. We have met from time to time, but the real work has been done by this outstanding staff.

RECOGNITION OF SENATOR RUDMAN

Otherwise, Mr. President, I have to note publicly—I said this in the markup—that this brings to an end the official association between myself and the distinguished senior Senator from New Hampshire, Senator WARREN B. RUDMAN.

WARREN RUDMAN is a real exception, as we all recognize here, as he voluntarily retires from service in the U.S. Senate. In all my years of serving here I have known no Senator who is harder working, more intelligent, more dedicated, and more selfless. We have worked over all kinds of issues with respect to the Commerce Department, which few people really understand, all the ramifications not only of economic development, but also of the census and the foreign commerce program, the International Trade Administration, the various NOAA, National Oceanic and Atmospheric Administration, responsibilities.

We go across to the distinguished State Department and we are very proud of the economies we have made there because the State Department, for one, has many, many properties the world around. Senator RUDMAN and I have been required from time to time to visit and keep accounting there. We really initiated the institution of property officer within that Department.

It was our intent and now finally the body has agreed upon it that we not only have ensured the intelligence security of our Embassy facilities in Moscow, but more particularly we tried to save the money.

We have worked very diligently with respect to law enforcement. No one in this body has been a finer leader on the subject, for example, of legal services. Senator RUDMAN and I have been in lockstep on the Drug Enforcement Administration, the FBI, the Justice Department, the Attorney General's Office, and we have tried to keep step with a burgeoning kind of need in our society. WARREN RUDMAN has led the way.

I think publicly this ought to be stated at some time in the RECORD—I know I will be around when he is here for his last session—but I want to express my sincere gratitude to him for his leadership and his dedication, not just on behalf of the citizens of New Hampshire but more particularly on behalf of the citizens of all these United States.

I yield the floor.

Mr. RUDMAN. Mr. President, I join the Senator from South Carolina in presenting the conference report for fiscal year 1993 for the Departments of Commerce, Justice, and State, the Judiciary and related agencies. The revised section 602(b) allocation for the subcommittee made it impossible to achieve the higher levels in the Senate-passed bill, but the conference agreement is a reflection of the priority given to law enforcement by the Senate. The level of $9.4 billion for the Justice Department is $300 million below the Senate level, but is an increase of $466 million over the House. In addition to the budget authority included in the conference agreement, the subcommittee has taken action to provide the Bureau of Prisons with $40 million in excess criminal fines to offset its expenses.

I know many members are concerned about the funding levels for the Judiciary. I share that concern, but I would like to point out that this conference agreement represents an increase of 4 percent, or $101.5 million, above the 1992 enacted level. Overall, appropriations for the judiciary have increased $770 million, or 45 percent, since fiscal year 1990.

I do not want to mislead anyone that the levels in this conference report will allow agencies to operate on a business-as-usual basis. Many agencies will be severely constrained by the funding levels contained in this bill, but the conferees simply did not have the allocation necessary to meet even current services levels for most programs. In addition, the conferees followed the Senate lead of stressing public safety programs, such as the National Weather Service and the law enforcement programs of the Justice Department.

Within the allocation for international programs, the conference agreement provides for the full request for peacekeeping operations. In addition, funds have been provided to the Department of State and the U.S. Information Agency to open new posts in the Confederation of Independent States.

Finally, I would like to thank my chairman, FRITZ HOLLINGS, for his leadership and cooperation. Since 1984 I have served as either the acting chairman, chairman, or ranking minority member of the subcommittee. I have been honored to serve throughout that period with the Senator from South Carolina at my side. We have always worked as a team in a bipartisan fashion, whether on this bill or in such deficit reduction efforts as Gramm-Rudman-Hollings. He has always put the public interest above particular inter-

ests, and my work with him will be one of the things I will miss most when I leave the Senate.

It is a credit to him and to the staff of the subcommittee that this method of operation has continued and, indeed, has intensified as funding constraints have tightened. In that regard, let me thank Scott Gudes, Dorothy Seder, and Elizabeth Blevins of the majority staff for the assistance they have provided over the years.

Mr. President, again let me state my support for this conference report. I urge the Senate approve it.

STATEMENT ON COMMERCE, JUSTICE, STATE APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 5678, the conference report on the Commerce, Justice, State appropriations bill, and has found that the bill is under its 602(b) allocations in budget authority by $373 million and is under its 602(b) allocations in outlays by less than $1 million.

I compliment the distinguished manager of the bill, Senator HOLLINGS, and the distinguished ranking member of the subcommittee, Senator RUDMAN, for all of their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the conference report on the Commerce, Justice, State appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 5678

COMMERCE, JUSTICE, STATE SUBCOMMITTEE SPENDING TOTALS

[In millions of dollars]

Bill summary	Budget authority	Outlays
Domestic discretionary	15,991	15,786
Senate 602(b) allocation	16,220	15,786
Difference	−229	−(1)
International	5,691	5,511
Senate 602(b) allocation	5,695	5,511
Difference	−4	−(1)
Defense 796	796	626
Senate 602(b) allocation	937	626
Difference	−141	−(1)
Mandatory total	661	654
Senate 602(b) allocation	661	654
Difference	0	0
Bill total	23,140	22,577
Senate 602(b) allocation	23,513	22,577
Difference	−373	−(1)
Domestic discretionary above (+) or below (−):		
President's request	−802	−1,052
House—passed bill	670	161
Senate—reported bill	−246	−113
Senate—passed bill	−237	−104
International above (+) or below (−):		
President's request	29	32
House—passed bill	106	47
Senate—reported bill	4	0
Senate—passed bill	90	70
Defense above (+) or below (−):		
President's request	309	160

COMMERCE, JUSTICE, STATE SUBCOMMITTEE SPENDING TOTALS—Continued

[In millions of dollars]

Bill summary	Budget authority	Outlays
House—passed bill	84	171
Senate—reported bill	−138	1
Senate—passed bill	38	−1

(1) Less than $500,000.

Mr. SMITH. Mr. President, I have some great concerns with the result of this conference on this legislation. I just want to remind the Senate that by a vote of 50 to 32, the Senate voted to hold this amendment, which I had placed on this legislation, in order.

This amendment, just a quick summary, would repeal the Washington, DC, effort to effectively impose a national ban on semiautomatic weapons. It would do this by requiring gun manufacturers and dealers to pay for the criminal misuse of the weapons that they produce. The expectation of the District government is that once the first lawsuit is brought, no manufacturer or dealer could afford to subject itself to the legal liability imposed by this act.

The Senate, Mr. President, adopted this, as I said, by a vote of 50 to 32.

If my friend from South Carolina will engage in a colloquy with me in this, I would like to know, since the Senate did recede, why? Why did the Senate recede and allow this portion of this amendment to be taken out of the bill?

Mr. HOLLINGS. Mr. President, the House was not for it. There are two big reasons they did not accept it. And we, on the Senate side, also had a reason and that was that at that time on the floor and right after that vote, if you will remember, a filibuster began. At that particular time, I said, let us not continue the filibuster, extended debate, for the main and simple reason that it is not germane. Even though I agree with the sentiment of the particular amendment, and, in fact, a cosponsor of the Senator's bill which overturns the D.C. law, it is not going to stay on our bill.

The conferees have been very assiduous in making certain we do not open the door to things not within the jurisdiction of the State, Justice, Commerce appropriations bill. The Smith provision is a matter of jurisdiction in the District of Columbia bill.

We had the same kind of threat of extended debate with respect to legal services. In fact, the distinguished Senator from New Hampshire joined in the warning to us, that we were trying to associate provisions of appropriations for legal services with an authorization bill yet to have been passed. Mr. President, I ask unanimous consent a letter to Senator BYRD dated September 21, 1992 be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 21, 1992.

Hon. ROBERT BYRD,
Chairman of the Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BOB: We understand that the conferees will meet next week to consider H.R. 5678, the Commerce, State, Justice, and the Judiciary Appropriations for FY93. We are particularly concerned about Sec. 610 governing funding for activities of the Legal Services Corporation.

This provision ties LSC funding to the terms of authorization bills which have not become law. If Sec. 610 is not amended, spending on LSC programs in FY93 and beyond would be governed by proposals not approved by Congress or the President.

The appropriateness and extent of Legal Services-funded activities has been controversial since the program's inception. Whatever a Senator's personal convictions are on issues such as lobbying, abortion rights, union organizing and similar matters, it's inappropriate to draw the authorization process into the appropriations bill.

We urge you to strike this provision from H.R. 5678 until such time as the authorizing committee is able to bring an LSC reauthorization bill to the floor under customary legislative procedures. This will give all Senators an opportunity to fully discuss the present legal services system's strengths and weaknesses.

Retaining Sec. 610 in its present form will delay H.R. 5678. The White House has promised to veto the bill unless the LSC language is stricken, and the margin of passage in the House in July was sufficient to sustain the eventual veto.

Further, we intend to object to passage of H.R. 5678 in the strongest possible terms unless the objectionable language is removed and the LSC is permitted to continue operating under current law.

Thank you for your consideration.

Sincerely,

JESSE HELMS.
DAN COATS.
BOB SMITH.
LARRY E. CRAIG.
TRENT LOTT.
STEVE SYMMS.

Mr. HOLLINGS. There were six Senators who signed that letter, and including the Senator from New Hampshire, admonished us, "wait a minute, even though you have the vote, you cannot do that; it has yet to be authorized, and we will engage in not only raising the point but extended debate."

Of course, the House agreed with that particular admonition given by the distinguished Senator from New Hampshire and others that we ought to avoid it and get on with a conference report that would not be held up by a filibuster.

We are in the very closing days. These bills are all compromises. The Senator's amendment was acceded to mainly on the basis that it really just did not belong in this bill.

Mr. SMITH. If I understand my friend's statement, then his side of the conference voluntarily receded from a position that the Senate directed be maintained, is that correct?

Mr. HOLLINGS. I am not trying to defend it and say that in any defense of it. I said on the floor that we were

going to have to recede. Look at the open record at the time this bill was passed.

Mr. SMITH. It does not sound to me that the Senator supports my legislation.

Mr. HOLLINGS. I voted for the Senator's amendment. I oppose the District's law, and am a cosponsor of the Senator's free-standing bill, as I stated earlier.

Mr. SMITH. Well, with all due respect, the opportunity to keep this amendment in the legislation, and the fact that came out, it came out in conference directly as a result of the Senator's action.

Mr. HOLLINGS. It came as a result of all of our actions—every member of the Commerce, Justice, State Subcommittees have signed this report. Conferences represent compromises. The House particularly opposed this provision and would not take it. It was not in the House bill. District of Columbia matters were not in the bill on the House side.

Mr. SMITH. Is it the Senator's testimony that the House was opposed to this?

Mr. HOLLINGS. Yes. That is not my testimony. That is my statement.

Mr. SMITH. I said testimony. I say, is it the Senator's statement that the House position was that they did not support this amendment?

Mr. HOLLINGS. That is exactly my statement.

If I remember correctly, there was only one ranking member on the Republican side who had raised any question at all about it. I think it was Mr. ROGERS of Kentucky. But other than that, a majority of the House Members readily agreed it should not be in the bill.

Mr. SMITH. I think one of the reasons the American people have some difficulty understanding how we operate around here is that when the Senate—and there were several Members, I might add, who were absent and could not be here that day, who would have voted with us so the vote would have been larger than 50 to 32—gives direction that in conference the Senate maintain a position, even before any formal action is taken by the House side to recede, we recede voluntarily. To me it basically is compromising direction that was given.

I find that objectionable and somewhat difficult to understand, with all due respect. The Senator from South Carolina has been here a lot longer than I have and is much more familiar with parliamentary procedures, and so forth. But I think this is one of the things that the American people do not understand. We do not have any recorded vote here. We just go into a room somewhere, hold a conference, take out legislation, an amendment that was added to the bill, and the Senator at least has the courage of his convictions to admit that he did assume responsibility for that, but there is no recorded vote. It just simply happens.

Although the Chair said it was a nongermane amendment, the Senate said otherwise and overruled the Chair.

Mr. HOLLINGS. Right. These things do occur. I guess the Senator did not have the understanding, perhaps, I would say, that Senator RUDMAN did. On legal services, Senator RUDMAN's amendment—a provision fully supported by the Senate—was also dropped in conference as a result of the letter of the Senator from New Hampshire in which several other Senators joined in, opposing the language in the Senate-passed bill with regard to the Legal Services Corporation. Like the Senator's amendment, Senator RUDMAN's provision was dropped in the conference agreement also.

Look, that is what a conference is. There are many things having passed both Houses that are either dropped or modified in conference. That is what the conference is about. The Senate does not get everything it wants, nor does the House. For example, we are now in conference with the defense appropriations bill. I do not know how many items we have this year, but I remember just a couple years ago we had 3,333. It took 2 months to mark it up. We have a similar challenge right now that Senator INOUYE is leading.

There will be many, many things the Senate voted for that will be receded upon and many, many things that the House will have voted for that will be receded upon. That is how you get the conference concluded and that is how you get legislation to the President for his signature. And these are appropriation bills. We have to keep law enforcement agencies like the FBI and DEA operating.

The signature of the members themselves is vote enough. That is a sort of written agreement. They agreed to it. We had a vote. Every member of the conference signed this agreement.

As far as accepting responsibility, I do not mind accepting it. I am trying to answer accurately as to the misgivings the distinguished Senator has. I would accept the responsibility on the one hand, but again, all the members signed the conference report. That is representative of their vote of support. There was nothing conducted behind closed doors, or tricky, or nobody talk or whatever. And I admonished at the time the Senate considered the amendment, I said this is not going to stay in this bill. I said I knew Mr. SMITH of Iowa, the chairman on the House side, was not going to allow it. I knew his practices and his policy. And it did not stay in. We stand by that conference report.

Mr. SMITH. I will just continue for a few more moments. There were no amendments in disagreement on this, after it came out of conference, which is a little bit unusual, and obviously parliamentarily keeps me now from offering any aspect of the amendment again. And given all the provisions in the conference report that were not there in either version before we went in, I find it somewhat interesting that we would have that parliamentary condition come out of the conference as well.

But I might just say to the Senator that a resident now of his State, using South Carolina as an example, if he or she legally purchases a semiautomatic firearm manufactured in another State and you assume that that firearm is stolen and then transported into the District of Columbia, where it is used by a drug dealer to shoot another drug dealer or some person, under the D.C. gun law, the injured drug lord could sue the company in the other State and the South Carolina dealer as well to recover damages, and the only party under that D.C. gun law that would not be allowed to be sued is the criminal who shot him.

I know the people in New Hampshire would be particularly outraged by that kind of law which reaches into our States.

The D.C. gun law is not directly involved with the D.C. residents. It reaches into our States to the gun manufacturers, innocent, hardworking men and women who produce these products and sell them. They are certainly not responsible, as the Senator knows, for crimes that are committed in Washington, DC. We are responsible for it because we do not have the guts to do anything about it, to be very candid, and the Government of the District of Columbia as well, to take the criminals off the streets, but that is another issue.

The point is that is why the Senate felt so strongly about this and put this amendment on the bill. I just find it preposterous that unilaterally it is taken out because of some parliamentary procedure, because NEAL SMITH or somebody else does not want it in there. I think the American people deserve to know who did not want it in there and why they did not want it in there, and it ought to be recorded. I know it is not going to be, but that is part of the problem around here.

Mr. HOLLINGS. Mr. President, in all respect to our distinguished colleague from New Hampshire, the State-Justice-Commerce appropriations bill does not have jurisdiction over the District of Columbia, over my hometown, the city of Charleston, or the distinguished Senator's hometown, the city of Manchester in New Hampshire. We just do not have jurisdiction over the city of Washington, and that is the answer to his misgiving. We are just not going to start managing the District of Columbia on this bill. We are not going into the Interior Department; we are not

going into the Energy Department; we are not going into these other departments. It is just not within our jurisdiction. It was so stated at the time your amendment was presented. And the distinguished Senator realizes that, I know.

I will be glad to join in a further colloquy.

Mr. SMITH. I yield the floor, Mr. President.

Mr. HOLLINGS. I urge adoption of the report.

The PRESIDING OFFICER. Is there any further debate?

If not, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the report was agreed to.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I understand we have a request for a rollcall on the conference report.

I ask unanimous consent that the order that has just been entered be vitiated so that we can have that rollcall vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the vote on the adoption of the conference report occur after the final vote on the adoption of the legislative appropriations bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I yield the floor.

Mr. JOHNSTON. Mr. President, I was extremely gratified to learn the conference report now under consideration requests the Secretary of Transportation and the Secretary of Defense to expedite the obligation of up to $3 million of the new $48 million military useful vessel loan guarantee fund to subsidize the cost of the loan guarantee application for a replacement vessel for the sulfur tanker *Nordic Louisiana*. However, Mr. President, the conference report states that the pending loan application is for $3 million, which is the subsidy appropriation required under the Federal Credit Reform Act of 1990. The credit level guaranteed is approximately $43 million. Would the chairman be good enough to state whether my interpretation of the intent of the conference report is correct?

Mr. HOLLINGS. I am pleased to confirm that the senior Senator from Louisiana is correct in his interpretation. The $3 million figure in the conference report refers to the costs of the $43 million loan guarantee as required by the Credit Reform Act.

Mr. BREAUX. Mr. President, as the chairman is aware, the provision accepted in conference limiting tanker and other vessel acquisitions for the Ready Reserve Force to vessels acquired from U.S. sources if they are available, had its origin in the amendment we offered during our consideration of S. 3026 which restricted all vessel acquisitions for the Ready Reserve Force to ships registered in the United States on or before January 1, 1992. I rise merely to seek confirmation and clarification that the limitation on vessel procurement to only U.S. sources used in the conference amendment and explanatory statement is intended to restrict RRF vessel acquisition to U.S.-owned, U.S.-flagged, and U.S.-built vessels.

Mr. HOLLINGS. Absolutely, the Senator is correct. The conferees intend the term "from only U.S. sources" to mean sourcing RRF vessels from truly U.S. ships with respect to their ownership, flag, and construction.

Mr. ROBB. Mr. President, we are all familiar with the Warner Bros. cartoons, in which the laws of physics are stretched and broken regularly. In that world, roadrunners can zip through tunnels painted on hillsides. Coyotes aren't subject to gravity until they realize they aren't standing on anything. And rabbits can fly by twirling their ears.

The administration has apparently succumbed to one of the most basic fallacies of Warner Bros. physics. In cartoons, placing an electric fan aboard a sailboat so that it blows into the sail makes the boat surge forward. But we live in the real world, Mr. President, and in real world physics, the force of the fan on the sail in one direction is exactly balanced by the Newtonian reaction of the fan in the opposite direction. In the real world, the sail will puff, but the boat will not move.

The administration has declared itself committed to the cause of defense conversion. The Commission empaneled to devise administration plans for defense conversion was here just today, taking testimony; in fact, I testified before the Commission not 3 hours ago. But the administration's behind-the-scenes actions with regard to this very bill make it clear that their real intent is not to move the boat, but to make the sail billow impressively.

The Commerce, State, Justice appropriation, as approved by the Senate, included part of the Senate's comprehensive approach to defense conversion. The appropriations bill included many provisions designed to help small, defense-dependent businesses survive the transition to a peacetime economy, to assist individuals leaving the military start their own businesses, and to stimulate economic activity.

But the administration, through the Office of Management and Budget, torpedoed these plans by using the closest thing they have to a line-item veto. We have a fairly complicated procedure for keeping track of Government spending these days, Mr. President, which will have to do until we get real deficit reduction in hand. Part of that tangled process requires OMB to score spending according to what part of the budget a particular appropriation comes from. If too much is scored in one category, the entire budget in that category is sequestered, chopped across the board.

The Senate's bill—properly, in my view—scored the defense conversion package as defense spending. But OMB changed that designation, by scoring the defense conversion provisions of the Commerce bill as domestic discretionary spending. In that one act, OMB took education, nutrition, and the whole range of domestic programs hostage. This action, in one stroke, revealed that OMB has more budget power than the President of the United States. And they're apparently not willing to use it in favor of real efforts at defense conversion.

The conference committee is not able to reverse this change in scoring. In response, they reluctantly and under duress eliminated the defense conversion package from their report.

Mr. President, no task facing our country today has greater implications for America's economy and our place in the future world than assuring an orderly transition from the wartime economy to the new peacetime economic order. Because this bill no longer addresses that issue, I will vote against it.

Let me make clear that I will vote against it not due to any action by the distinguished subcommittee chairman, Senator HOLLINGS, nor by any of the members of the conference. I will vote against this report to protest the zealous exercise of veto authority by the OMB. And I vote against it as a plea—a plea that this Government engage in real, substantive, and straightforward deficit reduction, without mirrors or artifice.

A decade of fiscal irresponsibility has led us to adopt a dire cure. We see today that the alleged cure may not be much better than the disease. Mr. President, we must stop the budget madness and get back to firm land before we realize that, like the coyote, our feet are on nothing but air.

Mr. GRAHAM. Mr. President, throughout the debate on the appropriations bills for fiscal year 1993 I have offered amendments to bring to the attention of the Senate, the issue of reducing the Federal budget deficit and rebuilding the credibility of Congress in the public eye.

The Federal effort at serious deficit reduction must start somewhere. As I

have stated before, Congress is an institution which by its nature is inductive and incremental. We can no longer wait until the day Congress is ready to tackle the issue of comprehensive deficit reduction. We must act immediately to begin, bit by bit, to trim the Federal budget.

In my opinion, and in the opinion of many of my colleagues, the administrative accounts of the major executive departments and of Congress, is the place to begin this process.

Although I have offered amendments to the other appropriations bills, I will not offer such an amendment to the legislative branch appropriations bill that is before us today.

As I reviewed the committee's proposed bill, I found that the committee had held the salaries, officers, and employees account of the Senate at 1992 levels.

I want to take this opportunity to commend the subcommittee chairman and ranking member, my distinguished colleagues from the State of Nevada and the State of Washington, for including these freezes in their subcommittee's legislation.

Mr. KENNEDY. Mr. President, throughout the 102d Congress my colleagues and I have put forth a number of initiatives to strengthen the economic well-being of our Nation, including proposals to stimulate job growth in the small business sector, provide support for technology transfer, enhance U.S. manufacturers' quality and productivity, and lower the U.S. trade deficit through increased exports. As our country continues to experience the effects of recession, we must make a significant commitment now and in the future to support innovative programs which increase the competitiveness of American business and industry.

In this regard, I would like to bring to the attention of my colleagues an outstanding initiative in Massachusetts that will have a significant impact on the competitiveness of American business in the changing global economy. Babson College's proposed Center for Global Competitiveness and Entrepreneurship represents a bold approach for assisting U.S. companies to improve their international capabilities and corporate development.

As we enter the 21st century, American businesses face enormous challenges in the international marketplace. Advanced communications and the gradual elimination of national trade barriers are creating a more closely integrated global economy. Many companies have not been able to take full advantage of new foreign markets, and they have not capitalized on emerging international opportunities. As a result, these companies have become less competitive internationally. Corporate leaders must develop new strategies and practices to reverse this negative trend. While emerging, growth companies account for an overwhelming amount of the Nation's economic growth, they often lack the expertise and institutional resources necessary to compete effectively and efficiently in the global marketplace. For any meaningful change to occur, small businesses and companies hoping to compete in the international marketplace must develop a thorough understanding of the new international framework.

To successfully meet this challenge, Babson College proposes to establish a Center for Global Competitive and Entrepreneurship as a resource for these businesses. Babson College seeks to accomplish two important goals with this new center: first, increasing the international competitiveness of emerging growth companies as well as other corporations seeking to expand their international operations; and second, educating present and future managers through participation in actual business problem solving and exposure to new curriculum.

Babson College will accomplish these goals through a range of new programs and activities, which include organizing original training programs, establishing comprehensive information systems for international data and statistics, conducing market analyses, and developing new publications and case studies on the methods and success of emerging, growth companies in achieving international competitiveness.

Through partnerships with industry, Babson College will utilize its extensive international programs and expertise in management education to teach managers the necessary skills to compete in this new environment. In turn, this corporate outreach will offer students the opportunity to participate in actual corporate problem-solving.

Babson College offers a perfect setting for this type of center. Under the bold leadership of President Bill Glavin, the college has distinguished itself in recent years as one of the best small business schools in the Nation. The college has received national recognition as a business specialty school, most notably for its entrepreneurship and executive education programs. U.S. News & World Report recently ranked it as a leader in business education, even though it does not possess the resources of large universities. To augment its current efforts, the new center will provide a valuable resource for emerging, rapid growth companies seeking to expand their international operations.

A recent Boston Globe article, "Remaking the MBA," described the curriculum reform currently underway at Babson College and Babson's impressive vision for the future. The article characterized the college in the following manner.

> The drastic (curriculum) overhaul * * * is an example of the way in which smaller, less hidebound institutions can serve as incubators for new ideas. If the new curriculum is successful, it would provide a model for change at bigger and more prestigious universities. Babson's "aggressive approach to curriculum renewal * * * could be seminal in the field of management education" concluded a team from the New England Association of Schools and Colleges, the accrediting body for the region's colleges and universities.

Mr. President, the new center at Babson College is exactly the type of initiative the Nation should be undertaking to assist our businesses in meeting the challenge of a changing global environment. I commend the college for its vision, and I look forward to the center's success in the years ahead.

Mr. DOMENICI. Mr. President, I rise in support of the Commerce-Justice-State appropriations bill reported by the committee of conference.

This bill provides $22.4 billion in budget authority and $16.4 billion in new outlays for fiscal year 1993 discretionary programs of the Departments of Commerce, Justice and State, the Judiciary, and related agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill, as adjusted, totals $23.1 billion in budget authority and $22.6 billion in outlays for fiscal year 1993.

The conference agreement is slightly less than the Senate-passed bill, and it is below the President's overall request.

I want to thank the committee for its approval of $173.5 million for the Department of Justice to fully fund the Radiation Exposure Compensation Act of 1990, as requested by the President.

This act, which I originally introduced in 1978, authorizes the payment of claims filed by persons against the Government for health effects associated with radiation fall-out from open-air nuclear testing and radiation mining in the southwest during the cold war.

The funding action taken by the conferees represents a major step toward fulfilling the long-awaited restitution for the health effects associated with these Federal activities.

Mr. BIDEN. Mr. President, I oppose the amendment of Senator DANFORTH, which would establish a fund to reimburse private attorneys' fees for Presidential nominees.

It has been suggested that this amendment is necessary because the interests of the White House and the interests of the President's nominees are not one and the same.

To date, there has been no evidence of such divergent interests, and certainly no evidence that any Supreme Court nominee, at least, has incurred private attorneys expenses.

Indeed, nominees before the Senate Judiciary Committee are well-prepared after generous assistance from the administration. For example, in the case

of nominees who come before the Judiciary Committee, the Justice Department supplies copious resources to candidates in preparation for and during confirmation hearings.

One concern, of course, is that if there were a fund established through this amendment, then nominees would be inclined to use it; the Justice Department, nonetheless, would still supply representation; and costs would just go up.

I, for one, would want to see an accounting of the time and expenses incurred by the Justice Department on behalf of the nominee before we decided whether spending more taxpayer dollars was warranted, and before we concluded that the Justice Department was inadequate to represent a nominee.

Perhaps the idea of private representation would make more sense if it were combined with a requirement that the administration have no contact with the nominee prior to the confirmation hearings. Quite frankly, some people have become very concerned about the amount of time administration attorneys—attorneys with a particular ideological persuasion—spend working with a nominee in preparation for confirmation hearings.

I'd be interested in working with the Senator on legislation that insulated a nominee from Justice Department influence, just as the nominee is currently insulated from influence by the Senate, until the confirmation hearings begin.

Senator DANFORTH has also suggested that a fund is needed because recent confirmation proceedings have lacked rules adequate to protect nominees. Let me remind my colleagues that in the case of the last confirmation hearings, at least, the reason that the process was so rushed, the reason why all the niceties of formal rules could not even be considered, was that the nominee and his supporters in the Senate insisted that the investigation of charges against him occur as quickly as possible.

My colleagues will recall that the Senate was operating under a unanimous-consent agreement when the issues surrounding the Hill/Thomas hearings arose, so that any Senator was in a position to block an agreement to postpone the vote. And that is what occurred—supporters of the nominee said, OK, investigate these charges, but don't take more than 6 days to do so. So we postponed the vote—but for 1 week only.

I am entirely in favor of a more orderly process. But we should have a clear historical record of what occurred the last time around.

Moreover, while I agree that nomination hearings are serious and significant events—and reputations are to some extent at risk—there is more to consider.

Senator DANFORTH's amendment, as I understand it, says nothing about compensation for witnesses who may find themselves in a difficult position. Clearly in the last hearings, Professor Hill's character was attacked every bit as vigorously as the Senator from Missouri believes the nominee's character was attacked.

If we are truly concerned about helping citizens who get caught up in a potentially damaging set of hearings in a public arena, we would need to rethink this amendment to make it more comprehensive.

In short, I am as concerned about fairness to nominees in confirmation hearings as any Senator in this body—I believe my record as chairman of the Judiciary Committee is unequivocal evidence of that. I am concerned about fairness to witnesses, as well.

If I became convinced that the further expenditure of public funds were necessary to ensure fair treatment, I would join the Senator from Missouri in proposing an appropriate mechanism for doing so.

However, I need to be shown more evidence before I will vote for a proposal such as the one the Senator is advocating.

Mr. MITCHELL. Mr. President, there are three votes to follow immediately on this bill, including final passage. I ask unanimous consent that the remaining three votes be for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I encourage all Senators to remain in the Chamber so as to accommodate their colleagues and permit the prompt disposition of these votes.

I yield the floor.

The PRESIDING OFFICER. Under the order, the question is on agreeing to the Danforth amendment No. 3358.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 11, nays 87, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—11

Bentsen	Durenberger	Simpson
Bond	Hatch	Symms
Craig	McConnell	Wallop
Danforth	Roth	

NAYS—87

Adams	Brown	Cochran
Akaka	Bryan	Cohen
Baucus	Bumpers	Conrad
Biden	Burdick, Jocelyn	Cranston
Bingaman	Burns	D'Amato
Boren	Byrd	Daschle
Bradley	Chafee	DeConcini
Breaux	Coats	Dodd
Dole	Kennedy	Pressler
Domenici	Kerrey	Pryor
Exon	Kerry	Reid
Ford	Kohl	Riegle
Fowler	Lautenberg	Robb
Garn	Leahy	Rockefeller
Glenn	Levin	Rudman
Gorton	Lieberman	Sanford
Graham	Lott	Sarbanes
Gramm	Lugar	Sasser
Grassley	Mack	Seymour
Harkin	McCain	Shelby
Hatfield	Metzenbaum	Simon
Heflin	Mikulski	Smith
Helms	Mitchell	Specter
Hollings	Moynihan	Stevens
Inouye	Murkowski	Thurmond
Jeffords	Nickles	Warner
Johnston	Nunn	Wellstone
Kassebaum	Packwood	Wirth
Kasten	Pell	Wofford

NOT VOTING—2

Dixon	Gore

So the amendment (No. 3358) was rejected.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993

The PRESIDING OFFICER. The question now occurs on H.R. 5427, as amended.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—75

Adams	Durenberger	Mikulski
Akaka	Exon	Mitchell
Baucus	Ford	Moynihan
Bentsen	Glenn	Murkowski
Bingaman	Gorton	Nunn
Bond	Graham	Packwood
Boren	Grassley	Pell
Bradley	Harkin	Pryor
Breaux	Hatfield	Reid
Bryan	Hollings	Riegle
Bumpers	Inouye	Robb
Burdick, Jocelyn	Jeffords	Rockefeller
Burns	Johnston	Rudman
Byrd	Kassebaum	Sanford
Chafee	Kennedy	Sarbanes
Cochran	Kerrey	Sasser
Cohen	Kerry	Shelby
Cranston	Kohl	Simon
D'Amato	Lautenberg	Simpson
Danforth	Leahy	Stevens
Daschle	Levin	Thurmond
DeConcini	Lieberman	Warner
Dodd	Lugar	Wellstone
Dole	McCain	Wirth
Domenici	Metzenbaum	Wofford

NAYS—23

Biden	Hatch	Pressler
Brown	Heflin	Roth
Coats	Helms	Seymour
Conrad	Kasten	Smith
Craig	Lott	Specter
Fowler	Mack	Symms
Garn	McConnell	Wallop
Gramm	Nickles	

NOT VOTING—2

Dixon	Gore

So the bill (H.R. 5427), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate insist on its amendments and request a conference with the House and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer appointed Mr. REID, Ms. MIKULSKI, Mr. ADAMS, Mr. BYRD, Mr. GORTON, Mr. BOND and Mr. HATFIELD conferees on the part of the Senate.

VOTE ON CONFERENCE REPORT ON H.R. 5678

The PRESIDING OFFICER. The question now occurs on agreeing to the conference report on H.R. 5678, the Commerce, State, Justice appropriations bill.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—82

Adams	Ford	Mikulski
Akaka	Fowler	Mitchell
Baucus	Garn	Moynihan
Bentsen	Glenn	Murkowski
Biden	Gorton	Nickles
Bingaman	Gramm	Nunn
Bond	Grassley	Packwood
Boren	Harkin	Pell
Bradley	Hatch	Reid
Breaux	Hatfield	Riegle
Bryan	Hollings	Rockefeller
Bumpers	Inouye	Rudman
Burdick, Jocelyn	Jeffords	Sanford
Burns	Johnston	Sarbanes
Byrd	Kassebaum	Sasser
Chafee	Kasten	Seymour
Cochran	Kennedy	Shelby
Cohen	Kerrey	Simon
Cranston	Kerry	Simpson
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stevens
Daschle	Levin	Thurmond
DeConcini	Lieberman	Warner
Dodd	Lott	Wellstone
Dole	Lugar	Wirth
Domenici	Mack	Wofford
Durenberger	McCain	
Exon	McConnell	

NAYS—16

Brown	Helms	Roth
Coats	Kohl	Smith
Conrad	Metzenbaum	Symms
Craig	Pressler	Wallop
Graham	Pryor	
Heflin	Robb	

NOT VOTING—2

Dixon	Gore

So the conference report was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRAHAM. Mr. President, I ask unanimous consent that I may proceed in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR TREATMENT OF AIRLINE EMPLOYEES

Mr. GRAHAM. Mr. President, it is my understanding that soon we will be considering the conference report on the appropriations bill for the Department of Transportation, and the distinguished Presiding Officer has led the Senate effort in this regard. I wish to extend my congratulations to him for the outstanding representation that he has given to the interests of the United States, and particularly to the American public, in terms of advancing our national transportation system.

This bill will authorize funds for thousands of critical infrastructure projects across America and can appropriately, therefore, be labeled as a jobs bill.

Mr. President, during the original consideration of this legislation in the Senate, there was another way in which this could have been called a jobs bill. The Senate adopted, by a voice vote, an amendment which was fashioned by the Senator from Missouri, Senator DANFORTH, and myself. The goal of this amendment was to provide a level of job security to American workers affected by international airline route transfers. At the heart of this amendment is the belief that the Federal Government has a fundamental responsibility to help save American jobs. I underline "American jobs."

Mr. President, our amendment ended up on the administration's blacklist of veto provisions.

I ask unanimous consent to place in the RECORD immediately after my remarks a letter submitted to the Honorable ROBERT DOLE on September 22, by the Office of Management and Budget, Mr. Richard Darman, Director.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, as you well know, this letter contained a section entitled "Provisions Subject to Veto Recommendations." Paragraph 5 of that section of the letter led with the following sentence: "The Senate version of the bill would make the preferential hiring of certain airline employees a priority criterion for the Secretary of Transportation in approving international route transfers. This preferential hiring would make the transfer of international routes more difficult and would endanger the jobs of employees of both selling and acquiring carriers."

Despite support by the conferees, both from the Senate and from the House of Representatives, on the merits of the amendment which had been fashioned by Senator DANFORTH and myself, it was not included in the bill before the Senate because the conferees adopted a position that they would not endanger the totality of the bill by including subjects which had appeared on the blacklist of those items that would have led to the total bill being vetoed.

I think, therefore, Mr. President, it is appropriate for me to explain to our colleagues and also to the American people how this amendment would have saved American jobs. I believe that this amendment also will give us an understanding of how this administration approaches its responsibility for American jobs.

To put this in context, while domestic commercial aviation has been largely deregulated, including the right of carriers to fly from city to city without prior authorization or governmental sanction, this is not the case with international air routes. They continue to be highly regulated, the subject of binational or multinational treaties. When one carrier desires to take over the authority to fly an international route from another, that carrier must receive the approval of all countries involved in that route.

In the case of the United States, the responsibility is placed with the U.S. Department of Transportation. Under U.S. law, for the Secretary of Transportation to approve such a transfer of an international air route, he must make a number of determinations which equate to what is in the public interest. One of those factors in arriving at the public interest is what happens to the employees of the airline which is transferring its routes.

Unfortunately, the effect of the proposed route transfer on employees is, in my judgment and in the judgment of the U.S. Senate, not being properly measured.

Let me give you an example of how route transfers that inadequately consider the effect on employees is detrimental to the public interest and to the jobs of American workers.

When Pan American Airlines went bankrupt in December 1991, thousands of American employees of that airline were left jobless. Many of those remain jobless still today.

I make the distinction, Mr. President, of American employees for this reason: Based on information which I have received from numerous former Pan American employees, foreign Pan American employees were able to keep their jobs when new carriers took over Pan American's international routes. But Americans were terminated wholesale.

The reason for this, Mr. President, is because by the law of most European and Latin American nations, job protection is provided for their nationals, in the case of an international air route transfer. For instance, a route between the United States and Argentine, the transfer of which requires the approval of both the Argentine Government and the United States Government, the Argentine Government says: As a condition of approving this transfer, we are going to require that the airline continue to employ the same number of Argentine nationals that had been employed in the predecessor airline serving that route.

I met with one gentleman in Miami recently who had worked for 30 years with Pan American. Most recently, he had been a crew chief in a German maintenance base of Pan American. When Pan American went bankrupt and another airline began to fly the route, he lost his job. But all the German nationals who were working at the same Pan Am station did not.

According to a special study by the Congressional Research Service, a predominance of foreign countries have statutory protections for their citizens when a business changes ownership.

Mr. President, let us look at the cost of the public interest of the Federal Government's refusal to provide some protection for Americans in international air route transactions. Since December 1991, when Pan American went bankrupt, the American taxpayers have paid for former Pan Am employees in just two States—New York and Florida—over $13 million on retraining funds and countless millions in unemployment benefits.

Unfortunately, the U.S. Department of Transportation does not calculate the cost to the public when it weighs the public interest. Nor does it weigh the human toll when long-term unemployment has affected individuals and their dependents. The current administration will tell you that they care about American jobs and are putting forth policies that put Americans first.

What is the American Government doing to assist employees of the airline industry? These are professionals, proud Americans, and they do not want a handout, they do not want to be on unemployment. What they want is a job. What would the amendment that the Senate adopted by a voice vote, which I believe the Presiding Officer would indicate had substantial support within the conference committee, but which was placed on the black list of items that would have resulted in the entire Department of Transportation appropriations being vetoed, what is this malicious provision? What is so bad that it would have had the consequence of taking down the entire funding for America's transportation system?

Mr. President, I ask unanimous consent to have printed in the RECORD immediately after the previous items, the Danforth-Graham amendment, which was adopted by the Senate and which was the subject of the threatened veto.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRAHAM. Let me read the salient provision, which is the so-called requirement of an employment plan. It states:

"Upon application for approval of a certificate transfer"—that is the transfer of an international air route from one carrier to another—"the acquiring carrier shall submit its plan for employment that projects the number of employees of the transferring carrier who will be hired by the acquiring carrier, the crafts and national origin of those employees, and a timetable for implementation of that employment plan."

Second, "the Secretary may approve the transfer of a foreign air transportation route certificate only if the Secretary makes specific findings that, one, the unemployment plan submitted * * * does not discriminate on the basis of race, color, religion, national origin, sex, age, or disability; two, reasonable attempts have been made by the acquiring carrier to provide employment opportunities for employees of the transferring carrier; three, the employment plan would not adversely affect the viability of the transaction."

Mr. President, those are the salient provisions of an amendment which this administration said was so heinous that it would call for the veto of the entire transportation bill.

This provision, I submit, is wholly consistent with the statutory mandate that the Department of Transportation judge whether an international route transfer is in the best public interest. It is hard to believe that the administration cares anything about saving American jobs when it threatens to veto a provision which simply asks the U.S. Department of Transportation to consider American workers when approving route transfer.

Mr. President, I hope this administration will reevaluate its standards of what is in the public interest, and for economic reasons, to save the Government money, and lessen the incidence of the mass unemployment of American workers; and for fairness reasons, treat American workers fairly in relationship to workers of other nationalities, and for the jobs and well-being of American families.

Thank you, Mr. President.

EXHIBIT 1

OFFICE OF MANAGEMENT AND BUDGET
Washington, DC, September 22, 1992.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: The purpose of this letter is to express the Administration's views on H.R. 5518, the Department of Transportation and Related Agencies Appropriations Bill, FY 1993, as passed by the House and by the Senate. Your consideration of these views would be appreciated.

In his FY 1993 Budget, the President proposed to freeze domestic discretionary spending at FY 1992 levels, and to cut defense discreationary spending below the FY 1992 level. The President has indicated that he will veto any bill that exceeds his request. On the basis of OMB's preliminary scoring, the House version of H.R. 5518 exceeds the President's request for discretionary budgetary resources by $903 million. The Senate bill exceeds the President's request by $501 million. If the bill presented to the President were to exceed his request for discreationary budgetary resources of $35,922 million, the President would veto the bill. Enclosed is a table that provides OMB's prelminary scoring of the bill.

The Conferees could develop an acceptable bill by funding priority programs and reducing excessive funding for other programs. These other programs include highway demonstration projects, mass transit, the Northeast Corridor Improvement program, local rail assistance, and aviation University Center Grants.

PROVISIONS SUBJECT TO VETO RECOMMENDATIONS

The President's senior advisers would recommend that the President veto this bill if it were to include the Obey amendment to the House bill. This amendment breaches the firewalls established in the Budget Enforcement Act (BEA). It would increase the FY 1993 deficit by $0.4 billion and the FY 1994 deficit by $1.2 billion above the deficits that would otherwise occur were the firewalls not breached. If Congress were to abandon the mutually agreed-upon discipline of the BEA, it could trouble financial markets and cause interest rates to rise, thereby slowing economic recovery and threatening job creation.

The President's senior advisers also would recommend that the President veto this bill if it were to include the following provisions; abridgement of the terms of the Panama Canal Treaty; restrictions on the operations of the Interstate Commerce Commission (ICC); unneeded labor protection requirements related to international route transfers; and flight and duty time restrictions for flight attendants. These provisions are discussed below.

The Senate version of the bill would limit the ability of the Panama Canal Commission to make annuity payments to the Government of Panama. Prior to making these payments, the Senate would require that Panama improve its enforcement of the MARPOL treaty. These payments are required by the Panama Canal Treaty and the 1979 Panama Canal Act.

A Senate provision would prohibit the Interstate Commerce Commission (ICC) from granting an exemption from regulation if the

exemption would directly or indirectly affect rail transportation of agricultural commodities. Separate analyses by the Department of Agriculture and the ICC indicate that railroads compete intensely on rates and service to win agricultural transport business. Moreover, open public hearings at the ICC are the appropriate forum for all involved parties to present evidence to permit the full and fair evaluation of the merits of this issue.

The Senate version of the bill would make the preferential hiring of certain airline employees a priority criterion for the Secretary of Transportation in approving international route transfers. This preferential hiring would make the transfer of international routes more difficult and would endanger the jobs of employees of both selling and acquiring carriers. The Senate verison extends to 1995 the period of eligibility under the burdensome "first right of hire" provisions of the 1978 Deregulation Act. These provisions expired in 1988. In an era when U.S. airlines face growing international competition, a statutory mandate for such unneeded labor protection is highly objectionable.

Section 337 of the House version of the bill and section 331 of the Senate version mandate flight and duty time restrictions for airline flight attendants. Most airlines already have collective bargaining agreements or work rules that address duty and rest time for flight attendants. The proposed restrictions would unnecessarily involve the Federal government in the relationship between management and labor.

LEVELS OF FUNDING

The Administration strongly supports funding for Federal-aid highways at the President's requested level of $19.2 billion. The Senate version of the bill includes total recommended funding for Federal-aid highways of $18.5 billion, $713 million below the President's request. The House version funds Federal-aid highways at approximately the President's request by breaching the firewalls. The Administration believes that the Federal-aid highway program can be funded at the President's requested level without breaching the firewalls by redirecting funds from lower priority programs.

The Senate version of the bill, which would fund implementation of the Chief Financial Officers Act at approximately the President's requested level, is preferable to the House version. These funds are needed to provide for program oversight and effective financial controls.

The House and Senate versions of the bill have virtually deleted funding for magnetic levitation (maglev) transportation research and development. Funding at the requested level is necessary to continue critical studies of economic, technical, and safety issues in FY 1993. Full-scale prototype development, as provided by the Senate, would be premature absent the results of these studies.

SCORING ISSUES

OMB is reviewing the Senate's classification of $403 million of Coast Guard programs as defense discretionary spending. OMB is prepared to classify as defense spending no more than a total of $303 million for Coast Guard programs (a level consistent with precedent), provided that no more than $303 million is included in the Defense appropriations bill for the Coast Guard.

Additional Administration concerns regarding the House and Senate versions of the bill are contained in the enclosure. We look forward to working with the Committee to address our mutual concerns.

With best regards,

RICHARD DARMAN,
Director.

EXHIBIT 2

SEC. . EMPLOYEE CONSIDERATION IN AIRLINE ROUTE TRANSFERS.

(a) IN GENERAL.—Section 401(h) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371(h)) is amended by adding at the end the following new paragraph:

"(4) Employee Considerations.—

"(A) Consideration of Employment Opportunities.—In reviewing a proposed transfer of a foreign air transportation route certificate, the Secretary of Transportation shall give consideration to assuring employment opportunities for employees of the air carrier transferring the certificate. Those opportunities shall not discriminate on the basis of race, color, religion, national origin, sex, age, or disability. Consideration shall also be given to provisions for seniority integration as provided for in the seniority integration protections specified in Tiger International Seaboard Acquisition Case, CAB Docket 33712.

"(B) Employment Plan.—Upon application for approval of such a certificate transfer, the acquiring carrier shall submit its plan for employment that projects the number of employees of the transferring carrier who will be hired by the acquiring carrier, the crafts and national origin of those employees, and a timetable for implementation of that employment plan.

"(C) Mandatory Findings.—The Secretary may approve the transfer of a foreign air transportation route certificate only if the Secretary makes specific findings that—

"(i) the employment plan submitted under subparagraph (B) does not discriminate on the basis of race, color, religion, national origin, sex, age, or disability;

"(ii) reasonable attempts have been made by the acquiring carrier to provide employment opportunities for employees of the transferring carrier; and

"(iii) the employment plan would not adversely affect the viability of the transaction.

"(D) Evaluation.—Within 1 year after the approval by the Secretary of a transfer of a foreign air transportation route certificate, the Secretary shall conduct an evaluation of the implementation of the employment plan submitted under subparagraph (b).".

(b) DUTY TO HIRE PROTECTED EMPLOYEES.—Section 43(d)(1) of the Airline Deregulation Act of 1978 is amended by striking "10" and inserting in lieu thereof "17".

(c) Effective Date.—The amendments made by subsection (a) shall apply with respect to any application filed after the date of enactment. With respect to any application filed after July 26, 1991, but before the date of enactment, the acquiring carrier must submit the employment plan specified in paragraph (B) and that the provisions in paragraph (D) apply.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I ask unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRUTH ABOUT PRESIDENT BUSH'S RECORD ON IRAQ

Mr. MCCAIN. Mr. President, there is nothing new about political rhetoric that reinvents history, particularly in an election year. There is nothing new about 20-20 hindsight, or selective memory. I am saddened, however, that several of my distinguished colleagues—most notably Senator GORE—have chosen to reinvent the recent history of the Middle East and our relations with Iraq.

For example, Senator GORE has said in his speech to the Center for National Policy that the Bush administration made a "heroic assumption * * * that Iraq would suddenly and completely change its ways out of fear of economic and political sanctions."

The fact is that the United States sought to moderate Iraqi activity over time by using a mix of limited incentives and strong disincentives. The fact is that we were correct to try, and the fact that we did try was a major factor that later made it possible to assemble a victorious U.N. coalition.

Our relations with Iraq have never been easy. At the same time, we have never been able to ignore the fact that Iraq plays a critical role in the balance of power in the gulf, and in a region with nearly 60 percent of the world's proven oil reserves.

No American President or senior foreign policy official, operating in the diplomatic and strategic climate of the 1980's could ignore the need to avoid having Iran or Iraq dominate the gulf. No President or official could avoid trying to moderate Iraqi behavior, or trying to persuade Saddam Hussein that he would gain more from peaceful relations with the West and southern gulf States than from confrontation, radicalism, and aggression.

This policy had universal support within the Arab world at the time, and had this support down to the final hours before Iraq's invasion of Kuwait. Kuwait strongly and consistently supported it. So did moderate states like Egypt. So did every European power, so did virtually every American expert on the Middle East.

There is also nothing secret about the fact the United States followed this policy. No one has ever denied that we provided Iraq with economic and political support during the latter phases of the Iran-Iraq war in an effort to prevent Iran from winning and dominating the gulf.

In fact, there was a broad bipartisan consensus behind this policy. There was no stealth in the U.S. naval intervention in the gulf. We debated and approved Operation Earnest Will. Our intelligence committees reviewed and concurred with our activities in the region.

No one seriously challenged our policy of trying to move Iraq toward moderation during the Iran-Iraq War or in

the months between the August 1988 cease-fire in the Iran-Iraq War and the August 1990 invasion of Kuwait.

Senator GORE, Senator WIRTH, Senator LEAHY—among others—forget these facts in their speeches attacking President Bush.

Certainly Senator GORE forgets them when he makes an incredible accusation like charging that, "He (President Bush) is the one who started the fire."

We all know that Saddam Hussein started the fire. We all know that it was George Bush that put it out. And, we all know that many on the opposite side of the aisle opposed his efforts to do so, and voted against them.

Sentor GORE and his colleagues show an equally convenient degree of amnesia when they selectively use the result of months of effort by the Democratic Party to find every single case in which the United States provided aid to Iraq, transferred dual capable technology, or made a hard choice between condemning Iraq and trying to moderate it.

They assemble these facts, and no other facts, to try to make it look like the United States was supplying Iraq with massive amounts of arms, and with the technology necessary for proliferation. They try to create a history where President Bush appears to have tolerated terrorism or Saddam's worst excesses.

Mr. President, there is only one way to fully refute what Senator GORE, Representative GONZALEZ, and other Democrats have put into their speeches and the CONGRESSIONAL RECORD. We would have to do what any honest and reputable historian would have done in place of their attacks on President Bush. We would have put the incidents that Senator GORE lists in the full context of all the actions taken by the United States during the period from 1982 to August, 1990.

We would have to publish the record of all the efforts we made to halt proliferation, and halt terrorism. We would have to list all of the efforts of the executive branch to halt technology transfer. We would have to mention the fact that it was a joint British-American sting operation that uncovered key supergun equipment transfers.

We would have to mention that Iraq's most critical efforts to acquire chemical weapons technology from the United States failed. We would have to trace the true record of support for the terrorist movements Senator GORE mentions, little of which have anything to do with Iraq.

If we paid any attention to the full record, and to the true history of events, we would never see a record that remotely justifies Senator GORE's statement that President Bush's "poor judgment, moral blindness, and bungling polices led directly to a war that should never have taken place."

Instead, we would see a record that is already well documented in book after book on modern Iraqi politics, the Iran-Iraq war, and the events that led up to the gulf war.

We would see a clear and consistent effort to moderate Iraq. We would see a clear and consistent effort to work with our allies in halting the transfer of technology that could give Iraq weapons of mass destruction. We would see U.S. policies that had the broad support of Members of both the Senate and the House.

It is my hope that as the media examines what Senator GORE has said, they too will examine the full record. It is my hope that they will look through the CONGRESSIONAL RECORD and see how many prescient Democrats disagreed with the efforts to moderate Iraq and check Iran, and how many still failed to understand how serious the situation was when we voted on authorizing President Bush to use force against Iraq after it invaded Kuwait.

I also hope they will examine the record contained in the Arms Control and Disarmament Agency data on arms transfers to Iraq during the period before the gulf war, and in the work of Richard F. Grimmett of the Congressional Research Service on such arms transfers, when they examine the credibility of a statement like Senator GORE's claim that "our sons and daughters were to be sent to risk their lives facing a threat that had been built up through U.S. technology and U.S. tax dollars."

Mr. President, Saddam Hussein built up his military machine with $100 billion of his own money, and money lent him by his neighbors during the Iran-Iraq War. The impact of any U.S. origin technology and weapons was at most negligible.

If the media and my colleagues look at the most recent ACDA document, and examine arms transfers to Iraq during the period Senator GORE made so much of, they are going to find that Iraq imported some 22.75 billion dollars' worth of arms during 1985–89. They are also going to find out that even if we accept the strange premise that every dual use item the United States exported to Iraq was actually used for military purposes, their total value does not add up to one-hundredth of 1 percent of those arms transfers.

In spite of some Democrat efforts to trivialize history, the United States played no meaningful role in arming Iraq. It provided no meaningful dual capable technology or arms transfers during any time before 1985, and none between 1985–89.

It was Russia that provided 13 billion dollars' worth of arms, other Warsaw Pact States that provided $2.9 billion, the People's Republic of China that provided $1.6 billion, France that provided $1.7 billion, Britain that provided $20 million, Germany that provided $90 million, other European states that provided $1.5 billion, other Middle Eastern states that provided $420 million, Latin America that provided $1.3 billion, and other states that provided $200 million.

In fact, Mr. President, Senator GORE would have much more credibility if he blamed Argentina, Chile, and Brazil for Iraq's invasion of Kuwait, rather than President Bush. These states were comparatively small suppliers to Iraq, but what they supplied was far more arms than the United States did.

Similarly, Richard Grimmett's latest study of conventional arms transfers shows that the same trends existed after the Iran-Iraq War. If you examine the data in CRS documents 92–577F and 91–578F, you find that Iraq imported 8.9 billion dollars' worth of arms between 1988 and 1991. None of these arms came from the United States. Instead, $4.1 billion came from Russia, $1 billion from China, $1.1 billion from major West European countries, $1.7 billion from other European countries, and $1 billion from countries other than the United States.

It is totally and absolutely absurd to imply that the limited transfers of dual capable equipment from the United States, and limited amounts of United States aid played a significant role in Iraq's arms buildup.

The record is clear that they did not, and this becomes even more clear the moment you examine the more detailed information on the weapons holdings of Iraq contained in the annual Military Balance of the International Institute for Strategic Studies.

Look at the 1989–90 edition of this document, which shows Iraq's arms holdings before the invasion of Kuwait. These data have been informally reviewed by DIA, but there is not one American-made weapon or major item of equipment listed for any of Iraq's military services.

Similarly, look at the Middle East Military Balance of the Jaffe Center for Strategic Studies. The 1989–90 edition of this document also shows that every weapon in Iraq's order of battle—which contained hundreds of thousands of weapons—came from other countries.

The same situation affects the long series of charges that the United States provided equipment that aided Iraq in developing missiles and weapons of mass destruction. There is no doubt that some such equipment was smuggled from the United States and that Iraq did use some dual-use equipment.

It is a sad fact of life that no export control system is perfect. It is a commercial fact of life that when dual use equipment is readily available in uncontrolled form from other countries, there is little point in denying U.S. exports.

But, Mr. President, I invite anyone who is possibly interested and every Member of this body to read through the United Nations inspection reports on Iraq. It is not the United States that provides Iraq with missiles. It is not the United States that created Iraq's chemical weapons industry. It is not the United States that provided the key equipment and facilities that Iraq was using to develop nuclear weapons.

It was the United States that was taking the lead in creating the Missile Technology Control Regime, that advocated strengthening the Nuclear Nonproliferation Treaty, that was deeply involved in strengthening the Nuclear Suppliers Group and Australia Group, that sought a meaningful Chemical Weapons Convention, and sought to strengthen the Biological Weapons Convention. It was the United States that helped develop a steadily more effective multilateral export control system.

Speaking personally, I have long advocated that both President Bush and the Congress take far stronger measures regarding proliferation. I have fought hard for such legislation, and I have strongly encouraged President Bush, Secretary Baker, and Secretary Cheney to do even more than they have.

It is simply ridiculous, however, to take a few memos and cases out of context and to imply we played a major role in Iraq's proliferation or that the Bush administration was soft on proliferation. This is simply politically motivated nonsense, and the U.N. inspection reports, and studies on proliferation by groups like the Carnegie Foundation, make it clear that this is the case.

In fact, I would be most interested to hear Senator GORE explain why his speech before the Center for National Policy does not cite a single U.N. source, UNSCOM inspection, IAEA inspection or report, or any major study on proliferation, or contain a single word that puts the size of any United States transfers to Iraq in context.

I would like to know what real evidence he had that anything like 40 percent of the equipment used in the SAAD 16 facility came from the United States, and how he can explain the apparent gap between the sources he cites and the information the United Nations has disclosed.

I would like him to explain how he could forget to list the critical items we did deny, like high temperature furnaces. How he could forget that it was the United States and Britain that worked together early in 1990 to stop the sale of nuclear triggers and catch Iraq in the act.

I would like him to explain how he could neglect to ask how many items we did deny Iraq. How he could ignore the fact that we denied export licenses for some 362 items that could have contributed to Iraq's military programs.

I would like him to list the so-called dual capable items he mentions and indicate how many items like trucks and out-of-date, low-performance computers—that are easily available from other countries—are on this list. I would like him to explain whether he realizes that the total contract value of such items during 1985–90 was $1.5 billion, and that $1 billion of this total involved trucks which were never shipped to Iraq.

He might also want to explain the justification for several of the statements in his speech. For example, he says that:

U.S. taxpayers are now stuck with paying the bill for $1.9 billion President Bush gave to Saddam Hussein, even though top administration officials were repeatedly told Saddam was using our dollars to buy weapons technology.

The fact is that the United States did not give one single dollar to Saddam. The $1.9 billion was given to American grain exporters to compensate them for grain sold to Iraq after United Nations sanctions were placed on Iraq for its invasion of Kuwait.

Senator GORE might explain why he said that the Bush administration had conducted, "An ongoing effort to hide the facts from the American people * * *." Why he did not mention that his speech was based on the selective use of literally thousands of documents that the administration provided to Senator GORE and his colleagues, at a cost of tens of thousands of man-hours, and hundreds of thousands of dollars.

At the same time, he might want to explain for the record the practical problems of trying to conduct any effort to moderate Iraq if the United States had not taken Iraq off of the list of terrorist states. Senator GORE might want to discuss the practical problems inherent in keeping Iraq on the terrorist list, and describe how he would have dealt with the situation in a way different from President Bush.

He might want to trace the actual history of Iraqi support for terrorism, and note that this support dropped sharply as the result of the negotiations with the United States that led to Iraq being dropped from the list. He might note that Iraq was only dropped after it agreed to sever its relations with Abu Nidal, and that his organization was expelled from Baghdad in 1983.

He might provide a chronology of the various messages the United States sent protesting Iraqi involvement in terrorism whenever this occurred during the 1980's. He might note that the Bush administration requested a reexamination of Iraq's role in terrorism in the spring of 1990, when it received reports that Abu Nidal had been allowed to reopen an organization in Baghdad, and that the Department asked for another intelligence assessment that summer.

If Senator GORE does not provide such data, I would encourage the media to start asking some very probing historical and factual questions in these areas. I would also urge them to check the record, and remind Senator GORE that the Iran-Iraq war was a very close contest, and that Iran was still in the midst of an offensive that threatened Iraq as late as February of 1988. I urge the Senator to check the record and ask how the United States could have dealt with Iraq in any way that did not involve the Iraqi military-industrial complex or the Ministry of Industry and Military Industrialization.

Mr. President, I do not want to belabor this issue at more length, but I do request unanimous consent that a detailed comparison of the various charges Senator GORE has made and the actual historical record be printed in the CONGRESSIONAL RECORD after my statement.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCAIN. Mr. President, let me close by reminding my colleagues that we all know the real reason for this sudden revision of history. It is because they have a candidate with no proven credentials in foreign policy or national security. It is because the American people realize that we still live in a threatening and uncertain world, and may well remember this in November. There is an old saying that truth is the first casualty in war. My distinguished colleagues from the other side of the aisle are now proving that history is the first casualty of politics.

EXHIBIT 1

THE BUSH ADMINISTRATION RECORD ON IRAQ: THE CHARGES AND THE FACTS

A. U.S. POLICY TOWARD IRAQ

1. General

The documentation on U.S. policy toward Iraq during the 1980s and in 1990, including NSD 26, show that the internal and external efforts of the Reagan and Bush Administration were consistent. Both were seeking to block the expansion of the sort of Islamic fundamentalism personified by Iran's Ayatollah Khomeini, and to cultivate Iraq as a force for regional moderation and stability.

During the 1980s, Khomeini's disciples had sought to overthrow regimes in Saudi Arabia, Kuwait, and Bahrain. They were well entrenched in Lebanon and most likely had a hand in the assassination of Egypt's President Anwar Sadat.

After the Iran-Iraq war, Saddam was on good terms with moderate governments in the region, particularly Egypt, Jordan, and Saudi Arabia. There were solid indications that he was more anxious to rebuild his economic base than to seek new military adventures.

The United States never "coddled" Saddam Hussein. We attempted a measured approach of incentives and disincentives to seek to moderate Iraqi behavior.

Indeed, our policy was so firm at the time that our Arab allies—including Kuwait—cautioned us about its harshness.

The fact that the United States and other countries were ultimately unable to restrain

Saddam does not mean that it was the wrong policy to try.

Today it is easy to take for granted the remarkable U.S. success in mobilizing Arab states against Iraq. But had the United States pursued a more aggressive strategy toward Iraq before the invasion, it would have had a tough time rallying support for its efforts in the Gulf and elsewhere.

2. Human rights

The United States was among the foremost critics of Iraqi human rights practices throughout the 1980s. Our annual human rights reports gave an accurate picture of the abysmal Iraqi record of brutality and torture.

We denounced Iraq's human rights record and sought international condemnations of Iraq.

Although our Embassy in Baghdad was severely limited in its ability to gather information, we sought to document Iraqi practices, and took the lead in the International Human Rights Commission in seeking a formal resolution condemning Iraq.

However, that does not mean that human rights was the only factor prudent policymakers had to consider in shaping a policy toward Iraq consistent with both vital American interests and American values. Other competing considerations had to be carefully balanced and weighed, including the security of our friends in the area and the importance of Gulf oil supplies for the world economy.

This argued for a strong U.S. effort to influence the conduct of the state which emerged at the end of the 1980s as the dominant military power in the region.

3. Intelligence sharing

The U.S.-Iraqi intelligence relationship took place primarily from 1982 until 1989. The exchange was implemented in the context of seeking to prevent Iran from winning the Persian Gulf War.

Between August 1988 (the time of the ceasefire) and October 1989, there were limited exchanges with Iraq on the Iranian military situation.

Military intelligence sharing with Iraq ended in October 1989, almost one year before Iraq invaded Kuwait.

There was limited civilian liaison relationship through the first part of 1990.

4. Iraq's sponsorship of terrorism

Throughout the 1970s, Iraq was one of the principal sponsors of Palestinian and other international terrorism, as a leader of the so-called "rejection front" of states opposed to U.N. Security Council Resolution 242 and any Arab-Israeli negotiations. The Department designated Iraq as one of the original state sponsors of terrorism in December 1979 following passage of the Export Administration Act.

After the start of the Iran-Iraq war in the early 1980s, Iraq's support for international terrorism dropped sharply.

In 1982, after Iraq promised that it would sever its relationship with the Abu Nidal Organization (ANO) and it significantly reduced its support for terrorism, Iraq was removed from the list of state sponsors of terrorism. The ANO was expelled from Baghdad in 1983.

We continued to use the leverage our relationship with Iraq gave us to work to reduce Iraq's support for terrorist groups during the 1980s. Indeed, our stiff messages plus Iraq's need for a relationship with the U.S. and the West acted to restrain Iraqi behavior during this period.

While Iraq's record was far from perfect, there was significant progress. Our annual reports to Congress gave an accurate picture of the situation: progress, but no complete clean bill of health.

In the spring of 1990, the Department received reports that the ANO had been allowed to reopen an office in Baghdad, and the Department asked the intelligence community to assess the new situation to determine whether Iraq should be placed on the terrorist list. While the assessment confirmed that Baghdad was expanding contacts with radical Palestinian groups, providing safehaven to terrorists, and killing Iraqi dissidents, the assessment contained no smoking gun.

The Department asked for an additional assessment in early August 1990.

It was clear that after Iraq's invasion of Kuwait, Baghdad's interest in securing the support of radical Palestinians and using terrorism against its enemies outweighed its concern about respectability in the international community.

Indeed, it appeared that the factors which had kept Iraq from using terrorism to attack Western and specifically American targets throughout the 1980s were no longer present.

We therefore placed Iraq back on the list of state sponsors of terrorism.

5. CCC program for Iraq

The CCC program guaranteed purchases by Iraq of U.S. agricultural commodities. Iraq never received money under the CCC program. Instead, because of the CCC program, Iraq paid out money to U.S. agricultural exporters, rather than to those of other countries.

Approximately 90 percent of the $5 billion in credit guarantees extended to Iraq between 1983 and 1990 for the purchase of U.S. agricultural exports was provided prior to fiscal year 1990 and received broad support among members of Congress and by American farmers and commodity groups.

The only approval by the Bush Administration of CCC guarantees for Iraq came in November 1989, more than eight months before Iraq invaded Kuwait.

At this time, CCC extended only one tranche of $500 million in credit guarantees to Iraq.

Of this $500 million, over 20 percent of it did not become effective because of the Gulf War.

Despite Congressional criticism that Iraq was not sufficiently creditworthy to be included in the CCC program, Iraq met all of its financial obligations under the program and made all payments for commodities purchased right up to the point that the U.S. Government froze Iraqi assets in August 1990.

Accordingly, from November 1989 to August 1990, CCC extended $392 million in guarantees to Iraq, while Iraq actually made hard currency payments for U.S. commodities of $847 million. This *reduced* CCC's exposure with regard to Iraq by $455 million.

Shortly after the U.S. Attorney's office in Atlanta initiated its investigation of Banca Nazionale del Lavoro (BNL) in August 1989, the Department of Agriculture reached an agreement with BNL that BNL would *not* participate in the CCC Program.

Accordingly, BNL was *not* involved in any of the guarantees extended in November 1989 for the Iraqi purchase of U.S. agriculture exports.

We are not aware of any intelligence indicating that Iraq diverted any of the $5 billion in CCC guarantees for military purposes.

No investigation to date—by the U.S. Attorney in Atlanta or by any federal agencies—has established a diversion to third countries of commodities sold to Iraq or Iraqi misuse of the CCC program to purchase military weapons.

Any possible diversions would have played only a minor role in Iraq's arms build-up, because Iraq earned $120 billion in oil sales during the 1980s and ran its overall foreign debt to $88 billion. Thus, if any diversions occurred, they would have accounted for a miniscule share of Iraqi's military purchases.

The October 13, 1989 memorandum, to which certain members of Congress and the media have repeatedly referred, merely speculates about allegations on Iraq's use of CCC guarantees. The allegations at issue in that memorandum have not, to date, been established.

6. Control of exports to Iraq

U.S. export control policy toward Iraq was tougher than that of any other industrial country, and to our knowledge tougher than that of any country except for Israel and Iran.

Both the Reagan and the Bush Administrations followed a strict policy of denying the export of weapons or weapon systems to Iraq.

Since the creation of the Missile Technology Control Regime (MTCR) in 1987, we denied all license applications for export to Iraq of any goods or technology controlled by the MTCR.

The United States has had a longstanding policy of no nuclear cooperation with Iraq. No exports were approved for nuclear reactors, uranium enrichment, or plutonium reprocessing equipment or related technology. The policy also applied to nuclear-related dual-use exports.

Licenses for all chemical and biological weapons agents on the U.S. munitions list have been denied to Iraq. Starting in 1984, a growing list of chemical precursors was controlled, with a specific policy of denial to Iraq. No items listed by the Australia Group have ever been approved for export to Iraq.

The media has erroneously reported that in 1987 we licensed the sale of missile countermeasures systems for Saddam's presidential aircraft and helicopters. No such licenses were ever approved or issued.

Our U.S. export control policy tightened as Saddam's irresponsibility and refusal to moderate his policies became clearer. We actively pushed throughout 1990 for tougher multilateral controls on Iraq.

The United States had approved $1.5 billion for dual-use exports deemed not of concern for conventional or non-conventional military reasons.

Most of these licenses were for low-level commuters, heavy duty trucks, and the like.

The Administration has generally tried to allow benign sales of dual-use equipment in order to allow U.S. companies a more equal opportunity in the marketplace.

Only about $500 million of these items were actually shipped.

The 40 UNSCOM and IAEA inspections conducted since the Gulf War are confirming that U.S. export controls worked.

The Iraqi weapons of mass destruction (WMD) programs used scant U.S. material, with the vast bulk of components and equipment having originated in the Soviet Union, China, and Western Europe.

Most of the limited amount of U.S. equipment UNSCOM and IAEA have encountered—mostly computers—was either stolen from Kuwait or purchased by third countries and diverted to Iraq.

UNSCOM and IAEA have uncovered no evidence that items on the U.S. munitions list were used in Iraqi WMD programs.

Given the very limited nature of U.S.-licensed high-tech exports to Iraq, cutting off

even these exports would not have affected Iraq's weapons of mass destruction programs.

The Administration was spending a sufficiently tough message to Saddam that he directly complained to us in July 1990 that "there is nothing left for us to buy from America . . . only wheat. Because every time we want to buy something, they say it is forbidden."

7. An alleged "cover-up"

The suggestion that the Administration has sought to "cover up" its policy toward Iraq is nonsense.

Few U.S. Government policies have been so carefully and so extensively examined by the Congress and by the media as this one.

The State Department has provided to the Congress several thousand pages of documents at a cost of over several hundred thousand dollars in employee hours. Other agencies have provided large quantities of documents as well.

The Administration has turned over these documents without once asserting executive privilege. That is precisely how members of Congress have the very materials that have been selectively leaked to the press.

The Department of Justice has conducted the investigation and prosecution of the BNL matter in accordance with the standard practices and procedures followed in all criminal cases, without interference by any other agency or department.

When members of the House Committee on Banking, Finance and Urban Affairs knowingly and without authorization disclosed classified materials, the Administration determined, in accordance with its obligations under Executive Order 12356, not to permit further release of classified documents to that Committee until it received appropriate assurances regarding the storage and protection of such materials.

There are, after all, 535 members of Congress and thousands of Congressional staffers, and it is an intolerable situation if each of these individuals on his own can judge that documents are worthy of being declassified and placed into the Congressional Record. There are established procedures for the declassification of documents which the House Banking Committee must follow.

However, the Administration is in no way inhibiting Congress' ability to examine all relevant documents. Failing assurances from the Chairman of the House Banking Committee on the safe keeping of classified materials, the Administration is prepared to make available documents to the Speaker of the House or to members or committees that he might designate.

B. RECENT ALLEGATIONS REGARDING IRAQ

1. Charge: obstruction of justice

A lawyer from the White House Counsel's office made phone calls to the U.S. Attorney in Atlanta and thereby improperly intervened in a criminal investigation and sought to obstruct justice.

Response

The calls in question took place in November 1989 and were for an entirely proper and, indeed, laudatory purpose.

It was at this time that the Administration was considering whether to extend any further CCC credit guarantees to Iraq. In order to ensure that Iraq was not in any way abusing the CCC program, a lawyer from the White house called the U.S. Attorney to see if anything in the investigation of the BNL scandal had indicated a reason why the Government should not extend CCC credit guarantees to Iraq.

The U.S. Attorney stated that the investigation had not indicated any reason not to go forward with the CCC program.

Accordingly, contrary to allegations that the White House was seeking to obstruct justice, it was undertaking a "due diligence" search as to whether there were any reasons not to provide CCC credit guarantees to Iraq.

To this day, no investigation—by the U.S. Attorney in Atlanta or by any federal agencies—have established a diversion to third countries of commodities sold to Iraq or Iraqi misuse of the CCC program to purchase military weapons.

Moreover, promptly after the U.S. Attorney's office in Atlanta initiated its investigation of Banca Nazionale del Lavoro (BNL) in August 1989, the Department of Agriculture reached an agreement with BNL that BNL would not participate in the CCC program.

Accordingly, BNL was not involved in any of the CCC guarantees extended in November 1989 for the Iraqi purchase of U.S. agricultural exports.

2. Charge: lying about U.S. assistance

Because the CIA issued a report on November 6, 1989 indicating that Iraq was using BNL loans to purchase military-related technology, the President lied when he asserted that the Administration "did not know" of diversions of U.S. assistance by Iraq for the purchase of weapons.

Response

The critics are deliberately and improperly merging the charges against BNL with allegations about the misuse of U.S. assistance (the CCC program).

Any wrongdoing by BNL does not implicate the U.S. Government unless the U.S. Government in some way knowingly participated in that wrongdoing.

The U.S. Government did not participate—knowingly or otherwise—in any activities of BNL, and once allegations about BNL were raised, the U.S. Government made certain that BNL no longer took assignment of any CCC credit guarantees.

In short, the effort by critics to taint the Administration with the activities of BNL are misleading and incorrect. The Administration never dealt directly with BNL, the substantial majority of BNL's loans to Iraq were unrelated to the CCC program, the Administration excluded BNL from any participation in the CCC program once there was the first indication of any wrongdoing, and no money has been paid to BNL by the U.S. Government for claims under the CCC program.

3. Charge: knowingly assisting Iraq obtain weapons

Because 1985 Department of Defense memos indicated that Saddam Hussein was not trustworthy and was probably seeking to develop nuclear weapons, the Administration knowingly assisted Saddam by continuing to provide CCC credit guarantees and by licensing dual-use exports.

Response

While the United States sought to provide incentives to Iraq to moderate its behavior, the U.S. Government was also well aware of Iraq's regional ambitions and actively took steps to prevent weapons or weapons systems from being transferred to Iraq.

At the same time that the U.S. Government approved CCC credit guarantees for Iraq—which was the only form of U.S. assistance—the U.S. Government's export control policy toward Iraq was tougher than that of any other industrial country.

Both the Reagan and the Bush Administrations followed a strict policy of denying the export of weapons or weapons systems to Iraq.

Since the creation of the Missile Technology Control Regime (MTCR) in 1987, we have denied all license applications for export to Iraq of goods or technology controlled by the MTCR.

The United States did not approve any exports for nuclear reactors, uranium enrichment, or plutonium reprocessing equipment or related technology to Iraq. This policy of denial also applied to nuclear-related dual-use exports.

Licenses for all chemical and biological weapons agents on the U.S. munitions list have been denied to Iraq. Starting in 1984, a growing list of chemical precursors was controlled, with a specific policy of denial to Iraq.

Our U.S. export control policy tightened as Saddam's irresponsibility and refusal to moderate his policies became clearer. We actively pushed throughout 1990 for tougher multilateral controls on Iraq.

Only about $500 million of the $1.5 billion licensed for dual-use exports (deemed not of concern for conventional or non-conventional military reasons) were actually shipped to Iraq.

The 40 UNSCOM and IAEA inspections conducted since the Gulf War have confirmed that U.S. export controls worked.

The Administration was sending such a tough message to Saddam that he directly complained to us in July 1990 that "there was nothing left for us to buy from America . . . only wheat. Because every time we want to buy something, they say it is forbidden."

4. Charge: Iraq's lack of creditworthiness

The Administration improperly approved CCC credit guarantees for Iraq in November 1989 despite Iraq's lack of creditworthiness.

Response

Despite criticism that Iraq was not sufficiently creditworthy to be included in the CCC program, Iraq met all of its financial obligations under the program and made all payments for commodities purchased right up to the point that the U.S. Government froze Iraqi assets in August 1990.

It is wrong to say that Iraq "defaulted" on CCC credit guarantees; the decision by the U.S. Government to freeze Iraqi assets led Iraq to halt further payments under the CCC program.

Moreover, during the period from November 1989 to August 1990, Iraq actually made hard currency payments under the CCC program of $847 million while receiving only $392 in credit guarantees. This reduced CCC's exposure with regard to Iraq by $455 million.

In light of the affirmation in U.N. Security Council Resolution 687 of Iraq's continued liability for outstanding debts, as well as our own freezing of Iraqi assets, the Administration intends to assert claims against Iraq for debts owed to the United States.

5. Charge: Iraq policy was a failure

The President's policy toward Iraq, rather than being his greatest foreign policy success, was his greatest foreign policy blunder.

Response

Resonable people can argue as to whether the Administration was late in confronting Saddam Hussein. But it certainly confronted Saddam earlier and more powerfully than its critics in the Congress.

The very individuals now criticizing the Administration's policy toward Iraq were much too accommodating even after it was

clear to the world just what a monster Saddam was and once it was time to go to war.

If the Administration had followed the policy of its critics in late 1990 and early 1991, Saddam would still have his vast military arsenal and nuclear weapons program intact, and Kuwait would still be occupied by Iraq.

Today it is easy to take for granted the remarkable U.S. success in mobilizing Arab states against Iraq. But had the United States pursued a more aggressive strategy toward Iraq before the invasion, it would have had a thought time rallying support for its efforts in the Gulf and elsewhere.

As it turned out, the fact that the United States had followed a measured policy toward Iraq, rather than having sought unilaterally to isolate the Iraqis, proved to be a critical factor in our ability to assemble a coalition—which included Arab countries—to expel Saddam from Kuwait and, ultimately, to devastate his military capabilities.

Moreover, had the Administration spurned Saddam in late 1988 and early 1989, moderate Arabs and current critics would have claimed that U.S. policy had pushed Saddam into a corner from which he had to lash out.

The world is a much safer place today because of the successful conduct by this country of the Gulf War. The outcome may only seem imperfect when measured against the impossible ideal of creating a democratic regime in Iraq.

The purpose of the multilateral coalition was to force Iraq to leave Kuwait and, when it refused, to eject it forcibly.

It was never an objective of the multilateral coalition—and it would not have been realistic then or now—to change the internal structure of Iraq, to rearrange political alignments, or to create a democracy there.

While these are all lofty goals for Iraq or for other troubled areas of the world, they are simply not within the capabilities of the United States or other countries, and are not the appropriate standard for measuring the enormous success of the Gulf War.

C. CONTROL OF EXPORTS TO IRAQ 1983–1991

1. Overview

U.S. export control policy on Iraq was tougher than any other industrialized country had in place, and tougher than any country's except Israel and Iran.

About $300 million in U.S.-controlled exports were licensed and shipped between 1985 and August 1990.

This Administration had been seeking stronger multilateral controls in the various non-proliferation force, and was moving forward on the EPCI initiative (with specific targeting on Iraq when the invasion occurred.

Congress has criticized:

high tech exports permitted because Iraq was not subject to U.S. counterterrorism controls;

blocking of an alleged Kloske effort in early 1990 to toughen U.S. high tech controls;

Administration opposition to legislation embargoing U.S. high tech exports;

several specific munitions list exports; and

lack of US demarches to our allies concerning their arms sales to Iraq.

2. U.S. licensing policy

a. Munitions: U.S. policy was to deny exports to Iraq of all defense goods and services.

Between 1983 and 1989, 12 exceptions were made, valued at $3.28 million. Ten licenses were for various pieces of electronic communications equipment valued at $3.27 million. Several members of Congress have been briefed on why we and DOD permitted these sales.

In 1984 one license was issued to Saddam's son Quzsy. While visiting the U.S. Quzsy ordered 18 firearms; we permitted the export of two revolvers and one pistol (collector items).

The press erroneously reported that around 1957 we licensed the sale of missile countermeasures systems for Saddam's presidential aircraft and helicopters. No such license was ever approved or issued. However, we would have permitted the export of one of our less-advanced systems, in accordance with US policy to protect heads of state.

b. Missile Tech: Since the creation of the Missile Technology Control Regime in 1987, no license applications for any MTCR items (missiles, major subsystems, and components, to include dual-use) have been approved for export to Iraq.

c. Nuclear: The US had a longstanding policy of no nuclear cooperation with Iraq. Only rare exceptions for exports of low technology dual-use items for health and safety projects were permitted.

US policy supported benign trade by limited approval of dual-use commodities (not technologies) to non-nuclear end-users for non-nuclear end use. Very strict review criteria were applied in an effort to ensure that items of significance for nuclear purposes were not approved and that approved exports would not be misused. By early 1990, even more stringent export review criteria were being applied owing to increasing concerns about Iraqi activities.

d. CBW: Licenses for all chemical and biological weapons agents (ie., nerve/gas or biological weapons) on the US munitions list have been denied since before 1980.

Starting in 1984, a growing list of chemical dual-use precursors was controlled, with a policy of denial to Iraq when there was reason to believe such items would be used for CBW purposes. No items, once listed by the Australia Group, have ever been approved for export to Iraq. In February 1989, an additional list of chemicals were added to the US control list, and none has been approved for export to Iraq since.

Prior to 1989, Commerce granted 18 licenses for the sale of viruses, bacteria, and fungi. These sales were, as far as we knew, for normal civilian uses in developing vaccines and related work. The end-user in some cases was the Iraqi Atomic Energy Commission, later identified as associated with Iraq's BW program. In 1985, the Centers for Disease Control made three shipments of the rare West Nile Fever Virus to Iraq for "research on viruses".

e. Counter-Terrorism: Up to 1982, Iraq was subject to anti-terrorism controls on dual-use exports. These involved foreign policy review for civil aircraft (to any end-user) and other COCOM-controlled items when destined for the military and valued at over $7 million. Such items were not embargoed, and could be approved if consistent with US foreign policy.

After 1982, most of these items remained subject to other control programs administered by Commerce (dual-use items remained under control for national security, nuclear, regional stability, and human rights purposes). Licenses were permitted after 1985 for $1.5 billion in exports, with about $500 million actually shipped.

Congressional legislation in the late 80's would have embargoed all COCOM-controlled exports to Iraq.

3. 1989–1990 Iraq-specific efforts

Iraq became the focus of US non-proliferation efforts in 1989. The efforts were multifaceted, and included improving controls in the multilateral force, intel-sharing on Iraqi programs, and a new initiative targeting CBW and missile projects (EPCI).

a. Fall/Winter 1989:

President issues NSR–17 directing a review of US nonproliferation policy; Sept. 26, the President requests a study of CW initiatives, including export controls. Options papers focus on Iraq.

US demarche on Sweden and Switzerland re sale of equipment that could be useful for producing biological weapons.

Non-proliferation consultations held with the Soviet Union, US addressed Iraqi missile and chemical weapons programs and the need for controls.

Australia Group partners briefed by US on Iraqi proliferation activities and agreement achieved to expand the AG control lists.

Continuation of US demarches to potential suppliers of nuclear-related trade with Iraq concerning Iraqi procurement interests and the need for extreme caution.

MTCR partners briefed by the US on the 12/5/89 Iraqi missile launch, and on the need to express their concerns to Iraq (as had been done by the US).

Non-Proliferation PCC asked DOC to review controls on missile-related items to ensure their adequacy.

b. Winter/Spring 1990:

US demarches in February to all Australia Group members urging vigilence against Iraqi CW precursor procurement efforts.

Followed by extensive briefing at the June AG meeting concerning Iraqi capabilities and procurement activities. Agreement was reached at the meeting to a list of additional precursor controls.

US demarches in February to MTCR partners and other supplier countries on the Iraqi missile program, to include warning and description of the clandestine Iraqi procurement network.

Followed by repeated demarches to Mauritania and others concerning Mauritania's agreement to provide Iraq with a missile test site.

Also, at the July MTCR meeting, the US shared more detailed intel on the program, and urged extreme caution on dual-use exports with possible missile applications. Partners agreed to US proposal to strengthen the MTCR control lists.

Beginning in February, US demarches to 23 supplier countries concerning Iraqi attempts to acquire specific dual-use technologies useful in uranium enrichment, and about the dangers posed by Iraqi procurement efforts.

Followed arrests of Iraqis in the UK and additional indictments in the US for attempts to export military electric components illegally from the US.

Beginning in March, options papers on enhancing proliferation controls were prepared and vetted inter-agency by State.

The need to enhance existing commodity controls with project-specific controls cited, as the problem of low-tech exports was explored.

April 16 Deputies meeting tasked the Non-Proliferation PCC to develop and implement an initiative addressing Iraq's nonconventional weapons proliferation. State stressed the need for effective action, to include multilateral action.

On July 25, Secretary Baker wrote to Mosbacher requesting the imposition of new US controls, with primary emphasis on Iraq. This initiative became EPCI.

June and July discussions with the Soviets, Hungarians, Czechs, Poles, Romanians and Yugoslavians concerning the need for ef-

fective controls, and Iraqi proliferation threat was specifically highlighted.

Soviets endorsed the MTCR guidelines at the June Summit, and were asked to use their influence with Iraq to halt its missile and CBW programs.

4. Overall U.S. export policy

a. U.S. export control policy was tough. The U.S. was the world's toughest industrialized country on arms and on the non-proliferation front. Recall, coalition forces did not encounter a single U.S. export.

The U.S. had a policy of denial for all defense goods and services.

The U.S. denied all goods or technology controlled for missile proliferation reasons.

The U.S. denied all exports that were deemed of possible nuclear significance.

The U.S. denied all CW precursors listed by the Australia Group. Its controls on other items of possible CBW concern increasingly stiffened, and were specifically aimed at Iraq.

b. U.S. control policy tightened as Saddam's irresponsibility and refusal to moderate his policies became clearer.

The U.S. actively pushed via the non-proliferation force for tougher multilateral controls on Iraq. It approached all its partners, the Soviets and the Eastern Europeans concerning Iraqi procurement efforts and the need for greater vigilance.

A supplemental control initiative (EPCI) better targeting Iraqi CBW and missile projects was tasked and developed by July, 1990.

5. Why $1.5 billion in sensitive exports were approved

These approvals were for dual-use exports deemed not of concern for conventional or nonconventional military reasons. Most of these licenses were for low-level computers, heavy duty trucks, and the like.

The Bush Administration generally tried to allow benign sales of dual-use equipment, to allow U.S. workers a more equal opportunity in the marketplace.

Only about $500 million were actually shipped, equal to the value of the licenses that were not approved.

The UNSCOM and IAEA inspections conducted since the war are confirming that US export controls worked. The Iraqi weapons of mass destruction programs used scant US material (the vast bulk of the components and equipment found originated in western Europe). And what little has been found appears to have been illegally exported.

6. Charges that the administration opposed congressional efforts to toughen U.S. controls

The legislation in question would have embargoed U.S. exports of dual-use items controlled by COCOM.

Benign commercial exports would have been precluded, and the real problem not addressed. The need, which the Administration was pursuing, was more effective controls—both U.S. and multinational—targeted on Iraqi proliferation projects.

7. Charges that the administration should have been sending a tougher message

The U.S. message was such that Arab League Ambassadors, led by Ambassador Saud Nasser of Kuwait, on May 18, 1990, expressed deep concern to U/S Kimmit about the "U.S. campaigns against Iraq".

In July, Saddam complained that "There is nothing left for us to buy from America . . . only wheat. Because every time we want to buy something, they say it is forbidden. I am afraid that one day you will say, 'You are going to make gunpowder out of wheat.'"

8. Kloske wanted tougher controls, but WH and State blocked

To the contrary, the U.S. was looking at how its proliferation controls could be made more effective. This initiative was specifically tasked to the PCC on Nonproliferation at the April 16 Deputies Committee meeting. Interagency discussions then led to the proposal included in the Baker letter of July 25.

9. Charges that the U.S. was soft on arms selling munitions items to Saddam and ignoring sales by our partners

The primary supplier was the Soviet Union. China and France were also suppliers of weapons systems. The U.S. was not.

After the Iraq-Iran war, when it became apparent Iraq was developing nonconventional weapons, we undertook a series of initiatives to curtail foreign sales of sensitive items to Iraqi projects.

This included non-proliferation consultations with the Soviets, the U.S. urging Soviet missile and CBW precursor controls towards Iraq, and the use of Soviet influence on Saddam's proliferation efforts.

D. U.S. COMPANY INVOLVEMENT IN IRAQ UNCOVERED BY UNSCOM AND THE IAEA

About 40 UNSCOM and IAEA inspections to date have uncovered scant information about US-origin equipment used in Iraq's Weapons of Mass Destruction programs.

Based on the very limited amount of U.S. material that UNSCOM or IAEA have seen in Iraq, we can say with confidence that U.S. export controls worked.

Most of the limited amount of U.S. equipment UNSCOM and IAEA have encountered—mostly computers—was either stolen from Kuwait or apparently was purchased by third countries and diverted to Iraq.

UNSCOM and IAEA have uncovered no evidence that items on the U.S. Munitions List, licensed by the State Department, were used in Iraqi WMD programs.

The U.S. law enforcement community continues to investigate the possibility that U.S. firms illegally exported to Iraq.

Given the very limited nature of U.S.-licensed high-tech exports to Iraq, cutting off even these exports would not have affected its weapons of mass destruction programs.

The Iraqis came to realize that the U.S. high-tech market was virtually closed to them, causing them to seek other suppliers.

Saddam, in July of 1990, stated publicly that "there is nothing left for us to buy from America . . . only wheat . . . I am afraid that one day you will say 'you are going to make gunpowder out of wheat.' "

UNSCOM's comprehensive inspections have uncovered massive non-U.S. complicity in Iraq's WMD effort. The vast bulk of components and equipment found at Iraqi faciliities originated in Western Europe, principally in Germany.

E. GEJDENSON PRESS CONFERENCE

1. "Jim Baker signed off on a memo admitting that the opposite (of the President's statements) was true in fact".

The facts

Baker signed off on a memorandum culminating some six months of effort to strengthen U.S. export controls on missile and chemical weapons-related items—which were already the toughest in the world. This effort resulted in the Enhanced Proliferation Control Initiative.

It was no secret that Iraq was seeking—and indeed had used—weapons of mass destruction. The Administration repeatedly condemned Iraq's use of chemical weapons in the Iran-Iraq war and against its own Kurdish population. Iraq's pursuit of missile and nuclear capabilities were also well known.

2. "Baker knew that the Administration had been selling Saddam Hussein the wherewithal to make ballistic missile systems, chemical weapons, biological and nuclear weapons."

The facts

The Administration wasn't selling Saddam anything that could possibly have provided such wherewithal. Even Cong. Gejdenson's charges address export licensing decisions, not an Administration policy to provide assistance to Iraq. Nor was the Administration financing, facilitating, or cooperating in any way with Iraq's mass destruction weapons program.

Rather, Baker knew that the Administration had:

(a) the toughest nonproliferation controls in the world;

(b) the lead internationally on taking steps to crack down on Iraq's proliferation activities;

(c) decided to strengthen our unilateral controls even though this would cost US jobs.

From the beginning of the Bush Administration, we pressed other governments bilaterally and in all the multilateral non-proliferation groups to refrain from exporting to Iraq equipment and technology which could help development of weapons of mass destruction. The Administration also took the lead in successful multilateral efforts to upgrade international controls on non-proliferation related items.

Indeed, postwar UNSCOM/IAEA inspections of Iraq's weapons facilities demonstrate that U.S. export controls were effective. Virtually all of the equipment in Saddam's laboratories and weapons plants came from non-U.S. sources. The few U.S. items which were identified were either illegally exported (and subject to criminal investigation) or so low tech that they were not controlled under U.S. or other countries non-proliferation controls.

3. The 1990 State Department memo: Rep. Gejdenson charges that this memo demonstrates "shocking examples" of exports to Iraq.

The facts

The bacteria and fungal cultures were placed under control to Iraq in 1989. (Note that the State memo discusses cases from 1986–89. Previous licenses issued to Iraqi end-users reflect the fact that legal authority to control these items existed only to prevent diversion to the Soviet bloc. Note also that there are legitimate medical applications for some of the cultures exported.)

The other examples cited are items like low-level computers which are commonly used in the civilian sector, but could also be used for weapons purposes. Because of the relatively low level of technology involved, these items were not generally controlled to destinations like Iraq before 1991. The Administration however, was determined to prevent any U.S. exports—whatever their technological significance—from reaching end-users linked to WMD programs. To do so, we instituted the policy review which led to EPCI regulations which controlled any export going to CW or missile end uses, rather than a list of specific commodities. This State Dept document was part of that policy process, and indeed demonstrates that the Administration was addressing this very complex issue in a responsible way.

Even if all of these items were diverted to Iraq's WMD programs, the total contribution

to Iraq's capabilities would have been minuscule. Keep in mind the vast scale of Iraq's program: billions of dollars in investment, hundreds of factories and research facilities, much of it imported from European suppliers. A handful of U.S.-origin computers and electronic instruments would not—and did not—make a difference to Saddam's capabilities.

4. Administration's own computer printout reveals 771 high tech sales were approved to Iraq.

The facts

Over two-thirds of the value of the licenses approved was for trucks. Most of the rest were for low-level computers, oil-drilling equipment, and other classic dual-use commodities which had genuine benign uses in Iraq, and were available to Iraq from every other foreign competitor in the world.

5. 162 of these had nuclear application and the legitimacy of the end users was only checked three times.

The facts

Adminsitration policy only permitted approval of dual-use commodities (not technologies) to non-nuclear end-users for non-nuclear end use. Very strict review criteria were applied in an effort to ensure that items of potential nuclear application were not approved and approved exports would not be misused. Any such approval required interagency—including DOD and ACDA—consensus. No other country had nuclear nonproliferation controls as tight.

By early 1990, even more stringent export review criteria were being applied owing to increasing concerns about Iraqi activities.

6. "Baker . . . resisted attempts to tighten controls on Iraq."

The facts

Far from resisting efforts to tighten nonproliferation controls. Sec. Baker and the State Department took the lead in the interagency process in pushing for stronger controls covering Iraq and all other potential proliferators. The very memos cited by Rep. Gejdenson are evidence that State was the world's leader on this issue.

7. "Baker decided in July it was time to start covering for himself."

The facts

The July memo reflects an ongoing policy initiative. Discussions of new controls had been ongoing since December, led by lower-level State Department officials, and with broad involvement by the interagency policy community.

Other memos referred to by Rep. Gejdenson demonstrate that throughout this period State was advocating and implementing active efforts with other countries—who were in fact the principal suppliers to Iraq's program—to tighten up on proliferation-related exports.

There was no need for a cover-up. We had the best track record of any government in the world.

8. DOD, DOC, State, and Energy knew that the US was selling Iraq nuclear components.

The facts

No nuclear components or any other nuclear items were ever approved to Iraq.

No nuclear cooperation of any sort was ever permitted. The only sales licensed were for low-level dual-use commodities to non-nuclear and users for non-nuclear end-uses.

9. At the April 16 Deputies Committee meeting, Kimmitt argued for business as usual with Saddam Hussein.

The facts

The documents, including those that Rep. Gejdenson has had access to, show that:

(a) The PCC on Nonproliferation was tasked to develop a strategy for further multilateral action on Iraqi proliferation activities, and to review proposals for tighter US and multilateral export controls;

(b) a paper was tasked concerning possible options for further action re our serious concerns over Saddam's human rights record, threats, and nuclear, chemical, and missile proliferation.

(c) State was in the lead concerning the need to take further steps to stop Saddam's proliferation campaign. State's point on proliferation controls was that though Iraq was our largest concern, we wished to take multilateral action concerning other proliferators as well.

10. Gejdenson: Within the last week, we have learned from the Commerce Department that of the 162 nuclear licenses granted, the legitimacy of the end user was only properly checked out 3 times.

Fact

We are not sure what the Congressman means by the phrase "not properly checked out". Every expert license application received by the Department of Commerce is thoroughly reviewed. End-users are screened against lists of possible questionable end users. The Commerce Department also consults with other agencies and with the intelligence community. In some cases, in-country pre-license checks are conducted that further verify the bona fides of a particular transaction. When adverse information is uncovered, licenses are not approved.

11. Gejdenson: In his letter of July 25, 1990, to Commerce Secretary Mosbacher, Secretary Baker says: Quote "I have just had a memorandum forwarded to your Executive Secretary requesting that additional controls be placed on items that could contribute to Iraq's chemical and biological weapons and missile programs. Iraq's extraordinary aggressive weapons proliferation efforts make this situation urgent. I therefore ask that these controls be instituted as quickly as possible." Signed Jim.

Fact

During the spring and summer of 1990, the Administration was actively examining ways to expand export controls toward Iraq in the light of new intelligence information about Iraqi proliferation activities. The memo from Secretary Baker spells out the Administration's decision to move ahead with those expanded controls. However, Iraq's invasion of Kuwait, one week after the signing of the memo by Secretary Baker, resulted in a complete embargo of all sales to Iraq.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that a fellow in our office Bob Frank, be permitted privilege of the floor during this period of morning business and that I be allowed to proceed as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 3300 are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

Mr. DOLE. Are we in morning business?

The PRESIDING OFFICER. We are in morning business.

SALUTE TO CONGRESSMAN DICK NICHOLS

Mr. DOLE. Mr. President, I want to take just a few minutes to salute a friend and colleague who will not be returning to the House of Representatives this January.

When DICK NICHOLS ran for Congress in 1990, he knew that he would, in all likelihood, just serve one term. He knew that reapportionment would cost Kansas one seat in the House of Representatives and that his Fifth District would be carved up.

But all this suited DICK NICHOLS just fine. He did not run for Congress seeking to make a career in politics, he ran, instead, to make a difference.

When DICK NICHOLS came to Washington, he brought with him a lifetime of experience as a farm broadcaster, a member of the State board of agriculture, a community banker, and a McPherson, Kansas civic leader.

This experience, combined with a strong dose of Kansas common sense has made DICK NICHOLS a very effective Congressman.

Over the past 2 years:

Congressman NICHOLS stood beside President Bush in voting to authorize the use of force to remove Saddam Hussein from Kuwait.

He took the lead in fighting for the repeal of the ill-fated luxury tax—a tax which led to a loss of jobs for thousands of Kansans and Americans;

He fought for fiscal restraint, twice introducing the Nichols balanced budget amendment; and

He was one of the leaders in demanding full disclosure of the House bank scandal.

It is also worth noting that Congressman NICHOLS has been honored for his work in support of free enterprise, and

to reduce Government spending by the Council for Citizens Against Government Waste, the chamber of commerce, the watchdogs of the Treasury, and the National Federation of Independent Business.

The courage that DICK NICHOLS has shown in Washington, DC, comes as no surprise to those who have known him over the years.

Many of us remember the day in 1986, when DICK and his wife sustained serious stab wounds when attacked by a deranged man who killed two and wounded five aboard the Staten Island Ferry.

After visiting DICK in the hospital, then-New York Mayor Ed Koch said, "He ended up comforting me instead of me comforting him."

I should also say that courage is a trait that runs in the NICHOLS' family.

Congressman NICHOLS' wife, Connie, who has always been a full partner in all endeavors—has been fighting a courageous battle against cancer.

I know that my colleague, Senator KASSEBAUM, joins with me in saying our thoughts and prayers remain with Connie, and in saluting Congressman NICHOLS for his 2 years of making a difference in Congress, and his lifetime of making a difference in Kansas.

SALUTE TO BROCK ADAMS

Mr. DOLE. Mr. President, very few people in American history have served in the U.S. House of Representatives, the U.S. Senate, and in the President's Cabinet.

One person who has, however, is our colleague BROCK ADAMS.

During his 12 years in the House, Senator ADAMS served as chairman of the House Budget Committee, during its historic first 2 years of implementing the new congressional budget process.

As Secretary of Transportation, Senator ADAMS was one of the first to call for airbags and mileage requirements.

And as a Senator from the State of Washington, BROCK ADAMS has done yeoman's work in matters of importance to the other Washington—our Nation's Capital.

As chairman of the Appropriations' District of Columbia Subcommittee, Senator ADAMS has worked diligently on issues that offer little in terms of political benefits.

We all know that Washington, DC, has many problems, and Senator ADAMS has worked with this city's leaders to make the situation better.

I know that many of Senator ADAMS' colleagues are a bit envious of the fact that he will soon be able to return to the fresh air and beautiful scenery of the Pacific Northwest.

RETIREMENT OF PEGGY HARRIS

Mr. DOLE. Mr. President, I rise today to pay tribute to a lady who has devoted 30 years of her life in service to the U.S. Senate. She was hired by Joseph Duke in 1962 and worked for nine Sergeants at Arms before her retirement on September 1, 1992. The lady I am speaking of is Mrs. Maggie Harris.

She is known to her friends and family as Peggy. Married to Mr. John H. Harris for 34 years, they have been blessed with four fine children, Patricia, Raymond, John III, and Stephen and two grandchildren, Shane and Allyson.

Peggy began her career on September 1, 1962, as a part-time duster in the custodial services department of the Sergeant at Arms. She diligently worked her way up to housekeeper and in 1988 she was promoted to chief housekeeper.

During her last year of service, Peggy served as acting assistant supervisor of custodial services for the Sergeant at Arms.

Peggy's presence will be missed in the Capitol. Her quiet demeanor and earnestness were a fine example to all—especially those who served under her tutelage.

We salute Peggy for her years of service to the Senate. With great admiration and appreciation, we wish her well in her retirement.

CLINTON-GORE ATTEMPT TO REWRITE HISTORY

Mr. DOLE. Mr. President, following on what Senator MCCAIN was speaking about earlier, and I know this is not the place for getting into Presidential politics, in this particular case I was mentioned in a speech and I want to set the record straight.

Mr. President, on Tuesday the Clinton-Gore ticket opened up a new campaign offensive, using Saddam Hussein as a prop in their cynical attempt to rewrite history in the Middle East so that America is the bad guy. It is the same old Democrat song: Blame America, bash America, and be ashamed of America.

Curiously, it was AL GORE doing the bashing, with Bill Clinton staying out of sight, hidden from the probing media, as is his strategy these days. After all, some brave reporter might ask the Governor to explain the draft again. But that is another story.

I will not try to detail all the wild charges tossed around on Tuesday at Senator GORE's speech to a liberal think tank. But, I can boil it all down to one basic fact: Ever since America won a smashing victory in the Persian Gulf war, most Democrats have been desperately trying to rewrite history, trying to find some way to make their votes and quotes on the war look better.

It is cheap second guessing, election year doubletalk designed to shift focus away from a ticket that is dangerously weak on foreign policy and national security.

I did notice that the Clinton-Gore team of all-American armchair quarterbacks took to the Senate floor to join in the pep rally AL GORE started Tuesday. And at least one of the cheerleaders blasting away at President Bush on the Senate floor was the very Senator who ran to the floor to admonish me 2 weeks ago for asking Bill Clinton to come clean on the draft.

But, I have reviewed the Gore speech, and since the Senator from Tennessee decided to include me in his rewriting of history—his cosmetic makeover for weak-kneed Democrats—I have a responsibility to set the record straight.

First, let us keep this election year gimmick in perspective: It does not mean much coming from a Senator who shopped his vote on the Persian Gulf war on the basis of how much TV exposure he would get during the historic Senate debate.

So, let me set the record straight:

First, the senior Senate delegation I led to Israel, Syria, Jordan, Iraq, and Egypt was bipartisan, and included senior Senate Democrat HOWARD METZENBAUM of Ohio.

Second, the delegation did not go to the Middle East, or Iraq, at the personal request of Bush—or the indirect request of Bush, or with any reference to Bush at all. I made the decision to go based on the suggestions of other Middle East leaders such as President Mubarak and King Hussein of Jordan.

I might add, as an aside, both these gentlemen wanted us desperately to meet with Saddam Hussein to try to bring him to his senses, in a way, and they both made personal phone calls, I might add, when we were in Jordan and Egypt to Saddam Hussein saying you ought to meet with this very senior and very important delegation to the United States.

So all my colleagues went along and decided to accompany me voluntarily. Republicans, and Senator METZENBAUM, the Democrat, all decided to go. We did inform President Bush that we were going. We thought it was important. We were not even certain when we left here whether we were going to go to Iraq.

Third, both of the specific assertions in AL GORE's speech about my delegation's trip are dead wrong. We delivered no message from President Bush about his intentions to veto any legislation. We delivered no message from President Bush about the voice of America reporter. Both topics were discussed—but not in the context of delivering any message from President Bush. And on these points, and others, we were absolutely clear in telling Saddam that our views were our own, and not the President's or the administration's.

Fourth, the delegation delivered a tough message to the Iraqi dictator, as detailed in a letter to Saddam signed by all five members of the delegation. That is a matter of public record.

For the record, one more bit of evidence that proves the Clinton/Gore handlers did not do their home work—our Senate delegation met with Saddam Hussein not in Baghdad, as was said in Senator GORE's speech but in Mousul, some 200 miles from Baghdad.

That is about how far they are from the truth in everything else in that speech—about 200 miles from the truth.

Democrats may be desperate to rewrite history, but there is one quote that cannot be erased from the history books. It is Bill Clinton's classic words on the Senate vote to authorize the use of force in the gulf. Here is what he said: "I guess I would have voted with the majority if it was a close vote, but I agree with the arguments the minority made."

Mr. President, I know this is a difficult time for all of us in politics whether we be Democrats or Republicans. But I just suggest in those cases where those of us were directly involved, when we know flat out that there are false assertions made in the speeches, we have an obligation and responsibility to point out what did happen and to set the record straight.

I know the liberal media does not have any interest in this. But I want a record made somewhere, and I guess the CONGRESSONAL RECORD is about as safe as anyplace. Nobody reads that, particularly the liberal media. But in the event somebody might be watching on C-SPAN or somebody might be watching somewhere or might read the CONGRESSIONAL RECORD, I want them to understand precisely what happened. I suggest that the record is one thing. The speech is quite another.

And I would challenge my colleague, Senator GORE, to set the record straight, to admit he made a mistake, to admit his speech is about 200 miles from the truth. That is about the distance between Baghdad and Mosul. We did not meet in Baghdad. We met in Mosul with Saddam Hussein for some time. We had a very heated discussion with Saddam Hussein; all five of us.

We were there for that purpose—to give him the message, to tell him the facts. We were not there as lackeys for President Bush or agents for President Bush or anybody else in the U.S. Government. In fact, we finally arrived there, as I recall, because President Mubarak picked up the phone in our presence and placed a call to Saddam Hussein and sort of iced the deal—the phone call sort of pulled down all the barriers. Because of his efforts we were able to have some time with Saddam Hussein.

I do not know whether it made any difference. But we had a fairly tough message. But there was a transcript released by the Iraqi Government that a lot of the press fell for, and apparently my colleague, Senator GORE, fell for it which was sort of the Saddam Hussein spin.

Those of us who were there know precisely what happened. I have tried to set that out in my statement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEMOCRATS' SECRET TAXES

Mr. GRASSLEY. Mr. President, during this period of time, I would like to bring to the attention of my colleagues one of the secret taxes that the Democrats in the other body are pushing that I think will devastate rural and small business in America.

We see the Democrats and their standard-bearer, Governor Clinton, literally falling all over themselves to raise taxes, but somehow this is camouflaged as they try to couch these taxes in terms of what they call taxing the so-called rich. But history has shown us that when Democrats talk about taxing the rich, the middle- and lower-income taxpayers end up getting hit the hardest.

I would like to take a look at the 1990 tax bill. While the House Democrats were talking about taxing the rich, they were proposing to get rid of indexing, which is an across-the-board tax increase on middle-income America. In addition, they were increasing the gas tax, which is a very regressive tax that hits the poor and the middle class the hardest.

Well, just what is the latest gimmick of House Democrats to tax the rich? I want to point out that this is bill H.R. 4848. It was introduced by the House Democratic majority leader and by a Congressman from California, Mr. WAXMAN. H.R. 4848 would severely reduce the estate tax exemption from the current $600,000 all the way down to $200,000. That means that the estate tax on farms and small businesses would kick in on assets which would be over $200,000, instead of the present $600,000; so that $400,000 more in assets will be subject to Federal taxes.

Of course, this falls neatly into the Democrats' rhetoric of taxing incomes of over $200,000. But now we know who they are really talking about. They are talking about taxing family farmers and small business people, the very backbone of our country, the people that are inhabitants of every State in this Nation. So estate planners have advised me that lowering the estate tax exemption would hurt farmers more than any other group, because of the high proportion of the estate contained in land and equipment. The average farm size in Iowa is around 340 acres, so just in regard to land value alone, most farmers would be devastated if the unified credit were lowered to $200,000. Just in case 240 acres sounds like a lot of land and just in case the amount of capital that it would take to own that farm and the capital to operate it might sound like an awful lot of money that could easily be taxed, let me say that is the amount of money that it takes to create one job in rural America, one on-the-farm job in my State, and that is an average.

So you are talking about a lifetime of borrowing, a lifetime of saving, a lifetime of paying off the mortgage, a lifetime of accumulation of equipment to create one job, and somehow there are people in the other body who do not have enough understanding of what it takes to create a job in rural America that somehow that is riches out there that are just waiting to be taxed. Not only is it bad economics, but it shows a lack of understanding of what it takes to create a job in rural America.

I only hope that if and when H.R. 4848 comes up for a vote, Members of this body have the sense to defeat this ill-conceived and downright dangerous attempt to bankrupt family farms and small businesses of America.

THE RECENT SPEECH OF CHIEF JUSTICE REHNQUIST

Mr. GRASSLEY. Mr. President, Chief Justice Rehnquist is a fine jurist and a thoughtful analyst of our Federal judicial system. But notwithstanding my respect for the Chief Justice, I offer some thoughts about his recent Kastenmeier lecture at the University of Wisconsin-Madison on the future of the Federal courts.

The Chief Justice based his Court reform proposals on the following thesis:

> Time and again, the Nation has looked to the Federal courts to handle a larger and larger proportion of society's problems. One can certainly doubt the wisdom of this trend, and particularly some of its specific examples, but that is not the point. The point is that as a result of people looking to the Federal courts these courts have become overburdened and the system has become clogged.

However, I believe that where a significant problem requires a Federal response, there may be a need for Federal court involvement. That is not to say that Federal jurisdiction should be expanded carelessly.

But when the Chief Justice compares the workload of a judge today with that of the sole Federal judge in Phoenix in 1958, a judge who left town entirely during the summer, and observes that Phoenix "somehow got along very well," I believe that he values nostalgia above what Congress over the past third of a century has felt Federal courts must do.

Since 1958, Congress has properly expanded the opportunities for citizens to resort to the Federal courts. Who got

along very well in 1958 without the access to Federal courts that now exists? Did minorities and women who were discriminated against in employment? Did citizens who faced a deteriorating environment? How about Senate employees that were victims of sexual harassment?

Congress has passed many important laws since the 1960's that make this country safer, fairer, and better in many ways. Without the ability of these laws to be enforced in court—including Federal court—the progress we have made in a wide variety of areas since 1958 never would have occurred.

Today, other needs require new Federal legislation and corresponding access to Federal courts.

For example, antitrust laws, which have not only been thought proper for Federal courts to hear, but whose interpretation is vested solely in the Federal courts, must be expanded to reflect our global economy. The world has not stood still since 1958, Congress has not stood still, and the Federal courts cannot stand still.

The Chief Justice also criticized Congress for expanding the criminal jurisdiction of the Federal courts. Perhaps Congress should consider the appropriateness of some of the provisions in the Federal Criminal Code. But all levels of Government have an important obligation to protect the first civil right of all Americans: To be safe in their homes and on the streets. Crime has increased enormously since 1958. National and global crime and drug rings pose a severe threat that the States alone cannot fully address. Under these circumstances, Federal criminal jurisdiction will necessarily expend.

Of course, we do need to explore alternative measures in handling Federal cases. I have been a longtime advocate of alternative dispute resolution, an approach endorsed by the Federal Courts Study Committee in 1990. Federal agencies now use ADR under a law I sponsored—the Administrative Dispute Resolution Act of 1990.

And ADR must be utilized in more Federal court cases. I have a proposal on the table as part of the Access to Justice Act. It would create multidoor courthouses enabling litigants to resolve their disputes in ways that would not burden scarce judicial resources.

Additionally, Senator HEFLIN and I have introduced a bankruptcy bill that passed the Senate by a 97–0 vote.

This bill will clear up a number of questions in the fastest growing area of Federal jurisdiction, and will hopefully improve dispute resolution in that area. I expect that the Review Commission established by that bill will have many suggestions in this regard, and I look forward to House consideration of this important measure.

Finally, with all respect to the Chief Justice, not all the overburdening of the Federal courts in the last 35 years is due to Congress. The courts themselves must bear a large share of the blame. Activist judges often seek to expand their own power by creating new causes of action and validating questionable legal theories—from the so-called right to panhandle to the so-called right to receive ideas in a public library. They have been a major cause of the growing desire of citizens to litigate rather than turn to the political branches for reform.

Indeed, I regret to say that even the Rehnquist court has contributed to this trend. Let me cite just one example.

Section 1983 is the leading civil rights statute for individuals to obtain redress primarily for violations of their constitutional rights by State and local officials, and section 1983 cases are a large proportion of Federal civil cases. Which rights does section 1983 protect? For many years, the Court had limited recovery—essentially to Bill of Rights and 14th amendment violations.

It had rejected notions that violations of the supremacy clause or the contracts clause could give rise to a section 1983 claim. But last year, the Supreme Court ruled, despite clear legislative history, that the commerce clause also could form the basis for a section 1983 claim.

Now there will not only be many new Federal cases alleging violations of the commerce clause under section 1983, but at some point, the Federal courts, and ultimately I fear the Supreme Court, will be forced to spend valuable time deciding which Federal constitutional provisions give rise to a section 1983 action and which do not, on an individual clause-by-clause basis.

At least congressional expansions of Federal cases serve societal goals beyond creating litigation; the court-created litigation I have just described will not.

I agree with Chief Justice Rehnquist that we need to carefully consider the appropriate role for the Federal courts. But there are areas of Federal concern that require a congressional determination that the role of Federal courts be expanded.

We in the Congress should also seek to improve the process by which Federal courts operate, pass laws to bring order to unsettled Federal legislative areas, and think critically about whether Federal jurisdiction should be created. The courts, however, also have a responsibility to respect the role of the political branches, and to apply bright line rules wherever possible that provide legal certainty, not that undermine it.

I look forward to future efforts by this body and the courts to improve the functioning of the Federal courts.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PELL). The clerk will call the role.

The assistant legislative clerk proceeded to call the role.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

REVISION OF CERTAIN ADMINISTRATIVE PROVISIONS RELATING TO THE COURT OF VETERANS APPEALS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 666, S. 2974, relating to the U.S. Court of Veterans Appeals; that the committee amendments be adopted; that the bill be deemed read as third time and passed; that the motion to reconsider be laid upon the table and any statements relative to the passage of this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments are agreed to as follows:

S. 2974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONFIRMATION OF CHIEF JUDGE.

Section 7253(b) of title 38, United States Code, is amended by striking out "The judges" and inserting in lieu thereof "The chief judge and the associate judges".

SEC. 2. MAILING OF NOTICES OF APPEAL TO THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—Sectuib 7266(a) of title 38, United States Code, is amended to read as follows:

"(a)(1) In order to obtain review by the Court of Veterans Appeals of a final decision of the Board of Veterans' Appeals, a person adversely affected by such decision shall file a notice of appeal with the Court within 120 days after the date of which notice of the decision is mailed pursuant to section 7104(e) of this title.

"(2) An appellant shall file a notice of appeal under this section by delivering or mailing the notice of the Court.

"(3) A notice of appeal shall be deemed to be received by the Court as follows:

"(A) On the date of receipt by the Court, if the notice is delivered.

"(B) On the date of the United States Post Service postmark stamped on the cover in which the notice is posted, if the notice is mailed.

"(4) For a notice of appeal mailed to the Court to be deemed to be received under paragraph (3)(B) on a particular date, the United States Postal Service postmarked on the cover in which the notice is posted must be legible. The Court shall determine the legibility of any such postmark and the Court's determination as to legibility shall be final and not subject to the review by any other Court.".

(b) APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to notices of appeal that are delivered or mailed to the United States Court of Veterans Appeals on or after that date.

SEC. 3. DISCIPLINARY PROCEDURES.

Section 7253(a) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) The provisions of paragraphs (7) through (15) of section 372(c) of title 28, regarding referral or certification to, and petition for review in, the Judicial Conference of the United States and action thereon, shall apply to the exercise by the Court of the powers of a judicial council under paragraph (1) of this section. The grounds for removal from office specified in subsection (f)(1) of this section shall provide a basis for a determination pursuant to paragraph (7) and (8) of section 372(c) of title 28, and certification and transmittal by the Conference shall be made to the President for consideration under subsection (f).

"(3)(A) In conducting hearings pursuant to paragraph (1) of this subsection, the Court may exercise the authority provided under section 1821 of title 28 to pay the fees and allowances described in that section.

"(B) The Court shall have the power provided under section 372(c)(16) of title 28 to award reimbursement for the reasonable expenses described in that section. Reimbursements under this subparagraph shall be made from funds appropriated to the Court.".

SEC. 4. AVAILABILITY OF REVIEW BY COURT OF VETERANS APPEALS.

(a) AVAILABILITY.—Section 402 of the Veterans' Judicial Review Act (38 U.S.C. 7251 note) is amended by striking out "in which a notice of disagreement" and all that follows through the end of the section and inserting in lieu thereof "in which the Board of Veterans' Appeals makes a final decision under section 7104 of title 38 United States Code, after November 18, 1988, and apply to cases in which the Board of Veterans' Appeals makes a final decision under section 7104 of title 38, United States Code, on or after that date.

(2)(A) Notwithstanding paragraph (1), a person referred to in subparagraph (B) shall be entitled to obtain review by the Court of Veterans Appeals of a final decision referred to in clause (ii) of that subparagraph if the person files a notice of appeal with the Court of Veterans Appeals with respect to that decision not later than 180 days after the notification date referred to in subparagraph (C).

(B) Subparagraph (A) applies to a person who—

(i) filed a notice of disagreement with the Board of Veterans' Appeals before November 18, 1988; and

(ii) received a final decision by the Board on the matter subject to the notice of disagreement on or after such date.

(C) The Secretary of Veterans Affairs shall, to the maximum extent practicable, notify each person referred to in subparagraph (B) of the eligibility of the person to file a notice of appeal with the Court under subparagraph (A). The date of such notification shall be deemed to be—

(i) the date of such notification, in the case of actual notification; or

(ii) the date of the postmark stamped on the cover in which the notification is posted, if the notice is mailed.

So the bill (S. 2974) was deemed read the third time and passed, as follows:

S. 2974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONFIRMATION OF CHIEF JUDGE.

Section 7253(b) of title 38, United States Code, is amended by striking out "The judges" and inserting in lieu thereof "The chief judge and the associate judges".

SEC. 2. MAILING OF NOTICES OF APPEAL TO THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—Section 7266(a) of title 38, United States Code, is amended to read as follows:

"(a)(1) In order to obtain review by the Court of Veterans Appeals of a final decision of the Board of Veterans' Appeals, a person adversely affected by such decision shall file a notice of appeal with the Court within 120 days after the date on which notice of the decision is mailed pursuant to section 7104(e) of this title.

"(2) An appellant shall file a notice of appeal under this section by delivering or mailing the notice to the Court.

"(3) A notice of appeal shall be deemed to be received by the Court as follows:

"(A) On the date of receipt by the Court, if the notice is delivered.

"(B) On the date of the United States Postal Service postmark stamped on the cover in which the notice is posted, if the notice is mailed.

"(4) For a notice of appeal mailed to the Court to be deemed to be received under paragraph (3)(B) on a particular date, the United States Postal Service postmark on the cover in which the notice is posted must be legible. The Court shall determine the legibility of any such postmark and the Court's determination as to legibility shall be final and not subject to review by any other Court.".

(b) APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to notices of appeal that are delivered or mailed to the United States Court of Veterans Appeals on or after that date.

SEC. 3. DISCIPLINARY PROCEDURES.

Section 7253(g) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) The provisions of paragraphs (7) through (15) of section 372(c) of title 28, regarding referral or certification to, and petition for review in, the Judicial Conference of the United States and action thereon, shall apply to the exercise by the Court of the powers of a judicial council under paragraph (1) of this subsection. The grounds for removal from office specified in subsection (f)(1) of this section shall provide a basis for a determination pursuant to paragraph (7) or (8) of section 372(c) of title 28, and certification and transmittal by the Conference shall be made to the President for consideration under subsection (f).

"(3)(A) In conducting hearings pursuant to paragraph (1) of this subsection, the Court may exercise the authority provided under section 1821 of title 28 to pay the fees and allowances described in that section.

"(B) The Court shall have the power provided under section 372(c)(16) of title 28 to award reimbursement for the reasonable expenses described in that section. Reimbursements under this subparagraph shall be made from funds appropriated to the Court.".

SEC. 4. AVAILABILITY OF REVIEW BY COURT OF VETERANS APPEALS.

(a) AVAILABILITY.—Section 402 of the Veterans' Judicial Review Act (38 U.S.C. 7251 note) is amended by striking out "in which a notice of disagreement" and all that follows through the end of the section and inserting in lieu thereof "in which the Board of Veterans' Appeals makes a final decision under section 7104 of title 38, United States Code, after November 18, 1988.".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect as of November 18, 1988, and apply to cases in which the Board of Veterans' Appeals makes a final decision under section 7104 of title 38, United States Code, on or after that date.

(2)(A) Notwithstanding paragraph (1), a person referred to in subparagraph (B) shall be entitled to obtain review by the Court of Veterans Appeals of a final decision referred to in clause (ii) of that subparagraph if the person files a notice of appeal with the Court of Veterans Appeals with respect to that decision not later than 180 days after the notification date referred to in subparagraph (C).

(B) Subparagraph (A) applies to a person who—

(i) filed a notice of disagreement with the Board of Veterans' Appeals before November 18, 1988; and

(ii) received a final decision by the Board on the matter subject to the notice of disagreement on or after such date.

(C) The Secretary of Veterans Affairs shall, to the maximum extent practicable, notify each person referred to in subparagraph (B) of the eligibility of the person to file a notice of appeal with the Court under subparagraph (A). The date of such notification shall be deemed to be—

(i) the date of such notification, in the case of actual notification; or

(ii) the date of the postmark stamped on the cover in which the notification is posted, if the notice is mailed.

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I urge my colleagues to support S. 2974, a bill to amend the Veterans' Judicial Review Act, the legislation which established the U.S. Court of Veterans Appeals, so as to improve the functioning of the Court.

Mr. President, I introduced S. 2974 on July 2 to address four issues that had developed subsequent to the enactment of the Veterans' Judicial Review Act in 1988. The Committee on Veterans' Affairs received testimony on the bill at the committee's July 22 hearing, and approved it, with a clarifying amendment I offered, at the committee's August 7 meeting. Because the bill as reported, which I will refer to as the committee bill, is substantively very similar to the bill as introduced, I will at this time merely summarize the provisions and highlight certain aspects which I would believe are particularly noteworthy. For a more detailed discussion of the background on and the provisions of this legislation, I refer my colleagues to my statement on introducing the bill, which appears in the RECORD for July 2, 1992, beginning on page S9828, and the committee report (S. Rept. 102–400).

SUMMARY OF S. 2974 AS REPORTED

Mr. President, the committee bill would:

First, require that the appointment of an associate judge of the Court of Veterans Appeals to be chief judge, be by and with the advice and consent of the Senate.

Second, require that a notice of appeal that is mailed within the 120-day statutory filing period be accepted as timely filed if it bears a legible U.S. Postal Service postmark date within that period.

Third, provide that the court's determination as to the legibility of a postmark is final and not subject to review by any other court.

Fourth, authorize review by the Judicial Conference of the United States of judicial conduct or disability actions taken by the Court with respect to judges of the court.

Fifth, authorize the payment of per diem and transportation costs for witnesses in connection with judicial conduct or disability hearings conducted by the Court of Veterans Appeals.

Sixth, modify the court's jurisdiction, which, under current law, is limited to the review of final Board of Veterans' Appeals [BVA] decisions in cases in which the claimant filed a notice of disagreement on or after November 18, 1988, so as to allow for review by the Court of cases in which a claimant filed a notice of disagreement before November 18, 1988, and the BVA rendered a final decision after that date.

Seventh, require the Secretary of Veterans Affairs, to the maximum extent practicable, to notify each person whose case would be made eligible for Court review by the modification in the Court's jurisdiction of such persons' eligibility for such review.

Eighth, establish a 180-day period, beginning on the date a person is notified by the Secretary that the person's case has become eligible for review by the court by virtue of the jurisdictional modification, during which the person could file a notice of appeal with the court.

BACKGROUND

Mr. President, the United States Court of Veterans Appeals was established under article I of the Constitution with the enactment of the Veterans' Judicial Review Act [VJRA] (Public Law 100-687). The court is an appellate tribunal with exclusive jurisdiction to review, on the record of proceedings, decisions rendered by the BVA, the highest adjudicatory body within the Department of Veterans Affairs. Prior to the establishment of the Court, the review of BVA decisions was prohibited.

The enactment of the VJRA brought to a conclusion a 12-year effort to secure judicial review of claims for veterans benefits, and the final compromise was reached in the closing hours of the 100th Congress. Since the enactment of the VJRA and as the court has progressed to full operation with a full complement of judges, the Senate and House committees on Veterans' Affairs have continued to work on legislation to enable the court and the judges to function more effectively and on a par with other Federal courts. The committee bill would make needed clarifications in the VJRA with respect to the confirmation process of the chief judge, the manner of considering cases of judicial conduct or disability, and the timeliness of appeals that are mailed to the court within the statutory filing period. The committee bill would also expand the court's jurisdiction to allow for review of cases in which claimant appealed to the BVA before the VJRA was enacted but decided by the BVA after that date.

POSTMARK OF NOTICES OF APPEAL

Mr. President, I would like to comment briefly on section 2 of the committee bill, which would require that the court accept as timely filed notices of appeal that were mailed within the 120-day filing period prescribed in section 7266(a) of title 38. Rule 4 of the court's rules of practice and procedure requires that a notice of appeal be actually received by the court within 120 days after the date on which the BVA decisional notice was mailed. This rule has led to a series of cases in which the court has dismissed the appeals of prospective appellants who mailed their notices of appeal prior to the expiration of the 120-day period but in which the court received the notices after the filing deadline had passed. Section 2 of the committee bill would ease compliance with the statutory filing requirements and avoid unfortunate dismissals in the event the mail delivery takes longer than usual. Such a postmark rule for filing purposes would be consistent with similar rules required or authorized for the Tax Court, the U.S. Court of Military Appeals, the Court of International Trade, and the U.S. Court of Appeals for the Federal Circuit, which exercises appellate jurisdiction over the Court of Veterans Appeals.

REVIEW OF JUDICIAL DISCIPLINARY PROCEEDINGS

Mr. President, I also note section 3 of the committee bill, which would authorize review by the Judicial Conference of the United States of judicial conduct or disability actions taken by the Court with respect to judges of the court. Currently, the court is charged with responsibility for deciding such cases involving judges of the court. The procedures applicable to nearly all other Federal courts under section 372(c) of title 28 include the opportunity for outside review of such decisions by the Judicial Conference. However, review of Court of Veterans Appeals decisions by the Judicial Conference is not available—and the Judicial Conference currently exercises no administrative authority over the court except with respect to the filing of financial disclosure reports—because the court is an article I court. Section 3 of the committee bill would ensure that judges of the Court of Veterans Appeals have the opportunity for outside review in judicial conduct or disability cases in a manner similar to that available to other Federal judges.

Mr. President, as I noted when I introduced this legislation on July 2, the Judiciary Committee has been provided with all the relevant background materials on this latter provision and has been informed of the Veterans' Affairs Committee's intent to seek enactment during this Congress. I have been informed that the Judiciary Committee has no objection to the passage of this provision.

CONCLUSION

Mr. President, the committee bill would enhance the ability of the Court of Veterans Appeals to fulfill its important role of providing judicial review of veterans claims, and I urge all of my colleagues to support this important measure.

U.S. COURT OF VETERANS APPEALS

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs, I am pleased to join with the committee chairman, Senator ALAN CRANSTON, in support of S. 2974, a bill to revise certain administrative provisions relating to the U.S. Court of Veterans Appeals, CVA. The bill has four provisions.

First, the bill would clarify the process by which the chief judge of the Court of Veterans Appeals would be appointed by clarifying that all nominations to the position of chief judge—including the nomination of a sitting associate judge to that position—would be subject to Senate confirmation.

Second, the bill would provide that an appeal to the Court of Veterans Appeals would be filed in a timely manner if it is postmarked within the 120 statutory filing period specified in section 7266 of title 38, United States Code. Under current court rules, timeliness depends on actual receipt of an appeal by the court, which is physically located in Washington, DC. In enacting a postmark rule, the committee seeks to place all appellants on an equal footing relative to the issue of the time allowed for the preparation and filing of an appeal.

Third, the bill would provide that complaints of judicial misconduct or disability regarding Court of Veterans Appeals judges would be subject to review by the Judicial Conference of the United States, the body which reviews such complaints with respect to other Federal judges. Current law does not provide for such review. The chief judge has advised the committee that such review would be desirable, and the Judicial Conference has indicated a willingness to assume the role.

Fourth, the bill would expand the court's jurisdiction to include those cases which were pending at the Board of Veterans Appeals on November 18, 1988, but which were not decided until after that. Under current law, the court's jurisdiction is limited to cases in which a claimant began the appellate processs—by filing a notice of disagreement at the Regional Office level—before November 18, 1988, the effective date of the legislation creating the court.

When the court was created in 1988, there were sound reasons for limiting

appeals to cases where the administrative appellate process was only beginning. Before cases came to the court, time was needed, for example, to nominate and confirm the court's judges, to establish the court's procedures, and to secure a physical location for the court. Since that process is complete, it is appropriate, in my view, to allow appeals by claimants who received adverse decisions after the creation of the court, but who filed their notices of appeal before that date.

I thank the committee staff for its work on this bill: Thomas Tighe, Bill Brew, and Ed Scott from the majority staff and Quent Kinderman, Bill Tuerk, and Tom Roberts of my staff.

I have always been, Mr. President, a strong supporter of judicial review of veterans' claims. I was proud to work with Senator CRANSTON, SIMPSON, and MURKOWSKI on the legislation which finally provided that review. This bill would improve that landmark legislation.

I urge my colleagues to support this important measure.

FEDERAL PROGRAM PERFORMANCE STANDARDS AND GOALS ACT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 747, S. 20, a bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget; that the committee amendment be agreed to, and the bill, as amended, be deemed read three times, passed and the motion to reconsider be laid upon the table; that the title amendment be agreed to and that any statements appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The commitee amendment was agreed to as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Performance and Results Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) waste and inefficiency in Federal programs undermine the confidence of the American people in the Government and reduces the Federal Government's ability to address adequately vital public needs;

(2) Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness, because of insufficient articulation of program goals and inadequate information on program performance; and

(3) congressional policymaking, spending decisions and program oversight are seriously handicapped by insufficient attention to program performance and results.

(b) PURPOSES.—The purposes of this Act are to—

(1) improve the confidence of the American people in the capability of the Federal Government, by systematically holding Federal agencies accountable for achieving program results;

(2) initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;

(3) improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction;

(4) help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality; and

(5) improve congressional decisionmaking by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending.

SEC. 3. STRATEGIC PLANNING.

Chapter 3 of title 5, United States Code, is amended by adding after section 305 the following new section:

"§306. Strategic plans

"(a) No later than September 30, 1997, the head of each agency shall submit to the Director of the Office of Management and Budget a strategic plan for program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the agency;

"(2) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the agency;

"(3) a description of how the goals and objectives are to be achieved;

"(4) a description of how the performance goals included in the plan required by section 1115(a) of title 31 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required by section 1115 of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the agency shall consult with the Congress, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan.

"(e) For purposes of this section the term 'agency' means an Executive agency defined under section 105 and the United States Postal Service, but does not include the Central Intelligence Agency, the General Accounting Office, the Panama Canal Commission, and the Postal Rate Commission.".

SEC. 4. ANNUAL PERFORMANCE PLANS AND REPORTS.

(a) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(29) beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115.".

(b) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by adding after section 1114 the following new sections:

"§1115. Performance plans

"(a) In carrying out the provisions of section 1105(a)(29), the Office of Management and Budget shall require each agency to prepare an annual performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless permitted an alternative form under subsection (b);

"(3) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(4) provide a basis for comparing actual program results with the established performance goals; and

"(5) describe the means to be used to verify and validate measured values.

"(b) If an agency, in consultation with the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective and quantifiable form, the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A) a minimally effective program, and

"(B) a successful program,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of either description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) In preparing a comprehensive and informative plan under this section, an agency may aggregate, disaggregate, or consolidate program activities, provided that any aggregation or consolidation does not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

"(d) An agency may prepare a classified or non-public annex to its plan covering program activities or parts of program activities relating to—

"(1) national security;

"(2) the conduct of foreign affairs; or

"(3) the avoidance of interference with criminal prosecution or revenue collection.

"(e) For purposes of this section and sections 1116 through 1119, and section 9704 the term—

"(1) 'agency' means an Executive agency defined under section 105 of title 5, United States Code, and the United States Postal Service, but does not include the Central Intelligence Agency, the General Accounting Office, the Panama Canal Commission, and the Postal Rate Commission;

"(2) 'outcome measure' refers to an assessment of the results of a program activity compared to its intended purpose;

"(3) 'output measure' refers to the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(4) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement shall be compared, including a goal expressed as a quantitative standard, value, or rate;

"(5) 'performance indicator' refers to a particular value or characteristic used to measure output or outcome;

"(6) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

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"(7) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.

"§1116. Program performance reports

"(a) No later than March 31, 2000, and no later than March 31 of each year thereafter, the head of each agency shall prepare and submit to the President and the Congress, a report on program performance for the previous fiscal year.

"(b)(1) Each program performance report shall set forth the performance indicators established in the departmental or agency performance plan, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified by descriptive statements of a minimally effective program activity and a successful program activity, the results of such program shall be described in relationship to those categories, including whether the performance failed to meet the criteria of either category.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall—

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved towards the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met, including when a program activity's performance is determined not to have met the criteria of a successful program activity under 1115(b)(2)—

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

"(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title; and

"(5) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

"(e) The agency head may include all program performance information required annually under this section in an annual financial statement required under section 3515 if any such statement is submitted to the Congress no later than March 31 of the applicable fiscal year.

"§1117. Exemption

"The Director of the Office of Management and Budget may exempt from the requirements of sections 1115 and 1116 and section 306 of title 5, any agency with annual outlays of $20,000,000 or less.".

SEC. 5. MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.

(a) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by adding after section 9702, the following new section:

"§9703. Managerial accountability and flexibility

"(a) Beginning with fiscal year 1999, the performance plans required under section 1115 may include proposals to waive administrative procedural requirements and controls, including specification of personnel staffing levels, limitations on compensation or remuneration, and prohibitions or restrictions on funding transfers among budget object classification 20 and subclassifications 11, 12, 31, and 32 of each annual budget submitted under section 1105, in return for specific individual or organization accountability to achieve a performance goal. In preparing and submitting the performance plan under section 1105(a)(29), the Office of Management and Budget shall review and may approve any proposed waivers. A waiver shall take effect at the beginning of the fiscal year for which the waiver is approved.

"(b) Any such proposal under subsection (a) shall describe the anticipated effects on performance resulting from greater managerial or organizational flexibility, discretion, and authority, and shall quantify the expected improvements in performance resulting from any waiver. The expected improvements shall be compared to current actual performance, and to the projected level of performance that would be achieved independent of any waiver.

"(c) Any proposal waiving limitations on compensation or remuneration shall precisely express the monetary change in compensation or remuneration amounts, such as bonuses or awards, that shall result from meeting, exceeding, or failing to meet performance goals.

"(d) Any proposed waiver of procedural requirements or controls imposed by an agency (other than the proposing agency or the Office of Management and Budget) shall be endorsed by the agency that established the requirement, and the endorsement included in the proposing agency's performance plan.

"(e) A waiver shall be in effect for one or two years. A waiver may be renewed for a subsequent year. After a waiver has been in effect for three consecutive years, the performance plan prepared under section 1115 may propose that a waiver, other than a waiver of limitations on compensation or remuneration, be made permanent.".

SEC. 6. PILOT PROJECTS.

(a) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1117 (as added by section 4 of this Act) the following new section:

"§1118. Pilot projects for performance goals

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than ten agencies as pilot projects in performance measurement for fiscal years 1994, 1995, and 1996. The selected agencies shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall undertake the preparation of performance plans under section 1115, and program performance reports under section 1116, other than section 1116(c), for one or more of the major functions and operations of the agency. A strategic plan shall be used when preparing agency performance plans during one or more years of the pilot period.

"(c) No later than May 1, 1997, the Director of the Office of Management and Budget shall submit a report to the President and to the Congress which shall—

"(1) assess the benefits, costs, and usefulness of the plans and reports prepared by the pilot agencies in meeting the purposes of the Government Performance and Results Act of 1992;

"(2) identify any significant difficulties experienced by the pilot agencies in preparing plans and reports; and

"(3) set forth any recommended changes in the requirements of the provisions of Government Performance and Results Act of 1992, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1119 and 9704 of this title, and this section.".

(b) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by inserting after section 9703 (as added by section 5 of this Act) the following new section:

"§9704. Pilot projects for managerial accountability and flexibility

"(a) The Director of the Office of Management and Budget shall designate not less than five agencies as pilot projects in managerial accountability and flexibility for fiscal years 1995 and 1996. Such agencies shall be selected from those designated as pilot projects under section 1118 and shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall include proposed waivers in accordance with section 9703 for one or more of the major functions and operations of the agency.

"(c) The Director of the Office of Management and Budget shall include in the report to the President and to the Congress required under section 1118(b) the following—

"(1) an assessment of the benefits, costs, and usefulness of increasing managerial and organizational flexibility, discretion, and authority in exchange for improved performance through a waiver; and

"(2) an identification of any significant difficulties experienced by the pilot agencies in preparing proposed waivers.

"(d) For purposes of this section the definitions under section 1115(e) shall apply.".

(c) PERFORMANCE BUDGETING.—Chapter 11 of title 31, United State Code, is amended by inserting after section 1118 (as added by section 6 of this Act) the following new section:

"§1119. Pilot projects for performance budgeting

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency shall designate not less than five agencies as pilot projects in performance budgeting for fiscal years 1998 and 1999. At least three of the agencies shall be selected from those designated as pilot projects under section 1118, and shall also reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall cover the preparation of performance budgets. Such budgets shall present, for one or more of the major functions and operations of the agency, the varying levels of performance, including outcome-related performance, that would result from different budgeted amounts.

"(c) The Director of the Office of Management and Budget shall include, as an alternative budget presentation in the budget submitted under section 1105 for fiscal year 1999, the performance budgets of the designated agencies for this fiscal year.

"(d) No later than March 31, 2001, the Director of the Office of Management and Budget shall transmit a report to the President and to the Congress on the performance budgeting pilots which shall—

"(1) assess the feasibility and advisability of including a performance budget as part of the annual budget submitted under section 1105;

"(2) describe any difficulties encountered by the pilot agencies in preparing a performance budget;

"(3) recommend whether legislation requiring performance budgets should be proposed and the general provisions of any legislation; and

"(4) set forth any recommended changes in the other requirements of the Government Performance and Results Act of 1992, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1118, and 9704 of this title, and this section.

"(e) After receipt of the report required under subsection (d), the Congress may specify that a

performance budget be submitted as part of the annual budget submitted under section 1105.".

SEC. 7. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a performance goal. Any such action shall have the effect of superseding that goal in the plan submitted under section 1105(a)(29) of title 31, United States Code.

(b) GAO REPORT.—No later than June 1, 1997, the Comptroller General of the United States shall report to Congress on the implementation of this Act, including the prospects for compliance by Federal agencies beyond those participating as pilot projects under sections 1118 and 9704 of title 31, United States Code.

SEC. 8. TRAINING.

The Office of Personnel Management shall, in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States develop a performance measurement training component for its management training program and otherwise provide managers with an orientation on the development and use of strategic planning and program performance measurement.

SEC. 9. TECHNICAL AND CONFORMING AMENDMENT.

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding after the item relating to section 305 the following:

"306. Strategic plans.".

(b) AMENDMENTS TO TITLE 31, UNITED STATES CODE.—

(1) AMENDMENT TO CHAPTER 11.—The table of sections for chapter 11 of title 31, United States Code, is amended by adding after the item relating to section 1114 the following:

"1115. Performance plans.
"1116. Program performance reports.
"1117. Exemptions.
"1118. Pilot projects for performance goals.
"1119. Pilot projects for performance budgeting.".

(2) AMENDMENT TO CHAPTER 97.—The table of sections for chapter 97 of title 31, United States Code, is amended by adding after the item relating to section 9702 the following:

"9703. Managerial accountability and flexibility.
"9704. Pilot projects for managerial accountability and flexibility.".

SEC. 10. EFFECTIVE DATES AND PROCEDURES.

(a) IN GENERAL.—The provisions of this Act and amendments made by this Act shall take effect on the date of the enactment of this Act, except sections 3, 4, 5, and 6(c) of this Act, and the amendments made by such sections, shall take effect on the date of enactment of the resolution described in subsection (b).

(b) RESOLUTION APPROVING PERFORMANCE PLANS.—

(1) RESOLUTION DESCRIBED.—A resolution referred to in subsection (a) is a joint resolution the matter after the resolving clause of which is as follows: "That Congress approves the development of departmental and agency strategic plans, performance plans and reports pursuant to section 306 of title 5, United States Code, pursuant to sections 1105(a)(29) and 9703 of title 31, United States Code, and pursuant to sections 1115, 1116, 1117, and 1119 of title 31, United States Code (as amended by sections 3, 4, 5, and 6 of the Government Performance and Results Act of 1992).".

(2) INTRODUCTION OF RESOLUTION.—No later than 30 days after the transmittal by the Comptroller General of the United States to the Congress of the report referred to in section 7(b), a resolution as described in paragraph (1) shall be introduced in the Senate by the chairman of the Committee on Governmental Affairs of the Senate, or by a Member or Members of the Senate designated by such chairman, and shall be introduced in the House by the chairman of the Committee on Government Operations of the House of Representatives, or by a Member or Members of the House designated by such chairman.

(3) REFERRAL.—A resolution described in paragraph (1), shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the Senate or the House of Representatives, respectively, within 30 calendar days following the date of such resolution's introduction.

(4) DISCHARGE OF COMMITTEE.—If the committee to which is referred a resolution introduced pursuant to paragraph (2) (or, in the absence of such a resolution, the first resolution introduced with respect to the same departmental or agency plans and reports) has not reported such resolution or identical resolution at the end of 30 calendar days after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(5) PROCEDURE AFTER REPORT OR DISCHARGE OF COMMITTEE; VOTE ON FINAL PASSAGE.—(A) When the committee has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is passed or rejected shall not be in order.

(C) Immediately following the conclusion of the debate on the resolution and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1), shall be decided without debate.

(E) If, prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to departmental or agency strategic plans, performance plans and reports from the other House, then—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(F) It shall not be in order in either the Senate or the House of Representatives to consider a resolution described in paragraph (1), or to consider any conference report on such a resolution, unless the Comptroller General of the United States transmits to the Congress a report under section 7(b).

(6) RULEMAKING POWER OF CONGRESS.—The provisions of this section are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Amend the title so as to read: "A bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.".

So the bill (S. 20) was deemed read the third time and passed.

The title was amended so as to read: "A bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.".

Mr. ROTH. Mr. President, this legislation, the Government Performance and Results Act, represents a major and fundamental reform in the way the Federal Government does business. It will bring about a new form of accountability to the American taxpayers—an accountability by Federal agencies for the results they achieve when they spend tax dollars.

For much too long, this focus on program performance and results has been missing from the Federal Government. Agencies and managers are expected to follow proper procedures and spend their funds in an appropriate manner—to cross all the "t's" and dot all the "i's"—but rarely are their programs held accountable for achieving measurable results toward any pre-established goals. Is it any wonder, then, that program performance suffers, and that public frustration with Government increases?

In an effort to address this concern, last year I introduced S. 20, now titled the Government Performance and Results Act. It has bipartisan cosponsorship that spans the entire ideological range of the Senate. And I am pleased to acknowledge the interest and support of the chairman of our committee, Senator GLENN, in this bill and in helping to bring it to the floor.

That this legislation is really aimed at improving Government performance in a positive way, is reflected in the strong support this reform has received from the National Academy of Public Administration and the American Society for Public Administration. Both or-

ganizations, whose members include many esteemed present and former Government managers, not only endorsed the need for this type of legislation, but also made valuable suggestions in the shaping of the bill now before us.

This is because most Government managers truly do want to do a good job. But to do this, they need a clear understanding of specifically what it is their programs should accomplish, and then accurate, timely information on program performance. In that way, they are no different than managers in the private sector.

So too does the Congress need information on program performance and results—especially for purposes of oversight. We need an objective way for determining whether a program is working well—for measuring its efficiency and effectiveness. Unfortunately, all too often that information is not available or is difficult to obtain, and its interpretation is entirely too subjective.

What is needed is for each agency to develop a strategic plan, with a set of specific, long-term program goals. Each agency should then develop an annual performance plan, also with measurable program goals, aiming its day-to-day activities at achieving the long-term objectives. And then each agency needs to publish an annual performance report, showing what it achieved compared to those goals.

That is what this legislation is about. It begins by testing those concepts—5-year strategic plans, annual performance plans, and annual performance reports—on a pilot project basis, in 10 agencies for 3 years. Then, if Congress is satisfied with the results of those pilot projects, we would approve a resolution implementing the requirements Governmentwide. I have little doubt that by then, we will all see the great value of this type of performance planning and reporting, and will be anxious to see it mandated throughout Government.

Mr. President, this reform is long over-due. The American people are demanding change in the way Government operates in Washington. They want more value for their tax dollars—more bang for the buck. In other words, they want better performance for the money they are already spending. This legislation is a major reform, which will go a long way toward bringing us to that better governmental performance. I urge my colleagues to support the bill.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1991

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar order No. 308, S. 1095, the Uniformed Services Employment and Reemployment Rights Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1095) to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services Employment and Reemployment Rights Act of 1991".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"Sec.
"4301. Purposes; sense of Congress.
"4302. Relation to other law; construction.
"4303. Definitions.
"4304. Character of service.
"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS
"4321. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
"4322. Reemployment rights of persons who serve in the uniformed services.
"4323. Reemployment positions.
"4324. Reemployment by the Federal Government.
"4325. Reemployment by certain Federal agencies.
"4326. Seniority, insurance, and other employment rights and benefits.
"4327. Employee pension benefit plans.
"4328. Entitlement to rights and benefits not dependent on timing or nature of service.
"SUBCHAPTER III—ASSISTANCE IN SECURING EMPLOYMENT AND REEMPLOYMENT RIGHTS; ENFORCEMENT
"4331. Definitions.
"4332. Assistance in securing reemployment or other employment rights or benefits.
"4333. Enforcement of rights with respect to the Federal executive agencies.
"4334. Enforcement of rights with respect to certain Federal agencies.
"4335. Enforcement of rights with respect to a State or private employer.
"SUBCHAPTER IV—INVESTIGATION OF COMPLAINTS
"4341. Conduct of investigation; subpoenas.
"SUBCHAPTER V—MISCELLANEOUS
"4351. Regulations.
"4352. Outreach.

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"§4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the reemployment practices provided for in this chapter.

"§4302. Relation to other law; construction

"(a) Nothing in this chapter shall supersede, nullify or diminish any provision of Federal or State law (including any local law or ordinance), or any provision of a plan provided, contract entered into, or policy or practice adopted, by an employer, which establishes a right or benefit that is more beneficial to a person than a right or benefit provided for such person in this chapter or is in addition to a right or benefit provided for such person in this chapter.

"(b) This chapter supersedes any State law or employer plan, contract, or policy or practice that would have the effect of limiting in any manner any right or benefit provided by this chapter, including any State law or employer plan, contract, or policy or practice that establishes a prerequisite to the exercise of any such right or the receipt of any such benefit that is not a prerequisite established by or under this chapter.

"(c) Nothing in this chapter shall be interpreted to limit in any way any of the rights conferred by the Americans with Disabilities Act of 1990 (Public Law 101–336; 42 U.S.C. 12101 et seq.).

"§4303. Definitions

"For the purposes of this chapter:

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit' or 'benefit of employment' means any advantage, profit, privilege, gain, status, account, or interest that accrues by reason of an employment contract or an employer practice or custom (other than wages or salary for work performed) and includes rights under a pension or health plan, insurance coverage and awards, rights under an employee stock ownership plan, bonuses, severance pay, any supplemental unemployment benefit, an entitlement to leave with or without pay, work hours, and the location of employment.

"(3)(A) Except as provided in subparagraph (B), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State; and

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(4) The term 'Federal executive agency' includes the United States Postal Service, the Postal Rate Commission, any nonappropriated fund instrumentality of the United States, and any Executive agency (as that term is defined in section 105 of title 5) other than an agency referred to in section 2302(a)(2)(C)(ii) of title 5.

"(5) The term 'Federal Government' includes any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States.

"(6) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(7) The term 'reasonable accommodation' has the meaning given such term in section 101(9) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(9)).

"(8) Notwithstanding section 101(1) of this title, the term 'Secretary' means the Secretary of Labor.

"(9) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(10) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(11) The term 'undue hardship' has the meaning given such term in section 101(10) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(10)).

"(12) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, and the commissioned corps of the Public Health Service.

"§ 4304. Character of service

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"§4321. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can demonstrate that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"§4322. Reemployment rights of persons who serve in the uniformed services

"(a) Subject to subsections (b) and (c), any person who is absent from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) except as provided in subsection (c) of this section, the cumulative length of the absence and of any previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) the person reports to, or submits an application for reemployment to, such employer in accordance with the provisions of subsection (d).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) A person referred to in subsection (a) shall be entitled to the rights and benefits referred to in such subsection even though the cumulative length of the person's service in the uniformed services exceeds five years if the service which results in a cumulative period in excess of five years is a result of—

"(1) service required to complete an initial period of obligated service;

"(2) service from which, through no fault of that person, the person could not obtain a discharge or release in time to prevent the cumulative absences from exceeding 5 years;

"(3) service required under section 270 of title 10 or section 502(a) or 503(a) of title 32 or required to fulfill additional training requirements determined by the Secretary concerned to be necessary for professional development or for completion of skill training or retraining;

"(4) service pursuant to—

"(A) an order to, or retention on, active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10;

"(B) an order to, or retention on, active duty (other than for training) under any other provision of law during a war or national emergency declared by the President or by Congress;

"(C) an order to active duty (other than for training) in support (as determined by the Secretary concerned) of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) an order to active duty in support (as determined by the Secretary concerned) of a critical mission or requirement of the uniformed services;

"(E) an order to active duty under section 712 of title 14; or

"(F) a call into Federal service under chapter 15 of title 10 or section 3500 or 8500 of such title; or

"(5) any other category of service specified by the Secretary, in consultation with the Secretary of Defense, in regulations prescribed pursuant to section 4351 of this title.

"(d)(1) Subject to paragraphs (2) and (3), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period for the safe transportation of the person from the place of that service to the workplace of the employer; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 31 days after the completion of the period of service.

"(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service.

"(2) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated by, the performance of a period of service in the uniformed services shall report to the person's employer (in the case of a person described in subparagraph (A) or (B) of paragraph (1)) or submit an application for reemployment with such employer (in the case of a person described in subparagraph (C) or (D) of such paragraph) at the end of the period (not to exceed two years) that is necessary for the person to recover from such illness or injury.

"(3) A person referred to in subparagraphs (A) or (B) of paragraph (1) who fails to report to an employer within the time period referred to in such paragraph shall be considered to have failed to report for such work on schedule but may be treated by the employer no less favorably than the employer treats other absent employees pursuant to the employer's established policy or the general practices of the employer relating to employee absences.

"(e)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (d)(1) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(3) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not terminated under section 4304 of this title.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3) An employer shall reemploy a person in accordance with the provisions of this chapter notwithstanding the failure of the person to provide documentation that satisfies the regulations prescribed pursuant to paragraph (2) if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in clauses (A) through (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"§4323. Reemployment positions

"(a) Subject to subsections (b) and (c), a person entitled to reemployment under section 4322 of this title upon completion of a period of service in the uniformed services shall be promptly reemployed in a position of employment as follows:

"(1) In the case of a person who is not disabled and whose period of service in the uniformed services was for less than 31 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, if the person is not qualified to perform the duties of the position referred to in clause (A).

"(2) In the case of a person who is not disabled and whose period of service in the uniformed services was for more than 30 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a similar position of like status and pay, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like status and pay, the duties of which the person is qualified to perform, if the person is not qualified to perform the duties of a position referred to in clause (A).

"(3)(A) In the case of a person who is disabled, one of the following positions in the order of priority in which the positions are listed:

"(i) The position referred to in paragraph (1) (A) or (B), as the case may be, if the person's period of service in the uniformed services was for less than 31 days.

"(ii) The position referred to in paragraph (2) (A) or (B), as the case may be, if the person's period of service in the uniformed services was for more than 30 days.

"(iii) A position similar to a position referred to in clause (ii) that is consistent with the circumstances of the person's case, the duties of which the person is qualified to perform.

"(iv) A position of lesser status and pay than a position referred to in clause (iii) that is consistent with the circumstances of the person's case, the duties of which the person is qualified to perform.

"(B) An employer shall employ a person in a position referred to in clauses (i) through (iv) of subparagraph (A) even if the employer must make a reasonable accommodation for the disability of such person (and any limitations related to such disability) to facilitate the person's ability to perform the duties of that position.

"(b) A person shall be considered qualified to perform the duties of a position of employment under subsection (a) if the person can perform the essential functions of the position or will be able to perform such functions (1) after receiving a reasonable amount of training provided by the employer to refresh or update the necessary skills of that person, or (2) through other reasonable efforts undertaken by the employer.

"(c)(1) An employer is not required to reemploy a person under this chapter if the employer's circumstances have so changed as to make such reemployment impossible or unreasonable.

"(2) An employer is not required to make an accommodation under subsection (a) or provide training or undertake any other effort under subsection (b) if such accommodation, training, or effort would impose an undue hardship on the operation of the business of the employer to do so.

"(3) In any administrative or judicial proceeding involving an issue of whether (A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, or (B) any accommodation, training, or effort referred to in paragraph (2) would impose an undue hardship on the operation of the business of the employer, the employer shall have the burden of proving the impossibility or unreasonableness or undue hardship.

"(d)(1) If two or more persons request reemployment under this chapter in the same position of employment by reason of an interruption of employment resulting from service in the uniformed services, the person whose continuous employment was so interrupted earlier shall have a superior right of reemployment.

"(2) Any person entitled to reemployment under this section who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to be reemployed as follows:

"(A) In the case of a person who is not disabled, in any other position referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case.

"(B) In the case of a person who is disabled, in any other position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case.

"§4324. Reemployment by the Federal Government

"(a)(1) Paragraph (2) shall apply in the case of—

"(A) a person whose reemployment in a Federal Government position or as a National Guard technician under section 4323 of this title is not feasible; and

"(B) a person whose reemployment in an agency referred to in section 4325(a) of this title is not feasible or practicable.

"(2) The Director of the Office of Personnel Management shall ensure that a person referred to in clause (A) or (B) of paragraph (1) is offered an alternative position of employment in a Federal executive agency that satisfies the requirements of section 4323(a) of this title.

"(b)(1) For the purposes of subsection (a), the Director of the Office of Personnel Management shall determine whether the reemployment of a person in a position in a Federal executive agency is feasible.

"(2) For the purposes of subsection (a), the Director of the Office of Personnel Management shall accept a determination that the reemployment of a person in a position described in clause (A) or (B) is not feasible from the official referred to in that clause, as follows:

"(A) In the case of a position in the legislative branch or the judicial branch, the officer or employee authorized to appoint a person to that position.

"(B) In the case of a National Guard technician position in a State, the adjutant general of that State.

"(3) For the purposes of subsection (a), the Director of the Office of Personnel Management shall accept a determination that the reemployment of a person in a position in an agency referred to in section 4325(a) of this title is not feasible or practicable from the officer of such agency designated to make such determination under section 4325(c) of this title.

"(c) Subsection (a) does not apply to a person whose reemployment in a legislative or judicial branch position or in a position as a National Guard technician is not feasible if such person is not eligible to acquire a civil service status necessary for transfer to a position—

"(1) in the case of a person whose position of employment would be in the legislative or judicial branch, in the competitive service in accordance with section 3304(c) of title 5; or

"(2) in the case of a person whose position of employment would be as a National Guard technician, in the competitive service in accordance with section 3304(d) of such title.

"(d) A person's entitlement to reemployment under this section does not entitle such person to retention, preference, or displacement rights over any person who, without regard to the provisions of this chapter, has superior retention, preference, or displacement rights under the provisions of title 5 that relate to veterans and other preference eligibles (as defined in section 2108 of such title).

"§ 4325. Reemployment by certain Federal agencies

"(a) The head of each agency referred to in section 2302(a)(2)(C)(ii) of title 5 shall prescribe—

"(1) the conditions under which persons who are absent from positions of employment with such agency by reason of service in the uniformed services shall be reemployed by such agency; and

"(2) procedures for ensuring that the persons who satisfy such conditions are reemployed by such agency.

"(b) In prescribing conditions and procedures under subsection (a), the head of the agency shall ensure, to the maximum extent practicable, that—

"(1) the conditions under which persons shall be reemployed by the agency are similar to the conditions for the entitlement of a person to reemployment rights under section 4322 of this title; and

"(2) the procedures for the reemployment of such persons provide for the reemployment of such persons by the agency in a manner that is similar to the manner described in section 4323 of this title.

"(c)(1) In prescribing conditions and procedures under subsection (a), the head of the agency shall designate an officer of the agency who shall determine if the reemployment of a person by the agency under this section is not feasible or practicable.

"(2)(A) Upon making a determination that the reemployment of a person is not feasible or practicable, such officer shall notify such person and the Director of the Office of Personnel Management of such determination.

"(B) The head of each agency shall, on an annual basis, submit to the Senate Select Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives a report of the number of persons whose reemployment with the agency was determined to be not feasible or practicable during the year preceding the report and the reason for each such determination.

"(3) A determination under paragraph (2)(A) shall not be subject to judicial review.

"§4326. Seniority, insurance, and other employment rights and benefits

"(a) A person who is reemployed under section 4323, 4324, or 4325 of this title shall be entitled to the same seniority such person would have had if the person's employment had not been interrupted by service in the uniformed services.

"(b) A person who is serving in the uniformed services shall be considered to be on a leave of absence while performing service in the uniformed services and shall be entitled to such rights and benefits as are provided to other employees of the employer who are on furlough or leave of absence under a plan, contract, or policy or practice in force at the beginning of the period of such service or which becomes effective during such period. Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to such plan, contract, or policy or practice.

"(c)(1) A person whose civilian employment with an employer is interrupted by a period of service in the uniformed services shall retain, if such person requests with respect to the period of retention, existing coverage under any insurance policy or program or health plan provided by the employer for its employees in accordance with conditions generally applicable to employee participation during a furlough or leave of absence and the provisions of this subsection.

"(2) If a person's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment for purposes of performing service in the uniformed services, the person shall have the right to elect to continue health-plan coverage acquired through civilian employment in accordance with this paragraph so that such coverage continues for a maximum of 18 months after such absence begins. Such continuation of employer-sponsored health-plan coverage shall be in lieu of, to the extent it would duplicate, any health-plan coverage the person is entitled to elect pursuant to section 4980B the Internal Revenue Code of 1986 (26 U.S.C. 4980B), sections 601 through 608 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161-1168), title XXII of the Public Health Service Act (42 U.S.C. 300bb-1 et seq.), section 8905a of title 5, or other similar law of the United States or any State. A person who elects to continue health-plan coverage under this paragraph may be required to pay not more than 102 percent of the full premium associated with such coverage for the employer's other employees, except that in the case of a person who performs a period of service in the uniformed services for less than 31 days, such person may not be required to pay more than the employee share, if any, for such coverage.

"(3)(A) Except as provided in subparagraph (B), in the case of a person whose coverage by an employer-sponsored health plan as an employee is terminated by reason of the service of such person in the uniformed services, an exclusion or waiting period may not be imposed in connection with coverage of such person upon reemployment by the employer under this chapter, or in connection with any other individual who is covered by the health plan by reason of the reinstatement of the coverage of such person upon reemployment, if an exclusion or waiting period would not have been imposed under such health plan had coverage of such person by such health plan not been terminated as a result of such service.

"(B) Subparagraph (A) shall not apply to a condition of a servicemember that the Secretary of Veterans Affairs has determined was incurred or aggravated in the line of duty in the military, naval, or air service.

"(d) A person who is reemployed in a position of employment by an employer under section 4323 or 4324 of this title may not be involuntarily removed from such position, except for cause—

"(A) within one year after the date of reemployment, if the person's period of service before the reemployment of the person in the position was more than 180 days; or

"(B) within 180 days after the date of reemployment, if the person's period of service before the reemployment of the person in the position was more than 30 days but less than 181 days.

"(e)(1) Any person described in paragraph (2) whose employment with an employer referred to in that paragraph is interrupted by a period of service in the uniformed services shall be permitted, upon request of that person, to use during such period of service any vacation or annual leave with pay accrued by the person before the commencement of such service.

"(2) A person entitled to the benefit described in paragraph (1) is a person who—

"(A) has accrued vacation or annual leave with pay under a policy or practice of a State (as an employer) or private employer; or

"(B) has accrued such leave as an employee of the Federal Government pursuant to subchapter I of chapter 63 of title 5.

"§4327. Employee pension benefit plans

"(a)(1) In the case of a right provided pursuant to an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this subsection.

"(2)(A) A person reemployed under this chapter shall be treated as not having incurred a break in service with the employer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

"(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

"(b)(1) An employer reemploying a person under this chapter shall be liable to an employee benefit pension plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2). For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement.

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions only to the extent the person makes payment to the plan with respect to such contributions. No such payment may exceed the amount the person would have been permitted or required to contribute had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B).

"(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide notice of such reemployment to the administrator of such plan.

"§4328. Entitlement to rights and benefits not dependent on timing or nature of service

"Except as provided for in this chapter, a person's entitlement to a right or benefit provided under this chapter is not affected by the timing, frequency, or duration of the person's performance of service in the uniformed services or the nature of such service in the uniformed services.

"SUBCHAPTER III—ASSISTANCE IN SECURING EMPLOYMENT AND REEMPLOYMENT RIGHTS; ENFORCEMENT

"§4331. Definitions

"For the purposes of this subchapter, the term 'wrongful personnel action' means the following:

"(1) In the case of a State (as an employer) or a private employer, an action taken by the employer in violation of a provision of this chapter or a failure by the employer to take an action required by the provisions of this chapter.

"(2) In the case of the Federal Government (as an employer)—

"(A) an action taken by an officer or employee of the Federal Government in violation of a provision of this chapter or a failure by such an officer or employee to take an action required by the provisions of this chapter; or

"(B) a failure of the Director of the Office of Personnel Management to take an action required of the Director under section 4324 of this title.

"§4332. Assistance in securing reemployment or other employment rights or benefits

"(a)(1) Any person who claims to have been subject to a wrongful personnel action may submit a complaint regarding such action to the Secretary.

"(2) A complaint submitted under paragraph (1) shall be in a form prescribed by the Secretary and shall include—

"(A) the name and address of the employer or potential employer against whom the complaint is directed; and

"(B) a summary of the allegations upon which the complaint is based.

"(b) The Secretary shall investigate each complaint submitted pursuant to subsection (a). If the Secretary determines as a result of the investigation that the wrongful personnel action alleged in such complaint occurred, the Secretary shall make reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(c) If the efforts of the Secretary with respect to a complaint under subsection (b) are unsuccessful, the Secretary shall notify the person who submitted the complaint of—

"(1) the results of the Secretary's investigation; and

"(2) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4333 of this title (in the case of a person submitting a complaint against the Federal Government) or 4335 of this title (in the case of a person submitting a complaint against a State or private employer).

"(d) In carrying out the responsibilities of the Secretary under this section, the Secretary—

"(1) shall use the Assistant Secretary of Labor for Veterans' Employment and Training; and

"(2) may use (A) existing Federal and State agencies engaged in activities similar or related to such responsibilities, and (B) the assistance of volunteers.

"§4333. Enforcement of rights with respect to Federal executive agencies

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4332(c) of this title of an unsuccessful effort to resolve a complaint relating to a wrongful personnel action on the part of a Federal executive agency may request that the Secretary refer the complaint for litigation before the Merit Systems Protection Board. The Secretary shall refer the complaint regarding such wrongful action to the Office of Special Counsel established by section 1211 of title 5.

"(2)(A) If the Special Counsel determines that the wrongful personnel action alleged in such complaint occurred, the Special Counsel (upon the request of the person submitting the complaint) may appear on behalf of, and act as attorney for, the person and initiate an action regarding such complaint before the Merit Systems Protection Board.

"(B) If the Special Counsel decides not to initiate an action and represent a person before the Merit Systems Protection Board as authorized under subparagraph (A), the Special Counsel shall notify such person of that decision.

"(b)(1) A person referred to in paragraph (2) may submit directly to the Merit Systems Protection Board a complaint alleging a wrongful personnel action on the part of a Federal executive agency. A person who seeks a hearing or adjudication under this paragraph may be represented at such hearing or adjudication in accordance with the rules of the Board.

"(2) A person entitled to submit a complaint to the Merit Systems Protection Board under paragraph (1) is a person who—

"(A) has chosen not to apply to the Secretary for assistance regarding a complaint under section 4332(a);

"(B) has received a notification from the Secretary under section 4332(c) of this title;

"(C) has chosen not to be represented before the Board by the Special Counsel pursuant to subsection (a)(2)(A); or

"(D) has received a notification of a decision from the Special Counsel under subsection (a)(2)(B).

"(c)(1) The Merit Systems Protection Board shall adjudicate any complaint brought before the Board pursuant to subsection (a)(2)(A) or (b)(1).

"(2) If the Board determines that a Federal executive agency has not complied with the provisions of this chapter relating to the employment of a person by the agency, the Board shall enter an order requiring the agency to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by such person by reason of such lack of compliance.

"(3) Any compensation received by a person pursuant to an order under paragraph (1) shall be in addition to any other right or benefit provided for by this chapter and shall not be deemed to diminish any such right or benefit.

"(4) If the Board determines as a result of a hearing or adjudication conducted pursuant to a complaint submitted by a person directly to the Board pursuant to subsection (b)(1) that such person is entitled to an order referred to in paragraph (2), the Board may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(d) A person adversely affected or aggrieved by a final order or decision of the Merit Systems Protection Board under subsection (c) may petition the United States Court of Appeals for the Federal Circuit to review the final order or decision. Such petition and review shall be in accordance with the procedures set forth in section 7703 of title 5.

"(e) A person may be represented by the Special Counsel in an action for review of a final order or decision issued by the Merit Systems Protection Board pursuant to subsection (c) that is brought pursuant to section 7703 of title 5 unless the person was not represented by the Special Counsel before the Merit Systems Protection Board regarding such order or decision.

"§ 4334. Enforcement of rights with respect to certain Federal agencies

"(a) This section shall apply to any person who alleges that—

"(1) the reemployment of such person by an agency referred to in section 4325(a) of this title was not in accordance with the procedures for the reemployment of such person prescribed under such section; or

"(2) the failure of such agency to reemploy the person under such section was wrongful.

"(b) Any person referred to in subsection (a) may submit a claim relating to the allegation to the Inspector General of the agency. The Inspector General shall investigate and resolve the claim pursuant to procedures prescribed by the head of the agency.

"(c) The head of each agency referred to in section 4325(a) shall prescribe procedures for the investigation and resolution of allegations submitted under subsection (b). In prescribing procedures under this subsection, the head of the agency shall ensure, to the maximum extent practicable, that the procedures are similar to the provisions relating to the investigation and resolution of a claim by the Secretary under section 4332(b) of this title.

"§4335. Enforcement of rights with respect to a State or private employer

"(a)(1) A person who has submitted a complaint of a wrongful personnel action by a State (as an employer) or a private employer to the Secretary pursuant to section 4332(a) of this title and who has received a notification of the unsuccessful resolution of the complaint under section 4332(c) of this title, may request that the Secretary refer the complaint to the Attorney General. If the Attorney General determines that the wrongful personnel action alleged in the complaint occurred, the Attorney General may appear on behalf of, and act as attorney for, the person submitting the complaint and commence an action for appropriate relief on behalf of such person in an appropriate United States district court.

"(2)(A) A person referred to in subparagraph (B) may commence an action for appropriate relief in an appropriate United States district court.

"(B) A person entitled to commence an action for relief with respect to a complaint under subparagraph (A) is a person who—

"(i) has chosen not to apply to the Secretary for assistance regarding the complaint under section 4332(a);

"(ii) has chosen not to request that the Secretary refer the complaint to the Attorney General under subsection (a)(1); or

"(iii) has been refused representation by the Attorney General with respect to the complaint under such subsection.

"(b) In the case of an action against a State as an employer, the appropriate district court is the court for any district in which the State exercises any authority or carries out any function. In the case of a private employer the appropriate district court is the district court for any district in which the private employer of the person maintains a place of business.

"(c)(1)(A) The district courts of the United States shall have jurisdiction, upon the filing of a complaint, motion, petition, or other appropriate pleading by or on behalf of the person entitled to a right or benefit under this chapter—

"(i) to require the employer to comply with the provisions of this chapter;

"(ii) to require the State or private employer, as the case may be, to compensate the person for any loss of wages or benefits suffered by reason of such employer's wrongful personnel action; and

"(iii) to require the employer to pay the person an amount equal to the amount referred to in clause (ii) as liquidated damages, if the court determines that the employer's wrongful personnel action was willful.

"(B) Any compensation under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not be deemed to diminish, any of the benefits provided for in the provisions of this chapter.

"(2)(A) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

"(B) In any action or proceeding commenced by a person under subsection (a)(2) and in which such person is the prevailing party, the court may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(3) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights of persons under this chapter.

"(4) An action under this chapter may be initiated only by a person claiming rights or benefits under the provisions of subchapter II of this chapter, and not by an employer, prospective employer, or other entity with obligations under this chapter.

"(5) In any such action, only the State, private employer, or potential employer (as the case may be) or, in the case of benefits described in section 4327 of this title, an employee pension benefit plan referred to in that section, shall be considered a necessary party respondent.

"(6) No State statute of limitations shall apply to any proceeding under this section.

"(7) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"SUBCHAPTER IV—INVESTIGATION OF COMPLAINTS

"§4341. Conduct of investigation; subpoenas

"(a) In carrying out any investigation under this chapter, the Secretary shall have reasonable access to documents of the complainant or an employer that the Secretary considers relevant to the investigation. The Secretary may examine and duplicate such documents.

"(b) In carrying out investigations under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and after a request by the Secretary, the Attorney General may apply to the district court of the United States for any district in which such disobedience or contumacy occurs for an order enforcing the subpoena.

"(c) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful inquiry under this chapter. The district courts shall have jurisdiction to punish a failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

"SUBCHAPTER V—MISCELLANEOUS

"§4351. Regulations

"(a) The Secretary, in consultation with the Secretary of Defense, may prescribe regulations relating to the implementation of this chapter

with respect to reemployment and the provision of other employment rights and benefits by States (as employers) and private employers.

"(b) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations relating to the implementation of this chapter by Federal executive agencies (as employers). This subsection does not authorize the Director to prescribe regulations relating to any matter for which regulations may be prescribed under subsection (c).

"(c) The following entities (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations to carry out the activities of such entities under this chapter:

"(1) The Merit Systems Protection Board.

"(2) The Office of Special Counsel referred to in section 4333(a) of this title.

"(3) Agencies referred to in section 2303(a)(2)(C)(ii) of title 5.

"§ 4352. Outreach

"The Secretary and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and such employers under this chapter.".

(b) TABLE OF CHAPTERS.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

"43. Employment and reemployment rights of persons who serve in the uniformed services ..... 4301".

(c) OUTREACH PROGRAM.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor, after consultation with the Secretary of Defense, the Secretary of Transportation, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs, shall make available to persons who are eligible for benefits under the provisions of chapter 43 of title 38, United States Code (as added by subsection (a)) and the employers of such persons information relating to the reemployment and employment rights, benefits, and obligations of such persons and employers under the provisions of such chapter.

(d) REPORT RELATING TO IMPLEMENTATION OF REEMPLOYMENT RIGHTS PROVISIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor, the Attorney General, and the Special Counsel referred to in section 4333(a)(1) of title 38, United States Code (as added by subsection (a)), shall each submit a report to the Congress relating to the implementation of chapter 43 of such title (as added by such subsection).

SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of clause (E);

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

(3) by adding at the end thereof the following new clause;

"(G) to benefits under chapter 43 of this title.".

SEC. 4. REPEAL OF TITLE 5 PROVISIONS RELATING TO REEMPLOYMENT RIGHTS OF RESERVISTS.

(a) REPEAL.—Subchapter II of chapter 35, title 5, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the items relating to subchapter II and section 3551.

SEC. 5. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 2023" and inserting in lieu thereof "chapter 43".

(b) TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 2021" and inserting in lieu thereof "chapter 43".

SEC. 6. TECHNICAL AMENDMENT.

Section 9(d) of Public Law 102-16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

SEC. 7. TRANSITION RULES AND EFFECTIVE DATES.

(a) APPLICABILITY OF CHAPTER 43 TO PERSONS COMMENCING SERVICE AFTER DATE OF ENACTMENT.—

(1) AFTER 90 DAYS AFTER SUCH DATE.—The provisions of chapter 43 of title 38, United States Code (as amended by section 2(a) of this Act), and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act) shall apply to persons who commence periods of service in the uniformed services after the 90-day period beginning on the date of the enactment of this Act.

(2) WITHIN 90 DAYS AFTER SUCH DATE.—(A) Any person who commences the performance of a period of service in the uniformed services during the 90-day period referred to in paragraph (1) shall be covered by the provisions of chapter 43 of title 38, United States Code (as amended by section 2(a) of this Act), and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act).

(B) Except as provided in subparagraph (C), for the purposes of section 4322(a)(1) of such title (as added by section 2(a) of this Act), a person referred to in subparagraph (A) shall be deemed to have satisfied the notification requirement referred to in such section.

(C) Any person referred to in subparagraph (A) who, but for the enactment of this Act, would otherwise be subject to the requirement to request a leave of absence referred to in section 2024(d) of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), shall be subject to the notification requirement referred to in section 4322(a)(1) of title 38, United States Code (as added by section 2(a) of this Act).

(b) APPLICABILITY OF CHAPTER 43 TO PERSONS PERFORMING ACTIVE DUTY ON DATE OF ENACTMENT.—

(1) IN GENERAL.—(A) Subject to paragraph (2), any person who is performing service in the uniformed services on the date of the enactment of this Act shall be covered by the provisions of chapter 43 of title 38, United States Code (as amended by section 2(a) of this Act), and section 5303(A)(b)(3)(G) of such title (as added by section 3(3) of this Act).

(B)(i) Except as provided in clause (ii), for the purposes of section 4322(a)(1) of such title (as added by section 2(a) of this Act), a person referred to in subparagraph (A) shall be deemed to have satisfied the notification requirement referred to in such section.

(ii) Any person referred to in subparagraph (A) who, but for the enactment of this Act, would otherwise be subject to the requirement to request a leave of absence referred to in section 2024(d) of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), shall be subject to the notification requirement referred to in section 4322(a)(1) of title 38, United States Code (as added by section 2(a) of this Act).

(C) For the purposes of calculating the cumulative length of service performed by a person referred to in this paragraph under section 4322(a)(2) of such title (as so added), any service in the uniformed services (other than service referred to in section 4322(c) of such title (as so added) shall be included.

(2) ALTERNATIVE REPORTING REQUIREMENT.—Notwithstanding paragraph (1), a person referred to in subparagraph (A) of such paragraph shall report to work in accordance with the provisions of section 2024(d) of title 38, United States Code, in effect on the day before the date of the enactment of this Act.

(c) SPECIAL RULE FOR APPLICABILITY OF INSURANCE PROVISIONS.—Notwithstanding subsections (a)(2)(B) and (b)(1), a person referred to in such subsections shall be covered by the provisions of section 2021(b)(1) of title 38, United States Code (relating to insurance benefits), in effect on the day before the date of the enactment of this Act until the person has received notice of the provisions of section 4326(c) of such title (as added by section 2(a) of this Act) and has had a reasonable opportunity to elect to be covered by the provisions of such section 4326(c) (as so added).

(d) REEMPLOYMENT OF DISABLED PERSONS.—

(1) IN GENERAL.—Section 4323(a)(3) of chapter 43 of title 38, United States Code (as added by section 2(a) of this Act) shall apply to reemployments initiated on or after August 1, 1990.

(2) REPEAL.—(A) Effective as of August 1, 1990, section 2027 of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), is repealed.

(B) Effective as of August 1, 1990, the table of sections at the beginning of chapter 43 of such title (as in effect on the day before the date of the enactment of this Act) is amended by striking out the item relating to section 2027.

(e) DISCRIMINATION.—The provisions of section 4321 of title 38, United States Code (as added by section 2(a) of this Act) and the provisions of subchapters III and IV of such title (as so added), to the extent that the provisions of those subchapters are necessary for the implementation of such section 4321, shall become effective on the date of the enactment of this Act.

(f) SAVINGS PROVISION.—Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act do not effect rights, benefits, and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of the pertinent provision of this Act.

(g) DEFINITION.—For the purposes of this section, the term "service in the uniformed services" shall have the meaning given such term in section 4303(10) of title 38, United States Code (as added by section 2(a) of this Act).

SEC. 8. USE OF EDUCATIONAL ASSISTANCE FOR SOLO FLIGHT TRAINING.

(a) MONTGOMERY G.I. BILL.—

(1) ACTIVE-DUTY PROGRAM.—Section 3032(f)(1) of title 38, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(2) SELECTED RESERVE PROGRAM.—Section 2131(g)(1) of title 10, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(b) POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Section 3231(f)(1) of title 38, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to flight training received under chapters 30 and 32 of title 38, United States Code, and chapter 106 of title 10, United States Code, on or after the first day of the second month following the date of the enactment of this Act.

Amend the title so as to read: "A bill to amend title 38, United States Code, to im-

prove reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.".

AMENDMENT NO. 3362

(Purpose: To clarify and improve certain provisions relating to reemployment and pension benefits, and for other purposes)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of the Senator from California [Mr. CRANSTON] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. CRANSTON, proposes an amendment numbered 3362.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 13, strike out "1991" and insert in lieu thereof "1992".

On page 58, line 11, strike out "(3) An" and insert in lieu thereof "(3)(A) Except as provided in subparagraph (B), an".

On page 58, below line 23, insert the following:

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4327(a)(2)(A) of this title.".

On page 59, beginning on line 7, strike out "In the case of a person who is not disabled and" and insert in lieu thereof "Except as provided in paragraph (3), in the case of a person".

On page 59, beginning on line 22, strike out "In the case of a person who is not disabled and" and insert in lieu thereof "Except as provided in paragraph (3), in the case of a person".

On page 60, line 13, strike out "who is disabled," and insert in lieu thereof "whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position,".

On page 63, line 3, strike out "In the case of a person who is not disabled," and insert in lieu thereof "Except as provided in subparagraph (B),".

On page 63, line 10, strike out "who is disabled," and insert in lieu thereof "whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position,".

On page 65, strike out line 3 and all that follows through page 65, line 15.

On page 65, line 16, strike out "(d)" and insert in lieu thereof "(c)".

On page 67, strike out line 19 and all that follows through page 68, line 4, and insert in lieu thereof the following:

"(b)(1)(A) Subject to paragraphs (2) through (7), a person shall be deemed to be on furlough or leave of absence while serving in the uniformed services and shall be entitled to such rights and benefits (including, upon request of the person, health-plan benefits, life insurance, and accidental death and disability benefits) as are generally provided to employees of the employer who are on furlough or leave of absence under a plan, contract, policy, or practice which is in force at the beginning of the person's period of service in the uniformed services or which becomes effective during such period.

"(B) The seniority rights and benefits of a person deemed to be on furlough or leave of absence under this paragraph shall be determined under subsection (a).

"(C) A person provided with rights or benefits under this paragraph may be required to pay the cost, if any, of any benefit continued pursuant to such plan, contract, policy, or practice.

"(2) A person is entitled under this subsection to any right or benefit that is provided by the employer of the person to employees of the employer who are on furlough or leave of absence (other than the rights or benefits provided to employees on furlough or leave of absence by reason of special circumstances such as maternity or paternity leave (including leave for adoption of a child), disability leave, sick leave, or other leave as a result of the occurrence of an event affecting the employee's health or the health of a family member). A person on leave of absence while serving in the uniformed services shall not be entitled under this section to any benefits to which the person would not otherwise be entitled if the person were not on a leave of absence.

"(3) A person is not entitled under this subsection to coverage under a health plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(4) A person is not entitled under this subsection to coverage, under a life insurance policy, of a death incurred by the person as a result of the person's participation in, or assignment to an area of, armed conflict to the extent that such coverage is excluded or limited by a provision of such policy.

"(5) A person is not entitled under this subsection to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that such coverage is excluded or limited by a provision of such policy.

"(6) A person is not entitled under this subsection to a right or benefit provided under an employee pension benefit plan.

"(7)(A) Except as provided in subparagraph (B), the requirement that an employer provide rights or benefits under paragraph (1) to a person deemed to be on furlough or leave of absence shall expire on the earlier of—

"(i) the date of the end of the 18-month period that begins on the date on which the person commences the service referred to in paragraph (1); or

"(ii) the date on which the person completes the performance of such service.

"(B) To the extent provided in a plan, contract, policy, or other practice referred to in paragraph (1)(A), the period of coverage described in subparagraph (A) for a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) shall be—

"(i) 18 months,

"(ii) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(iii) the period of the person's employment with the person's employer immediately before the person's entrance into such services,

whichever is shortest, but not less than 31 days.

On page 68, strike out line 5 and all that follows through page 68, line 13.

On page 68, line 14, strike out "(2) If a" and insert in lieu thereof "(c)(1)(A) Subject to subparagraphs (B) through (D), if a".

On page 68, beginning on line 21, strike out "Such continuation" and all that follows through "State." on page 69, line 5.

On page 69, line 7, insert "(determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)(4))" after "full premium".

On page 69, between line 12 and line 13, insert the following:

"(B) A person who elects to continue health-plan coverage under this paragraph shall not be entitled to coverage under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(C)(i) Except as provided in clause (ii), the period of coverage of a person and the person's dependents under a continuation of health-plan coverage elected by the person under this paragraph shall be the lesser of—

"(I) 18 months; or

"(II) the period of the person's service in the uniformed services.

"(ii) In the case of a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) the period of coverage referred to in clause (i) shall be—

"(I) 18 months,

"(II) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(III) the period of the person's employment with the person's employer immediately prior to the person's entrance into such service,

whichever is shortest, but not less than 31 days.

"(D) A person described in subparagraph (C)(ii) shall not be entitled to elect to continue health-plan coverage under this paragraph if the employer of the person at the time of the person's commencement of service in the uniformed services employs fewer than 20 persons".

On page 69, line 13, strike out "(3)(A)" and insert in lieu thereof "(2)(A)".

On page 69, beginning on line 17, strike out "in connection with coverage of such person upon reemployment" and insert in lieu thereof "by any person in connection with coverage of the person who served in the uniformed services upon reemployment".

On page 71, line 16, strike out "A person" and insert in lieu thereof "Except as provided in section 4322(e)(3)(B) of this title, a person".

On page 72, after the period at the end of line 15, insert the following: "In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period described in subsection (a)(2)(B))."

On page 72, line 19, insert "or elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986)" after "contributions".

On page 72, line 20, insert "or deferrals" after "contributions".

On page 72, line 21, insert "or employer" after "person".

On page 72, after the period at the end of line 24, insert the following: "Any payment to the plan described in this paragraph shall be made during any continuous period (beginning with the date of reemployment) as the employer and the person may agree, except that such period shall not end before the earlier of the date which is—

"(A) 5 years from the date of reemployment; or

"(B) the last day of the first 1-year break in employment beginning after such date.

"(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the same rate as the employee received from the employer immediately before such period; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(4) Unless the plan provides otherwise—

"(A) no earnings shall be credited to an employee with respect to any contribution prior to such contribution being made; and

"(B) any elective employer contributions, or any forfeitures, during the period described in subsection (a)(2)(B) shall not be allocated to persons reemployed under this chapter".

On page 73, between lines 9 and 10, insert:

"(d) No provision of this section shall apply to the extent it—

"(1) requires any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986; or

"(2) requires contributions to be returned, or additional contributions to be made, with respect to employees not reemployed under this chapter".

On page 74, line 9, strike out "or".

On page 74, line 13, strike out "title." and insert in lieu thereof "title; or".

On page 74, between line 13 and line 14, insert the following:

"(C) a failure of the Executive Director of the Federal Retirement Thrift Investment Board to issue regulations in accordance with section 4327 of this title or the failure of an employing agency to take any action required by such regulations.

On page 74, line 17, insert "(other than a wrongful personnel action described in section 4331(2)(C) of this title)" after "action".

On page 75, line 19, insert "(other than a complaint arising out of a wrongful personnel action referred to in section 4331(2)(C) of this title)" after "a complaint".

On page 77, line 7, insert "(other than a wrongful personnel action described in section 4331(2)(C) of this title)" after "action".

On page 79, between line 9 and line 10, insert the following:

"(f) A person who claims to have been subject to a wrongful personnel action referred to in section 4331(2)(C) of this title is entitled to file an action with respect to such claim pursuant to section 8477 of title 5."

On page 83, line 13, insert after the comma at the end of the line the following: "or, in the case of a wrongful personnel action referred to in section 4331(2)(C) of this title, the Executive Director of the Federal Retirement Thrift Investment Board referred to in that section,".

On page 85, between line 18 and line 19, insert the following:

"(d) The Executive Director of the Federal Retirement Thrift Investment Board shall issue regulations applying the provisions of section 4327 of this title to the Thrift Savings Plan (described in subchapters III and VII of chapter 84 of title 5). The regulations shall include provisions for the investigation and resolution of allegations of the occurrence of wrongful personnel actions referred to in section 4331(2)(C) of this title. The regulations may specify the period of time after reemployment within which a person may elect to make payment, the total amount the person may contribute, and the period of time over which the person may make contributions under section 4327 of this title."

On page 88, strike out line 16 and all that follows through page 89, line 12, and insert in lieu thereof the following:

(2) WITHIN 90 DAYS AFTER SUCH DATE.—Any person who commences the performance of a period of service in the uniformed services during the 90-day period referred to in paragraph (1) shall be covered during such 90-day period by the provisions of chapter 43 of title 38, United States Code, in effect on the day before the date of the enactment of this Act.

On page 89, strike out line 13 and all that follows through page 89, line 21, and insert in lieu thereof the following:

(b) APPLICABILITY OF CHAPTER 43 TO PERSONS PERFORMING ACTIVE DUTY ON DATE OF ENACTMENT.—

(1) IN GENERAL.—Any person who is performing service in the uniformed services on the date of the enactment of this Act shall be covered during the 90-day period beginning on such date by the provisions of chapter 43 of title 38, United States Code, in effect on the day before such date.

(2) CONTINUING SERVICE.—(A) Any person whose service in the uniformed services described under paragraph (1) continues after the 90-day period referred to in that paragraph shall be covered during the period of such service after that 90-day period by the provisions of chapter 43 of title 38, United States Code, as amended by section 2(a) of this Act, and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act).

On page 90, strike out line 3 and all that follows through page 90, line 11, and insert in lieu thereof the following:

(ii) Any person referred to in subparagraph (A) who was subject to the requirement under section 2024(d) of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), of requesting a leave of absence with respect to the service described in that subparagraph from the person's employer shall be deemed to have met the requirement of notifying the person's employer under such section 4322(a)(1) if the person requested the leave of absence.

On page 90, line 18, strike out "(2)" and insert in lieu thereof "(3)".

On page 90, line 19, strike out "Notwithstanding paragraph (1), a person referred to in subparagraph (A) of such paragraph" and inserting in lieu thereof "A person referred to in paragraph (1)".

On page 90, beginning on line 25, strike out "(a)(2)(B) and (b)(1)," and insert in lieu thereof "(a)(2) and (b)(2),".

On page 92, between line 4 and line 5, insert the following:

(f) EMPLOYEE PENSION BENEFIT PLAN.—Section 4327 of title 38, United States Code (as amended by section 2(a) of this Act), shall apply to reemployment initiated on or after August 1, 1990.

On page 92, line 5, strike out "(f)" and insert in lieu thereof "(g)".

On page 92, line 11, strike out "(g)" and insert in lieu thereof "(h)".

On page 93, below line 11, add the following new sections:

SEC. 9. IMPROVEMENT OF PROGRAM OF FEDERAL EMPLOYMENT OF VIETNAM ERA VETERANS.

Section 4214(b)(2)(A) of title 38, United States Code, is amended—

(1) at the end of clause (i), by striking out "or";

(2) at the end of clause (ii), by striking out "and" and inserting in lieu thereof "or"; and

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

"(iii) was discharged or released from active duty after December 31, 1979, under conditions other than dishonorable; and".

SEC. 10. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) REVISION IN CONTRIBUTIONS RELATING TO MILITARY SERVICE.—Subsection (e)(1) of section 8422 of title 5, United States Code, is amended by inserting after the first sentence the following new sentence: "The amount of payment of an employee or Member under this paragraph for a period of military service may not exceed the amount that would have been deducted or withheld for a period of civilian service, if any, under subsection (a)(1) if the employee or Member had not performed the period of military service.".

(b) TECHNICAL AMENDMENT.—Subsection (a)(2)(A)(ii) of such section is amended by striking out "1954" and inserting in lieu thereof "1986".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 1990 and shall apply to periods of military service that begin on or after that date.

SEC. 11. REDUCTION IN PENSION FOR VETERANS AND VETERANS' SURVIVORS WHO ARE RECEIVING MEDICAID-COVERED NURSING HOME CARE.

(a) REDUCTION IN PENSION.—Paragraph (2) of section 5503(f) of title 38, United States Code, is amended to read as follows:

"(2)(A) Not more than $90 per month may be paid under chapter 15 of this title to or for any person described in subparagraph (B) for any period that a nursing facility furnishes such person with services covered by a Medicaid plan. The restriction in the preceding sentence applies to periods after the month of the person's admission to the nursing facility.

"(B) A person referred to in subparagraph (A) is a person—

"(i) who is covered by a Medicaid plan for services furnished such person by a nursing facility; and

"(ii) who is (I) a veteran who has neither spouse nor child, or (II) a surviving spouse who has no child.".

(b) CONFORMING AMENDMENTS.—Section 5503(f) of such title is amended as follows—

(1) In paragraph (3)—

(A) by striking out "a veteran" and inserting in lieu thereof "a person referred to in paragraph (2)(A)"; and

(B) by striking out "such veteran under paragraph (2) of this subsection" and inserting in lieu thereof "such person under such paragraph".

(2) In paragraph (4)—

(A) by striking out "A veteran" and inserting in lieu thereof "A person referred to in paragraph (2)(A)";

(B) by striking out "the veteran" both places it appears and inserting in lieu thereof "the person"; and

(C) by striking out "the veteran's" and inserting in lieu thereof "the person's".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 1992, and apply with respect to months after June 1992.

(d) DELETION OF EXPIRATION DATE.—Section 5503(f) of such title is amended by striking out paragraph (6).

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to give their unanimous approval to S. 1095, the proposed Uniformed Services Employment and Reemployment Rights Act of 1992, as reported by the Veterans' Affairs Committee on November 7, as it will be amended by a committee modification that I am proposing. This measure, which I will refer to as the committee bill, would completely revise chapter 43 of title 38, United States Code, in order to clarify veterans' reemployment rights [VRR] law provisions and to make improvements in various aspects of this law.

Mr. President, for over 3 years, an executive branch task force on VRR law, including representatives of the Departments of Labor, Defense, Justice, and the Office of Personnel Management worked to develop a revision of chapter 43. H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991, as passed by the House on May 14, 1991, is similar to and largely derived from the administration's March 5, 1991, draft entitled the "Uniformed Services Employment Rights Act of 1991." Our committee was greatly assisted by the efforts of those Departments, OPM, and the House Committee on Veterans' Affairs, and we worked closely with representatives from each of the Federal agencies responsible for administering the VRR law in developing S. 1095.

BACKGROUND

Mr. President, the VRR law, first enacted in 1940 and now codified in chapter 43 of title 38, provides job security to employees who leave their civilian jobs in order to enter military service, voluntarily or involuntarily. Within certain limits, the law generally entitles the individual who serves in the military to return to his or her former civilian job after being discharged or released from active duty under honorable conditions. For purposes of seniority, status, and pay, the employee is entitled to be treated as though he or she had never left. The effect of this law is often characterized—by the courts and others—as enabling the returning veteran to step back on the seniority escalator at the point he or she would have occupied without interruption for military service. The law applies both to active-duty service and to training periods served by reservists and members of the National Guard.

Mr. President, the VRR law is intended to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which occur as a result of such service. The measure that we are considering today would help ensure that the VRR law effectively and fairly serves this purpose.

The committee bill is also aimed at clarifying the law. It is important that both employees and employers be able to understand the VRR law clearly so that active-duty servicemembers and reservists, whether they serve on active duty during an extended conflict or participate in routine training, do not experience unnecessary delays or disputes in returning to their former civilian jobs. Unfortunately, over the last 50 years the VRR law has become a confusing and cumbersome patchwork of statutory amendments and judicial constructions that, at times, hinder the resolution of claims. Thus, the committee bill would amend the VRR law to restate past amendments in a better organized, clearer manner and to incorporate important court decisions interpreting the law. The substantive rights at the heart of the VRR law would remain as valuable protection to those who provide this country with noncareer service in the uniformed services.

Mr. President, Congress has long recognized that the report of civilian employers is necessary if the uniformed services are to be able to recruit and retain noncareer personnel. I sincerely appreciate the very cooperative and patriotic manner in which the vast majority of employers have carried out their responsibilities under the VRR law. This measure is designed to take into account the legitimate interests and needs of employers and to assist by stating their obligations in a clear fashion.

Mr. President, as my colleagues are aware, Operations Desert Shield and Desert Storm and the mobilization of more than 228,000 reservists and National Guard members in connection with the Persian Gulf conflict brought to Congress' attention both the VRR law and another measure, the Soldiers' and Sailors' Civil Relief Act of 1940, enacted near the onset of World War II. As a result, certain amendments to both laws were enacted in the last year in an effort to address the most immediate needs of reservists and active-duty personnel serving in connection with the Persian Gulf conflict. With respect to the VRR, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991 (Public Law 102-12) enacted on March 18, 1991, amended chapter 43 of title 38 to:

First, provide for the reinstatement of health insurance for certain reservists called to active duty and their families; and second, clarify existing reemployment rights for reservists called to active duty for periods of 90 days or longer. The Persian Gulf War Veterans' Benefits Act of 1991 (title III, C of Public Law 102-25), enacted on April 6, 1991, amended chapter 43 to require employers to (a) take affirmative steps to provide necessary retraining for persons seeking reinstatement under the VRR law; and (b) make reasonable accommodations for certain disabled veterans seeking reinstatement. These were important changes, but our work with the VRR law on these occasions made it abundantly clear that the entire law needed to be revised.

Mr. President, because the various provisions in the committee bill are described in detail in the committee's report accompanying this measure, Senate Report No. 102-203, I will at this time just set forth a summary of the provisions and then discuss some selected provisions that I want to highlight. I refer my colleagues and all others with an interest in the committee bill to the committee report for more complete information on it.

SUMMARY OF MAJOR PROVISIONS

Mr. President, the committee bill would restructure, clarify, and improve chapter 43 of title 38, United States Code. As modified by the committee bill, chapter 43 would:

First, provide that the scope of reemployment rights and benefits encompasses individuals who serve voluntarily or involuntarily in the uniformed services, that is, the Army, Navy, Air Force, Marine Corps, and Coast Guard, and the reserve components of those service branches, the Army National Guard, and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, and the commissioned corps of the Public Health Service.

Second: (a) provide that an individual who serves in the uniformed services, or who has past service or an obligation or plan for future service, may not be denied employment, reemployment, continuation of employment, promotion, or any other benefits of employment on the basis of service or the obligation or plan to serve; and (b) prohibit employer reprisals against employees who have taken an action to enforce their employment or reemployment rights or against witnesses in such cases.

Third, place a 5-year limit, with certain exceptions, on the cumulative length of time that an individual may be absent from a position of employment and still be eligible for reemployment rights with respect to that position.

Fourth, repeal the exclusion of individuals who held temporary positions from reemployment protection.

Fifth, generally base requirements as to the time within which the individual must return to work or apply for reemployment on the length of the individual's absence for service. For an ab-

sence of less than 31 days, an individual would be required to return to work at the beginning of the first regularly scheduled work period following the expiration of 8 hours after a period for safe transportation from the place of service to the employer's workplace. For an absence of more than 30 days but less than 181 days, an individual would be required to submit an application for reemployment no later than 31 days after the completion of service. For an absence of more than 180 days, an individual would be required to submit an application for reemployment no later than 90 days after the completion of service. Individuals who are hospitalized for or convalescing from a service-connected injury or illness would be required to apply for reemployment before the end of the period, not to exceed 2 years, necessary for recovery.

Sixth, require employers to provide training necessary to refresh or update the skills of an individual who needs training in order to qualify for reemployment.

Seventh, require employers to make reasonable accommodation to the needs of disabled veterans seeking reemployment.

Eighth, maintain the so-called escalator principle under which an individual who has been absent from employment by reason of service in the uniformed services is entitled, upon being reemployed, to the seniority and all perquisites of seniority the individual would have had if his or her employment had not been interrupted by service.

Ninth, provide for, at the individual's request, a continuation of employer-sponsored health plans for up to 18 months after an individual enters on duty in a uniformed service. The individual generally could be required to pay no more than 102 percent of the full premium for such coverage, and an individual serving for less than 31 days could not be required to pay more than the normal employee share of any premium.

Tenth, provide that: First, a reemployed individual whose period of service was more than 30 days but less than 181 days could not be removed without cause for 6 months; and second, an individual whose period of service was more than 180 days could not be removed without cause for 1 year.

Eleventh, provide that an individual, upon submitting a written request to his or her employer, would be able to use accrued vacation or annual leave while serving in the uniformed services.

Twelfth, provide that, for pension purposes, an individual must be treated as not having incurred a break in service with the employer; service in the uniformed services would be considered service with the employer for vesting and benefit accrual purposes; the employer who reemploys the individual is liable for funding any resulting obligation; and the reemployed individual would be entitled to any accrued benefits from employee contributions only to the extent that the individual makes payments with respect to the contributions.

Thirteenth, provide that entitlement to reemployment protection does not depend upon the timing, frequency, duration, or nature of an individual's service.

Fourteenth, provide that, following an individual's submission of a complaint of a wrongful personnel action, the Secretary of Labor must investigate the complaint and make reasonable efforts to ensure compliance with the reemployment law and, if the efforts of the Secretary are unsuccessful, notify the individual who submitted the complaint of the results of the investigation and the individual's right to pursue the complaint further—generally in Federal district court or, in the case of a Federal executive agency employee, before the Merit Systems Protection Board [MSPB].

Fifteenth, authorize the Secretary of Labor to require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation.

Sixteenth, enable Federal executive agency employees whose cases are not resolved successfully by the Department of Labor to receive representation by the Office of Special Counsel before the MSPB and the U.S. Court of Appeals.

Seventeenth, provide that a Federal executive agency employee who claims to have been subject to a wrongful personnel action may submit a claim to the MSPB if; first, the individual chose not to apply to the Secretary of Labor for assistance; second, the Secretary was unable to resolve the complaint; third, the individual chose not to be represented before the Board by the Special Counsel; or fourth, the Special Counsel decided not to represent the individual before the Board.

Eighteenth, provide that an individual would be able to petition a U.S. Court of Appeals to review a decision of the MSPB and that both the MSPB and Courts of Appeals would have the authority to award reasonable attorneys' fees, expert witness fees, and other litigation expenses to individuals who prevail.

Ninetheenth, require the heads of intelligence agencies, which are otherwise exempt from enforcement procedures of the reemployment laws applicable to Federal agencies, to prescribe the conditions under which individuals who are absent from employment by reason of service in the uniformed services will be reemployed and the procedures for ensuring that those who satisfy the conditions are reemployed. In cases where it is not feasible or practicable to reemploy an individual, the agency head would be required to notify the individual and the Director of OPM. The Director of OPM would be required to place the individual in a comparable position elsewhere in a Federal executive agency. The head of each intelligence agency would also be required annually to report to the Senate Select Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives the number of individuals whose reemployment with the agency was determined to be infeasible or impracticable and the reasons for each determination. Employees of intelligence agencies could submit reemployment claims to the inspector general of the agency, who would be required to investigate and resolve the claim in accordance with procedures prescribed by the head of the agency. The head of each intelligence agency would be required, to the maximum extent possible, to make the agency's conditions and procedures for reemployment, investigation, and resolution of claims similar to those applicable to employees of other Federal agencies.

Twentieth, authorize the Attorney General to decide whether an individual who has been denied reemployment with a State or private employer will receive representation by a U.S. attorney in Federal court.

Twenty-first, authorize the award of attorney's fees and expenses to employees who choose to be represented by private counsel and who prevail in court.

Twenty-second, in a case in which an employee prevails in court and the court determines that the employer's wrongful action was willful, provide for liquidated damages in an amount equal to the compensatory damages awarded.

Twenty-third, require the Secretaries of Labor and Defense to conduct an ongoing outreach and public information program with respect to reemployment and related rights and require the Secretary of Labor, after consultation with the Secretaries of Defense, Transportation, Health and Human Services, and Veterans Affairs, to make a special effort to inform individuals covered by this measure and employers in general about the provisions of the new law.

Twenty-fourth, require the Secretary of Labor, the Attorney General, and the Special Counsel to each submit to Congress not later than 1 year after the date of enactment a report on the implementation of the new law.

Twenty-fifth, for the remainder of the current temporary program under which veterans may use VA educational benefits for flight training, that is, through fiscal year 1994, authorize the use of benefits for solo flying hours up to the minimum required by the Federal Aviation Administration for the rating or certification based on such hours.

PROHIBITION AGAINST DISCRIMINATION AND ACTS OF REPRISAL

Mr. President, the proposed new section 4321 of title 38 would provide that individuals who have performed, apply to perform, or have an obligation to perform service in the uniformed services may not be denied initial employment, retention, promotion, or any benefit of employment by an employer on the basis of that service or obligation. This would recodify and expand the current prohibition against discrimination, which provides that a person may not be denied hiring, retention in employment, or any promotion or other incident or advantage of employment because of any obligation as a member of a Reserve component of the Armed Forces. This measure would also prohibit employer reprisals against employees who have taken an action to enforce their employment or reemployment rights or against witnesses in such cases, whether or not the witnesses had performed service in the uniformed service.

Mr. President, to maintain a strong and effective reserve force, it is necessary to ensure reservists that they will not have to sacrifice their civilian job security and advancement because of an obligation for service in the uniformed services. This provision would strengthen considerably the current-law proscription of discrimination against members of the Reserve and National Guard.

SCOPE OF COVERAGE

Mr. President, under current law, an individual is eligible for reemployment rights only if the position held prior to absence for service in the uniformed services was other than temporary. As first proposed by the distinguished chairman of the Committee on Labor and Human Resources, Mr. KENNEDY, in S. 336, the committee bill would repeal the exclusion of temporary positions from the scope of reemployment rights.

There is no definition of temporary for reemployment purposes in current law, and the scope of the exclusion is unclear. Over the past 50 years, the courts have determined that many positions that employers would describe as temporary are covered by current law. As a general rule, the courts have held that a position will not be considered temporary and thus excluded from reemployment rights protection if the employee had a reasonable expectation that the employment would continue for a significant or indefinite period. Thus, I believe that, although deletion of the exception for temporary positions will simplify the administration of reemployment rights, it will not constitute a major expansion of the scope of chapter 43.

In proposing the application of the reemployment rights law to temporary positions, the committee intends to remove one potentially contentious issue—whether a particular job was temporary or not—that could create an unnecessary obstacle to prompt reemployment. The inclusion of temporary positions would not alter for employers the fundamental protection in current law—and incorporated in our bill—against having to reemploy an individual when the employer's circumstances have changed so as to make it impossible or unreasonable to do so. I also note that the employer is only obligated to restore the individual to a position that he or she would have attained by continuous employment without interruption for service in the uniformed services. If the position would have terminated during the period of service and would not have recurred, as a seasonal job would, the employer would have no reemployment obligation.

APPLICATIONS FOR REEMPLOYMENT

Mr. President, under current law, distinctions are made among types or categories of military training or service for the purposes of reemployment rights. For example, the time periods during which a person must report back to work vary depending on the type of service, and an employee who is ordered to active duty as a reservist is treated differently than an employee who is inducted into the Armed Forces.

Under proposed new section 4322 all types of service would be treated as service in the uniformed services and the time periods within which an individual must return to work or make an application for reemployment would be based on the length of his or her period of service. Different lengths of service would invoke different requirements.

In addition, the proposed new section 4322 would provide for extending reemployment reporting or application dates for up to 2 years for individuals who are hospitalized for or convalescing from a service-connected injury or illness. In my view, the current extension of up to 7 years during hospitalization does not allow sufficient time for recovery or rehabilitation in some cases. Appropriate physical and vocational rehabilitation can take a considerable amount of time during and beyond hospitalization. The committee bill would afford individuals with service-connected disabilities a more reasonable amount of time for recovery and rehabilitation.

REASONABLE ACCOMMODATION OF DISABLED PERSONS

Mr. President, as I noted earlier, the Persian Gulf War Veterans' Benefits Act of 1991, title III,C of Public Law 102-25, amended the VRR law to require employers to make reasonable accommodation—as that term is defined in the Americans With Disabilities Act of 1990 [ADA] (42 U.S.C. 12111(9))—for disabled individuals seeking reemployment. That provision was derived from a provision of S. 336 as introduced by Senator KENNEDY. However, in conference with the House, exemptions from this requirement were added for certain employers, primarily certain small businesses that are exempt from the reasonable accommodation requirements under the ADA. The committee bill would eliminate these exemptions. However, I note that the committee bill would not require, as the ADA does not require, the employer to make accommodations when doing so that would create an undue hardship for the employer's operation.

RETRAINING

Mr. President, the committee bill would provide that an individual seeking reemployment is considered qualified to perform the duties of a position if he or she either; first, can perform the essential functions of that position; or second, would be able to perform those functions either after receiving a reasonable amount of training provided by the employer to refresh or update necessary skills or through other reasonable efforts by the employer.

Under current law, the concept of retraining is reflected only in the establishment of periods of time after reinstatement—1 year in the case of an individual who has been inducted and 6 months for certain members of a Reserve component—during which an employee may not be discharged without cause. These periods of protection apparently were initially intended to allow a returning servicemember to become reacclimated to his or her former position and to prevent a mere perfunctory and meaningless reinstatement for a brief period.

Mr. President, I understand that at times being away from a job may cause an employee's skills to become rusty. Also, rapidly changing technology in the workplace may require that employees be given a significant period of time to learn how the job has changed. For example, we intend that, under this training requirement, returning employees be provided with the opportunity to refresh their skills and with training on new equipment installed in their absence. Thus, before an employer could make a good faith determination that a returning employee is not qualified, the committee believes that the employer generally first would have to provide refresher training or make other reasonable efforts to update the employee's skills.

EMPLOYMENT RIGHTS AND BENEFITS

Seniority and other rights and benefits: Mr. President, current law provides that an individual reemployed under the VRR law is to be considered as having been on furlough or leave of absence during the period of training and service. Thus, the reemployed individual is entitled to participate in benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time the individual enters active duty.

Proposed new section 426 would expand upon the current protection by clarifying that the individual in the uniformed services would be considered to be on a leave of absence while serving and would be entitled to rights and benefits under agreements and practices in force at the time he or she left the employment and to those that become effective during the period of service.

Individuals could be required to pay the employee share, if any, of the cost of any benefit that would be continued during service under section 4326.

The committee does not intend in this legislation to change current law regarding vacation, sick pay, bonus payments, and other benefits accorded as compensation for services currently rendered. Thus, for example, the pending legislation would not provide for an employee to accrue vacation leave at his or her civilian job while serving on active duty.

Continuation of insurance coverage: Proposed new section 4326 would provide that, if an individual's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment to perform uniformed service, the servicemember could elect to continue temporarily coverage for a maximum of 18 months after the absence begins. The employee generally could be required to pay no more than 102 percent of the full premium associated with such coverage for the employer's other employees, except that individuals who perform a period of service for less than 31 days may not be required to pay more than the normal employee share of any premium.

When Congress enacted in the Consolidated Omnibus Budget Reconciliation Act of 1985 a similar health benefit provision for civilian employees in general, it exempted group health plans sponsored by the Federal Government and certain church-related organizations, as well as plans maintained by employers with fewer than 20 employees in the previous year. The proposed new section would eliminate those gaps and provide the health-care option for all employees entering a uniformed service.

In addition, proposed new section 4326 would provide that, if an individual's employer-sponsored health plan is terminated by reason of military service, upon reemployment an exclusion or waiting period may not be imposed in connection with coverage of the servicemember or any other individual covered by the health plan through the servicemember if an exclusion or waiting period would not have been imposed had coverage not been terminated. An exception would apply to disabilities that VA has determined to be service connected.

A similar provision was enacted in section 5 of the Soldiers' and Sailors' Civil Relief Act Amendments of 1991 (Public Law 102–12) in response to concerns relating to gaps in health-plan coverage for reservists who were activated during the Persian Gulf war and their families. Thus, current law was amended to prohibit the imposition of an exclusion from or waiting period for reinstatement of employer-offered health plans for a condition of a servicemember, or of any individual covered by reason of the servicemember's coverage, if the condition arose before or during the period of training or service, an exclusion or waiting period would not otherwise have been imposed, and the condition has not been determined by VA to be service connected.

The new section would close a loophole that arguably might have been created unintentionally by the health-benefit amendment enacted in Public Law 102–12. The prohibition in current law against the imposition of exclusions or waiting periods expressly applies only to cases involving coverage of a condition that preexisted reinstatement. Thus, if the current entitlement to restoration of insurance coverage were interpreted as allowing a waiting period with respect to a servicemember who returned in perfect health, a literal interpretation of the amendment might allow for the imposition of a waiting period and a subsequent exclusion for coverage for conditions that arose during the waiting period. Proposed new section 4326 would clarify that a waiting period or exclusion may not be imposed in any case—by either a health insurer or an employer—in which coverage would have been provided if the servicemember's coverage had not been interrupted as a result of service in the uniformed services.

Employee pension benefit plans: Proposed new section 4327 would clarify conflicting Federal case law regarding employee rights to various pension benefits plans while on active duty with the uniformed services. All pension benefit plans described in the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or under Federal or State laws governing pension benefits for governmental employees—whether a defined-benefit (DB) plan, which is funded on a group basis and promises a specific benefit at retirement age, or a defined—contribution (DC) plan, the funds for which are accumulated in individual accounts for each employee and the benefits of which depend on investment performance—would be covered by the new law.

Under this new section, for pension purposes, an individual would be treated as not having incurred a break in service with the employer; service in the uniformed services would be considered service with the employer for the purpose of determining the nonforfeitability of the individual's accrued benefits and for the purpose of determining the vesting and accrual of benefits under the plan; the employer who reemploys the individual would be liable for funding any resulting obligation; and the reemployed individual would be entitled to any accrued benefits based on employee contributions to the extent that the individual makes the requisite payments.

This is consistent with the proposal made by the distinguished Senator from Michigan [Mr. LEVIN] in his measure, S. 1255, and my colloquy with him on March 14, 1991, during the debate on the Department of Defense Desert Storm Supplemental Authorization and Military Personnel Benefits Act (page S 3340 of the RECORD for that date).

OUTREACH

Mr. President, the best way to ensure timely reemployment is to provide employers and employees with accurate information regarding their rights, benefits, and obligations under the law. Thus, the committee bill would require the Secretary of Labor, as soon as practicable after the date of enactment, after consultation with the Secretaries of Defense, Transportation, Health and Human Services, and Veterans Affairs, to make available to individuals eligible for benefits under chapter 43 and their employers, information relating to the reemployment and employment rights, benefits, and obligations of chapter 43 as revised by the committee bill. After an initial outreach to individuals and entities under this subsection, a permanent program of information dissemination would be continued under new section 4352.

COMMITTEE MODIFICATION OF THE BILL AS REPORTED

Mr. President, at this point I will discuss provisions that I am offering on behalf of the committee as a modification of S. 1095 as reported. The modification deals with the insurance, pension, and other employment rights and benefits of individuals who are reemployed after service in the uniformed services; clarifies the level of disability that makes applicable a special order of priority of the types of positions to which the returning individual is entitled to be restored; expands the rights of individuals whose reemployment in a Federal legislative or judicial branch position, or in a position as a National Guard technician, is not feasible; establishes certain VRR responsibilities for the Federal Retirement Thrift Investment Board; adjusts the effective dates of the act; reinstates the veterans' readjustment appointment [VRA] authority for certain Vietnam-era veterans; conforms the requirements of Federal civil service retirement payments to VRR provisions; and provides for the cost savings to offset the direct-spending costs in this measure and other legislation that our committee will be proposing this year.

In summary, the provisions of the committee modification would:

First, amend proposed new section 4322(e)(3) to add a new subparagraph (B) that would allow an employer who reemploys a person who was absent for more than 90 days for active-duty service to require that person to provide documentation regarding his or her service before he or she would become entitled to pension benefits with respect to the period of service.

Second, amend proposed new sections 4323(a)(3)(A) and 4323(d)(2)(B) so as to clarify that the level of disability at which an individual is entitled to certain special protection is where the disability requires an accommodation by the employer for the person to be able to perform the duties of the position.

Third, amend proposed new section 4324 so as to provide an individual whose reemployment in a legislative or judicial branch position, or as a National Guard technician, is not feasible with rights to alternative Federal employment comparable to the rights of an executive branch employee.

Fourth, amend proposed new section 4326(b) to reorganize that subsection and to add to paragraph (1) thereof a new subparagraph (B) that would distinguish proposed subsection (b) of new section 4326 from subsection (a) by expressly clarifying that the employment rights and benefits derived from being deemed to be on furlough or leave under subsection (b) do not include employment seniority rights and benefits, which are covered by subsection (a).

Fifth, amend proposed new section 4326(b) to add a new paragraph (2) that would provide that the rights and benefits to which a person who is considered to be on furlough or leave of absence from employment, by reason of service in the uniformed services, is entitled do not include the rights or benefits provided only to employees on furlough or leave of absence by reason of special circumstances, such as maternity or paternity leave, disability leave, sick leave, or other leave related to the health or the employee or a family member. New paragraph (2) would also clarify that a person on leave of absence while serving in the uniformed services would not be entitled under proposed new section 4326(b) to any benefits to which the person would not otherwise be entitled if the person were not on a leave of absence.

Sixth, amend proposed new section 4326(b) to add a new paragraph (3) that would provide that a person in the uniformed services who is entitled under the VRR law to an extension of his or her civilian employer's health-plan coverage is entitled to such coverage to the extent that he or she is not entitled to care and treatment from the Federal Government as a result of his or her service in the uniformed services.

Seventh, amend proposed new section 4326(b) to add a new paragraph (4) that would provide that a person in the uniformed services who is entitled under the VRR law to an extension of his or her civilian employer's life insurance policy is entitled to the coverage of a death incurred as a result of participation in, or assignment to an area of, armed conflict to the extent that that coverage is not excluded or limited by any provision of the plan or policy.

Eighth, amend proposed new section 4326(b) to add a new paragraph (5) that would provide that a person in the uniformed services who is entitled under the VRR law to an extension of his or her civilian employer's disability insurance policy is not entitled to the coverage of an injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that that coverage is excluded or limited by any provision of the plan or policy.

Ninth, amend proposed new section 4326(b) to add a new paragraph (6) that would clarify that section 4326(b) does not deal with or detract from any rights or benefits under an employment pension benefit plan—since pension rights and benefits are provided for by proposed new section 4327.

Tenth, amend proposed new section 4326(b) to add a new paragraph (7)(A) that would limit to 18 months the period during which an employer is required to provide rights or benefits to a person deemed to be on a furlough or leave of absence while he or she is in the uniformed services.

Eleventh, amend proposed new section 4326(c) to strike a reference to the Consolidated Omnibus Budget Reconciliation Act [COBRA] which was initially included for clarification but is now being deleted because of Finance Committee concerns regarding a jurisdictional conflict.

Twelfth, amend proposed new section 4326(c) to clarify that the premium that may be required of a person who continues his or her employees' health-plan coverage for up to 18 months after entering the uniformed services will be determined in the same manner as the applicable premium under COBRA associated with that coverage for the employer's other employees.

Thirteenth, amend proposed new section 4326(c)(1) to add a new subparagraph (B) that would provide that a person who elects to acquire extended employee-health-plan coverage for 18 months while he or she is in the service will not be entitled to coverage under that plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of the person's service in the uniformed services.

Fourteenth, amend proposed new section 4326(b)(7) to add a new subparagraph (B), and amend proposed new section 4326(c)(1) to add a new subparagraph (C), that would provide that in the case of a person, not in the reserves or National Guard, who voluntarily enters active duty, the period of health-plan coverage during active-duty service will be the lesser of 18 months or the period of the person's employment immediately prior to entry on active duty—but in no event less than 31 days.

Fifteenth, amend proposed new section 4326(c)(1) to add a new subparagraph (D) that would provide that a person, not in the Reserves or National Guard, who voluntarily enters active duty would not be entitled to elect to continue health-plan coverage under the VRR law if his or her employer at the time the servicemember begins service employs fewer than 20 persons.

Sixteenth, amend proposed new section 4327(b)(1) so as to provide that, in a multiemployer defined contribution pension plan, the sponsor maintaining the plan may allocate among the participating employers the liability of the plan for pension benefits accrued by individuals who are absent for service in the uniformed services. If no cost-sharing arrangement is provided, the full liability to make the retroactive contributions to the plan would be allocated to the last employer employing the person before the period of uniformed service.

Seventeenth, amend proposed new section 4327(b)(2) so as to provide that a returning employee's payments into the pension plan may be made, as the employer and employee may agree, during a period of up to 5 years from the date of reemployment or the last day of the first 1-year break in service beginning after that date.

Eighteenth, amend proposed new section 4327(b) to add a new paragraph (3) that would provide, for the purposes of determining an employer's liability or an employee's contributions under a pension benefit plan, that the employee's reconstructed compensation during the period of his or her service in the uniformed services would be based on first, the rate of pay the employee received from the employer immediately before the period of service; or second, if the employee's compensation was not based on a fixed rate, on the basis of the employee's average rate of pay during the 12-month period immediately preceding his or her entry into service—or, if shorter than 12 months, the period of employment immediately preceding entry into service.

Nineteenth, amend proposed new section 4327(b) to add a new paragraph (4) that would provide that unless a pension plan provides otherwise: First, no earnings would be credited to an employee with respect to any contribution prior to the contribution actually being made to the plan, and second, any elective employer contributions, or any forfeiture of contributions made by other participants, for any year during the period of service would not be allocated to the returning servicemember.

Twentieth, amend proposed new section 4327 to add a new subsection (d)

that would provide that no provision of new section 4327 regarding employee pension benefit plans would apply to the extent it requires any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986 or would require contributions to be made with respect to employees not reemployed under the VRR law.

Twenty-first, with respect to Federal employees—

(a) Require the Executive Director of the Federal Retirement Thrift investment Board [FRTIB] to issue regulations applying the provisions of new section 4327 to the thrift savings plan;

(b) Expand the term "wrongful personnel action" to include: First, a failure of the Executive Director of the FRTIB to issue regulations covering employee pension benefit plans in accordance with the new VRR provisions, or second, a failure of an employing agency to take any action required by those regulations;

(c) Exclude from the causes for which a person could submit a complaint to the Secretary of Labor or to the MSPB a wrongful personnel action consisting of a failure of the Executive Director is issue those regulations or the failure of an employing agency to take any action required by those regulations and, instead, authorize a person complaining of either kind of failure to bring a civil action in Federal district court; and

(d) Include the Executive Director among those who would be considered a necessary party respondent in a chapter 43 action in a Federal district court in the case of a wrongful personnel action involving the failure of the Executive Director to issue the regulations.

Twenty-second, amend section 7(a)(2) of the bill so as to provide that any person who begins uniformed service within 90 days after the date of enactment would be covered during that 90-day period by the VRR law in effect on the day before the date of enactment.

Twenty-third, amend section 7(b) so as to provide that any person who is in the uniformed services on the date of enactment would be covered by the VRR law in effect on the day before the date of enactment for a period of 90 days beginning on the date of enactment. Thereafter, coverage would be by the new provisions.

Twenty-fourth, amend section 7 to add a new subsection (f) that would provide that the VRR pension-benefit-plan provisions, contained in the proposed new section 4327 of title 38, would apply to reemployment initiated on or after August 1, 1990.

Twenty-fifth, add a new section 9 that would ensure that all Vietnam-era veterans are afforded a minimum of 10 years of eligibility for veterans readjustment appointments [VRA's] by providing that the VRA authority under section 4214 of title 38 would be restored to Vietnam-era veterans who are discharged or released from active duty after December 31, 1979.

Twenty-sixth, add new section 10 that would provide that, effective August 1, 1990, the amount of Federal civil service retirement payments for a period of military service may not exceed the amount that would have been deducted or withheld for a period of civilian service if the employee had not performed the period of military service.

Twenty-seventh, add a new section 11 that would—

First, repeal the September 30, 1992, expiration date of section 8003 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), which limits pension payments to $90 a month for Medicaid-eligible veterans receiving VA needs-based pension who have no dependents and who are in nursing homes participating in Medicaid; and

Second, expand section 8003 of OBRA, effective July 1, 1992, to cover similarly situated veterans' survivors who are receiving VA pension. This position is substantively identical to section 4 of S. 775, which the Senate passed on November 20, 1991.

DOCUMENTATION

Mr. President, proposed section 4322(e)(3) would provide that an employer must reemploy a person notwithstanding the person's failure to provide documentation that the application is timely, the person is within the service limitations of the VRR law, and the person's entitlement to VRR benefits has not terminated, if the failure to provide the documentation occurs because the documentation does not exist or is not readily available at the time of the employer's request.

It was brought to our attention that an unforeseen consequence of the committee's policy to have servicemembers promptly reemployed even though proper documentation was not immediately available was that employer pension contributions to a defined contribution plan could possibly be withdrawn prior to an employer's discovery that the person did not have VRR eligibility.

Although the Department of Defense is not required to provide discharge documentation for active-duty service of less than 31 days—2 week annual training exercises being the most common example of when documentation would not be available upon the servicemember's return to work—documentation should generally be available for longer periods of uniformed service. From an employer's perspective, retroactive pension payments would be fairly small when an employee has been absent for a short period of uniformed service. In striking a balance between interests of employees and employers, the committee modification would allow the employer to insist on documentation before providing pension benefits to those who were absent for more than 90 days.

POSITIONS FOR DISABLED PERSONS

Mr. President, the committee modification would amend new sections 4323(a)(3)(A) and 4323(d)(2)(B) of title 38, as proposed in the bill as reported, to provide that the special order of priority of positions for disabled individuals applies only to those whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position. In the bill as reported, a determination as to whether the returning servicemember is disabled would have had to be made in each case in order to decide which position-priority listing applies. The committee realizes that not all disabilities have a bearing on the type of position that should be offered to a returning servicemember. Moreover, in the cases of most minor disabilities and others that have very little or no bearing on job performance, that determination would be wasteful and cause an undue invasion of the individual's privacy. The modification, therefore, is intended to clarify the committee's intent and make the special priority listing applicable in only appropriate cases.

REEMPLOYMENT BY THE FEDERAL GOVERNMENT

Mr. President, the committee modification would delete subsection (c) of the proposed new section 4324 in order to expand the rights of an individual whose reemployment in a Federal legislative or judicial branch position, or in a position as a National Guard technician, is not feasible. As reported by the committee, proposed new section 4324(c) would require such an individual to be eligible for civil service status under title 5 of the United States Code before OPM would be required to find alternative employment in a Federal executive agency for the individual. That requirement limits the rights of these persons very substantially.

Section 3304(c) of title 5 provides that a returning servicemember whose previous position of employment had been in the legislative branch is eligible for competitive civil service status only if he or she served for at least 3 years in the legislative branch in a position in which he or she was paid by the Secretary of the Senate or the Clerk of the House of Representatives. Section 3304(c) also provides that one whose position of employment had been in the judicial branch is eligible for competitive civil service status if he or she served for at least 4 years as a secretary or law clerk, or both, to a Justice or judge of the United States. Under section 3304(d), a person whose position of employment had been as a National Guard technician is eligible for competitive civil service status if he or she served for at least 3 years as a technician.

Mr. President, in accordance with the declaration in proposed new section

4301(a)(3) of title 38 that it is the sense of Congress that the Federal Government should be a model employer in carrying out veterans' reemployment practices, I believe that individuals whose previous Federal employment had been in the legislative or judicial branch, or as a National Guard technician, should be provided the same reemployment rights as individuals whose positions were in an executive agency. Executive branch employees are not faced with restrictions relating to length of prior civilian service and categories of position as conditions for obtaining an alternative position in another agency. In the committee's view, OPM should ensure that all individuals who were in a Federal Government position, or were National Guard technicians, and whose reemployment in the entity they left when they went into uniformed service is not feasible should be offered an alternative position of employment that satisfies the requirements of proposed new section 4323(a) of title 38.

Mr. President, some employees of the legislative and judicial branches and some National Guard technicians are currently provided OPM assistance in Federal executive agency placement if reemployment in their original entity is determined to be feasible. The concept of personnel movement between branches of the Federal Government is not new. All that is new is the proposed expansion of that concept.

CLARIFICATIONS REGARDING CATEGORIES OF BENEFITS

Mr. President, the bill as reported by our committee addressed in proposed new section 4326(a) the employee rights and benefits derived from employment seniority, and in proposed new section 4326(b) the nonseniority rights and benefits generally provided to employees on furlough or leave of absence, including health-plan benefits, life insurance, and accidental death and disability benefits. To clarify that subsections (a) and (b) apply to different categories of employment rights and benefits, the committee modification would add to proposed new section 4326(b)(1) a new subparagraph (B) that would clarify that proposed new section 4326(b) is not intended to deal with the employee rights and benefits that would be derived from employment seniority as covered by proposed new section 4326(a).

Mr. President, it was brought to our attention that in the bill as reported proposed new section 4326(b) would provide that a person in the uniformed services would be entitled to the rights and benefits that are provided to employees on a furlough or leave of absence and that employee pension benefits—expressly covered in detail in proposed new section 4327—might be interpreted as also being included under proposed new section 4326(b). That was not our committee's intention. To clarify this matter, the committee modification would add to proposed new section 4326(b) a new paragraph (6) that would clarify that entitlement of a servicemember to a right or benefit under an employment pension benefit plan would be determined under the provisions of proposed new section 4327.

EXCLUSION OF INAPPLICABLE TYPES OF LEAVE

Mr. President, as I have noted, proposed new section 4326(b) provides that an individual leaving civilian employment to enter into the uniformed services is to be deemed to be on furlough or leave of absence and is to be given the same nonseniority rights that are generally extended to other employees during a period of furlough or leave of absence.

The committee modification of proposed section 4326(b) would amend proposed new section 4326(b) to add a new paragraph (2) that would provide that the nonseniority rights and benefits to which a person who is considered to be on furlough or leave of absence from employment, by reason of service in the uniformed services, is entitled do not include the nonseniority rights or benefits provided only to employees on furlough or leave of absence by reason of special circumstances, such as maternity or paternity leave, disability leave, sick leave, or other leave related to the health of the employee or a family member. The committee modification would also clarify that a person on leave of absence while serving in the uniformed services would not be entitled under VRR to any benefits to which he or she would not otherwise be entitled if he or she were not on a leave of absence.

WAR-EXCLUSION CLAUSES

Mr. President, many civilian employer life insurance policies contain war-exclusion clauses that would exclude or limit coverage for deaths that occur in an area of armed conflict.

The bill as reported by our committee could have been interpreted to override war-exclusion clauses for a person in the uniformed services who was entitled under the VRR law to an extension of his or her civilian plan or policy. The committee modification would amend proposed new section 4236(b) to add a new paragraph (4) that would specify that the legislation does not override such clauses.

DISABILITY INSURANCE LIMITATION

Mr. President, I also understand that some civilian employer disability insurance policies contain clauses that would limit coverage for disabilities that occur as a result of an injury or disease incurred or aggravated during a period of active duty.

The bill as reported by our committee also could have been interpreted to override disability insurance policy clauses limiting certain coverage for a person in the uniformed services who would be entitled under the VRR law to an extension of his or her civilian plan or policy.

Since the Federal Government provides compensation for service members who have an injury or disease incurred or aggravated during a period of active duty, and since the period of active duty for most reservists and National Guard members is less than 1 month in length each year, it seems appropriate to give recognition to potentially overlapping coverage for the service member but still provide full protection for reservists who perform short-term training. The committee modification, in amending new section 4326(b)(5), would provide that a person is not entitled under new proposed section 4326(b) to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that such coverage is excluded or limited by a provision of that policy.

TIME LIMITATION FOR CERTAIN EMPLOYEE BENEFITS

Mr. President, under the VRR law, an individual is deemed to be on furlough or leave of absence while he or she is in the uniformed services and is entitled to the nonseniority rights and benefits generally provided to an individual in that status under his or her employment plan, contract, policy, or practice.

Since VRR entitlement is provided for periods of service of up to 5 years, the bill as reported by our committee could impose a significant burden on employers who are required to provide insurance and other nonseniority rights and benefits for the full term of VRR protection.

The committee modification, in new section 4326(b)(7)(A), would place an 18-month limit on the period during which an employer is required to provide nonseniority rights or benefits to a person who is deemed to be on a furlough or leave of absence by reason of service in the uniformed services. This limitation conforms the coverage for those under an employer plan for leave of absence to the period of extended coverage provided to those whose employer-sponsored health-plan coverage would otherwise terminate and who have the right to elect to continue health-plan coverage. The maximum period of coverage for both would be 18 months.

Mr. President, we have reviewed the concern regarding potential abuse by individuals who would work for a short period of time before voluntarily entering into service, but under the bill as reported, would be able to obtain 18 months of continued coverage. To address this concern, the committee modification would provide in proposed new sections 4326(b)(7)(B)(ii) and 4326(c)(1)(C)(ii) that, in the case of a person who voluntarily enters into the uniformed service, the period of cov-

erage would be the lesser of 18 months or the period of the person's employment with the person's employer immediately prior to the person's entry into the uniformed services, but not less than 31 days.

EXEMPTION FOR SMALL EMPLOYERS

Mr. President, it has been brought to our attention that extending health-plan coverage to employees deemed to be on furlough or leave of absence while in the uniformed services may create a heavy financial burden for very small employers. To address this concern, the committee modification would provide, in proposed new section 4326(c)(1)(D), that employers with less than 20 employees would be exempt from having to provide a person who voluntarily enters into the uniform services with the right to elect continued employer-sponsored health-plan coverage when he or she is not entitled to such coverage under a plan, contract, policy, or practice for persons considered to be on a furlough or leave of absence. This limitation would not apply to National Guard members or reservists who enter active duty.

REFERENCE TO THE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985

Mr. President, the bill as reported by our committee provided in proposed new section 4326(c) that continuation of employer-sponsored health-plan coverage would be in lieu of, to the extent it would duplicate, any health-plan coverage the person is entitled to elect under the Consolidated Omnibus Budget Reconciliation Act of 1985 [COBRA]. This provision had been added as a matter of clarification.

However, in deference to an indication from the Finance Committee that such a reference raises a jurisdictional conflict, our committee proposes to strike the COBRA reference. Because our committee had intended the COBRA provision to be only a clarifying one, we do not believe or intend that its deletion will have a substantive effect.

Mr. President, the committee does not intend for the employer obligations of the VRR law to alter or be at issue with those imposed by COBRA when both apply, nor does the committee intend, except where specifically provided, that the employer obligations of COBRA be incorporated into the VRR law. The committee simply intends to assure all persons entering on active duty the right to elect to continue health-plan coverage acquired through civilian employment for up to 18 months after their absence begins.

Mr. President, it should be noted that the proposed bill provides no specific means by which an employee would be notified of his or her right to elect continued health-plan coverage under the VRR law. If an employer is required by COBRA to provide its employees with a notice of their right to elect continued health-plan coverage, that requirement would not be obviated by the VRR law. However, if an employer is not required by COBRA to provide its employees with notice of their right to elect continued health-plan coverage, our proposed legislation would not create such a new requirement by virtue of the new right to so elect.

Mr. President, the committee expects that most of the elections for continued health-plan coverage under VRR law will be by reservists and members of the National Guard who are ordered to active duty. The committee further expects the Department of Defense to provide those persons with notice of their right to elect to continue health-plan coverage as part of their orientation and processing when they are called to active duty.

Mr. President, the bill as reported by our committee provided that a person who elects to continue health-plan coverage under proposed new section 4326(c) may be required to pay not more than 102 percent of the full premium associated with such coverage for the employer's other employees. As a point of clarification, our committee modification adds that the full premium would be determined in the same manner as under COBRA.

DUPLICATIVE COVERAGE

Mr. President, an individual is provided complete health-plan coverage by the Federal Government while he or she is in the uniformed services. By providing that the individual could elect to continue civilian employment health-plan coverage for up to 18 months, the bill as reported would create unnecessary duplicative coverage for the servicemember.

Thus, our committee modification, in proposed new section 4326(b)(3), would provide that a person entitled to acquire health-plan coverage under proposed new section 4326(b) will not be entitled to care or treatment under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of that person's service in the uniformed services.

A similar limitation would also be imposed in proposed new section 4326(c)(1)(B) for a person who elects to acquire health-plan coverage under proposed new section 4326(c).

These provisions would not apply to the dependents of a servicemember who elects to continue health-plan coverage acquired through civilian employment.

MULTIEMPLOYER PENSION PLANS

Mr. President, multiemployer pension plans are negotiated between a consortium of employers in an industry and a labor union. One example of this kind of arrangement is that of construction workers who move among various firms in the industry and earn credits under a common pension plan in each job. Such plans are funded jointly by employers, who contribute a negotiated amount per hour of labor to the fund, and are administered by a sponsoring organization. As I explained earlier, most multiemployer plans are defined-benefit [DB] plans, but a growing number are defined-contribution [DC] plans.

When a veteran who, before entering service, had been employed by a member or members of a multiemployer plan is employed after service by one of the employers, the question arises as to which firm or firms must pay for the contributions for the period of absence for uniformed service, since there is no way to know where the servicemember would have worked had his or her civilian employment not been interrupted. I believe the fairest approach would be to make it possible for the sponsor maintaining the plan to have discretion as to how best to allocate any liability of the plan. The committee modification would so provide. The default position—should the sponsor maintaining the plan not provide specifically for returning service- members—would be to allocate full liability for making retroactive payments to the last employer employing the person before the commencement of the period of service in the uniformed services.

ELECTIVE SALARY REDUCTION CONTRIBUTIONS

Mr. President, an employee who had been in the service for a long period of time, especially one whose military pay was significantly lower than his or her civilian pay, often would not have the necessary cash on hand to take advantage of the opportunity to make a large retroactive contribution to a retirement plan for the time spent away from the job if he or she were required to make it in a short period of time. Thus, there should be a substantial period of time over which retroactive contributions to pension plans cold be made, and employers and employees should be given reasonable latitude in setting the time limits for the making of contributions. In order to achieve both of these goals, the committee modification of proposed new section 4327(b)(2) would provide (a) that any payment to the plan must be made during any continuous period (beginning with the date or reemployment) as the employer and the reemployed servicemember may agree, but that (b) the period for repayment would not end before the earlier of (1) the date which is 5 years from the date of reemployment, or (2) if there is a break of a year or more in employment after the returning servicemember is reemployed, the last day of the first year that post-service employment is interrupted.

COMPUTATION OF COMPENSATION DEEMED TO HAVE BEEN RECEIVED

Mr. President, the committee modification would also provide, for pension-benefit purposes, for the computation of the level of compensation that the individual will be deemed to have

received if he or she had stayed on the job rather than serving in the uniformed services. Contributions to be allocated under a DC plan and benefits to be accrued under a DB plan are often a function of the level of the individual's compensation, but in most cases the individual receives no compensation during his or her absence while in the uniformed services. The committee modification clarifies what compensation is to be deemed to have been received during the absence for the sole purpose of calculating an employee's compensation with regard to pension benefits. Thus, under proposed new section 4327(b) as amended by the committee modification, the employee's compensation during the period of his or her service in the uniformed services would be based either on (a) the rate of pay the employee received from the employer immediately before the period of service, or (b) if the employee's compensation was not based on a fixed rate, on the basis of the employee's average rate of pay during the 12-month period immediately preceding his or her entry into service or, if shorter than 12 months, the period of employment immediately preceding entry into service.

The level of compensation used to compute pension benefits would have no effect on the compensation, if any, actually provided to a returning servicemember for the time he or she was serving in the uniformed services, nor would it have any effect on determining the compensation level for the position to which the returning servicemember is reemployed. The level of compensation upon reemployment would be determined by the basic escalator principle I noted earlier.

EARNINGS, ELECTIVE CONTRIBUTIONS, AND FORFEITURES

Mr. President, contributions for participants under DC plans are placed in individual participant accounts, which thereafter increase or decrease based on the plan's investment return. The committee modification would clarify that, unless the plan so provides, retroactive contributions would not be required to include earnings or losses that would have been realized or incurred if the contributions had been made during the individual's active-duty service. Thus, the requirement is only that the employer make retroactively the contributions that would have been made had the employee remained continuously on the job.

The committee modification would make a similar clarification with respect to two specific forms of contributions. In some DC plans the amount of the employer's contribution is discretionary with the employer. The committee modification would clarify that an employer is not required to make retroactively any contribution that the plan did not require to be made for the period of uniformed service.

In some DC plans a similar issue may arise when some participants forfeit their rights to contributions—typically by terminating their employment in midyear—and the amounts forfeited are reallocated at year end among the remaining participants. The committee modification would clarify that, unless the plan provides otherwise, forfeited amounts that were reallocated during the servicemember's absence would not be required to be reallocated to provide the reemployed veteran a share.

CONSISTENCY WITH INTERNAL REVENUE CODE

Mr. President, the provisions of the committee bill as amended by the committee modification that require that the pension benefits of all servicemembers who are reemployed under the VRR law be reinstated, whether their plans are DB plans or DC plans, would have certain tax consequences for both employers and employees.

Under current law, reinstated veterans are required to be given full credit in DB plans for the period they served in the uniformed services. As discussed in the committee report, beginning on page 52, the courts are split on the issue of whether current law requires reinstated veterans to be given full credit under DC plans, and the bill as reported would provide that protection.

However, the bill as reported by our committee did not deal with certain tax consequences of clarifying that rights under DC plans would be safeguarded. For example, the retroactive contributions to a DC plan that would be required by the bill as reported could exceed applicable annual limits on employer-employee contributions under section 415 of the Internal Revenue Code of 1986 [IRC] or on annual salary reduction contributions under section 402(g) of the IRC, or cause the employer's plan to violate the nondiscrimination test applicable to salary reduction plans under section 401(m) of the IRC.

Mr. President, any potential adverse tax consequence that could flow from clarifying the coverage of DC plans ideally should be avoided through legislation enacted together with the clarifying provisions. Unfortunately, the conforming provisions that would accomplish that goal necessarily affect the application of the IRC and would cause the bill to be seen as a revenue measure.

Mr. President, as my colleagues are aware, the Constitution requires revenue measures to originate in the House of Representatives, and I cannot envision a procedural route at this point to include conforming tax provisions in the committee's proposed legislation without raising that issue. Thus, in order not to jeopardize the whole of the VRR bill, I will not now propose the addition of several amendments that I believe are needed to conform the bill to the legislative goal, of both Houses, that the pension plans of all servicemembers who are reemployed under the VRR law be fully reinstated, whether their pension plans are DB or DC plans. Rather, I urge the distinguished chairman, Mr. BENTSEN and ranking Republican member, Mr. PACKWOOD of the Finance Committee to include appropriate provisions in an appropriate tax bill as soon as possible.

For the interim period prior to the enactment of the necessary conforming IRC amendments, it is necessary for the legislation to provide that nothing in new section 4327, regarding employee pension benefit plans, would apply to the extent that it would require any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the IRC or requires contributions to be made with respect to employees not reemployed under the VRR law.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Mr. President, the Federal Retirement Thrift Investment Board [FRTIB] is an independent agency that administers the Thrift Savings Plan. Under existing regulatory authority, the FRTIB establishes the obligations of the various employing agencies regarding thrift savings plan benefits, much like OPM does in the area of the other Federal retirement programs. However, Congress made it clear in chapter 84 of title 5 of the United States Code that the FRTIB is to have independent regulatory authority with respect to its program, free from administration regulatory review or control. Moreover, also unlike OPM, the FRTIB's decisions concerning the operation of the thrift savings plan are not subject to Merit Systems Protection Board review or appeal to the Federal Circuit. Rather, Congress carefully considered and included in section 8477 of title 5 separate provisions for pursuing claims involving the thrift savings plan.

Given this structure, Mr. President, the committee modification would take into account the unique characteristics of the thrift savings plan.

Proposed new section 4351(d), would require the Executive Director of the FRTIB to issue regulations applying the provisions of proposed new section 4327, regarding employee pension benefit plans, to the thrift savings plan. We intend that the regulations would specify the period of time after reemployment within which an election to make payments would be made, the total amount the employee may contribute, and the period of time over which the employee may make pension contributions. The regulations should also include provisions for the investigation and resolution of allegations that a wrongful personnel action as described in proposed new section 4331(2)(C) has occurred.

Proposed new section 4331(2)(C) would expand the term "wrongful personnel

action" to include a failure by the Executive Director of the FRTIB to issue regulations in conformance with proposed new section 4327 or the failure by an employing agency to take any action required by the regulations. This amendment would clarify a Federal employee's cause of action against the FRTIB as well as his or her employing agency.

Under proposed new section 4333(f), a person who claims to have been subjected to a wrongful personnel action described in proposed new section 4331(2)(C) would be entitled to bring a civil action in the district courts of the United States pursuant to section 8477 of title 5. Proposed new section 4335(c)(5) of title 38 would be modified to include the Executive Director of the FRTIB among those who would be considered a necessary party respondent.

The committee modification would also exempt a wrongful personnel action under proposed new section 4331(2)(C) from the procedures for submitting a complaint to the Secretary of Labor, and for submitting a complaint directly to the Merit Systems Protection Board.

EFFECTIVE DATES

Persons Commencing Service After Date of Enactment.—Mr. President, the bill as reported by our committee would provide in section 7(a)(1) that the provisions of the proposed bill would apply to persons who begin their period of uniformed service after the 90-day period beginning on the date of the enactment. Proposed section 7(a)(2) provided that during the 90-day period after the date of enactment the provisions of the proposed bill would also apply and that a servicemember would be deemed to have satisfied the notification requirement referred to in proposed new section 4322(a)(1) except for a reservist otherwise subject to a requirement to request a leave of absence referred to in current law section 2024(d) of title 38.

It was brought to our attention that employers would need time after enactment to set up systems for individuals leaving employment who would be eligible for ongoing health and other insurance coverages mandated by the bill. Thus, the committee modification, in an amendment to section 7(a)(2), would provide that any person who begins service in the uniformed services during the 90-day period following the date of enactment would be covered during that 90-day period by the provisions of VRR law in effect on the day before the date of enactment.

Persons Performing Active Duty on Date of Enactment.—Mr. President, the bill as reported by our committee would provide in section 7(b) that the provisions of the proposed bill would apply to any person who is performing uniformed service on the date of enactment and a servicemember would be deemed to have satisfied the notification requirement referred to in proposed new section 4322(a)(1) except for a reservist otherwise subject to a requirement to request a leave of absence referred to in current law section 2024(d) of title 38.

In keeping with the change to the proposed bill that I have just discussed regarding persons who begin service after the date of enactment, our committee modification would amend section 7(b)(1) of the bill to provide that persons performing active duty on the date of enactment would be covered during the 90-day period beginning on that date by the provisions of VRR law in effect on the day before that date. Our committee modification would also amend section 7(b)(2) to provide that any person who is performing active duty on the date of enactment and whose uniformed service continues after the 90-day period beginning on the date of enactment would be covered during the period of service after that 90-day period by the provisions of the proposed bill, and any reservist who was subject to section 2024(d) of title 38 (as in effect on the day before the date of enactment) with respect to a request for a leave of absence would be deemed to have met the requirement of notification if the person requested the leave of absence.

Pensions.—Mr. President, proposed new section 7(f) of the committee bill, as amended by the committee modification, would provide that the VRR pension provisions, proposed new section 4327 of title 38, would apply to reemployment initiated on or after August 1, 1990, the beginning date of the Persian Gulf war for veterans' benefits purposes. Over 228,000 reservists and National Guard members were ordered to active duty during the months following the beginning of hostilities in and around Kuwait and many were away from their civilian employment for 6 or more months. Without this provision for retroactive application of the new law, many of the reservists and National Guard members who answered the call of their country during its most recent crisis would be left with a significant gap in their civilian retirement plans.

VETERANS READJUSTMENT APPOINTMENTS

Mr. President, the committee modification would add to the committee bill a new section 9 to reinstate the Veterans' Readjustment Appointment [VRA] authority for certain veterans of the Vietnam era who were discharged or released from active duty after December 31, 1979, and have not had a 10-year opportunity to use VRA eligibility. This new section 9 would amend current section 4214(b)(2)(A) of title 38, so that those veterans would be eligible to receive such an appointment during the period ending 10 years after the date of their last discharge or release from active duty, or December 31, 1993, whichever is later.

All veterans of the Vietnam era were eligible for VRA's—limited noncompetitive appointments that can lead to full civil service status—in the Federal Government through December 31, 1989, at which time the statutory authority for them expired. Section 407(a) of Public Law 101-237, the Veterans' Benefits Amendments of 1989, extended the VRA authority to December 31, 1993, but, during that extended period, eligibility for an appointment was limited to Vietnam-era veterans who were service-disabled or had received a campaign badge during the Vietnam era, and to post-Vietnam-era veterans. Post-Vietnam-era veterans included only those who first entered on active duty after May 7, 1975. Section 9(b) of Public Law 102-16 made the VRA authority permanent but limited eligibility for Vietnam-era veterans to those covered by Public Law 101-237. For Vietnam-era veterans who received a campaign badge, Public Law 102-16 also extended their VRA eligibility to 10 years after the date of their last discharge or release from active duty, or December 31, 1993, whichever is later. Since January 1, 1990, however, Vietnam-era veterans who are not service disabled nor authorized a campaign badge have not been eligible for a VRA appointment, even though they are leaving the service at the same time as post-Vietnam-era veterans who have such eligibility.

Mr. President, we all know that the Vietnam era has been over for many years and recognize that most of those who served their country during that period and who were discharged shortly thereafter have long ago successfully made the transition into the civilian workplace. For them, readjustment is not an issue. For those who remained on active duty after the Vietnam era or who joined the selected reserves and were activated during Desert Storm, readjustment to civilian employment may very well be a major and currently disturbing issue in today's economy. This population of Vietnam-era veterans—those who recently have been released or who are scheduled to soon be released under the Department of Defense's down-sizing plans, but who are not eligible for a VRA appointment—would be assisted by this provision.

Also, the committee modification, by restoring eligibility to those discharged after December 31, 1979, would be restoring equity to the VRA program by providing a total 10-year opportunity for receipt of a VRA appointment similar to that available to other veterans eligible for VRA, whether they be from the Vietnam or post-Vietnam era. With the committee modification, all veterans who served from the beginning of the Vietnam era forward would at some point have VRA eligibility for not less than 10 years.

FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS

Mr. President, the committee modification would also add to the committee bill section 10, which would provide that Federal civilian employees enrolled in the Federal Employees' Retirement System [FERS], who generally are required to pay 3 percent of their military pay in order to have their military time credited toward retirement, would not be required more than 0.8 percent of what their civil service pay would have been if they had remained in continuous civilian service.

Under current law, there are some situations in which Federal workers who interrupt their civilian employment to serve on active duty in the military must pay more to receive Federal civilian retirement credit for that service than they would have had to pay had they not gone on active duty.

During the Persian Gulf war many Federal employees who are military reservists or members of the National Guard spent substantial time on active military duty, thereby interrupting their civilian employment and their accrual of pension credits under the Federal civilian retirement systems.

In order to receive Federal civilian retirement credit for military service, Federal employees who are enrolled in the civil service retirement system [CSRS] are required to deposit into the retirement fund 7 percent of their military wages. This is the same rate that is applied to their civilian wages for CSRS coverage.

However, employees who are enrolled in FERS are required to pay 3 percent of their military pay in order to receive retirement credit for that service, but they pay only 0.8 percent of the civilian wages they receive while in civilian Federal employment. As a result, some individuals might pay a larger dollar amount to retirement credit for their military time than they would have paid had they remained in their civilian jobs. This would occur where 3 percent of their military pay exceeds 0.8 percent of their civilian pay. Like CSRS benefits, FERS benefits are unrelated to the amount paid and the retirement benefit is the same regardless of which rate is paid. However, if no payment is made, no retirement credit is received for active-duty military service. The payment cap imposed by the committee modification would ensure that Federal employees are not worse off for having served on active military duty during an interruption in civilian service.

COST-SAVING PROVISIONS

Finally, Mr. President, the committee modification would add to the bill a section 11 that would make very substantial savings in order to offset new direct spending that would result from enactment of the committee bill and from other legislation that our committee plans to act on this year.

Mr. President, the committee modification, effective July 1, 1992, would extend to wartime veterans' survivors who receive VA's needs-based pension the provisions of section 8003 of the Omnibus Budget Reconciliation Act of 1990 [OBRA], which limit monthly pension payments to $90 a month for Medicaid-eligible veterans receiving VA needs-based pension who have no dependents and who are in nursing homes participating in Medicaid, except those who are in State veterans homes. Except for the proposed effective date, this provision is substantively identical to section 4 of S. 775, which the Senate passed on November 20, 1991. The provision would also make permanent section 8003 of OBRA by repealing its September 30, 1992, expiration date.

Prior to the enactment of OBRA, veterans in non-VA nursing homes who received Medicaid did not have their pension benefits reduced, but were required under the Medicaid law to apply their VA pension toward the cost of their nursing-home care.

Section 8003 of OBRA applied the $90-a-month limit on pension payments to Medicaid-eligible veterans who have no dependents and who are in nursing homes that participate in Medicaid.

The OBRA provision does not reduce the amount of VA pension that a veteran actually receives, since the pension payments affected by OBRA were passed through to the nursing home in which the veteran was receiving care. Following implementation of section 8003, Medicaid payments fully replace the VA pension payments for the veteran's nursing-home care.

From the veteran's standpoint, the OBRA provision protects $90 a month of the VA pension from various State Medicaid rules that required the veteran to use almost all of the pension for his or her care, except for a "personal allowance," an amount that is less than $90 a month in every State. Thus, the OBRA provision effectively ensures that veterans whose VA pension is reduced under that provision actually receive more personal spending money than they were allowed to keep under prior law. This new provision would extend this advantage to survivors who receive VA pension.

CONCLUSION

Mr. President, in closing I express my deep appreciation to the ranking Republican member of our committee, Mr. SPECTER, for his excellent cooperation and assistance on this measure and to all other members of the committee for their help in the development of and action on this legislation.

I am also grateful for the contributions of the Senate Veterans' Affairs Committee staff members who have worked on this legislation—on the minority staff, Scott Waitlevertch, Charlie Battaglia, Bill Tuerk, and Tom Roberts; and on the majority staff, Shannon Phillips, Tom Hart, Chuck Lee, Bill Brew, and Ed Scott—for the technical advice and expert assistance of Jim Storey, Ray Schmitt, and Carolyn Merck of the Congressional Research Service, and for the very diligent work of Charles Armstrong, Greg Scott, and Jim Fransen of the Senate Legislative Counsel's Office in the crafting of the measure.

Mr. President, it is important to our men and women when they put on the uniform that we show our support and do all we can to provide them with strong and effective employment protection. Thus, I urge the Senate to give its unanimous approval to the pending measure.

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs and as an original cosponsor, I am pleased to support passage of S. 1095, the "Uniformed Services Employment and Reemployment Rights Act of 1991," which revises and updates the law which protests the rights of citizens called to active military duty. This legislation is significant for two reasons.

First, it represents the combined efforts of the executive branch working in close cooperation and consultation with the Committees on Veterans' Affairs of both the House and the Senate. It demonstrates that where the interests and concerns of our veterans are at stake, both branches of Government will readily join ranks.

For over 3 years, Mr. President, an executive branch task force comprised of representatives from the Departments of Labor, Defense and Justice, and from the Office of Personnel Management, worked to develop a revision of the current reemployment rights law. Since the spring of this year, the Committees on Veterans' Affairs, in a bipartisan effort, worked together with these administration officials to produce this important legislation.

Second, and more importantly, S. 1095 would amend the veterans' reemployment right [VRR] law—chapter 43 of title 38, United States Code—to provide a complete revision and reorganization of the law affecting the reemployment rights of veterans. It will assure that returning service members are protected in all aspects of their employment as if they had been continuously employed during their period of service.

Since 1940, veterans, reservists and members of the National Guard have enjoyed varying degrees of protection that assured their return to their civilian employment following military duty. But the law protecting those rights, last recodified in 1974, has been badly in need of update.

Over the last 50 years, the veteran reemployment rights law has increased in complexity, size, and in terms of the number of cases of litigation. Since

that time, more than 600 court cases have further defined the limits of the law. Not surprisingly, occasional confusion has resulted and has led to the need for this legislation. While legislation will not solve all problems affecting veterans employment and reemployment rights, it will go a long way to their resolution.

In addition, the committee has been working as diligently as possible to accommodate as many concerns about the bill as possible. For example, it has acceded to the Senate Finance Committee to accommodate their concerns about aspects of the bill which would affect revenue. It is our understanding that the Finance Committee intends to seek enactment of technical legislation this year affecting the Internal Revenue Code treatment of employers and veterans defined contribution plans. Also, the committee has met with groups representing industry to listen to their concerns about the legislation and to clarify legislative and report language accordingly.

To the individual citizen-soldiers, the men and women on whom this Nation has proudly relied in times of military crisis, reemployment rights are critical. With military downsizing and the Nation's base force personnel policy, the United States has become more dependent than ever on the men and women comprising our Reserve and National Guard components for essential military readiness. This was clearly demonstrated during Operation Desert Shield and Operation Desert Storm. Let us remember that many of our loved ones, friends, and neighbors unhesitatingly traded business attire for desert fatigues to serve the national security interests of their country—thousands of miles from home. For our part, the Congress must ensure that while these brave men and women protect the rights of others in defense of freedom, we protect their rights to a livelihood.

Mr. President, I commend all committee members for all their hard work in fashioning a meaningful bill. In addition, I would also like to recognize the task force from the executive branch whose 3 years of hard work was the genesis of this legislation.

Finally, I would like to compliment the work of the committee staff, especially Chuck Lee, Bill Brew, and Ed Scott from the majority staff, and Scott Waitlevertch, Bill Tuerk, Quent Kinderman, Charles Battaglia, and Tom Roberts of my staff.

Mr. President, this bill keeps faith with our pledge to let our uniformed men and women return to the roles as citizens.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3362) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to engrossed for a third reading and was read the third time.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 1578, the House companion, and that the Senate then proceed to its immediate consideration; that all after enacting clause be stricken and the text of S. 1095, as amended, be inserted in lieu thereof; that the bill be advanced to third reading, passed and the motion to reconsider laid upon the table; further, that the title be appropriately amended; and that upon disposition of H.R. 1578, S. 1095 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1578) was deemed read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1578) entitled "An Act to amend title 38, United States Code, with respect to employment and reemployment rights of veterans and other members of the uniformed services" do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services Employment and Reemployment Rights Act of 1992".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"Sec.
"4301. Purposes; sense of Congress.
"4302. Relation to other law; construction.
"4303. Definitions.
"4304. Character of service.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"4321. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
"4322. Reemployment rights of persons who serve in the uniformed services.
"4323. Reemployment positions.
"4324. Reemployment by the Federal Government.
"4325. Reemployment by certain Federal agencies.
"4326. Seniority, insurance, and other employment rights and benefits.
"4327. Employee pension benefit plans.
"4328. Entitlement to rights and benefits not dependent on timing or nature of service.

"SUBCHAPTER III—ASSISTANCE IN SECURING EMPLOYMENT AND REEMPLOYMENT RIGHTS; ENFORCEMENT

"4331. Definitions.
"4332. Assistance in securing reemployment or other employment rights or benefits.
"4333. Enforcement of rights with respect to the Federal executive agencies.
"4334. Enforcement of rights with respect to certain Federal agencies.
"4335. Enforcement of rights with respect to a State or private employer.

"SUBCHAPTER IV—INVESTIGATION OF COMPLAINTS

"4341. Conduct of investigation; subpoenas.

"SUBCHAPTER V—MISCELLANEOUS

"4351. Regulations.
"4352. Outreach.

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"§4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the reemployment practices provided for in this chapter.

"§4302. Relation to other law; construction

"(a) Nothing in this chapter shall supersede, nullify or diminish any provision of Federal or State law (including any local law or ordinance), or any provision of a plan provided, contract entered into, or policy or practice adopted, by an employer, which establishes a right or benefit that is more beneficial to a person than a right or benefit provided for such person in this chapter or is in addition to a right or benefit provided for such person in this chapter.

"(b) This chapter supersedes any State law or employer plan, contract, or policy or practice that would have the effect of limiting in any manner any right or benefit provided by this chapter, including any State law or employer plan, contract, or policy or practice that establishes a prerequisite to the exercise of any such right or the receipt of any such benefit that is not a prerequisite established by or under this chapter.

"(c) Nothing in this chapter shall be interpreted to limit in any way any of the rights conferred by the Americans with Disabilities Act of 1990 (Public Law 101–336; 42 U.S.C. 12101 et seq.).

"§4303. Definitions

"For the purposes of this chapter:

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit' or 'benefit of employment' means any advantage, profit, privilege, gain, status, account, or interest that accrues by reason of an employment contract or an employer practice or custom (other than wages or salary for work performed) and includes rights under a pension or health plan, insurance cov-

erage and awards, rights under an employee stock ownership plan, bonuses, severance pay, any supplemental unemployment benefit, an entitlement to leave with or without pay, work hours, and the location of employment.

"(3)(A) Except as provided in subparagraph (B), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State; and

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(4) The term 'Federal executive agency' includes the United States Postal Service, the Postal Rate Commission, any nonappropriated fund instrumentality of the United States, and any Executive agency (as that term is defined in section 105 of title 5) other than an agency referred to in section 2302(a)(2)(C)(ii) of title 5.

"(5) The term 'Federal Government' includes any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States.

"(6) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(7) The term 'reasonable accommodation' has the meaning given such term in section 101(9) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(9)).

"(8) Notwithstanding section 101(1) of this title, the term 'Secretary' means the Secretary of Labor.

"(9) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(10) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(11) The term 'undue hardship' has the meaning given such term in section 101(10) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(10)).

"(12) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, and the commissioned corps of the Public Health Service.

"§ 4304. Character of service

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"§4321. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can demonstrate that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"§4322. Reemployment rights of persons who serve in the uniformed services

"(a) Subject to subsections (b) and (c), any person who is absent from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) except as provided in subsection (c) of this section, the cumulative length of the absence and of any previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) the person reports to, or submits an application for reemployment to, such employer in accordance with the provisions of subsection (d).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) A person referred to in subsection (a) shall be entitled to the rights and benefits referred to in such subsection even though the cumulative length of the person's service in the uniformed services exceeds five years if the service which results in a cumulative period in excess of five years is a result of—

"(1) service required to complete an initial period of obligated service;

"(2) service from which, through no fault of that person, the person could not obtain a discharge or release in time to prevent the cumulative absences from exceeding 5 years;

"(3) service required under section 270 of title 10 or section 502(a) or 503(a) of title 32 or required to fulfill additional training requirements determined by the Secretary concerned to be necessary for professional development or for completion of skill training or retraining;

"(4) service pursuant to—

"(A) an order to, or retention on, active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10;

"(B) an order to, or retention on, active duty (other than for training) under any other provision of law during a war or national emergency declared by the President or by Congress;

"(C) an order to active duty (other than for training) in support (as determined by the Secretary concerned) of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) an order to active duty in support (as determined by the Secretary concerned) of a critical mission or requirement of the uniformed services;

"(E) an order to active duty under section 712 of title 14; or

"(F) a call into Federal service under chapter 15 of title 10 or section 3500 or 8500 of such title; or

"(5) any other category of service specified by the Secretary, in consultation with the Secretary of Defense, in regulations prescribed pursuant to section 4351 of this title.

"(d)(1) Subject to paragraphs (2) and (3), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period for the safe transportation of the person from the place of that service to the workplace of the employer; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 31 days after the completion of the period of service.

"(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service.

"(2) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated by, the performance of a period of service in the uniformed services shall report to the person's employer (in the case of a person

described in subparagraph (A) or (B) of paragraph (1)) or submit an application for reemployment with such employer (in the case of a person described in subparagraph (C) or (D) of such paragraph) at the end of the period (not to exceed two years) that is necessary for the person to recover from such illness or injury.

"(3) A person referred to in subparagraphs (A) or (B) of paragraph (1) who fails to report to an employer within the time period referred to in such paragraph shall be considered to have failed to report for such work on schedule but may be treated by the employer no less favorably than the employer treats other absent employees pursuant to the employer's established policy or the general practices of the employer relating to employee absences.

"(e)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (d)(1) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(3) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not terminated under section 4304 of this title.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3)(A) Except as provided in subparagraph (B), an employer shall reemploy a person in accordance with the provisions of this chapter notwithstanding the failure of the person to provide documentation that satisfies the regulations prescribed pursuant to paragraph (2) if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in clauses (A) through (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4327(a)(2)(A) of this title.

"§4323. Reemployment positions

"(a) Subject to subsections (b) and (c), a person entitled to reemployment under section 4322 of this title upon completion of a period of service in the uniformed services shall be promptly reemployed in a position of employment as follows:

"(1) Except as provided in paragraph (3), in the case of a person whose period of service in the uniformed services was for less than 31 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, if the person is not qualified to perform the duties of the position referred to in clause (A).

"(2) Except as provided in paragraph (3), in the case of a person whose period of service in the uniformed services was for more than 30 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a similar position of like status and pay, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like status and pay, the duties of which the person is qualified to perform, if the person is not qualified to perform the duties of a position referred to in clause (A).

"(3)(A) In the case of a person whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position, one of the following positions in the order of priority in which the positions are listed:

"(i) The position referred to in paragraph (1) (A) or (B), as the case may be, if the person's period of service in the uniformed services was for less than 31 days.

"(ii) The position referred to in paragraph (2) (A) or (B), as the case may be, if the person's period of service in the uniformed services was for more than 30 days.

"(iii) A position similar to a position referred to in clause (ii) that is consistent with the circumstances of the person's case, the duties of which the person is qualified to perform.

"(iv) A position of lesser status and pay than a position referred to in clause (iii) that is consistent with the circumstances of the person's case, the duties of which the person is qualified to perform.

"(B) An employer shall employ a person in a position referred to in clauses (i) through (iv) of subparagraph (A) even if the employer must make a reasonable accommodation for the disability of such person (and any limitations related to such disability) to facilitate the person's ability to perform the duties of that position.

"(b) A person shall be considered qualified to perform the duties of a position of employment under subsection (a) if the person can perform the essential functions of the position or will be able to perform such functions (1) after receiving a reasonable amount of training provided by the employer to refresh or update the necessary skills of that person, or (2) through other reasonable efforts undertaken by the employer.

"(c)(1) An employer is not required to reemploy a person under this chapter if the employer's circumstances have so changed as to make such reemployment impossible or unreasonable.

"(2) An employer is not required to make an accommodation under subsection (a) or provide training or undertake any other effort under subsection (b) if such accommodation, training, or effort would impose an undue hardship on the operation of the business of the employer to do so.

"(3) In any administrative or judicial proceeding involving an issue of whether (A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, or (B) any accommodation, training, or effort referred to in paragraph (2) would impose an undue hardship on the operation of the business of the employer, the employer shall have the burden of proving the impossibility or unreasonableness or undue hardship.

"(d)(1) If two or more persons request reemployment under this chapter in the same position of employment by reason of an interruption of employment resulting from service in the uniformed services, the person whose continuous employment was so interrupted earlier shall have a superior right of reemployment.

"(2) Any person entitled to reemployment under this section who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to be reemployed as follows:

"(A) Except as provided in subparagraph (B), in any other position referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case.

"(B) In the case of a person whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position, in any other position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case.

"§4324. Reemployment by the Federal Government

"(a)(1) Paragraph (2) shall apply in the case of—

"(A) a person whose reemployment in a Federal Government position or as a National Guard technician under section 4323 of this title is not feasible; and

"(B) a person whose reemployment in an agency referred to in section 4325(a) of this title is not feasible or practicable.

"(2) The Director of the Office of Personnel Management shall ensure that a person referred to in clause (A) or (B) of paragraph (1) is offered an alternative position of employment in a Federal executive agency that satisfies the requirements of section 4323(a) of this title.

"(b)(1) For the purposes of subsection (a), the Director of the Office of Personnel Management shall determine whether the reemployment of a person in a position in a Federal executive agency is feasible.

"(2) For the purposes of subsection (a), the Director of the Office of Personnel Management shall accept a determination that the reemployment of a person in a position described in clause (A) or (B) is not feasible from the official referred to in that clause, as follows:

"(A) In the case of a position in the legislative branch or the judicial branch, the officer or employee authorized to appoint a person to that position.

"(B) In the case of a National Guard technician position in a State, the adjutant general of that State.

"(3) For the purposes of subsection (a), the Director of the Office of Personnel Management shall accept a determination that the reemployment of a person in a position in an agency referred to in section 4325(a) of this title is not feasible or practicable from the officer of such agency designated to make such determination under section 4325(c) of this title.

"(c) A person's entitlement to reemployment under this section does not entitle such person to retention, preference, or displacement rights over any person who, without regard to the provisions of this chapter, has superior retention, preference, or displacement rights under the provisions of title 5 that relate to veterans and other preference eligibles (as defined in section 2108 of such title).

"§ 4325. Reemployment by certain Federal agencies

"(a) The head of each agency referred to in section 2302(a)(2)(C)(ii) of title 5 shall prescribe—

"(1) the conditions under which persons who are absent from positions of employment with such agency by reason of service in the uniformed services shall be reemployed by such agency; and

"(2) procedures for ensuring that the persons who satisfy such conditions are reemployed by such agency.

"(b) In prescribing conditions and procedures under subsection (a), the head of the agency shall ensure, to the maximum extent practicable, that—

"(1) the conditions under which persons shall be reemployed by the agency are similar to the conditions for the entitlement of a person to reemployment rights under section 4322 of this title; and

"(2) the procedures for the reemployment of such persons provide for the reemployment of such persons by the agency in a manner that is similar to the manner described in section 4323 of this title.

"(c)(1) In prescribing conditions and procedures under subsection (a), the head of the agency shall designate an officer of the agency who shall determine if the reemployment of a person by the agency under this section is not feasible or practicable.

"(2)(A) Upon making a determination that the reemployment of a person is not feasible or practicable, such officer shall notify such person and the Director of the Office of Personnel Management of such determination.

"(B) The head of each agency shall, on an annual basis, submit to the Senate Select Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives a report of the number of persons whose reemployment with the agency was determined to be not feasible or practicable during the year preceding the report and the reason for each such determination.

"(3) A determination under paragraph (2)(A) shall not be subject to judicial review.

"§4326. Seniority, insurance, and other employment rights and benefits

"(a) A person who is reemployed under section 4323, 4324, or 4325 of this title shall be entitled to the same seniority such person would have had if the person's employment had not been interrupted by service in the uniformed services.

"(b)(1)(A) Subject to paragraphs (2) through (7), a person shall be deemed to be on furlough or leave of absence while serving in the uniformed services and shall be entitled to such rights and benefits (including, upon request of the person, health-plan benefits, life insurance, and accidental death and disability benefits) as are generally provided to employees of the employer who are on furlough or leave of absence under a plan, contract, policy, or practice which is in force at the beginning of the person's period of service in the uniformed services or which becomes effective during such period.

"(B) The seniority rights and benefits of a person deemed to be on furlough or leave of absence under this paragraph shall be determined under subsection (a).

"(C) A person provided with rights or benefits under this paragraph may be required to pay the cost, if any, of any benefit continued pursuant to such plan, contract, policy, or practice.

"(2) A person is entitled under this subsection to any right or benefit that is provided by the employer of the person to employees of the employer who are on furlough or leave of absence (other than the rights or benefits provided to employees on furlough or leave of absence by reason of special circumstances such as maternity or paternity leave (including leave for adoption of a child), disability leave, sick leave, or other leave as a result of the occurrence of an event affecting the employee's health or the health of a family member). A person on leave of absence while serving in the uniformed services shall not be entitled under this section to any benefits to which the person would not otherwise be entitled if the person were not on a leave of absence.

"(3) A person is not entitled under this subsection to coverage under a health plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(4) A person is not entitled under this subsection to coverage, under a life insurance policy, of a death incurred by the person as a result of the person's participation in, or assignment to an area of, armed conflict to the extent that such coverage is excluded or limited by a provision of such policy.

"(5) A person is not entitled under this subsection to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that such coverage is excluded or limited by a provision of such policy.

"(6) A person is not entitled under this subsection to a right or benefit provided under an employee pension benefit plan.

"(7)(A) Except as provided in subparagraph (B), the requirement that an employer provide rights or benefits under paragraph (1) to a person deemed to be on furlough or leave of absence shall expire on the earlier of—

"(i) the date of the end of the 18-month period that begins on the date on which the person commences the service referred to in paragraph (1); or

"(ii) the date on which the person completes the performance of such service.

"(B) To the extent provided in a plan, contract, policy, or other practice referred to in paragraph (1)(A), the period of coverage described in subparagraph (A) for a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) shall be—

"(i) 18 months,

"(ii) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(iii) the period of the person's employment with the person's employer immediately before the person's entrance into such services,

whichever is shortest, but not less than 31 days.

"(c)(1)(A) Subject to subparagraphs (B) through (D), if a person's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment for purposes of performing service in the uniformed services, the person shall have the right to elect to continue health-plan coverage acquired through civilian employment in accordance with this paragraph so that such coverage continues for a maximum of 18 months after such absence begins. A person who elects to continue health-plan coverage under this paragraph may be required to pay not more than 102 percent of the full premium (determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)(4)) associated with such coverage for the employer's other employees, except that in the case of a person who performs a period of service in the uniformed services for less than 31 days, such person may not be required to pay more than the employee share, if any, for such coverage.

"(B) A person who elects to continue health-plan coverage under this paragraph shall not be entitled to coverage under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(C)(i) Except as provided in clause (ii), the period of coverage of a person and the person's dependents under a continuation of health-plan coverage elected by the person under this paragraph shall be the lesser of—

"(I) 18 months; or

"(II) the period of the person's service in the uniformed services.

"(ii) In the case of a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) the period of coverage referred to in clause (i) shall be—

"(I) 18 months,

"(II) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(III) the period of the person's employment with the person's employer immediately prior to the person's entrance into such service,

whichever is shortest, but not less than 31 days.

"(D) A person described in subparagraph (C)(ii) shall not be entitled to elect to continue health-plan coverage under this paragraph if the employer of the person at the time of the person's commencement of service in the uniformed services employs fewer than 20 persons.

"(2)(A) Except as provided in subparagraph (B), in the case of a person whose coverage by an employer-sponsored health plan as an employee is terminated by reason of the service of such person in the uniformed services, an exclusion or waiting period may not be imposed by any person in connection with coverage of the person who served in the uniformed services upon reemployment by the employer under this chapter, or in connection with any other individual who is covered by the health plan by reason of the reinstatement of the coverage of such person upon reemployment, if an exclusion or waiting period would not have been imposed under such health plan had coverage of such person by such health plan not been terminated as a result of such service.

"(B) Subparagraph (A) shall not apply to a condition of a servicemember that the Secretary of Veterans Affairs has determined was incurred or aggravated in the line of duty in the military, naval, or air service.

"(d) A person who is reemployed in a position of employment by an employer under section 4323 or 4324 of this title may not be involuntarily removed from such position, except for cause—

"(A) within one year after the date of reemployment, if the person's period of service before the reemployment of the person in the position was more than 180 days; or

"(B) within 180 days after the date of reemployment, if the person's period of service before the reemployment of the person in the position was more than 30 days but less than 181 days.

"(e)(1) Any person described in paragraph (2) whose employment with an employer referred to in that paragraph is interrupted by a period of service in the uniformed services shall be permitted, upon request of that person, to use during such period of service any vacation or annual leave with pay accrued by the person before the commencement of such service.

"(2) A person entitled to the benefit described in paragraph (1) is a person who—

"(A) has accrued vacation or annual leave with pay under a policy or practice of a State (as an employer) or private employer; or

"(B) has accrued such leave as an employee of the Federal Government pursuant to subchapter I of chapter 63 of title 5.

"§4327. Employee pension benefit plans

"(a)(1) In the case of a right provided pursuant to an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this subsection.

"(2)(A) Except as provided in section 4322(e)(3)(B) of this title, a person reemployed under this chapter shall be treated as not having incurred a break in service with the em-

ployer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

"(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

"(b)(1) An employer reemploying a person under this chapter shall be liable to an employee benefit pension plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2). For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period described in subsection (a)(2)(B)).

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions or elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986) only to the extent the person makes payment to the plan with respect to such contributions or deferrals. No such payment may exceed the amount the person or employer would have been permitted or required to contribute had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B). Any payment to the plan described in this paragraph shall be made during any continuous period (beginning with the date of reemployment) as the employer and the person may agree, except that such period shall not end before the earlier of the date which is—

"(A) 5 years from the date of reemployment; or

"(B) the last day of the first 1-year break in employment beginning after such date.

"(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the same rate as the employee received from the employer immediately before such period; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(4) Unless the plan provides otherwise—

"(A) no earnings shall be credited to an employee with respect to any contribution prior to such contribution being made; and

"(B) any elective employer contributions, or any forfeitures, during the period described in subsection (a)(2)(B) shall not be allocated to persons reemployed under this chapter.

"(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide notice of such reemployment to the administrator of such plan.

"(d) No provision of this section shall apply to the extent it—

"(1) requires any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986; or

"(2) requires contributions to be returned, or additional contributions to be made, with respect to employees not reemployed under this chapter.

"§4328. Entitlement to rights and benefits not dependent on timing or nature of service

"Except as provided for in this chapter, a person's entitlement to a right or benefit provided under this chapter is not affected by the timing, frequency, or duration of the person's performance of service in the uniformed services or the nature of such service in the uniformed services.

"SUBCHAPTER III—ASSISTANCE IN SECURING EMPLOYMENT AND REEMPLOYMENT RIGHTS; ENFORCEMENT

"§4331. Definitions

"For the purposes of this subchapter, the term 'wrongful personnel action' means the following:

"(1) In the case of a State (as an employer) or a private employer, an action taken by the employer in violation of a provision of this chapter or a failure by the employer to take an action required by the provisions of this chapter.

"(2) In the case of the Federal Government (as an employer)—

"(A) an action taken by an officer or employee of the Federal Government in violation of a provision of this chapter or a failure by such an officer or employee to take an action required by the provisions of this chapter;

"(B) a failure of the Director of the Office of Personnel Management to take an action required of the Director under section 4324 of this title; or

"(C) a failure of the Executive Director of the Federal Retirement Thrift Investment Board to issue regulations in accordance with section 4327 of this title or the failure of an employing agency to take any action required by such regulations.

"§4332. Assistance in securing reemployment or other employment rights or benefits

"(a)(1) Any person who claims to have been subject to a wrongful personnel action (other than a wrongful personnel action described in section 4331(2)(C) of this title) may submit a complaint regarding such action to the Secretary.

"(2) A complaint submitted under paragraph (1) shall be in a form prescribed by the Secretary and shall include—

"(A) the name and address of the employer or potential employer against whom the complaint is directed; and

"(B) a summary of the allegations upon which the complaint is based.

"(b) The Secretary shall investigate each complaint submitted pursuant to subsection (a). If the Secretary determines as a result of the investigation that the wrongful personnel action alleged in such complaint occurred, the Secretary shall make reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(c) If the efforts of the Secretary with respect to a complaint under subsection (b) are unsuccessful, the Secretary shall notify the person who submitted the complaint of—

"(1) the results of the Secretary's investigation; and

"(2) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4333 of this title (in the case of a person submitting a complaint (other than a complaint arising out of a wrongful personnel action referred to in section 4331(2)(C) of this title)against the Federal Government) or 4335 of this title (in the case of a person submitting a complaint against a State or private employer).

"(d) In carrying out the responsibilities of the Secretary under this section, the Secretary—

"(1) shall use the Assistant Secretary of Labor for Veterans' Employment and Training; and

"(2) may use (A) existing Federal and State agencies engaged in activities similar or related to such responsibilities, and (B) the assistance of volunteers.

"§4333. Enforcement of rights with respect to Federal executive agencies

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4332(c) of this title of an unsuccessful effort to resolve a complaint relating to a wrongful personnel action on the part of a Federal executive agency may request that the Secretary refer the complaint for litigation before the Merit Systems Protection Board. The Secretary shall refer the complaint regarding such wrongful action to the Office of Special Counsel established by section 1211 of title 5.

"(2)(A) If the Special Counsel determines that the wrongful personnel action alleged in such complaint occurred, the Special Counsel (upon the request of the person submitting the complaint) may appear on behalf of, and act as attorney for, the person and initiate an action regarding such complaint before the Merit Systems Protection Board.

"(B) If the Special Counsel decides not to initiate an action and represent a person before the Merit Systems Protection Board as authorized under subparagraph (A), the Special Counsel shall notify such person of that decision.

"(b)(1) A person referred to in paragraph (2) may submit directly to the Merit Systems Protection Board a complaint alleging a wrongful personnel action (other than a wrongful personnel action described in section 4331(2)(C) of this title) on the part of a Federal executive agency. A person who seeks a hearing or adjudication under this paragraph may be represented at such hearing or adjudication in accordance with the rules of the Board.

"(2) A person entitled to submit a complaint to the Merit Systems Protection Board under paragraph (1) is a person who—

"(A) has chosen not to apply to the Secretary for assistance regarding a complaint under section 4332(a);

"(B) has received a notification from the Secretary under section 4332(c) of this title;

"(C) has chosen not to be represented before the Board by the Special Counsel pursuant to subsection (a)(2)(A); or

"(D) has received a notification of a decision from the Special Counsel under subsection (a)(2)(B).

"(c)(1) The Merit Systems Protection Board shall adjudicate any complaint brought before the Board pursuant to subsection (a)(2)(A) or (b)(1).

"(2) If the Board determines that a Federal executive agency has not complied with the provisions of this chapter relating to the employment of a person by the agency, the Board shall enter an order requiring the agency to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by such person by reason of such lack of compliance.

"(3) Any compensation received by a person pursuant to an order under paragraph (1) shall

be in addition to any other right or benefit provided for by this chapter and shall not be deemed to diminish any such right or benefit.

"(4) If the Board determines as a result of a hearing or adjudication conducted pursuant a complaint submitted by a person directly to the Board pursuant to subsection (b)(1) that such person is entitled to an order referred to in paragraph (2), the Board may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(d) A person adversely affected or aggrieved by a final order or decision of the Merit Systems Protection Board under subsection (c) may petition the United States Court of Appeals for the Federal Circuit to review the final order or decision. Such petition and review shall be in accordance with the procedures set forth in section 7703 of title 5.

"(e) A person may be represented by the Special Counsel in an action for review of a final order or decision issued by the Merit Systems Protection Board pursuant to subsection (c) that is brought pursuant to section 7703 of title 5 unless the person was not represented by the Special Counsel before the Merit Systems Protection Board regarding such order or decision.

"(f) A person who claims to have been subject to a wrongful personnel action referred to in section 4331(2)(C) of this title is entitled to file an action with respect to such claim pursuant to section 8477 of title 5.

"§ 4334. Enforcement of rights with respect to certain Federal agencies

"(a) This section shall apply to any person who alleges that—

"(1) the reemployment of such person by an agency referred to in section 4325(a) of this title was not in accordance with the procedures for the reemployment of such person prescribed under such section; or

"(2) the failure of such agency to reemploy the person under such section was wrongful.

"(b) Any person referred to in subsection (a) may submit a claim relating to the allegation to the Inspector General of the agency. The Inspector General shall investigate and resolve the claim pursuant to procedures prescribed by the head of the agency.

"(c) The head of each agency referred to in section 4325(a) shall prescribe procedures for the investigation and resolution of allegations submitted under subsection (b). In prescribing procedures under this subsection, the head of the agency shall ensure, to the maximum extent practicable, that the procedures are similar to the provisions relating to the investigation and resolution of a claim by the Secretary under section 4332(b) of this title.

"§4335. Enforcement of rights with respect to a State or private employer

"(a)(1) A person who has submitted a complaint of a wrongful personnel action by a State (as an employer) or a private employer to the Secretary pursuant to section 4332(a) of this title and who has received a notification of the unsuccessful resolution of the complaint under section 4332(c) of this title, may request that the Secretary refer the complaint to the Attorney General. If the Attorney General determines that the wrongful personnel action alleged in the complaint occurred, the Attorney General may appear on behalf of, and act as attorney for, the person submitting the complaint and commence an action for appropriate relief on behalf of such person in an appropriate United States district court.

"(2)(A) A person referred to in subparagraph (B) may commence an action for appropriate relief in an appropriate United States district court.

"(B) A person entitled to commence an action for relief with respect to a complaint under subparagraph (A) is a person who—

"(i) has chosen not to apply to the Secretary for assistance regarding the complaint under section 4332(a);

"(ii) has chosen not to request that the Secretary refer the complaint to the Attorney General under subsection (a)(1); or

"(iii) has been refused representation by the Attorney General with respect to the complaint under such subsection.

"(b) In the case of an action against a State as an employer, the appropriate district court is the court for any district in which the State exercises any authority or carries out any function. In the case of a private employer the appropriate district court is the district court for any district in which the private employer of the person maintains a place of business.

"(c)(1)(A) The district courts of the United States shall have jurisdiction, upon the filing of a complaint, motion, petition, or other appropriate pleading by or on behalf of the person entitled to a right or benefit under this chapter—

"(i) to require the employer to comply with the provisions of this chapter;

"(ii) to require the State or private employer, as the case may be, to compensate the person for any loss of wages or benefits suffered by reason of such employer's wrongful personnel action; and

"(iii) to require the employer to pay the person an amount equal to the amount referred to in clause (ii) as liquidated damages, if the court determines that the employer's wrongful personnel action was willful.

"(B) Any compensation under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not be deemed to diminish, any of the benefits provided for in the provisions of this chapter.

"(2)(A) No fees or court costs may be charged or tazed against any person claiming rights under this chapter.

"(B) In any action or proceeding commenced by a person under subsection (a)(2) and in which such person is the prevailing party, the court may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(3) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights of persons under this chapter.

"(4) An action under this chapter may be initiated only by a person claiming rights or benefits under the provisions of subchapter II of this chapter, and not by an employer, prospective employer, or other entity with obligations under this chapter.

"(5) In any such action, only the State, private employer, or potential employer (as the case may be) or, in the case of benefits described in section 4327 of this title, an employee pension benefit plan referred to in that section, or, in the case of a wrongful personnel action referred to in section 4331(2)(C) of this title, the Executive Director of the Federal Retirement Thrift Investment Board referred to in that section, shall be considered a necessary party respondent.

"(6) No State statute of limitations shall apply to any proceeding under this section.

"(7) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"SUBCHAPTER IV—INVESTIGATION OF COMPLAINTS

"§4341. Conduct of investigation; subpoenas

"(a) In carrying out any investigation under this chapter, the Secretary shall have reasonable access to documents of the complainant or an employer that the Secretary considers relevant to the investigation. The Secretary may examine and duplicate such documents.

"(b) In carrying out investigations under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and after a request by the Secretary, the Attorney General may apply to the district court of the United States for any district in which such disobedience or contumacy occurs for an order enforcing the subpoena.

"(c) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful inquiry under this chapter. The district courts shall have jurisdiction to punish a failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

"SUBCHAPTER V—MISCELLANEOUS

"§4351. Regulations

"(a) The Secretary, in consultation with the Secretary of Defense, may prescribe regulations relating to the implementation of this chapter with respect to reemployment and the provision of other employment rights and benefits by States (as employers) and private employers.

"(b) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations relating to the implementation of this chapter by Federal executive agencies (as employers). This subsection does not authorize the Director to prescribe regulations relating to any matter for which regulations may be prescribed under subsection (c).

"(c) The following entities (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations to carry out the activities of such entities under this chapter:

"(1) The Merit Systems Protection Board.

"(2) The Office of Special Counsel referred to in section 4333(a) of this title.

"(3) Agencies referred to in section 2303(a)(2)(C)(ii) of title 5.

"(d) The Executive Director of the Federal Retirement Thrift Investment Board shall issue regulations applying the provisions of section 4327 of this title to the Thrift Savings Plan (described in subchapters III and VII of chapter 84 of title 5). The regulations shall include provisions for the investigation and resolution of allegations of the occurrence of wrongful personnel actions referred to in section 4331(2)(C) of this title. The regulations may specify the period of time after reemployment within which a person may elect to make payment, the total amount the person may contribute, and the period of time over which the person may make contributions under section 4327 of this title.

"§ 4352. Outreach

"The Secretary and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and such employers under this chapter.".

(b) TABLE OF CHAPTERS.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

"43. Employment and reemployment rights of persons who serve in the uniformed services ..... 4301".

(c) OUTREACH PROGRAM.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor, after consultation with the Secretary of Defense, the Secretary of

Transportation, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs, shall make available to persons who are eligible for benefits under the provisions of chapter 43 of title 38, United States Code (as added by subsection (a)) and the employers of such persons information relating to the reemployment and employment rights, benefits, and obligations of such persons and employers under the provisions of such chapter.

(d) REPORT RELATING TO IMPLEMENTATION OF REEMPLOYMENT RIGHTS PROVISIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor, the Attorney General, and the Special Counsel referred to in section 4333(a)(1) of title 38, United States Code (as added by subsection (a)), shall each submit a report to the Congress relating to the implementation of chapter 43 of such title (as added by such subsection).

SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of clause (E);

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

(3) by adding at the end thereof the following new clause;

"(G) to benefits under chapter 43 of this title.".

SEC. 4. REPEAL OF TITLE 5 PROVISIONS RELATING TO REEMPLOYMENT RIGHTS OF RESERVISTS.

(a) REPEAL.—Subchapter II of chapter 35, title 5, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the items relating to subchapter II and section 3551.

SEC. 5. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 2023" and inserting in lieu thereof "chapter 43".

(b) TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 2021" and inserting in lieu thereof "chapter 43".

SEC. 6. TECHNICAL AMENDMENT.

Section 9(d) of Public Law 102-16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

SEC. 7. TRANSITION RULES AND EFFECTIVE DATES.

(a) APPLICABILITY OF CHAPTER 43 TO PERSONS COMMENCING SERVICE AFTER DATE OF ENACTMENT.—

(1) AFTER 90 DAYS AFTER SUCH DATE.—The provisions of chapter 43 of title 38, United States Code (as amended by section 2(a) of this Act), and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act) shall apply to persons who commence periods of service in the uniformed services after the 90-day period beginning on the date of the enactment of this Act.

(2) WITHIN 90 DAYS AFTER SUCH DATE.—Any person who commences the performance of a period of service in the uniformed services during the 90-day period referred to in paragraph (1) shall be covered during such 90-day period by the provisions of chapter 43 of title 38, United States Code, in effect on the day before the date of the enactment of this Act.

(b) APPLICABILITY OF CHAPTER 43 TO PERSONS PERFORMING ACTIVE DUTY ON DATE OF ENACTMENT.—

(1) IN GENERAL.—Any person who is performing service in the uniformed services on the date of the enactment of this Act shall be covered during the 90-day period beginning on such date by the provisions of chapter 43 of title 38, United States Code, in effect on the day before such date.

(2) CONTINUING SERVICE.—(A) Any person whose service in the uniformed services described under paragraph (1) continues after the 90-day period referred to in that paragraph shall be covered during the period of such service after that 90-day period by the provisions of chapter 43 of title 38, United States Code, as amended by section 2(a) of this Act, and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act).

(B)(i) Except as provided in clause (ii), for the purposes of section 4322(a)(1) of such title (as added by section 2(a) of this Act), a person referred to in subparagraph (A) shall be deemed to have satisfied the notification requirement referred to in such section.

(ii) Any person referred to in subparagraph (A) who was subject to the requirement under section 2024(d) of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), of requesting a leave of absence with respect to the service described in that subparagraph from the person's employer shall be deemed to have met the requirement of notifying the person's employer under such section 4322(a)(1) if the person requested the leave of absence.

(C) For the purposes of calculating the cumulative length of service performed by a person referred to in this paragraph under section 4322(a)(2) of such title (as so added), any service in the uniformed services (other than service referred to in section 4322(c) of such title (as so added) shall be included.

(3) ALTERNATIVE REPORTING REQUIREMENT.—A person referred to in paragraph (1) shall report to work in accordance with the provisions of section 2024(d) of title 38, United States Code, in effect on the day before the date of the enactment of this Act.

(c) SPECIAL RULE FOR APPLICABILITY OF INSURANCE PROVISIONS.—Notwithstanding subsections (a)(2) and (b)(2), a person referred to in such subsections shall be covered by the provisions of section 2021(b)(1) of title 38, United States Code (relating to insurance benefits), in effect on the day before the date of the enactment of this Act until the person has received notice of the provisions of section 4326(c) of such title (as added by section 2(a) of this Act) and has had a reasonable opportunity to elect to be covered by the provisions of such section 4326(c) (as so added).

(d) REEMPLOYMENT OF DISABLED PERSONS.—

(1) IN GENERAL.—Section 4323(a)(3) of chapter 43 of title 38, United States Code (as added by section 2(a) of this Act) shall apply to reemployments initiated on or after August 1, 1990.

(2) REPEAL.—(A) Effective as of August 1, 1990, section 2027 of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), is repealed.

(B) Effective as of August 1, 1990, the table of sections at the beginning of chapter 43 of such title (as in effect on the day before the date of the enactment of this Act) is amended by striking out the item relating to section 2027.

(e) DISCRIMINATION.—The provisions of section 4321 of title 38, United States Code (as added by section 2(a) of this Act) and the provisions of subchapters III and IV of such title (as so added), to the extent that the provisions of those subchapters are necessary for the implementation of such section 4321, shall become effective on the date of the enactment of this Act.

(f) EMPLOYEE PENSION BENEFIT PLAN.—Section 4327 of title 38, United States Code (as amended by section 2(a) of this Act), shall apply to reemployment initiated on or after August 1, 1990.

(g) SAVINGS PROVISION.—Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act do not effect rights, benefits, and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of the pertinent provision of this Act.

(h) DEFINITION.—For the purposes of this section, the term "service in the uniformed services" shall have the meaning given such term in section 4303(10) of title 38, United States Code (as added by section 2(a) of this Act).

SEC. 8. USE OF EDUCATIONAL ASSISTANCE FOR SOLO FLIGHT TRAINING.

(a) MONTGOMERY G.I. BILL.—

(1) ACTIVE-DUTY PROGRAM.—Section 3032(f)(1) of title 38, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(2) SELECTED RESERVE PROGRAM.—Section 2131(g)(1) of title 10, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(b) POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Section 3231(f)(1) of title 38, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to flight training received under chapters 30 and 32 of title 38, United States Code, and chapter 106 of title 10, United States Code, on or after the first day of the second month following the date of the enactment of this Act.

SEC. 9. IMPROVEMENT OF PROGRAM OF FEDERAL EMPLOYMENT OF VIETNAM ERA VETERANS.

Section 4214(b)(2)(A) of title 38, United States Code, is amended—

(1) at the end of clause (i), by striking out "or";

(2) at the end of clause (ii), by striking out "and" and inserting in lieu thereof "or"; and

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

"(iii) was discharged or released from active duty after December 31, 1979, under conditions other than dishonorable; and".

SEC. 10. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) REVISION IN CONTRIBUTIONS RELATING TO MILITARY SERVICE.—Subsection (e)(1) of section 8422 of title 5, United States Code, is amended by inserting after the first sentence the following new sentence: "The amount of payment of an employee or Member under this paragraph for a period of military service may not exceed the amount that would have been deducted or withheld for a period of civilian service, if any, under subsection (a)(1) if the employee or Member had not performed the period of military service.".

(b) TECHNICAL AMENDMENT.—Subsection (a)(2)(A)(ii) of such section is amended by striking out "1954" and inserting in lieu thereof "1986".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 1990 and shall apply to periods of military service that begin on or after that date.

SEC. 11. REDUCTION IN PENSION FOR VETERANS AND VETERANS' SURVIVORS WHO ARE RECEIVING MEDICAID-COVERED NURSING HOME CARE.

(a) REDUCTION IN PENSION.—Paragraph (2) of section 5503(f) of title 38, United States Code, is amended to read as follows:

"(2)(A) Not more than $90 per month may be paid under chapter 15 of this title to or for any person described in subparagraph (B) for any period that a nursing facility furnishes such

person with services covered by a Medicaid plan. The restriction in the preceding sentence applies to periods after the month of the person's admission to the nursing facility.

"(B) A person referred to in subparagraph (A) is a person—

"(i) who is covered by a Medicaid plan for services furnished such person by a nursing facility; and

"(ii) who is (I) a veteran who has neither spouse nor child, or (II) a surviving spouse who has no child.".

(b) CONFORMING AMENDMENTS.—Section 5503(f) of such title is amended as follows—

(1) In paragraph (3)—

(A) by striking out "a veteran" and inserting in lieu thereof "a person referred to in paragraph (2)(A)"; and

(B) by striking out "such veteran under paragraph (2) of this subsection" and inserting in lieu thereof "such person under such paragraph".

(2) In paragraph (4)—

(A) by striking out "A veteran" and inserting in lieu thereof "A person referred to in paragraph (2)(A)";

(B) by striking out "the veteran" both places it appears and inserting in lieu thereof "the person"; and

(C) by striking out "the veteran's" and inserting in lieu thereof "the person's".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 1992, and apply with respect to months after June 1992.

(d) DELETION OF EXPIRATION DATE.—Section 5503(f) of such title is amended by striking out paragraph (6).

Amend the title so as to read: "An Act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.".

The title was amended so as to read: "A bill to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.".

VETERANS HOME LOAN PROGRAM REVITALIZATION ACT OF 1992

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 673, S. 3108, relating to housing loans for homeless veterans; that the committee amendments be agreed to; and that the bill be deemed read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to, as follows:

S. 3108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Home Loan Program Revitalization Act of 1992".

SEC. 2. ADJUSTABLE RATE MORTGAGE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program under this section during fiscal years 1993 through 1997 to demonstrate the feasibility of guaranteeing mortgages that provide for periodic adjustments by the mortgagee in the effective rate of interest charged. A mortgage may be guaranteed under this section only if it meets the requirements of chapter 37 of title 38, United States Code, except as those requirements are modified by this section.

(b) ADJUSTMENTS AUTHORIZED.—Interest rate adjustments or a mortgage guaranteed under this section shall—

(1) correspond to a specified national interest rate index approved in regulations by the Secretary, information on which is readily accessible to mortgagors from generally available published sources;

(2) be made by adjusting the monthly payment on an annual basis on the anniversary of the date on which the loan was closed;

(3) be limited, with respect to any single annual interest rate adjustment, to a maximum increase or decrease of 1 percentage point; and

(4) be limited, over the term of the mortgage, to a maximum increase of 5 percentage points above the initial contract interest rate.

(c) UNDERWRITING STANDARDS.—The Secretary shall promulgate underwriting standards for loans guaranteed under this section, taking into account—

(1) the status of the interest rate index referred to in subsection (b)(1) and available at the time an underwriting decision is made, regardless of the actual initial rate offered by the lender;

(2) the maximum and likely amounts of increases in mortgage payments that the loans would require;

(3) the underwriting standards applicable to adjustable rate mortgages insured under title II of the National Housing Act; and

(4) such other factors as the Secretary finds appropriate.

(d) REGULATIONS.—The Secretary shall issue regulations requiring that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of the adjustable rate mortgage, including a hypothetical payment schedule that displays the maximum potential increases in monthly payments to the mortgagor over the first 5 years of the mortgage term.

(e) LIMITATIONS.—The aggregate number of mortgages and loans guaranteed under this section, may not exceed 10 percent of the aggregate number of mortgages and loans guaranteed by the Secretary under chapter 37 of title 38, United States Code, during the preceding fiscal year.

(f) REPORTS.—Not later than 1 year after the date on which the Secretary first exercises the authority to guarantee loans under this section, and for each of the four years thereafter, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program under this section. Each report shall contain a summary of loan activity for loans guaranteed under this section, including information pertaining to defaults and comparisons with the default rates for fixed-rate loans guaranteed under chapter 37 of title 38, United States Code, fixed-rate and adjustable rate loans insured under title II of the National Housing Act, and loans made in the conventional mortgage market.

SEC. 3. ENERGY EFFICIENT MORTGAGES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program under this section during fiscal years 1993 and 1994 to demonstrate the feasibility of guaranteeing mortgages for the acquisition of an existing dwelling and the cost of making energy efficiency improvements to the dwelling. A mortgage may be guaranteed under this section only if it meets the requirements of chapter 37 of title 38, United States Code, except as those requirements are modified by this section.

(b) IMPROVEMENTS AUTHORIZED.—The cost of energy efficiency measures that may be financed by a loan guaranteed under this section may not—

(1) exceed the greater of—

(A) $4,000; or

(B) an amount that is equal to 5 percent of the value of the dwelling before installation of the energy efficiency improvements but does not exceed $8,000; or

(2) increase the monthly payment for principal and interest by an amount greater than the likely reduction in monthly utility costs resulting from the energy efficiency improvements.

(c) GUARANTEE.—The Secretary shall guarantee a loan under this section in the same proportion as the guaranty that would be provided under section 3703(a)(1)(A) of title 38, United States Code, for the dwelling without the energy efficiency improvements. The amount of a veteran's entitlement, calculated in accordance with section 3703(a)(1)(B) of title 38, shall not be affected by the incremental amount of the guaranty provided for the portion of the loan necessary to finance the energy efficiency improvements.

(d) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

(e) LIMITATIONS.—The pilot program under this section shall be carried out in not fewer than 5 nor more than 10 States. The aggregate number of mortgages and loans guaranteed under this section, may not exceed 1,250 during fiscal years 1993 and 1994.

(f) OUTREACH.—The Secretary shall take appropriate actions to notify eligible veterans, participating lenders, and interested realtors in the States in which the pilot program will be carried out of the availability of loan guarantees under this section and the procedures and requirements that apply to the obtaining of such guarantees.

(g) TERMINATION.—If the Secretary finds that the aggregate incremental cost of the pilot program under this section will exceed a total of $2,000,000 during fiscal years 1993 and 1994, the Secretary may terminate the program under this section prior to the close of fiscal year 1994.

(h) REPORTS.—Not later than 1 year after the date on which the Secretary first exercises the authority to guarantee loans under this section, and for each of the 5 years thereafter, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program under this section. Each such report shall contain information pertaining to default rates on the mortgages guaranteed under this section and information on the effect of energy efficiency improvements on resale values and home utility consumption and costs.

(i) EFFECT ON OTHER LAW.—This section does not supersede or otherwise affect the guarantee authority under section 3710(a)(7) of title 38, United States Code.

SEC. 4. NEGOTIATED INTEREST RATES.

(a) IN GENERAL.—Section 3703(c) of title 38, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "the Secretary of Housing and Urban Development considers necessary

to meet the mortgage market for" and inserting "applicable to"; and

(B) by striking all that follows "(12 U.S.C. 1709(b))" and inserting a period; and

(2) by adding at the end the following:

"(4)(A) In guaranteeing or insuring loans under this chapter, the Secretary shall elect to require that such loans bear interest at a rate that is—

"(i) agreed upon by the veteran and the mortgagee; or

"(ii) established under paragraph (1).

The Secretary may, from time to time, change the election under this subparagraph.

"(B) Any veteran, under a loan described in subparagraph (A)(i), may pay reasonable discount points in connection with the loan. Discount points may not be financed as part of the principal amount of a loan guaranteed or insured under this chapter.

"(C) Not later than 10 days after an election under subparagraph (A), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a notification of the election, together with an explanation of the reasons therefor.

"(D) This paragraph shall expire on December 31, 1994.".

(b) REPORT.—Not later than March 1, 1994, the Secretary of Veterans Affairs shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on whether the Secretary has implemented the authority to guarantee and insure loans that bear negotiated interest rates and points. If the Secretary has implemented that authority, the Secretary shall include in the report an assessment of the effect of that action on—

(1) the ability of veterans to obtain guaranteed and insured loans;

(2) the interest rates applicable to the loans bearing negotiated rates; and

(3) the prices paid by veterans for homes securing the loans bearing negotiated rates.

SEC. 5. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Section 3720(h)*(2)* of title 38, United States Code, is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

SEC. 6. ELIGIBILITY OF SELECTED RESERVE FOR HOUSING LOANS.

(a) ELIGIBILITY.—Chapter 37 of title 38, United States Code, is amended—

(1) in section 3701(b), by adding at the end the following:

"(5)(A) The term 'veteran' also includes an individual not otherwise eligible for the benefits of this chapter who has completed a total of service of at least 6 years in the Selected Reserve and who, following the completion of such service, was discharged from service with an honorable discharge, was placed on the retired list, was transferred to the Standby Reserve or an element of the Ready Reserve other than the Selected Reserve after service in the Selected Reserve characterized by the Secretary concerned as honorable service, or continues serving in the Selected Reserve.

"(B) In this paragraph, the term 'Selected Reserve' means the Selected Reserve of the Ready Reserve of any of the reserve components, as required to be maintained under section 268(b) of title 10."; and

(2) in section 3702(a)(2), by adding at the end the following:

"(E) Each veteran described in section 3701(b)(5) of this title.".

(b) FEES.—(1) Section 3729(a)(2) of such title is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding after subparagraph (C) the following new subparagraph:

"(D) in the case of a loan under this chapter made to, or guaranteed or insured on behalf of, a veteran described in section 3701(b)(5) of this title, the amount of such fee shall be—

"(i) two percent of the total loan amount;

"(ii) in the case of a loan for any purpose specified in section 3712 of this title, one percent of such amount; or

"(iii) in the case of a loan for a purchase (other than a purchase referred to in section 3712 of this title) or for construction with respect to which the veteran makes a downpayment of 5 percent or more of the total purchase price or construction cost—

"(I) 1.50 percent of the total loan amount if such downpayment is less than 10 percent of such price or cost; or

"(II) 1.25 percent of the total loan amount if such downpayment is 10 percent or more of such price or cost.".

(2) Subparagraphs (A) and (B) of section 3725(c)(2) of such title are each amended by inserting "(other than loans described in section 3729(a)(2)(D) of this title)" after "for each loan".

(c) EFFECTIVE DATE; SUNSET.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1992, and expire on December 31, 1998.

(d) REPORT BY SECRETARY OF VETERANS AFFAIRS.—Not later than September 30, 1997, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the veterans provided housing loan benefits under chapter 37 of title 38, United States Code, as a result of the amendments made by subsection (a). The report shall contain information on—

(1) the number of individuals provided such benefits under that chapter by reason of such amendments during the period beginning on October 1, 1992, and ending on the date of the report;

(2) the default rates on loans provided to such veterans under that chapter by reason of such amendments during that period; and

(3) the extent to which such default rates differ from the default rates on other loans provided under that chapter during that period.

So the bill (S. 3108) was deemed read the third time.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 939, the House companion; that the Senate proceed to its immediate consideration; that all after enacting clause be stricken and the text of S. 3108, as amended, be inserted in lieu thereof; that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; that any statements relative to the passage of this item be inserted at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 939) was deemed read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 939) entitled "An Act to amend title 38, United States Code, with respect to housing loans for veterans, and for other purposes" do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Home Loan Program Revitalization Act of 1992".

SEC. 2. ADJUSTABLE RATE MORTGAGE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program under this section during fiscal years 1993 through 1997 to demonstrate the feasibility of guaranteeing mortgages that provide for periodic adjustments by the mortgagee in the effective rate of interest charged. A mortgage may be guaranteed under this section only if it meets the requirements of chapter 37 of title 38, United States Code, except as those requirements are modified by this section.

(b) ADJUSTMENTS AUTHORIZED.—Interest rate adjustments or a mortgage guaranteed under this section shall—

(1) correspond to a specified national interest rate index approved in regulations by the Secretary, information on which is readily accessible to mortgagors from generally available published sources;

(2) be made by adjusting the monthly payment on an annual basis on the anniversary of the date on which the loan was closed;

(3) be limited, with respect to any single annual interest rate adjustment, to a maximum increase or decrease of 1 percentage point; and

(4) be limited, over the term of the mortgage, to a maximum increase of 5 percentage points above the initial contract interest rate.

(c) UNDERWRITING STANDARDS.—The Secretary shall promulgate underwriting standards for loans guaranteed under this section, taking into account—

(1) the status of the interest rate index referred to in subsection (b)(1) and available at the time an underwriting decision is made, regardless of the actual initial rate offered by the lender;

(2) the maximum and likely amounts of increases in mortgage payments that the loans would require;

(3) the underwriting standards applicable to adjustable rate mortgages insured under title II of the National Housing Act; and

(4) such other factors as the Secretary finds appropriate.

(d) REGULATIONS.—The Secretary shall issue regulations requiring that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of the adjustable rate mortgage, including a hypothetical payment schedule that displays the maximum potential increases in monthly payments to the mortgagor over the first 5 years of the mortgage term.

(e) LIMITATIONS.—The aggregate number of mortgages and loans guaranteed under this section, may not exceed 10 percent of the aggregate number of mortgages and loans guaranteed by the Secretary under chapter 37 of title 38, United States Code, during the preceding fiscal year.

(f) REPORTS.—Not later than 1 year after the date on which the Secretary first exercises the authority to guarantee loans under this section, and for each of the four years thereafter, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program under this section. Each report shall contain a summary of loan activity for loans guaranteed under this section, including information pertaining to defaults and comparisons with the default rates for fixed-rate loans guaranteed under chapter 37 of title 38, United States Code, fixed-rate and adjustable rate loans insured under title II of the National Housing Act, and

loans made in the conventional mortgage market.

SEC. 3. ENERGY EFFICIENT MORTGAGES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program under this section during fiscal years 1993 and 1994 to demonstrate the feasibility of guaranteeing mortgages for the acquisition of an existing dwelling and the cost of making energy efficiency improvements to the dwelling. A mortgage may be guaranteed under this section only if it meets the requirements of chapter 37 of title 38, United States Code, except as those requirements are modified by this section.

(b) IMPROVEMENTS AUTHORIZED.—The cost of energy efficiency measures that may be financed by a loan guaranteed under this section may not—

(1) exceed the greater of—

(A) $4,000; or

(B) an amount that is equal to 5 percent of the value of the dwelling before installation of the energy efficiency improvements but does not exceed $8,000; or

(2) increase the monthly payment for principal and interest by an amount greater than the likely reduction in monthly utility costs resulting from the energy efficiency improvements.

(c) GUARANTEE.—The Secretary shall guarantee a loan under this section in the same proportion as the guaranty that would be provided under section 3703(a)(1)(A) of title 38, United States Code, for the dwelling without the energy efficiency improvements. The amount of a veteran's entitlement, calculated in accordance with section 3703(a)(1)(B) of title 38, shall not be affected by the incremental amount of the guaranty provided for the portion of the loan necessary to finance the energy efficiency improvements.

(d) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

(e) LIMITATIONS.—The pilot program under this section shall be carried out in not fewer than 5 nor more than 10 States. The aggregate number of mortgages and loans guaranteed under this section, may not exceed 1,250 during fiscal years 1993 and 1994.

(f) OUTREACH.—The Secretary shall take appropriate actions to notify eligible veterans, participating lenders, and interested realtors in the States in which the pilot program will be carried out of the availability of loan guarantees under this section and the procedures and requirements that apply to the obtaining of such guarantees.

(g) TERMINATION.—If the Secretary finds that the aggregate incremental cost of the pilot program under this section will exceed a total of $2,000,000 during fiscal years 1993 and 1994, the Secretary may terminate the program under this section prior to the close of fiscal year 1994.

(h) REPORTS.—Not later than 1 year after the date on which the Secretary first exercises the authority to guarantee loans under this section, and for each of the 5 years thereafter, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program under this section. Each such report shall contain information pertaining to default rates on the mortgages guaranteed under this section and information on the effect of energy efficiency improvements on resale values and home utility consumption and costs.

(i) EFFECT ON OTHER LAW.—This section does not supersede or otherwise affect the guarantee authority under section 3710(a)(7) of title 38, United States Code.

SEC. 4. NEGOTIATED INTEREST RATES.

(a) IN GENERAL.—Section 3703(c) of title 38, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "the Secretary of Housing and Urban Development considers necessary to meet the mortgage market for" and inserting "applicable to"; and

(B) by striking all that follows "(12 U.S.C. 1709(b))" and inserting a period; and

(2) by adding at the end the following:

"(4)(A) In guaranteeing or insuring loans under this chapter, the Secretary shall elect to require that such loans bear interest at a rate that is—

"(i) agreed upon by the veteran and the mortgagee; or

"(ii) established under paragraph (1).

The Secretary may, from time to time, change the election under this subparagraph.

"(B) Any veteran, under a loan described in subparagraph (A)(i), may pay reasonable discount points in connection with the loan. Discount points may not be financed as part of the principal amount of a loan guaranteed or insured under this chapter.

"(C) Not later than 10 days after an election under subparagraph (A), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a notification of the election, together with an explanation of the reasons therefor.

"(D) This paragraph shall expire on December 31, 1994.".

(b) REPORT.—Not later than March 1, 1994, the Secretary of Veterans Affairs shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on whether the Secretary has implemented the authority to guarantee and insure loans that bear negotiated interest rates and points. If the Secretary has implemented that authority, the Secretary shall include in the report an assessment of the effect of that action on—

(1) the ability of veterans to obtain guaranteed and insured loans;

(2) the interest rates applicable to the loans bearing negotiated rates; and

(3) the prices paid by veterans for homes securing the loans bearing negotiated rates.

SEC. 5. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Section 3720(h)(2) of title 38, United States Code, is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

SEC. 6. ELIGIBILITY OF SELECTED RESERVE FOR HOUSING LOANS.

(a) ELIGIBILITY.—Chapter 37 of title 38, United States Code, is amended—

(1) in section 3701(b), by adding at the end the following:

"(5)(A) The term 'veteran' also includes an individual not otherwise eligible for the benefits of this chapter who has completed a total of service of at least 6 years in the Selected Reserve and who, following the completion of such service, was discharged from service with an honorable discharge, was placed on the retired list, was transferred to the Standby Reserve or an element of the Ready Reserve other than the Selected Reserve after service in the Selected Reserve characterized by the Secretary concerned as honorable service, or continues serving in the Selected Reserve.

"(B) In this paragraph, the term 'Selected Reserve' means the Selected Reserve of the Ready Reserve of any of the reserve components, as required to be maintained under section 268(b) of title 10."; and

(2) in section 3702(a)(2), by adding at the end the following:

"(E) Each veteran described in section 3701(b)(5) of this title.".

(b) FEES.—(1) Section 3729(a)(2) of such title is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding after subparagraph (C) the following new subparagraph:

"(D) in the case of a loan under this chapter made to, or guaranteed or insured on behalf of, a veteran described in section 3701(b)(5) of this title, the amount of such fee shall be—

"(i) two percent of the total loan amount;

"(ii) in the case of a loan for any purpose specified in section 3712 of this title, one percent of such amount; or

"(iii) in the case of a loan for a purchase (other than a purchase referred to in section 3712 of this title) or for construction with respect to which the veteran makes a downpayment of 5 percent or more of the total purchase price or construction cost—

"(I) 1.50 percent of the total loan amount if such downpayment is less than 10 percent of such price or cost; or

"(II) 1.25 percent of the total loan amount if such downpayment is 10 percent or more of such price or cost.".

(2) Subparagraphs (A) and (B) of section 3725(c)(2) of such title are each amended by inserting "(other than loans described in section 3729(a)(2)(D) of this title)" after "for each loan".

(c) EFFECTIVE DATE; SUNSET.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1992, and expire on December 31, 1998.

(d) REPORT BY SECRETARY OF VETERANS AFFAIRS.—Not later than September 30, 1997, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the veterans provided housing loan benefits under chapter 37 of title 38, United States Code, as a result of the amendments made by subsection (a). The report shall contain information on—

(1) the number of individuals provided such benefits under that chapter by reason of such amendments during the period beginning on October 1, 1992, and ending on the date of the report;

(2) the default rates on loans provided to such veterans under that chapter by reason of such amendments during that period; and

(3) the extent to which such default rates differ from the default rates on other loans provided under that chapter during that period.

Amend the title so as to read: "An Act to amend title 38, United States Code, with respect to housing loans for veterans.".

So the title was amended so as to read:

Amend the title to read as follows:

"To amend title 38, United States Code, with respect to housing loans for veterans.".

Mr. CRANSTON. Mr. President, as Chairman of the Committee on Veterans' Affairs, I urge my colleagues to support S. 3108, the proposed Veterans Home Loan Program Revitalization Act of 1992 as reported by our committee on August 12, 1992. The reported measure, which I will refer to as the committee bill, would establish pilot programs of VA-guaranteed adjustable rate mortgages and energy efficient mortgages, allow veterans to negotiate interest rates on VA-guaranteed loans, extend VA's enhanced loan-asset sale authority, and extend eligibility for VA-guaranteed home loans to members of the Selected Reserve and the National Guard who have served at least 6 years.

Mr. President, the committee bill is derived from S. 3108 as introduced and an amendment offered in our committee by Senator AKAKA adding provisions, derived from his bill, S. 2958, to extend VA home-loan eligibility to reservists. The provisions of the committee bill are described in detail in the committee's report accompanying this measure (S. Rept. No. 102-405). I only will summarize the bill and briefly discuss certain provisions.

SUMMARY OF PROVISIONS

Mr. President, the committee bill would:

ADJUSTABLE RATE MORTGAGES

First, establish a pilot program, in fiscal years 1993-1997, of VA-guaranteed home loans bearing an adjustable interest rate.

Second, require these adjustable rate mortgages, ARM's to provide for annual adjustments in the interest rate on the anniversary date of the loan closing, based on an index that is to be specified in regulations promulgated by the Secretary and readily accessible to mortgagors from generally available sources.

Third, limit (a) the annual interest-rate adjustment to no more than 1 percentage point higher or lower than the interest rate of the loan at the time of the adjustment, and (b) the maximum interest rate at any time during the term of the loan to no more than 5 percentage points above the initial rate.

Fourth, require the Secretary to promulgate underwriting requirements for these loans that take into account (a) the interest rate derived from the most recent VA-specified index available at the time the underwriting decision is made; (b) the maximum and likely increases in mortgage payments that the loans would require; (c) the underwriting standards that apply to adjustable rate mortgages insured by the Federal Housing Administration; and (d) any other factors specified by the Secretary.

Fifth, limit the number of ARM's VA may guarantee each fiscal year to no more than 10 percent of the total number of all loans VA guaranteed during the previous fiscal year.

Sixth, require the Secretary to submit to the Committees on Veterans' Affairs five annual reports on the ARM pilot program.

ENERGY EFFICIENT MORTGAGES

Seventh, establish a pilot program of energy efficient mortgages, EEM's, under which VA could guarantee up to a total of 1,250 EEM's during fiscal year 1993 and 1994 in at least 5, but not more than 10, States.

Eighth, allow EEM's only for existing homes for which the energy efficiency improvements are likely to reduce monthly energy costs by at least as much as the increase in the borrower's monthly mortgage payments attributable to the EEM.

Ninth, require VA to guarantee the loan for the energy efficiency improvements in the same proportion as the guaranty that VA would provide for the underlying loan—without the energy efficiency improvements—provided that the cost of the energy efficiency measures is no more than the greater of (a) $4,000, or (b) 5 percent of the value of the home without the energy efficiency improvements, not to exceed $8,000.

Tenth, provide that the portion of the guaranty attributable to energy efficiency measures may be in addition to the current applicable maximum guaranty and shall not affect the loan-guaranty entitlement to which the borrower otherwise is entitled.

Eleventh, require VA to encourage participation in the program by notifying eligible veterans, participating lenders, and interested realtors in the States in which the pilot program will be carried out about the availability of loan guaranties under the pilot program and the procedures and requirements to obtain these loans.

Twelfth, provide the Secretary with authority to halt the demonstration project if the Secretary estimates that the total incremental costs—Government subsidy—attributable to the 2-year pilot program will exceed $2 million.

Thirteenth, require the Secretary to submit to the Committees on Veterans' Affairs six annual reports on the program.

Fourteenth, provide that the pilot program would not affect the VA EEM program currently operated under section 3710(a)(7) of title 38, United States Code.

NEGOTIATED INTEREST RATE

Fifteenth, through December 31, 1994, require the Secretary to establish for VA-guaranteed home loans either (a) a uniform maximum interest rate and general prohibition on a borrower paying discount points, as required under current section 3703(c) of title 38, or (b) procedures for allowing interest rates to be negotiated between borrowers and lenders.

Sixteenth, authorize the Secretary to change between uniform maximum rates and negotiated rates.

Seventeenth, provide that, if the Secretary allows negotiated interest rates, the Secretary also must allow a borrower to pay reasonable discount points on the loan, as negotiated between the borrower, the seller, and the lender, but prohibit the discount points from being financed as part of the VA-guaranteed loan.

Eighteenth, require the Secretary, within 10 days after exercising the authority to provide for negotiated rates or returning to a uniform maximum rate, to provide the Committees on Veterans' Affairs with an explanation of the reasons for the change in policy.

Nineteenth, require the Secretary to report to the Committees on Veterans' Affairs no later than March 1, 1994, on whether the Secretary has implemented negotiated interest rates and discount points under the authority of this legislation and, if so, the effects of this policy on borrowers' ability to obtain VA-guaranteed loan, the interest rates of the loans, and the prices paid for the homes.

EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY

Twentieth, extend from December 31, 1992, to December 31, 1995, the expiration date of section 3720(h) of title 38, United States Code, which authorizes VA to guarantee payments on VA securities backed by VA vendee loans.

ELIGIBILITY OF SELECTED RESERVE FOR HOUSING LOANS

Twenty-first, establish, effective October 1, 1992, through December 31, 1998, a pilot program extending eligibility for VA-guaranteed home loans to individuals who have served for at least 6 years in the Selected Reserve (which generally includes the National Guard); require these individuals to pay VA a loan fee 0.75 of a percentage point above the fee that veterans pay; and require the Secretary to submit to the Committees on Veterans' Affairs by September 30, 1997, a report on reservists' participation in the home-loan program.

BACKGROUND

Mr. President, VA-guaranteed home loans have been providing housing opportunities for our Nation's veterans since Congress enacted the VA home-loan program as part of the Servicemen's Readjustment Act of 1944. VA-guaranteed home loans have been especially helpful to veterans who, because of their military service, have been unable to save enough money to make a downpayment on a home or to establish the credit history necessary to obtain a loan without one. Since 1944, VA has guaranteed approximately 13,300,000 loans totaling more than $375 billion.

Mr. President, in 1989, Congress enacted major changes to the loan-guaranty program, in title III of the Veterans' Benefits Amendments of 1989, Public Law 101-237, that strengthened the program's financial stability.

The 1989 law has helped to control losses in the program, but it was not designed to address the continuing decline in the use of VA-guaranteed home loans. The market share that VA-guaranteed mortgages represent has dropped from over 10 percent in 1983 to under 3 percent today. The declining market share largely results from the program's failure to keep pace with a changing and increasingly complex mortgage market.

Most disturbing, Mr. President, the declining market share reflects the declining value of this veterans benefit. Congress must act to reverse this tend and restore the value of this vital program.

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Mr. President, the bill we are considering today would help achieve this goal by authorizing VA to guarantee adjustable rate mortgages, establish a pilot program of energy efficient mortgages, allowing veterans to bargain for better interest rates and sales prices during a 2-year test of negotiated interest rates, and extending eligibility for VA-guaranteed loans to certain members of the Reserve or National Guard.

NEGOTIATED INTEREST RATES

Mr. President, the negotiated interest rate provision in the Committee bill is a fair, limited test of eliminating administratively set interest rates on VA loans. This test is long overdue.

Under current law, VA administratively establishes a national maximum interest rate for VA-guaranteed loans. Veterans are prohibited from paying "discount points" on a VA loan in order to obtain a lower interest rate. This means that when a buyer wants to use a VA-guaranteed loan, the seller must pay all of the points. That makes many sellers reluctant to sell their home to veterans who plan to use VA-guaranteed loans.

To illustrate, in January of this year, the VA interest rate was 8 percent, and the market rate was rising. Just before VA finally raised its rate to 8.5 percent, lenders were charging 4.5 points for an 8-percent VA-guaranteed loan. When the VA maximum rate lags behind the market rate, lenders are willing to make VA-guaranteed loans only if they can receive a substantial upfront premium in the form of discount points. Since, under current law, the seller always pays the points when a VA-guaranteed loan is involved, sellers typically make up the difference by requiring a higher purchase price from veterans desiring to use a VA loan.

Veterans also suffer in a declining market. On July 6, 1992, VA lowered the maximum rate from 8.5 to 8 percent. Immediately prior to this change, most lenders were charging no points for 8.5-percent VA-guaranteed loans, since that interest rate had become higher than the market rate. But when the VA rate dropped to 8 percent, sellers suddenly were required to pay 1 or 2 points to complete the transaction. According to testimony at our Committee's July 22 hearing, this caused many sellers to cancel sales involving a VA-guaranteed loan.

Mr. President, for the next 2 years, this bill would make it possible for VA to put these veterans on a level playing field with potential purchasers who plan to use conventional, FHA-insured, or other types of mortgage loans. Veterans who want to use their VA-guaranteed home-loan entitlement would not start at a disadvantage when they bid for a house against other potential purchasers.

Those who are apprehensive about negotiated rates say that the administered rate acts as a drag chute on volatile interest rates. Certainly that is one of the goals of the administered rate. But there are no data to support the conclusion that the administered rate has that effect, and, in the modern mortgage market, veterans suffer whenever the VA-set rate is even slightly out of synch with market rates.

Mr. President, in the highly competitive mortgage lending industry, I believe that the interest-rate competition that this bill would allow ultimately will reduce veterans' costs for housing.

ADJUSTABLE RATE MORTGAGES

Mr. President, the Committee bill also would provide authority for VA to guarantee adjustable rate mortgages for the first time. VA-guaranteed loans are the only segment of the single-family mortgage market that does not offer adjustable rate mortgages.

I have been very cautious about pushing VA into guaranteeing this type of loan because ARMs inherently are more risky for the borrower. In the first years that adjustable rate mortgages were offered, abuses were rampant and default rates were high.

The market for ARMs has matured, however, and limitations placed on interest-rate adjustments have brought defaults down to reasonable levels, although ARMs still have default rates somewhat higher than fixed-rate mortgages.

Typical ARMs in the conventional-mortgage market limit annual interest-rate adjustments to no more than 2 percentage points up or down and limit the rate at any time during the term of the loan to no more than 6 percentage points above the initial rate. This "2/6" limitation dampens the wide swings in monthly payments that could occur with some early versions of ARMs.

ARMs insured by the Federal Housing Administration are even more conservative. The annual adjustment cap for FHA-insured loans is 1 percent up or down and the lifetime cap is 5 percent. FHA also imposes strict underwriting requirements to ensure that a borrower will remain able to make monthly payments even if those payments increase significantly as a result of annual interest-rate adjustments. FHA also requires disclosure to loan applicants of the maximum increases that could occur under the adjustable rate mortgage.

The 5-year ARM pilot program that this bill would establish for VA generally adopts the conservative limitations that apply to FHA-insured ARMs. The bill itself expresses these limits, so VA could not adopt less-stringent standards.

Mr. President, the reports that the bill would require will, at the end of the 5-year trial period, place Congress in a well-informed position to decide whether ARMs should be a permanent part of the VA-guaranteed home-loan program and, if so, whether the ARM product in this bill contains the appropriate limitations and requirements.

During the Committee's July 22, 1992, hearing on a draft of this legislation, I was pleased to hear the Administration support a pilot ARM program for the first time.

ENERGY EFFICIENT MORTGAGES

Mr. President, this measure also would establish a pilot program of energy efficient mortgages to encourage veterans who buy existing homes to incorporate energy-saving improvements into the home. The program would allow veterans to finance the greater of $4,000 or 5 percent of the home's price up to $8,000 as part of the original loan for the property. The additional amount of the guaranty would not count against the veteran's entitlement or against the regular guaranty limits.

Mr. President, the true value of energy efficiency often goes unrecognized in traditional appraisals of a property's value. Especially when the measures are innovative and relatively uncommon, such as solar hearing, appraisers often cannot find the traditional three comparable recent home sales against which they can compare the value of the house with energy efficiency improvements.

Thus, the appraisal might not support the additional financing necessary to make the improvements, even when it is easy to show that the improvements immediately would reduce energy costs by more than the amount of the associated increase in mortgage payments.

Under its existing EEM program, VA estimates that it has guaranteed an average of fewer than 10 EEM's nationwide each year since the program started in 1980. But VA also claims that its procedures for tracking EEM's is so faulty that the number of EEM's is severely underreported.

In my view, the problem with the current VA program is the appraisal situation I just described. Although current VA underwriting rules for EEM's allow a lender to consider energy savings in determining whether a veteran can afford the loan, VA procedures still require a supporting appraisal for significant energy efficiency improvements. This has made current EEM's impractical and inconvenient. Many veterans—and lenders—are unaware that the lender can consider potential energy savings that would result from energy efficiency improvements financed as part of the original loan. Indeed, very few veterans know that VA EMMs are available, or how to apply for one, before they learn about them in the course of obtaining a VA-guaranteed loan.

Mr. President, the committee bill would create a streamlined process for obtaining one of the pilot-program

EEM's. If the applicant can demonstrate that the energy savings will exceed the increased monthly mortgage costs, there would be no need for an appraisal that specifically supports the energy efficiency improvements. In short, these new EEM's would substitute an energy efficient standard for an appraised value standard for the portion of the loan that would finance the energy efficiency improvements.

Mr. President, the committee bill would be consistent with the national energy policy adopted by the Senate when it passed S. 2166, which contained a similar provision, in section 6102, that applied to both FHA-insured and VA-guaranteed home loans.

CONCLUSION

Mr. President, Congress must not allow VA-guaranteed home loans to become obsolete. The improvements in this bill would help to restore and increase the value of this benefit by making VA-guaranteed loans a more competitive, modern tool to assist veterans in achieving the American dream of home ownership. I urge all of my colleagues to support this measure.

Mr. President, it has been a pleasure to work with the distinguished ranking Republican member of the committee, Senator SPECTER, on this measure and I am very grateful to him and the other members of the committee for their help and cooperation in developing this legislation. I particularly would like to thank my good friend and fellow committee member, Senator AKAKA, for his help with this legislation. I express my appreciation to the staff who worked so hard on this legislation—on the minority side, Quentin Kinderman and Tom Roberts; the committee's editorial director, Roy Smith; and on the majority staff, Neil Koren, Michael Cogan, and Ed Scott; and John Tagami of Senator AKAKA's staff.

Mr. President, I am delighted that we have been able to develop a measure that will improve the VA home-loan guaranty program. This bill, I believe, will modernize the VA-guaranteed loans and make this a more valuable veterans benefit.

Mr. President, I urge all of my colleagues to support this important measure.

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs, I am pleased to support passage of S. 3108.

This bill would provide significant improvements to the VA Home Loan Program, and enhance both the program's utility to the veterans who use it, and its ability to compete with other programs in today's competitive lending marketplace.

Generally, the bill would provide for a pilot program of adjustable rate mortgages and energy efficient mortgages. It would authorize the Secretary of Veterans Affairs to approve mortgages with negotiated interest rates, and would also authorize a 6-year pilot program extending loan guaranty benefits to Reserve and National Guard members who have served 6 years.

The purpose of this bill, Mr. President, is to bring the VA program up to date with modern practice in the lending industry. Adjustable rate mortgages have been generally accepted in the marketplace. It is time to determine if they are suitable and appropriate for the unique goals of the VA program, and a pilot test is the best way to find out.

We face a similar situation with the alternative of the current VA fixed interest rate versus the commonly accepted "negotiated" rate, in which market conditions set the interest rate. This bill would allow the Secretary the latitude to institute a negotiated rate program if this appears to be in the best interest of the veteran borrowers. The energy efficient mortgage provision would supplement an existing program while setting slightly different criteria for approval. Again, the use of a pilot program is the best way to test this concept.

I was pleased to support Senator AKAKA's amendment at our August 7 markup to extend loan guaranty benefits to members of the Reserve and the National Guard. These men and women have clearly demonstrated the important role that they play in our Nation's total force concept.

Taken together, these provisions should go a long way toward reinvigorating the VA Loan Guaranty Program, and help this program remain responsive to the veteran community in the future.

In closing, I would like to thank the staff who worked so hard to prepare this bill: John Tagami of Senator AKAKA's staff, Neal Koren, Michael Cogan, Bill Brew, and Ed Scott of the majority staff, and Quent Kinderman, Bill Tuerk, Charlie Battaglia and Tom Roberts from my staff.

Mr. President, it is important that we keep the Nation's veterans programs vital and responsive to the changing needs of the veteran population. This can only be achieved if we are willing to attempt to try new ideas.

Because this bill takes important steps in this direction, I urge my colleagues to support S. 3108.

Mr. AKAKA. Mr. President, I rise in strong support of S. 3108, the Veterans Home Loan Program Revitalization Act of 1992, which would establish a pilot program of VA-guaranteed adjustable rate mortgages, create a pilot program of energy efficient mortgages, and authorize negotiated interest rates and discount points on VA-guaranteed loans for the next 2 years.

I am particularly supportive of section 6 of the bill, which is based on S. 2958, legislation I introduced earlier this year and cosponsored by Senators INOUYE, BOND, DECONCINI, and SANFORD, to extend eligibility for the Department of Veterans Affairs [VA] Home Loan Guaranty Program to certain members of the Selected Reserve. Similar legislation has already passed the House twice, most recently last March.

At its July 22 hearing on home loan issues, the Veterans' Affairs Committee received favorable testimony on S. 2958 from the administration, veterans organizations, Guard and reservist groups, and the financial and housing industries. Of the organizations represented, only VA and the Veterans of Foreign Wars expressed opposition to extending the positive comments offered at the hearing, the committee voted 8-4 in favor of a modified version of S. 2958 which I offered as an amendment to S. 3108.

Section 6 of S. 3108 would establish a 6-year pilot program making reservists and National Guard members who serve for 6 years, and either receive an honorable discharge or continue to serve in the Guard or Reserve, eligible for VA-guaranteed home loans. These are servicemembers who otherwise have not qualified for veterans status by fulfilling the active duty service requirement. It is estimated that 7,650 new reservists would obtain VA-guaranteed loans each year under this provision.

Those who qualify for the program would have to pay VA an origination fee of 2 percent of the total loan amount without a downpayment, 1.5 percent if he or she makes a downpayment of at least 5 percent, and 1.25 percent if the borrower makes a downpayment of 10 percent or more. In contrast, the indemnity fee for veterans is 1.25, 0.75, and 0.5 percent, respectively. The disparity in fee schedules acknowledges and recognizes the legitimate differences between veterans and reservists.

VA would be required to submit a report to Congress in the fifth year of the 6-year trial period, in order to allow members to evaluate the impact of the pilot program on the VA Loan Guaranty Program as well as on veterans and veterans' survivors for whom the program was originally intended. The report would provide Congress with the basis for continuing the program on a temporary basis, extending the benefits on a permanent basis, or allowing the initiative to lapse at the end of the sixth year.

Mr. President, the end of the cold war has forced us to reassess the role, size, and structure of our Armed Forces. With the decline in East-West tensions, we can at least afford to turn our eyes homeward to deal with our serious domestic problems and the budget deficit. In this environment, Congress and the administration alike have understood the need to downsize our active duty military forces. In fact, over the next 5 years, the armed serv-

ices is expected to discharge a minimum of 400,000 military personnel, and to lose another 300,000 per year through attrition. As a consequence, the Reserve and National Guard are expected to play a much more prominent role in the total force. Indeed, the outstanding performance of the 235,000 reservists called up for Desert Storm/Shield reflects their importance in the new military calculus.

Mr. President, by extending the VA-Guaranty Program to cover members of the Reserve and Guard, we explicitly recognize the significance of their current and potential contributions. By improving the benefits package, we ensure that Reserve and Guard service is rendered much more attractive to qualified individuals. This is of critical importance during an era when the civilian sector is competing for the same pool of applicants, as well as when warfare is becoming increasing complicated, demanding only the most intelligent, motivated, and technically competent individuals. It is also of immediate importance at a time when the economic and personal hardships brought on by quick mobilization for the Persian Gulf war are causing many soldier-citizens to reevaluate their participation in the Selected Reserve.

In addition, aside from the recruitment and retention issue, expanding the program would also benefit the VA Home Loan Guaranty Program itself. As a House report indicates, it is commonly acknowledged that reservists and guardmembers "are, generally, an older, more mature and more stable group with longtime civilian job histories. Many are familiar with the costs and responsibilities of home ownership. Therefore, this group may help to financially stabilize the program through an influx of loan fees with fewer claims to be paid on their behalf." In other words, Mr. President, reservists and guardmembers, especially those who have served at least 6 years, are likely to be better risks than the average veteran since they have established civilian jobs, have roots in their local communities, and have not had to forego opportunities to save for a house or to obtain an adequate credit history.

Finally, passage of this legislation would help stimulate local economies, through investment in one of the engines in economic growth, our real estate and construction industry. Lest we forget, the original home loan program established in 1944—which to date has helped 13 million veterans obtain more than $350 billion in VA-backed private loans—arguably helped avert a potential depression after the Second World War.

For those of my colleagues who are concerned that a new entitlement would only add to the deficit, I have comforting news. According to the Congressional Budget Office [CBO], this provision will not cost the taxpayer a dime. In fact, CBO estimates that the legislation will actually result in a positive cash flow to the Government of $5 million over the fiscal year 1993–97 period, presumably as a result of the higher origination fees required of reservists under this legislation.

Thank you, Mr. President. I urge my colleagues to support this important measure. Section 6 supports our total force policy, it will help stabilize the Veterans Home Loan Guaranty Program, it will stimulate the economy, and it will enable thousands of dedicated reservists to fulfill the dream of home ownership.

Before closing, however, I would be remiss if I did not thank Chairman CRANSTON for his cooperation in bringing this measure to the Senate floor. I also wish to commend members of the Veterans' Affairs Committee staff, particularly Ed Scott, Michael Cogan, and Neil Koren, for their help in working out language on the reservists home loan initiative that was acceptable to most committee members.

Thank you, Mr. President. I yield the floor.

Mr. BUMPERS. Mr. President, I ask unanimous consent that Calendar Order No. 673 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

READY TO LEARN ACT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 705, S. 3134, the educational and instructional video bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3134) to expand the production and distribution of educational and instructional video programming.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready to Learn Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to—

(1) expand the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(2) to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. READY TO LEARN PROGRAMS.

The General Education Provisions Act is amended by inserting after section 405 (20 U.S.C. 1221e) the following new section:

"READY TO LEARN TELEVISION

"SEC. 405A. (a) IN GENERAL.—The Secretary is authorized to implement programs to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children in order to facilitate the achievement of the national education goals. In administering such programs, the Secretary shall ensure that such programming is made widely available to young children, their parents, child care workers and Head Start providers with support materials as appropriate to increase the effective use of such programming.

"(b) DUTIES OF THE SECRETARY.—In administering the programs under subsection "(a), the Secretary shall—

"(1) set priorities regarding the educational needs of preschool and elementary school children that can be addressed through video technologies;

"(2) award grants for the development and dissemination of educational and instructional programming, in accordance with the priorities established under paragraph (1), for preschool children, children in transition programs from early childhood education to elementary school grades, and elementary school children;

"(3) award grants for the development and dissemination of training materials, including—

"(A) interactive programs, designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2); among parents, Head Start providers, in-home and center based, day care providers, early childhood development personnel and elementary school teachers, and after school program personnel caring for preschool and elementary school children;

"(4) establish and administer a Special Projects of National Significance program to award grants to public and nonprofit private entities for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(5) establish within the Department a clearinghouse to compile and provide information, referrals and model program materials obtained or developed under this section to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this section;

"(6) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to the grantees of those Federal programs that have major training components for early childhood development, including Head Start and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education; and

"(7) provide consultation to the Secretary of Commerce regarding what the educational and informational needs of preschool and elementary school children are for the purposes of im-

plementing section 103 of the Children's Television Act of 1990 (Public Law 101-437) and coordinate the activities funded under this Act with the activities of the National Endowment for Children's Educational Television established under subpart B of part IV of title III of the Communications Act of 1934.

"(c) DEVELOPMENT AND DISTRIBUTION OF EDUCATIONAL PROGRAMMING FOR CHILDREN.—

"(1) GRANTS.—To carry out the provisions of subsection (b)(2), the Secretary shall award grants to eligible applicant entities to—

"(A) facilitate the development or acquisition, directly or through contracts with producers, of children's television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(B) contract with entities experienced in the distribution of such programming, such as public broadcasting entities and those funded under the Star Schools Assistance Act, for the dissemination of programs developed under this paragraph to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) be a nonprofit, nongovernmental entity with a demonstrated record of facilitating the development and distribution of educational and instructional television programming for preschool and elementary school children; and

"(B) have a demonstrated record of contracting with the producers of children's television programming for the purpose of developing or acquiring educational television programming for preschool and elementary school children.

"(3) CULTURAL EXPERIENCES.—Programming developed or acquired under this subsection shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"(d) DEVELOPMENT AND DISTRIBUTION OF TRAINING MATERIALS.—To carry out the provisions of subsection (b)(3), the Secretary may award grants to public or private nonprofit entities with demonstrated expertise and experience in the development of video or other educational materials regarding child development and early childhood education for parents and child care providers, to—

"(1) develop, directly or through contracts, training and support materials for the purpose of informing and training parents and personnel in accordance with subsection (b)(3); and

"(2) produce such materials for distribution to the broadest audience appropriate to be served, including parents, day care providers, public libraries and Head Start centers.

"(e) REPORTS AND EVALUATION.—

"(1) ANNUAL REPORT TO THE SECRETARY.—The entity receiving funds under subsection (c) shall prepare and submit to the Secretary an annual report that shall contain such information as the Secretary may require. At a minimum the report shall contain a description of the program activities undertaken with funds received under this section, including—

"(A) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(B) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(C) the means by which programming developed under this section has been distributed, including the technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(D) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report to include the following information—

"(A) a summary of the information made available under subsection (d)(1);

"(B) a description of the training materials made available under subsection (b)(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

"(f) READY TO LEARN SATELLITE CHANNEL.—The Secretary may enter into a contract with a public broadcasting entity for the distribution of educational video programming for preschool and elementary school children, parents, and child care providers, on at least one channel under a satellite interconnection authorized under section 396(k)(10) of the Communications Act of 1934 (47 U.S.C. 396(k)(10)). Such channel shall be designated as the Ready to Learn Channel.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997. Not less than 60 percent of the amounts appropriated under this paragraph for each fiscal year shall be used to carry out subsection (c).

"(2) SPECIAL PROJECTS.—Of the amount appropriated under paragraph (1) for each fiscal year, not to exceed 10 percent of such amount shall be utilized in each such fiscal year for activities under subsection (b)(4).

"(h) ADMINISTRATIVE COSTS.—With respect to the implementation of subsection (c), entities receiving a grant from the Secretary may use up to 5 percent of the amounts received under a grant under such subsection for the normal and customary expenses of administering the grant.".

SEC. 4. AMENDMENTS TO CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT.

(a) SPENDING OF FUNDS BY STATES.—Section 658J(c) of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858h(c)) is amended—

(1) by striking out "obligated" and inserting in lieu thereof "expended"; and

(2) by striking out "succeeding fiscal year" and inserting in lieu thereof "succeeding 3 fiscal years".

(b) PAYMENTS EXCLUDED FROM INCOME.—The Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858a et seq.) is amended by adding at the end thereof the following new section:

"SEC. 658S. MISCELLANEOUS PROVISIONS.

"Notwithstanding any other provision of law, the value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under this subchapter shall not be treated as income for purposes of any other Federal or Federally-assisted program that bases eligibility, or the amount of benefits, on need.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTION IN CITATION.—Section 5082 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended by striking out "title IV" and inserting in lieu thereof "title VI".

(2) DEFINITIONS.—Section 658P of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858n) is amended—

(A) in paragraph (7), by striking out "4(b)" and inserting in lieu thereof "4(e)"; and

(B) in paragraph (14), by striking out "4(c)" and inserting in lieu thereof "4(l)".

SEC. 5. TECHNICAL ASSISTANCE, TRAINING, AND STAFF QUALIFICATIONS.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (a) by striking paragraph (2) and inserting the following: "(2) training for specialized or other personnel needed in connection with Head Start programs, including funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to non-English language background children, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children."; and

(2) by adding at the end thereof the following new subsections:

"(c) The Secretary shall—

"(1) develop a systematic approach to training Head Start personnel, including specific goals and objectives for program improvement and professional development, a process for continuing input from the Head Start community, and a strategy for delivering training and technical assistance; and

"(2) report on such approach to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives.

"(d) The Secretary may provide, either directly or through grants to public or private nonprofit entities, training for Head Start personnel in the use of the performing and visual arts and interactive programs using electronic media to enhance the learning experience of Head Start children.".

SEC. 6. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to fiscal years beginning before October 1, 1992.

AMENDMENT NO. 3363

Mr. SIMPSON. Mr. President, I offer a substitute amendment on behalf of Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report the substitute amendment.

The assistant legislative clerk read as follows:

The Senator from Wyoming, [Mr. SIMPSON], for Mr. COCHRAN, proposes an amendment numbered 3363:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready to Learn Act".

SEC. 2. FINDINGS ON DISTANCE LEARNING.

The Congress finds that—

(1) the rapid development of telecommunications technology has resulted in distance learning systems that are powerful, flexible and increasingly affordable;

(2) distance learning technology can increase contributions to the goals of "America 2000", as established by the President, including school readiness;

(3) distance learning expands the availability of educational and instructional video

programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(4) distance learning expands the availability of educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) expand the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(2) to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. READY TO LEARN PROGRAMS.

The General Education Provisions Act is amended by inserting after section 405 (20 U.S.C. 1221e) the following new section:

"READY TO LEARN TELEVISION

"SEC. 405A. (a) IN GENERAL.—The Secretary is authorized to implement programs to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children in order to facilitate the achievement of the national education goals. In administering such programs, the Secretary shall ensure that such programming is made widely available to young children, their parents, child care workers and Head Start providers with support materials as appropriate to increase the effective use of such programming.

"(b) DUTIES OF THE SECRETARY.—In administering the programs under subsection "(a), the Secretary shall—

"(1) set priorities regarding the educational needs of preschool and elementary school children that can be addressed through video technologies including distance learning networks;

"(2) award grants for the development and dissemination of educational and instructional programming, in accordance with the priorities established under paragraph (1), for preschool children, children in transition programs from early childhood education to elementary school grades, and elementary school children;

"(3) award grants for the development and dissemination of training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2);

among parents, Head Start providers, in-home and center based, day care providers, early childhood development personnel and elementary school teachers, and after school program personnel caring for preschool and elementary school children;

"(4) establish and administer a Special Projects of National Significance program to award grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State education agency, local education agency, local school, institution of higher learning, or community based organization of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

"(5) establish within the Department a clearinghouse to compile and provide information, referrals and model program materials obtained or developed under this section to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this section; and

"(6) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to the grantees of those Federal programs that have major training components for early childhood development, including Head Start and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

"(c) DEVELOPMENT AND DISTRIBUTION OF EDUCATIONAL PROGRAMMING FOR CHILDREN.—

"(1) GRANTS.—To carry out the provisions of subsection (b)(2), the Secretary shall award grants to eligible applicant entities to—

"(A) facilitate the development or acquisition, directly or through contracts with producers, of children's television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(B) contract with entities experienced in the distribution of such programming, such as public broadcasting entities and those funded under the Star Schools Assistance Act, for the dissemination of programs developed under this paragraph to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) be a nonprofit, nongovernmental entity with a demonstrated record of facilitating the development and distribution of educational and instructional television programming for preschool and elementary school children; and

"(B) have a demonstrated record of contracting with the producers of children's television programming for the purpose of developing or acquiring educational television programming for preschool and elementary school children.

"(3) CULTURAL EXPERIENCES.—Programming developed or acquired under this subsection shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"(d) DEVELOPMENT AND DISTRIBUTION OF TRAINING MATERIALS.—To carry out the provisions of subsection (b)(3), the Secretary may award grants to public or private nonprofit entities with demonstrated expertise and experience in the development of video or other educational materials regarding child development and early childhood education for parents and child care providers, to—

"(1) develop, directly or through contracts, training and support materials for the purpose of informing and training parents and personnel in accordance with subsection (b)(3); and

"(2) produce such materials for distribution to the broadest audience appropriate to be served, including parents, day care providers, public libraries, Head Start centers, and distance learning networks.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) SPECIAL RULE.—Each eligible entity desiring a grant under subsection (b)(2) shall include in the application submitted pursuant to paragraph (1) documentation of such entity's eligibility in accordance with subsection (c)(2).

"(f) REPORTS AND EVALUATION.—

"(1) ANNUAL REPORT TO THE SECRETARY.—The entity receiving funds under subsection (c) shall prepare and submit to the Secretary an annual report that shall contain such information as the Secretary may require. At a minimum the report shall contain a description of the program activities undertaken with funds received under this section, including—

"(A) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(B) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(C) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(D) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report to include the following information—

"(A) a summary of the information made available under subsection (d)(1);

"(B) a description of the training materials made available under subsection (b)(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997. Not less than 60 percent of the amounts appropriated under this paragraph for each fiscal year shall be used to carry out subsection (c).

"(2) SPECIAL PROJECTS.—Of the amount appropriated under paragraph (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under subsection (b)(4)(C).

"(h) ADMINISTRATIVE COSTS.—With respect to the implementation of subsection (c), entities receiving a grant from the Secretary may use up to 5 percent of the amounts received under a grant under such subsection for the normal and customary expenses of administering the grant.

"(i) DEFINITION.—For the purposes of this section, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.".

Mr. COCHRAN. Mr. President, I am pleased to join with Senator KENNEDY in sponsoring the Ready to Learn Act, S. 3134. This bill authorizes the Secretary of Education to set priorities regarding the educational needs of preschool and elementary school children that can be addressed through television programming. Once these priorities are identified, the Department will make grants based on these priorities to develop, produce, and distribute new educational programs for this audience.

Today, television is in many instances the most powerful teacher a young child has. In busy households with both parents working, in single-parent homes, and crowded day care facilities, television fills a gap created by today's lifestyles.

Public television programs like "Sesame Street" and "Reading Rainbow" have offered young children quality educational programming for over 25 years.

By taking advantage of the significant number of hours of television most children watch every day, we have an opportunity to build a foundation for future learning. The Department of Education supports this proposal and wants to take a more active role in supporting the development of educational television materials.

This bill establishes a partnership between the U.S. Department of Education and producers of children's programming to develop criteria for educational television programming targeted to the preschool audience, which will then be used as guidelines for the solicitation and selection of projects to be funded. This strategy draws on the strong commitment of Secretary Alexander to support early childhood education and the Corporation for Public Broadcasting's years of expertise in providing young children with quality educational television.

In States like Mississippi, educational television has helped provide students opportunities to learn that would not otherwise be available. In fact, Mississippi ETV currently offers six educational networks, providing more than 65 hours of educational programming each day for students, teachers, individuals, and families. This bill will expand the educational programming available to preschool children.

Another strong component of this bill is that it will offer parents, teachers, libraries, and daycare providers with specially designed supporting materials to enhance the value of the television programming. These supporting materials will be developed through grants to local educational television networks.

The bill authorizes $50 million for the development and dissemination of quality preschool educational programs for public television. It is my hope that this Federal investment will encourage and leverage greater corporate and other private support for more good television for the youth of America.

I urge Senators to support this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3363) was agreed to.

The PRESIDING OFFICER. This bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to engrossed for a third reading was read the third time, and passed, as follows:

S. 3134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready to Learn Act".

SEC. 2. FINDINGS ON DISTANCE LEARNING.

The Congress finds that—

(1) the rapid development of telecommunications technology has resulted in distance learning systems that are powerful, flexible and increasingly affordable;

(2) distance learning technology can increase contributions to the goals of "America 2000", as established by the President, including school readiness;

(3) distance learning expands the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(4) distance learning expands the availability of educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) expand the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(2) to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. READY TO LEARN PROGRAMS.

The General Education Provisions Act is amended by inserting after section 405 (20 U.S.C. 1221e) the following new section:

"READY TO LEARN TELEVISION

"SEC. 405A. (a) IN GENERAL.—The Secretary is authorized to implement programs to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children in order to facilitate the achievement of the national education goals. In administering such programs, the Secretary shall ensure that such programming is made widely available to young children, their parents, child care workers and Head Start providers with support materials as appropriate to increase the effective use of such programming.

"(b) DUTIES OF THE SECRETARY.—In administering the programs under subsection "(a), the Secretary shall—

"(1) set priorities regarding the educational needs of preschool and elementary school children that can be addressed through video technologies including distance learning networks;

"(2) award grants for the development and dissemination of educational and instructional programming, in accordance with the priorities established under paragraph (1), for preschool children, children in transition programs from early childhood education to elementary school grades, and elementary school children;

"(3) award grants for the development and dissemination of training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2);

among parents, Head Start providers, in-home and center based, day care providers, early childhood development personnel and elementary school teachers, and after school program personnel caring for preschool and elementary school children;

"(4) establish and administer a Special Projects of National Significance program to award grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State education agency, local education agency, local school, institution of higher learning, or community based organization of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase literacy skills among parents to assist parents in teaching their

children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

"(5) establish within the Department a clearinghouse to compile and provide information, referrals and model program materials obtained or developed under this section to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this section; and

"(6) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to the grantees of those Federal programs that have major training components for early childhood development, including Head Start and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

"(c) DEVELOPMENT AND DISTRIBUTION OF EDUCATIONAL PROGRAMMING FOR CHILDREN.—

"(1) GRANTS.—To carry out the provisions of subsection (b)(2), the Secretary shall award grants to eligible applicant entities to—

"(A) facilitate the development or acquisition, directly or through contracts with producers, of children's television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(B) contract with entities experienced in the distribution of such programming, such as public broadcasting entities and those funded under the Star Schools Assistance Act, for the dissemination of programs developed under this paragraph to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) be a nonprofit, nongovernmental entity with a demonstrated record of facilitating the development and distribution of educational and instructional television programming for preschool and elementary school children; and

"(B) have a demonstrated record of contracting with the producers of children's television programming for the purpose of developing or acquiring educational television programming for preschool and elementary school children.

"(3) CULTURAL EXPERIENCES.—Programming developed or acquired under this subsection shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"(d) DEVELOPMENT AND DISTRIBUTION OF TRAINING MATERIALS.—To carry out the provisions of subsection (b)(3), the Secretary may award grants to public or private nonprofit entities with demonstrated expertise and experience in the development of video or other educational materials regarding child development and early childhood education for parents and child care providers, to—

"(1) develop, directly or through contracts, training and support materials for the purpose of informing and training parents and personnel in accordance with subsection (b)(3); and

"(2) produce such materials for distribution to the broadest audience appropriate to be served, including parents, day care providers, public libraries, Head Start centers, and distance learning networks.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) SPECIAL RULE.—Each eligible entity desiring a grant under subsection (b)(2) shall include in the application submitted pursuant to paragraph (1) documentation of such entity's eligibility in accordance with subsection (c)(2).

"(f) REPORTS AND EVALUATION.—

"(1) ANNUAL REPORT TO THE SECRETARY.—The entity receiving funds under subsection (c) shall prepare and submit to the Secretary an annual report that shall contain such information as the Secretary may require. At a minimum the report shall contain a description of the program activities undertaken with funds received under this section, including—

"(A) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(B) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(C) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(D) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report to include the following information—

"(A) a summary of the information made available under subsection (d)(1);

"(B) a description of the training materials made available under subsection (b)(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997. Not less than 60 percent of the amounts appropriated under this paragraph for each fiscal year shall be used to carry out subsection (c).

"(2) SPECIAL PROJECTS.—Of the amount appropriated under paragraph (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under subsection (b)(4)(C).

"(h) ADMINISTRATIVE COSTS.—With respect to the implementation of subsection (c), entities receiving a grant from the Secretary may use up to 5 percent of the amounts received under a grant under such subsection for the normal and customary expenses of administering the grant.

"(i) DEFINITION.—For the purposes of this section, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.".

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table. The motion to lay on the table was agreed to.

CORRECTION IN THE ENROLLMENT OF H.R. 3379

Mr. BUMPERS. Mr. President, I ask unanimous consent that Senate proceed to the immediate consideration of House Concurrent Resolution 366, a concurrent resolution to request the President to return the enrolled bill H.R. 3379, a bill relating to the authorities of the administrative conference, and correct the enrollment of that bill that is now at the desk; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 366) was agreed to.

TECHNICAL AMENDMENTS TO CERTAIN INDIAN STATUTES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 746, H.R. 5686, a bill to make technical amendments to certain Federal Indian statutes.

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

A bill (H.R. 5686) to make technical amendments to certain Federal Indian statutes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs, with an amendment on page 3, after line 3, insert the following:

SEC. 4. AUTHORITY TO CONVEY LANDS.

Notwithstanding any other provisions of law, the Mississippi Band of Choctaw Indians is authorized to sell, convey, and warrant to National Disposal Systems, Inc, without further approval of the United States, all the Band's interests in real property located in Noxubee County, Mississippi, that it acquired from National Disposal Systems, Inc. Nothing in this

section is intended to authorize the Mississippi Band of Choctaw Indians to sell any of its lands that are held in trust by the United States.

SEC. 5. AMENDMENTS TO 99-YEAR LEASE STATUTE.

The second sentence of subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended by inserting immediately after "Oklahoma," the following: "lands held in trust for the Pueblo of Santa Clara, lands held in trust for the Confederated Tribes of the Colville Reservation,".

SEC. 6. AMENDMENTS TO THE SAN CARLOS IRRIGATION PROJECT DIVESTITURE ACT OF 1991.

The San Carlos Indian Irrigation Project Divestiture Act of 1991 (Public Law 102–231; 105 Stat. 1722 et seq.) is amended by—

(1) deleting in sections 4(a) and 10(b) the date "December 31, 1992" and inserting in lieu thereof the date "July 31, 1993";

(2) inserting immediately before the period at the end of paragraph (1) of subsection 5(a) the phrase "and otherwise administer all customer accounts"; and

(3) deleting "5(a)(2)" in the second sentence of section 6 and inserting in lieu thereof "5(a)(5)".

SEC. 7. EXPENDITURE OF LEDGER ACCOUNT.

The Secretary of the Interior is authorized to expend not to exceed $1,300,000 of receipts, including interest, generated from the Wapato Indian Irrigation Project, currently available in the Bureau of Indian Affairs's Account for Operation and Maintenance, Indian Irrigation Systems (Appropriation Account 14X5240), which includes principal collected under the authority of the Act of February 14, 1920, for purposes of rehabilitation and betterment of the irrigation system at the Wapato Indian Irrigation Project, and to which the principal sums collected shall be credited in a manner which reduces the obligations for repayment of construction costs for those units of the Wapato Indian Irrigation Project from which such funds were generated.

SEC. 8. TECHNICAL AMENDMENTS TO SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT OF 1982.

(A) SHORT TITLE.—This section may be cited as the "Southern Arizona Water Rights Settlement Technical Amendments Act of 1992".

(B) TECHNICAL AMENDMENTS.—The Southern Arizona Water Rights Settlement Act of 1982 is amended as follows:

(1) in section 313(b)(1)(A), delete "paragraph (3)" and insert in lieu thereof "paragraph (2)";

(2) in clauses (i), (ii) and (iii) of section 313(b)(1)(B), delete "(adjusted as provided in paragraph (2))" each place it appears and insert in lieu thereof "which has been";

(3) in section 313(b)(1)(C), immediately before the period at the end thereof, insert a comma and the following: "including all interest which has accrued to the Fund since the Fund was established and all interest which accrued on contributions and appropriations to the Fund from October 12, 1985, to the date of the enactment of the Southern Arizona Water Rights Settlement Technical Amendments Act of 1992";

(2) in subsection (b), delete paragraph (2) and renumber paragraph (3) as paragraph (2);

(5) amend section 313 by adding at the end thereof the following new subsection:

"(g)(1) Notwithstanding the provisions of subsection (e), if no funds contributed to the Cooperative Fund pursuant to subsection (b)(1)(B) (or accrued interest thereon) have been returned to any of the contributors, the Cooperative Fund shall not be terminated; except that, if the final judgment in the lawsuit referred to in section 307(a)(1)(C) does not dismiss all claims against the defendants named therein, the Cooperative Fund shall be terminated and the Secretary of the Treasury shall return all amounts contributed to the Fund (together with a ratable share of the remaining accrued interest) to the respective contributors.

"(2)(A) If the share contributed to the Cooperative Fund by the United States has been deposited in the General Fund of the Treasury pursuant to subsection (e), there is authorized to be appropriated to the Cooperative Fund the amount so deposited in the General Fund of the Treasury, adjusted to include an amount representing the additional interest which would have been earned by the Cooperative Fund if that portion had not been deposited in the General Fund of the Treasury.

"(B) If the final judgment in the lawsuit referred to in section 307(a)(1)(C) does not dismiss all claims against the defendants named therein, the share of the Cooperative Fund contributed by the United States shall be deposited in the General Fund of the Treasury.";

(6) in section 304(e)(2), delete ", as long as such water is used for irrigation of Indian lands";

(7) in section 306(c), by adding at the end thereof the following new paragraph:

"(3) For the purpose of determining allocation and repayment of costs of the Central Arizona Project as provided in article 9.3 of contract numbered 14–06–W–245 between the United States of America and the Central Arizona Water Conservation District, dated December 1, 1988, and any amendment or revision thereof, the costs associated with the delivery of Central Arizona Project water under the sales, exchanges or temporary dispositions herein authorized shall be nonreimbursable, and such costs shall be excluded from such District's repayment obligation."; and

(8) in sections 313(c)(1)(A), 304(c)(1) and 305(d)(1), immediately after "10 years" each place it appears, insert "and 9 months".

SEC. 9. AMENDMENTS TO THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS.—The second sentence of section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(a)) is amended by striking ", subject to the availability of funds appropriated under the authority of section 816(c),".

(b) DEFINITION.—Section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c) is amended—

(1) in paragraph (4) by striking "; and" at the end,

(2) in paragraph (5) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(6) the term 'Native American Pacific Islander' means an individual who is indigenous to a United States territory or possession located in the Pacific Ocean, and includes such individual while residing in the United States.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking subsection (c), and

(2) by redesignating subsection (d) as subsection (c).

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTION OF LAND DESCRIPTION WITH RESPECT TO THE GRAND RONDE RESERVATION.

Section 4(b) of Public Law 100–425 (25 U.S.C. 713f note) is amended by striking "SE¼NE¼" in the fourth column of the description of the 47th tract of land listed in such subsection and inserting the following: "SE¼NE¼,E½SW¼".

SEC. 2. EXTENSION OF DEADLINE WITH RESPECT TO PONCA ECONOMIC DEVELOPMENTAL PLAN.

Section 10(a)(3) of the Ponca Restoration Act (25 U.S.C. 983h(a)(3)) is amended by striking "2" and inserting "3".

SEC. 3. EXPENDITURE OF JUDGMENT FUNDS.

(a) CROW TRIBE JUDGMENT FUND.—Notwithstanding any other provision of law, or any distribution plan approved pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary of the Interior may reprogram, in accordance with Crow Tribal Resolution 91–14, any and all remaining funds (principal and interest accounts) which were awarded in satisfaction of the judgments in Indian Claims Commission Docket No. 54 (1961) and United States Claims Court Docket Nos. 796–71 and 797–71 (1981).

(b) SHOSHONE-BANNOCK JUDGMENT FUND.—Notwithstanding any other provision of law, or any distribution plan approved pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary of the Interior may reprogram, in accordance with Shoshone-Bannock Tribal Resolution GNCL–91–0616, dated July 19, 1991, any and all remaining funds (principal and interest accounts) which were awarded in satisfaction of the judgment in Indian Claims Commission Docket No. 326–C–2 (1985).

SEC. 4. AUTHORITY TO CONVEY LANDS.

Notwithstanding any other provision of law, the Mississippi Band of Choctaw Indians is authorized to sell, convey, and warrant to National Disposal Systems, Inc., without further approval of the United States, all the Band's interests in real property located in Noxubee County, Mississippi, that it acquired from National Disposal Systems, Inc. Nothing in this section is intended to authorize the Mississippi Band of Choctaw Indians to sell any of its lands that are held in trust by the United States.

SEC. 5. AMENDMENTS TO 99-YEAR LEASE STATUTE.

The second sentence of subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended by inserting immediately after "Oklahoma," the following: "lands held in trust for the Pueblo of Santa Clara, lands held in trust for the Confederated Tribes of the Colville Reservation,".

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(1) deleting in sections 4(a) and 10(b) the date "December 31, 1992" and inserting in lieu thereof the date "July 31, 1993";

(2) inserting immediately before the period at the end of paragraph (1) of subsection 5(a) the phrase "and otherwise administer all customer accounts"; and

(3) deleting "5(a)(2)" in the second sentence of section 6 and inserting in lieu thereof "5(a)(5)".

SEC. 7. EXPENDITURE OF LEDGER ACCOUNT.

The Secretary of the Interior is authorized to expend not to exceed $1,300,000 of receipts, including interest, generated from the Wapato Indian Irrigation Project, currently available in the Bureau of Indian Affair's Account for Operation and Maintenance, Indian Irrigation Systems (Appropriation Account 14X5240), which includes principal collected under the authority of the Act of February 14, 1920, for purposes of rehabilitation and betterment of the irrigation system at the Wapato Indian Irrigation Project, and to

which the principal sums collected shall be credited in a manner which reduces the obligation for repayment of construction costs for those units of the Wapato Indian Irrigation Project from which such funds were generated.

SEC. 8. TECHNICAL AMENDMENTS TO SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT OF 1982.

(a) SHORT TITLE.—This section may be cited as the "Southern Arizona Water Rights Settlement Technical Amendments Act of 1992".

(b) TECHNICAL AMENDMENTS.—The Southern Arizona Water Rights Settlement Act of 1982 is amended as follows:

(1) in section 313(b)(1)(A), delete "paragraph (3)" and insert in lieu thereof "paragraph (2)";

(2) in clauses (i), (ii) and (iii) of section 313(b)(1)(B), delete "(adjusted as provided in paragraph (2))" each place it appears and insert in lieu thereof "which has been";

(3) in section 313(b)(1)(C), immediately before the period at the end thereof, insert a comma and the following: "including all interest which has accrued to the Fund since the Fund was established and all interest which accrued on contributions and appropriations to the Fund from October 12, 1985, to the date of the enactment of the Southern Arizona Water Rights Settlement Technical Amendments Act of 1992";

(4) in subsection (b), delete paragraph (2) and renumber paragraph (3) as paragraph (2);

(5) amend section 313 by adding at the end thereof the following new subsection:

"(g)(1) Notwithstanding the provisions of subsection (e), if no funds contributed to the Cooperative Fund pursuant to subsection (b)(1)(B) (or accrued interest thereon) have been returned to any of the contributors, the Cooperative Fund shall not be terminated; except that, if the final judgment in the lawsuit referred to in section 307(a)(1)(C) does not dismiss all claims against the defendants named therein, the Cooperative Fund shall be terminated and the Secretary of the Treasury shall return all amounts contributed to the Fund (together with a ratable share of the remaining accrued interest) to the respective contributors.

"(2)(A) If the share contributed to the Cooperative Fund by the United States has been deposited in the General Fund of the Treasury pursuant to subsection (e), there is authorized to be appropriated to the Cooperative Fund the amount so deposited in the General Fund of the Treasury, adjusted to include an amount representing the additional interest which would have been earned by the Cooperative Fund if that portion had not been deposited in the General Fund of the Treasury.

"(B) If the final judgment in the lawsuit referred to in section 307(a)(1)(C) does not dismiss all claims against the defendants named therein, the share of the Cooperative Fund contributed by the United States shall be deposited in the General Fund of the Treasury.";

(6) in section 304(e)(2), delete ", as long as such water is used for irrigation of Indian lands";

(7) in section 306(c), by adding at the end thereof the following new paragraph:

"(3) For the purpose of determining allocation and repayment of costs of the Central Arizona Project as provided in article 9.3 of contract numbered 14-06-W-245 between the United States of America and the Central Arizona Water Conservation District, dated December 1, 1988, and any amendment or revision thereof, the costs associated with the delivery of Central Arizona Project water under the sales, exchanges or temporary dispositions herein authorized shall be nonreimbursable, and such costs shall be excluded from such District's repayment obligation."; and

(8) in sections 313(c)(1)(A), 304(c)(1) and 305(d)(1), immediately after "10 years" each place it appears, insert "and 9 months".

SEC. 9. AMENDMENTS TO THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS.—The second sentence of section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(a)) is amended by striking ", subject to the availability of funds appropriated under the authority of section 816(c),".

(b) DEFINITION.—Section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c) is amended—

(1) in paragraph (4) by striking "; and" at the end,

(2) in paragraph (5) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(6) the term 'Native American Pacific Islander' means an individual who is indigenous to a United States territory or possession located in the Pacific Ocean, and includes such individual while residing in the United States.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking subsection (c), and

(2) by redesignating subsection (d) as subsection (c).

Mr. INOUYE. Mr. President, I ask the Senate to approve passage of H.R 5686, a bill to make technical changes to certain Federal Indian statutes.

As passed by the House in August, the bill contained three sections. Section 1 corrects a land description in the Grand Ronde, OR, Reservation Act. Section 2 amends the Ponca Restoration Act to allow the Bureau of Indian Affairs and the Ponca Tribe an additional year to develop an economic plan under the tribe's restored status. Section 3 permits the Secretary of the Interior to reprogram certain trust accounts for the Crow Tribe of Montana and the Shoshone-Bannock Tribe of Idaho.

As reported by the Select Committee on Indian Affairs, six new sections are part of the bill now being considered. Section 4 authorizes the Mississippi Band of Choctaw Indians to deed back certain lands to the original owners of the land. Section 5 of the bill allows two tribes to lease lands for up to 99 years for economic development purposes. The tribes are the Santa Clara Tribe of New Mexico and the Confederated Tribes of the Colville Reservation in Oregon. Section 6 amends the San Carlos Indian Irrigation Project Act to extend, by 7 months, the deadline for ensuring the provisions of the act are met. Section 7 authorizes the Secretary of the Interior to use funds in an appropriation account for emergency repairs at the Wapato Indian irrigation project at the Yakima Indian Reservation in Washington. Section 8 amends the Southern Arizona Water Rights Settlement Act to ensure that the cooperative fund established by that act operates to provide financing for any lease of settlement water by the Tohono O'Odham Nation until construction of a farm where the water will ultimately be used. Section 9 amends the Native American Programs Act to provide a definition for Pacific islanders and to remove the current set-aside for Pacific islanders that is now part of the act.

Mr. President, in addition to these amendments, the chairman of the House Interior and Insular Affairs Committee has requested that the Senate amend section 2 of the bill so that the Cahuilla Band of Indians of California may lease its lands for 99 years. In addition, I am offering six additional amendments on behalf of other Members of the Senate to assist tribes in their States. All of these amendments are either very technical or, if not, are revisions of measures that have previously passed the Senate but on which the House, for various reasons, has yet to act.

I ask the Senate to agree to these amendments and I further ask the Senate to pass H.R. 5686, as amended.

WAPATO INDIAN IRRIGATION PROJECT

Mr. ADAMS. Mr. President, I would like to clarify two points with the distinguished chairman of the Indian Affairs Committee relative to the provision in this bill dealing with the Wapato Indian Irrigation Project. The first is whether we are authorizing the appropriation of any new money. I understand that the funds identified as "operations and maintenance, Indian irrigation systems" are currently available for expenditure by the BIA and that this amendment simply assures that the Bureau has the legal authority to expend them for rehabilitation and betterment of the project.

Second, I would like to know if there is anything in this amendment that would prohibit the BIA from using a small portion of these funds for a hydropower feasibility study of irrigation canals and other appurtenances of the project?

Mr. INOUYE. Mr. President, the understanding of the Senator from Washington is correct. We are not authorizing new appropriations but merely complying with a request from the BIA that we clarify and approve the Bureau's authority to expend funds from a currently accessible operation and maintenance account which includes principal collected from assessments as well as interest said principal has earned.

On the second point, as part of the rehabilitation and betterment of the irrigation and electrical components of the project, there is absolutely nothing in this amendment that would prohibit the BIA from using some of these funds for a feasibility study of increased hy-

dropower potential at the Wapato Project. I am aware of and support the joint correspondence from my two Washington State colleagues to the BIA addressing the need to not only repair this project but to determine the feasibility of increased power production from water flowing through the project.

In responding to that letter, BIA Commissioner Dave Matheson wrote a reply on April 7, 1992, indicating that he was supportive of the $66,000 hydropower study request made by the Yakima Indian Nation. I would think that increased hydroproject capability at Wapato would be considered a betterment of the project within the parameters of this amendment. I commend the commissioner and my two colleagues from Washington State for their commitment to this important project and to this amendment that will benefit all of the various parties involved.

AMENDMENTS NO. 3364 THRU 3367

Mr. SIMPSON. Mr. President, I send to the desk two amendments for Senator MCCAIN and amendments for Senators STEVENS and MURKOWSKI and that they be considered and agreed to en bloc and that any statements thereon appear at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments considered and agreed to en bloc are as follows:

AMENDMENT NO. 3364

At the end of the bill, add the following new section:

"SEC. . TECHNICAL AMENDMENTS TO AK-CHIN WATER USE ACT OF 1984

"(a) SHORT TITLE.—This Act may be cited as the 'AK-Chin Water Use Amendments Act of 1992'.

"(b) AUTHORIZATION OF USE OF WATER.—Section 2(j) of the Act of October 19, 1984 (Public Law 98-530; 98 Stat. 2698) is amended to read as follows:

"'(j) The Ak-Chin Indian Community (hereafter in this Act referred to as the 'Community') shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational or other beneficial use, in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into an option to lease, extend leases, exchange or temporarily dispose of water to which it is entitled for beneficial use in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1: Provided, That the term of any such lease shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, extends leases, exchanges or temporarily disposes of water, such action shall be pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.'"

Mr. MCCAIN. Mr. President, I ask the Senate's consideration of an amendment to H.R. 5686 that would authorize certain uses of water by the Ak-Chin Indian Community in Arizona. Under the amendment, which is identical to S. 2507 that was passed by the Senate on September 9, 1992, the Ak-Chin Indian Community may lease, exchange or temporarily dispose of off-reservation, portions of the Colorado River water to which it is entitled under the terms of the 1984 amendments to the Community's 1978 water rights settlement act. A complete explanation of the situation that gives rise to the need for this amendment can be found in Senate Report 102-317.

AMENDMENT NO. 3365

At the end of the bill, add the following:

SEC. . AMENDMENT.

The Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes", approved October 15, 1977 (91 Stat. 1159), is amended by adding at the end thereof the following:

"SEC. 502. GENERAL ASSISTANCE PROGRAM.

"(a) SHORT TITLE.—This section may be cited as the 'Indian Environmental General Assistance Program Act of 1992'.

"(b) PURPOSES.—The purposes of this section are to—

"(1) provide general assistance grants to Indian tribal governments and intertribal consortia to build capacity to administer environmental regulatory programs that may be delegated by the Environmental Protection Agency on Indian lands; and

"(2) provide technical assistance from the Environmental Protection Agency to Indian tribal governments and intertribal consortia in the development of multimedia programs to address environmental issues on Indian lands.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term 'Indian tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(2) The term 'intertribal consortia' or 'intertribal consortium' means a partnership between two or more Indian tribal governments authorized by the governing bodies of those tribes to apply for and receive assistance pursuant to this section.

"(3) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(d) GENERAL ASSISTANCE PROGRAM.—(1) The Administrator of the Environmental Protection Agency shall establish an Indian Environmental General Assistance Program that provides grants to eligible Indian tribal governments or intertribal consortia to cover the costs of planning, developing, and establishing environmental protection programs on Indian lands.

"(2) Each grant awarded for general assistance under this subsection for a fiscal year shall be no less than $75,000, and no single grant may be awarded to an Indian tribal government or intertribal consortium for more than 10 percent of the funds appropriated under subsection (h) of this section.

"(3) The term of any general assistance award made under this subsection may exceed one year. Any awards made pursuant to this section shall remain available until expended. An Indian tribal government or intertribal consortium may receive a general assistance grant for a period of up to four years in each specific media area.

"(e) NO REDUCTION IN AMOUNTS.—In no case shall the award of a general assistance grant to an Indian tribal government or intertribal consortium under this section result in a reduction of Environmental Protection Agency grants for environmental programs to that tribal government or consortium. Nothing in this section shall preclude an Indian tribal government or intertribal consortium from receiving individual media grants or cooperative agreements. Funds provided by the Environmental Protection Agency through the general assistance program shall be used by an Indian tribal government or intertribal consortium to supplement other funds provided by the Environmental Protection Agency through individual media grants or cooperative agreements.

"(f) EXPENDITURE OF GENERAL ASSISTANCE.—Any general assistance under this section shall be expended for the purpose of planning, developing, and establishing the capability to implement programs administered by the Environmental Protection Agency and specified in the assistance agreement. Purposes and programs authorized under this section shall include the development and implementation of solid and hazardous waste programs for Indian lands. An Indian tribal government or intertribal consortium receiving general assistance pursuant to this section shall utilize such funds for programs and purposes to be carried out in accordance with the terms of the assistance agreement.

"(g) PROCEDURES.—(1) Within 12 months following the date of the enactment of this section, the Administrator shall promulgate regulations establishing procedures under which an Indian tribal government or intertribal consortium may apply for general assistance grants under this section.

"(2) The Administrator shall publish regulations issued pursuant to this section in the Federal Register.

"(3) The Administrator shall establish procedures for accounting, auditing, evaluating, and reviewing any programs or activities funded in whole or in part for a general assistance grant under this section.

"(h) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for each of the fiscal years 1993 and 1994.".

Mr. MCCAIN. Mr. President, I ask the Senate's consideration of an amendment to H.R. 5686 that would authorize the Administrator of the EPA to provide general assistance grants and technical assistance to Indian tribal governments to develop and administer environmental programs. The amendment is virtually identical to S. 668, the Indian Environmental Assistance Program Act of 1991 which the Senate passed on August 2, 1991. The single exception is that this amendment would provide for a 2-year authorization rather than a 5-year period. A complete explanation of the situation that gives rise to the need for this amendment can be found in Senate Report 101-125.

AMENDMENT NO. 3366

At the appropriate place, insert a new section as follows:

SEC. . Notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to enroll the following-named individuals as Natives under the Alaska Native Claims Settlement Act (Public Law 92-203): Yvonne LeCornu Salazar and Andres Manuel Salazar. Each individual is entitled to receive 100 shares of stock in Shaan-Seet, Inc. and such other benefits as the board of directors of that corporation may approve. No individual enrolled pursuant to this Act shall be entitled to share in any dividends or Alaska Native Claims Settlement Act distributions made by the United States or Shaan-Seet, Inc. prior to the individual's enrollment. Nor shall this Act alter said individual's rights to receive dividends or Alaska Native Claims Settlement Act distributions made by Sealaska Corporation prior to the individual's enrollment in Shaan-Seet. Enrollment of these individual's shall not alter the entitlement to or distribution of land to any corporation under the terms of the Alaska Native Claims Settlement Act.

Mr. STEVENS. Mr. President, this amendment corrects an error in the enrollment of Yvonne LeCornu and her son Andres Manual Salazar under the Alaska Native Claims Settlement Act. Under that law Alaska Natives were permitted to enroll in regions and villages based on their heritage. Enrollment led to stock ownership in the corporations created under the act.

Ms. LeCornu is a long-term resident of Craig, AK. Her parents lived there and she attended school there. Her family continues to live there today. Mr. Salazar is Ms. LeCornu's son. He attended Craig High School and has lived in Craig.

In early 1973, during the original enrollment period Ms. LeCornu completed applications for herself and her then infant son Andres. Shortly thereafter Ms. LeCornu wrote and asked that the original applications be modified from enrollment with Sealaska at large to permit enrollment with Sealaska and the Craig village corporation. The BIA granted this modification and in December 1973 Ms. LeCornu and Mr. Salazar received stock certificates from Sealaska indicating they were enrolled in a village corporation. In 1974 they each received stock certificates from Shaan Seet Inc, the Craig village corporation.

For some reason between 1973 and 1975 BIA dropped Ms. LeCornu and Mr. Salazar from the enrollment for Craig. As a result their stock in the corporation was cancelled. The BIA records do not explain why this error occurred.

Ms. LeCornu has been trying to correct this error for many years. The BIA does not believe they have the ability to correct the problem because the final Alaska Native Roll has been completed.

Litigation to address this problem would be expensive and time consuming and the courts may not have the ability to grant a remedy to correct this problem.

Ms. LeCornu is ill and has had three heart surgeries. She wishes to have this error corrected before her death. The Board of Shaan-Seet does not oppose the effort to correct this error.

The amendment would permit Ms. LeCornu and Mr. Salazar to become members of the Shaan-Seet corporation and to receive all benefits of membership after the effective date. Past distributions made by the corporation will not be affected and will not be paid to Salazar and Lecornu. The land distributions under ANSCA will not be altered. The amendment simply corrects an administrative error.

AMENDMENT NO. 3367

At the end of the bill, add the following new section:

SEC. . TRANSFER OF BUREAU OF INDIAN AFFAIRS' ADMINISTRATIVE SITE IN BETHEL, ALASKA TO THE YUKON KUSKOKWIM HEALTH CORPORATION.

(a) CONVEYANCE.—To the extent consistent with this section and applicable Federal and State environmental laws, the Secretary of the Interior, notwithstanding section 1302(h) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)), shall convey, in fee, the buildings of the former Bureau of Indian Affairs Bethel Agency, Bethel, Alaska, and lands necessary for the use of these buildings, but not to exceed 27 acres of the Agency site, to the Yukon Kuskokwim Health Corporation (hereafter referred to as the "Corporation"). Such conveyance shall be made on terms mutually agreed on between the Secretary of the Interior and the Corporation. The Secretary may require that the Corporation, as exclusive consideration for this conveyance, enter into an agreement under which the Corporation agrees to indemnify the United States Fish and Wildlife Service and the Bureau of Indian Affairs for any liability arising out of the operation and maintenance of any response at the property concerning asbestos. The conveyance required by this section shall be made, subject to subsection (b)(2), prior to September 30, 1993.

(b) ENVIRONMENTAL RESPONSE.—Prior to the conveyance of the property to the Corporation pursuant to subsection (a), for responses that are necessary under applicable Federal and State laws to protect human health and the environment with respect to any hazardous substance or hazardous waste remaining on the property, the Secretary of the Interior and the Secretary of the Air Force shall—

(1) complete and equally share the cost of such response, or

(2) grant and equally share the cost of such grant to the Corporation an amount equal to the cost of such response, except that such grant shall be used to complete such response prior to the conveyance of the property.

(c) Notwithstanding any other Federal law, except with respect to liability arising from the operation and maintenance of the property, the United States Fish and Wildlife Service and the Bureau of Indian Affairs shall not be liable under any Federal law for any additional response necessary for asbestos at the property following its conveyance to the Corporation pursuant to the authority of subsection (a). Nothing in this section shall affect any liability of any person other than the United States Fish and Wildlife Service and the Bureau of Indian Affairs.

(d) EASEMENT.—The conveyance under this section shall reserve an easement for access to adjacent areas of the Yukon Delta National Wildlife Refuge, if determined necessary by the Secretary.

(e) DEFINITIONS.—As used in this section:

(1) The terms "response", "hazardous substance", "person", and "environment" as used herein shall have the meaning of such terms as provided in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.).

(2) The term "hazardous waste" shall have the meaning of such term as provided in the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

Mr. MURKOWSKI. Mr. President, the Yukon Kuskokwim Delta Regional Hospital in Bethel, AK, is a 50-bed, 24-hour emergency service hospital providing over 2,000 inpatient admissions and 80,000 outpatient visits per year. The hospital serves 50 villages in an area the size of the State of Oregon. With a Native population that numbers over 18,000 and is steadily growing, the demands on the hospital to maintain and improve the quality and scope of the health care provided is rapidly increasing. The harsh environment and the lack of suitable housing contribute to the difficulties in recruiting and retaining staff at all levels, and thus in meeting the health care needs of the Delta region.

Presently, the housing situation at the hospital has reached a critical point. On-compound housing is full and there are no units available to accommodate staff hired to fill vacancies at the hospital or their families. The housing market in the city of Bethel is just as overtaxed. Most of what is available on a rental basis in Bethel and at the hospital is substandard.

The Yukon-Kuskokwim Health Corp. [YKHC], which runs the hospital, has spent the last 4 years actively attempting to address this critical housing shortage. The Indian Health Service [IHS] has documented the need for 79 additional units of housing. IHS has slated funding and construction of these needed housing units as one of their top three priority projects.

At the same time, the Bureau of Indian Affairs declared as excess a housing facility just outside of Bethel. This site was used by the BIA as administrative offices for their agency's operation in the Bethel area. Two years ago, they abandoned the site for offices in downtown Bethel.

This site has several residential and maintenance buildings that would be suitable, with renovation, for staff housing for YKHC. My amendment would transfer the portion of the old BIA Administrative site that contains these buildings—27 acres of the original 45—and the buildings to YKHC.

These buildings, remodeled into 27 apartment units, would take care of 34 percent of the critical housing need for YKHC. YKHC estimates that renovation of the old BIA buildings will save IHS approximately $17 million by

avoiding construction of new buildings. The site will also allow for future growth for both housing and new health care programs.

Both the Air Force, the site owner before the BIA, and the BIA have done renovation and environmental assessment work and determined that asbestos and some daily fuel use soil contamination will need to be addressed before the transfer can take place. My amendment requires the BIA and the Air Force to address these problems before the transfer date of September 30, 1993—either by doing the work themselves or granting YKHC the necessary funds. They have both agreed to do so equally and have already set aside the funds to do so. It is likely that the response action for the asbestos will include management in place; a typical technique used in old building renovation. YKHC has agreed to take on the responsibility to properly manage and maintain whatever asbestos remains on site in order to protect public health and safety. YKHC has also agreed to shoulder all of the liability associated with the asbestos during its operation and maintenance of the building through an indemnification agreement with the BIA in consideration for the conveyance of the site. The Fish and Wildlife Service has not involved in any way with the site, however, because the site is technically part of the Yukon Delta National Wildlife Refuge, it is possible that should something unforeseen occur, they could be included in the liability chain. That is not our intention and so, my amendment also releases them from any potential liability arising out of the operation and maintenance of the facility by YKHC.

Mr. President, this amendment is a win-win situation for all involved. The Federal Government saves $17 million, YKHC gets relief from a critical housing shortage for their professional staff, Alaska Natives served by the Yukon-Kuskokwim Delta Regional Hospital are assured that they can continue to rely on quality health care and an abandoned facility which is not consistently vandalized and a dangerous nuisance to local residents will be cleaned up and put to good use.

The managers of the bill have both agreed to include this amendment in H.R. 5686. I appreciate their understanding of the importance of this amendment and in the time they and their staff dedicated to working out the details.

AMENDMENT NOS. 3368 THRU 3370

Mr. BUMPERS. Mr. President, I send to the desk amendments for Senators INOUYE, BAUCUS, and DASCHLE and ask that they be considered and agreed to en bloc and that any statements thereon appear at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments considered, and agreed to, en bloc are as follows:

AMENDMENT NO. 3368

"In section 5, after 'the Colville Reservation,' insert 'lands held in trust for the Cahuilla Band of Indians of California,'."

Mr. INOUYE. Mr. President, section 5 of the technical amendments bill amends the Indian lands leasing statute to allow the Pueblo of Santa Clara and the Confederated Tribes of the Colville Indian Reservation to enter into leases up to 99-years for economic development purposes. The intent of the amendment I now offer is to include this 99-year leasing authority for lands held in trust for the Cahuilla Band of Indians of California. The tribal government has requested the Committee to include this amendment.

AMENDMENT NO. 3369

At the end of the bill, add the following:

SEC. . REGULATION OF CLASS III GAMING.

(a) IN GENERAL.—Notwithstanding section 11(d)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(1), during the six-month period beginning on the date of the enactment of this Act, any class III gaming activity conducted on Indian lands in the State of Montana shall be lawful if such gaming activity—

(1) is conducted in accordance with State law made applicable by the Indian Gaming Regulatory Act; and

(2) was owned or being conducted on May 1, 1988.

(b) INAPPLICABILITY OF ACT OF JANUARY 2, 1951.—During the six-month period specified in subsection (a), the provisions of section 5 of the Act of January 2, 1951 (15 U.S.C. 1175), shall not apply to any gaming activity described in such subsection which meets the requirements of paragraphs (1) and (2) of such subsection.

SEC. 2. DEFINITIONS.

For purposes of this section, the terms "Indians lands" and "class III gaming" have the meaning given such terms in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

SEC. 3. CONFORMING AMENDMENT.

Section 4(7)(E) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(7)(E)) is amended by striking "or Montana".

Mr. BAUCUS. Mr. President, the amendment offered by Senator BURNS and I will reinstate a 1-year gaming grace period that Congress enacted for Montana Indian reservations last year, but which the U.S. attorney for Montana has found to be invalid on technical grounds. By doing so, the amendment will prevent further economic hardship and give tribes and the State a final opportunity to negotiate acceptable gaming compacts for the six Montana reservations for which they have not yet done so.

By way of background, the Indian Gaming Regulatory Act [IGRA] requires that Indian tribes and States negotiate compacts regarding the terms and conditions of certain types of gaming activities on Indian reservations. IGRA provided a "grace period" for tribes to continue conducting previously established gaming activities while compacts were being negotiated. Subsequently, Congress extended the grace periods for various States, including Montana.

The Montana grace period was scheduled to expire at the end of 1991. Shortly before the expiration date, Congress enacted a provision, as part of a technical corrections act, extending the Montana and Wisconsin grace periods for another year. This was done, the committee report explained, because, "[d]ue to unforeseen circumstances, tribes in those two States have been unable to complete negotiations to enter into tribal/State compacts" with respect to video keano and video poker games.

On June 25, 1992, the U.S. Attorney for Montana announced that she was prohibiting all gaming on Montana reservations and would prosecute anyone who violated the prohibition. She explained that the 1991 law providing a further extension of the grace period had failed to expressly address the Johnson Act of 1951, which prohibited the operation of certain gaming devices on Indian reservations, and that the 1991 law, therefore, had no legal effect.

The announcement came as a complete surprise; chaos ensued. A request for injunctive relief was denied, and all gaming activity ceased. As a result, Montana reservations have suffered extreme economic hardship. Tribes have lost hundreds of thousands of dollars in badly needed revenue; non-Indians also have been affected, with several businesses closing and scores of employees laid off in reservation communities.

I believe, Mr. President, that the U.S. Attorney's action was unfortunate. After all, we're not talking about high-stakes casinos. We're talking about video keano and video poker—the same kind of games that are played legally in the rest of Montana. And, despite the hypertechnical reasoning of the U.S. Attorney's announcement, Congress clearly intended to permit the existing games to continue when it enacted the one-year grace period in 1991; otherwise, the 1991 law would be meaningless.

The amendment that Senator BURNS and I are offering would correct the purported flaw in the 1991 law by expressly addressing the applicability of the Johnson Act of 1951. By doing so, it would reinstate the grace period. To account both for the 4 months lost since the U.S. attorney's announcement occurred and for the 2 months remaining in the grace period, the proposed technical correction would reinstate the grace period for 6 months from the date of enactment. This has the additional virtue of extending the grace period until several months after the new Montana State administration is inaugurated, thereby providing reasonable time for compact negotiations to be completed.

Finally, Mr. President, I should note that the amendment is supported by all of the affected tribes and by Montana's Governor and attorney general.

I urge the adoption of the amendment.

Mr. REID. I understand the concern of the Senator from Montana about reinstating the grace period. I am concerned, however, about further extensions of the Montana grace period. I believe it now is appropriate for final compacts to be negotiated and put in place. I would like to ask my colleague whether he will propose or support any further extensions.

Mr. BAUCUS. I share the Senator's concern. It now is time for the State and the tribes to work out final compacts. I can assure the Senator from Nevada that I will not propose or support any further extension of the Montana grace period. I also should note that this amendment is carefully crafted to simply reinstate the 1991 law, by protecting gaming that was occurring on May 15, 1988.

AMENDMENT NO. 3370

At the end of the bill, add the following new section:

SEC. . The Act of October 25, 1972 (86 Stat. 1168), is amended by adding at the end thereof the following new section:

"SEC. 306. AUTHORITY TO SETTLE ACTION.

"Notwithstanding any provision of this Act or any other provision of law, the Attorney General is authorized to negotiate and settle any action that may be or has been brought to contest the constitutionality or validity under law of the distribution to all other Sisseton and Wahpeton Sioux provided for in section 202 of this Act."

Mr. DASCHLE. Mr. President, I ask the Senate's consideration of an amendment to H.R. 5686 that would authorize the Attorney General of the United States to settle any action that may be or has been brought to contest the constitutionality or validity under law of the act of October 25, 1972 (86 Stat. 1168). In exercising his discretion to settle any such action, the Attorney General may agree that all or any part of the distribution to lineal descendants provided for in section 202 of the 1972 act be distributed instead to the Sisseton-Wahpeton Sioux Tribe, the Devils Lake Sioux Tribe, and the Sisseton-Wahpeton Sioux Council of the Assiniboine and Sioux Tribes. The Attorney General may also settle any such action on any other terms as he may deem appropriate. Any settlement negotiated under this section shall be subject to court approval.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to read third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 5686), as amended, was passed.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REACTION TO SENATOR GORE'S CRITICISM OF PRESIDENT BUSH

Mr. SIMPSON. Mr. President, I want to relate that I think there has been a rather remarkable reaction—on our side of the aisle at least, and through the country—to a speech by our colleague, Senator AL GORE, and his criticism of President Bush in the media, both print and electronic. Frankly, I could not believe what I was reading and seeing because Senator GORE accused President Bush of "poor judgment, moral blindness, and bumbling policies."

An article said that Clinton-Gore campaign aides billed the speech as a "major foreign policy address," which was certainly news to us all that the Clinton-Gore ticket really spoke forcefully in that area.

I do not need to spend a great deal of time responding to this. But I will just make a few short points.

One of the most serious and somber votes that I ever made in this body was the authorization to use force in the Persian Gulf. I was very proud of the way in which that debate was conducted. It seemed to me it look place on a much higher plain than usual for some of the things we do and some of the issues we deal with here. I think everyone would admit that. It was a very close vote, 52 to 47, if I recall.

There can never be a vote more significant than the decision on whether to possibly send young men and women to their deaths. It was not a time for posturing or manipulating of the process for political gain.

However, the same Senator GORE who accused George Bush of poor judgment and moral blindness shopped his vote on the basis of which Senate leader, GEORGE MITCHELL or BOB DOLE, would guarantee him the most prime-time exposure during that historic Senator debate.

I found that absolutely appalling. I think most Americans will find it appalling because we will continue to talk about it in these next days.

Senator DOLE has covered it very thoroughly in the past few days, with regard to presenting clear information as to what did occur. I urge you to review those documents.

I know that at this time in the campaign, and with the great affinity that the media have toward the duo on the Democratic ticket, that it would be very unlikely that anything will probably be printed about that—or seen. But nevertheless we will have the opportunity in the next 30 days to do that out through the land.

Senator DOLE has very clearly discussed that previously in public on a television program. He has since elaborated on that a bit.

Let me tell you what the word "shopping" means to those of us who are involved in legislative and political activity. During this tremendously vital and critical vote at which time everyone was voting from deep down within their interior about this tough, guthard issue, whether to send people to fight and die, Senator GORE inquired of Senator DOLE how much time he could receive from Senator DOLE if he were to vote on the side of the President. Then he went to Senator MITCHELL and asked Senator MITCHELL how much time he could have if he were to vote for their position, and also asked whether it might be during prime time.

On our side of the aisle, we have sometimes referred to him as "Prime Time AL." And that happened right here in this Chamber, on a vote where no one was "shopping" the issue.

Well, you might note that Senator GORE voted with the majority, joined the majority, so to speak. The record will disclose when he spoke, and how long he spoke. He spoke, and then he voted with the majority after being assured that he would get more time if he voted that way and a better time slot—which to me is a total act of hypocrisy—and then to speak of George Bush as someone with "moral blindness."

Now today we are also advised that George Bush is not really the environmental President. He is an evil ogre who is trying to destroy the planet. Senator AL GORE has been in the middle of that debate.

I can tell you that I have been in the middle of the Clean Air Act debate with bipartisan leadership from Senator MAX BAUCUS, Senator GEORGE MITCHELL, Senator JOHN CHAFEE, and many others on our side of the aisle, and on the other side of the aisle. We worked for months to put together a Clean Air Act. Nothing had been done for 12 years. The reason it had not been done is because the extremist environmental groups who are absolutely extraordinary laudatory of everything that the Senator from Tennessee has done were the very people who would allow us to do nothing.

So for 12 years we belched 50 million tons of SO_2 a year into the atmosphere because the greenie groups who support the Senator from Tennessee would not allow us to go forward because of their own degrees of the definition of "perfection."

If we had simply taken the Clean Air Act report that had been placed here on our desks in 1980 by Senator Gary Hart of Colorado, who did a splendid job on a tough issue, we would have been ahead by 10 years. But it was not good enough for the groups that supported Senator GORE.

So for all those years we did nothing. Then finally with good bipartisan support we did something, and only because George Bush put a Clean Air Act bill on the table.

During the negotiations on that, we met in Room 224 here, right off Senator MITCHELL's office—I can hardly recall Senator GORE's presence there more than just a few minutes in all those months. He talked continually about it, and did nothing about it, which is a very common trait at least in this body.

What I say may sound harsh. It is not. All of this is recorded.

When the bill came forward all of us know that there were several areas, where if we did not succeed in warding off those amendments, we would have no Clean Air Act. So a group of us, Democrat and Republican alike, got together and said we have to have these certain things. We know what will happen. There will be an assault on these measures. We will be belittled, and beheaded. We will be called the "Dirty Dozen", and all the things which go with that when you are not on the side of the "angels in green."

All right. We moved forward on that, and we did it. There were several occasions, and all you need to do is go back and look at the amendments that were pending of Senator GORE'S—the amendments he wanted to propose to the Clean Air Act, which were so outrageous, so bizarre, so unrealistic, that they were actually rejected on his side of the aisle. Go look at them.

There were evenings and days during the debate of the Clean Air Act when Senator GORE would say "I have an amendment" and, of course, we knew it was a populist, prime time amendment, and we were able to beat those back either by telling him to withdraw them or else simply beating them.

Not one contribution was made by the Vice Presidential candidate to the Clean Air Act—not one—as far as I recall. If it was, it was something that had to have been approved by Senators MITCHELL and BAUCUS, and very few items of his work product were accepted because they were so unrealistic, but they pleased the people out by the elevator. That is about all the function was, to please the people out by the elevator, who lurk there to be sure that you have "met the test."

Well, I think that is worth saying.

But, for me, a most extraordinary adventure with Senator GORE with regard to prime time politics was the bill with regard to satellite television dishes. That was the issue of the dish owners and the scrambling issue. Senator GORE had a lot of support in the country, legitimate support. He also had a lot of public relations support.

So he put the bill in on September 16 of 1986 in the Senate, and then he said, among other things: "I am sure that practically all of our colleagues have received hundreds, even thousands of complaints by beleaguered owners of home dishes who believe they have been unfairly treated." He went on to say: "* * * support for this measure will be considered support for fair viewing rights for dish owners. The opposition will send the signal to dish owners that we are not prepared to act upon as simple and modest a proposal as we have today."

In it went. Then on October 2, 1986, I was here on the floor in my duties as assistant leader, and I visited with Senator AL GORE. And he said, "I have to speak tonight on the issue at 8 o'clock."

I said, "Well, we will certainly try to accommodate you, although the accommodation must be on your side of the aisle with your leadership, but we will certainly determine whether we can do that here."

He said, "I must have a time specific."

It is my memory that that time specific was 8 o'clock. I remember distinctly that he was very impatient.

I said, "Is there something we can accommodate you with regarding this legislation?"

He said, "Yes, it must be done by 8 o'clock or near that hour."

So, finally there was an accommodation, as we do with each other here through the majority leader's auspices and our side of the aisle. He rose there on that side of the aisle at the appropriate hour—at least it was the hour that he had told his supporters and those who would generate the phone calls and the faxes and the mail, that that would be the hour he would speak on this issue on the U.S. Senate floor.

And at that hour, he rose and he spoke about the satellite television dish bill. He described it as "political pressure, tremendous political pressure, out there,"—on us, mind you—an outrage of the satellite dish owners throughout the United States. He said what was going to happen; and he made it very clear what was happening, because "the cable industry controls totally the supply of programs for the home satellite dish market."

"They have a stranglehold on it," he said, "and they will not let go." He said, "call up HBO, if you live in rural Tennessee or Kentucky"—and more.

And he went on to describe what to do.

This is also the same Senator GORE who has shelled the President for his comments and his activity with regard to the cable television bill. It is easy to see why we should keep that in context.

But then Senator GORE went on, in the CONGRESSIONAL RECORD, pages S14664, October 2, and when he wanted to get a little bit sinister with us all. He said:

"The vote which will occur on this amendment may occur on a procedural motion to make it possible to have the vote on the amendment, and every Member of this body should be very clear about the fact that that vote is not going to be viewed as a procedural vote. There have been almost a million letters arriving at the U.S. Senate over the last few weeks"—all generated by the people who were supporting him at his insistence.

He went on to say that telephone calls and letters were geared to this procedural vote. He had thus alerted them to the fact that it would not be an up-or-down vote. It would be a procedural vote.

And then he said, "We have tried for 2 years to get this through. This is the last opportunity. It must be done."

He went on to say again: "And everyone out there that has been made aware of this problem will understand clearly that this is the vote. This is it. This is the one; if you vote in favor, you are going to solve this program. If you do not, you are going to be in the pocket of the powerful vested interests."

And there it was. He laid that out on that evening, and I listened to some of it. I was not supportive of it. It was not a partisan vote. There was a good debate, and the vote was held.

There were Democrats and Republicans opposed, and his amendment failed by a vote of 54 to 44. Republicans and Democrats were all over the lot on that. But it failed.

I went back to my office and my staff told me that the phone lines had just blinked out of existence, that the fax machines were stuffed. And this was at night, mind you, at night.

Colleagues were stunned, and the reason they were stunned is because Senator GORE had arranged the entire debate in accordance with a remarkable public relations campaign, paid for by these people that he was speaking for on the floor of the U.S. Senate, to do a number right then on the Members of the U.S. Senate and upon the Congress, which they did.

We came back in for further activity that night, and I remember distinctly people came up to me when we were here in the well, and they said: what in the world happened tonight in our offices? They were referring to phone calls, FAX's, ringing off the hook, when no one was there, or just a short skeleton crew, because it was a night session.

I went to Senator GORE, and I said, "Did you arrange this for this hour so that the response could come as if it were some spontaneous response from the people of America, or was this all contrived, and is that why you wanted to have a time certain to do the vote at that particular moment?"

He said, "I think that is an unfair question."

I said, "I do not think it is unfair. I think it has to do with operating the U.S. Senate." If the U.S. Senate is going to be operated on the basis of who is going to go to their desk and get prime time at 7 o'clock or 8 o'clock, or 10 o'clock, this place cannot function.

And that is exactly what happened that evening in this Chamber on October 2, 1986. I was here, and I suggested to Senator GORE that this is a misuse of the procedures of the U.S. Senate.

I said that at the time, I would say it again, and I would say it at each time at each opportunity I have the opportunity.

I will just be another moment and the Senator from Arkansas may speak.

It was then, during the course of the evening that Senator Goldwater, our revered leader, rose and spoke. He said—please hear this—on page 14668:

"Mr. President, I oppose this amendment."

He originally supported it.

"I want to say that it is entirely different from the amendment I thought I was going to have to oppose, different from the one that was on my desk last night."

And then Senator Goldwater went on to say, "In view of the fact that the amendment has been substantially changed, I hope that the public relations people who have been handling this across the country will recognize that and inform their listeners that Senator Goldwater had nothing to do with denying them time. I was kept awake all last night and the night before and had to talk to them all day in my office."

Mr. PRYOR. I wonder if the Senator will yield for a question.

The PRESIDING OFFICER. Does the Senator from Wyoming yield for a question?

Mr. SIMPSON. Yes.

Mr. PRYOR. I wonder if the Senator is familiar with rule XIX of the U.S. Senate.

Mr. SIMPSON. I am familiar with it.

Mr. PRYOR. I wonder if the Senator from Wyoming would be so kind as to read rule XIX.

Mr. SIMPSON. Rule 19.2.

Mr. PRYOR. I wonder if the Senator would read that rule into the RECORD.

Mr. SIMPSON. That rule is this:

No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming of a Senator.

Mr. PRYOR. I wonder if my friend would agree with me that the reference to one of our colleagues, Senator GORE from Tennessee, referring to him as "Prime Time AL," and engaging in "prime time politics," I wonder, Mr. President, if the Senator from Wyoming considers this to be imputing or questioning the motive of our colleague from Tennessee.

Mr. SIMPSON. Mr. President, I have been here on the floor as long as the Senator from Arkansas. We came here at the same time, Senator PRYOR and myself. And I have stood here on this floor and listened for the past many months as the Senator from Tennessee has absolutely unraveled the President of the United States is some of the harshest, nastiest terms that I have ever heard in public life.

First, it was the environment, then the Clean Air Act, then the Rio Summit, then about a stumbling boobish President—we could go through the entire computer list as to what the Senator from Tennessee has said about the President of the United States, who happens to be a very close personal friend of mine. When you do that, I think you face the consequences of what happens to you when you choose to step across those lines.

Mr. PRYOR. Mr. President, the Senator from Arkansas is not questioning what the Senator from Wyoming is saying with regard to a Senator questioning a President. The Senator from Arkansas is challenging the Senator from Wyoming at this time on the fact that the Senator from Wyoming is challenging and questioning the motives of a colleague of ours in the U.S. Senate, which is covered by rule XIX, section 2.

And this is the concern that I have, Mr. President, that the Senator from Wyoming has proceeded uninterrupted to question the motives of a colleague of ours, which is specifically prohibited by one of the rules of the Senate, rule XIX, section 2.

Mr. SIMPSON. Mr. President, the phrase I have described and used with the Senator from Tennessee is part of the public domain. That is not my statement. I said he was referred to—and I will be glad to obtain it and place it into the RECORD—as Prime Time AL. That is not my definition; that is a definition that is in a press release and in the public domain.

Furthermore, Mr. President, if you like, I will enter into the RECORD a transcript from the Evans and Novak program of July 25, 1992, with regard to the shopping incident to which I referred, which is also in the public domain. I so ask unanimous consent.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. EVANS. Gore favored the war in the Gulf. Did Teddy Kennedy favor the war in the Gulf?

Senator DOLE. You know, Gore favored the war in the Gulf, but before he voted, he came to me and said, if I vote with you, how much time will you give me tomorrow morning? This was late in the evening, he came to me. Then he went to Mitchell, said how much time would he get if he voted against?

Mr. NOVAK. The Democratic leader, George Mitchell.

Senator DOLE. Yeah.

Mr. EVANS. During the debate, this is?

Senator DOLE. No, this was after it. He said, I'm anguishing over this, I've got to decide, but I don't know whether to vote with the president or against the president. Can you give me 20 minutes of prime time? Now, if that's commitment, it's a new kind of commitment.

Mr. EVANS. He did vote——

Senator DOLE. Yeah, he voted but then he——

Mr. EVANS. You're saying he was trying to bargain?

Senator DOLE. He was shopping. He was seeing where he could get the most prime time on television, if he voted for or against the Gulf. He ended up voting for it, but it was quite an inside joke around the Senate, the way he played it.

Mr. EVANS. All right, just to continue that for a minute. He was a sterling character at the Democratic Leadership Council, which is of course a centrist Democratic body. I don't think Teddy Kennedy ever had anything to do with the DLC.

Senator DOLE. Well, being a member of something doesn't means that you're a moderate or a conservative. If it were Sam Nunn—Sam Nunn, I'd say is a moderate. I can say that with a straight face. I can't say that Al Gore is a moderate. He's a good person, I like him, but he's a liberal. Why shouldn't he get up and say he's a liberal?

Mr. EVANS. Mr. Leader, back to the campaign. In June, you said Bush should keep on the economic program, the economic problem, just the way he was going. Then a month later, in July, you said he should come up with a very strong growth program. Which is the real Bob Dole?

Senator DOLE. Well, we were getting mixed signals, like everybody else in America, that we're getting out of the recession, we didn't need to do anything. What we didn't want is to get more government involvement, pass a lot of programs that might not have any impact. We couldn't get our good ones through. If we could get capital gains rate reduction that George Mitchell's sort of held up for four years, that would have been a plus two or three years ago.

I'm not certain what we can do now that's going to change anything between now and November.

Mr. PRYOR. Mr. President, the Senator from Wyoming, who is my friend, made reference to the fact that we came to the Senate together, and we did in the election of 1978, and we started serving together in this great body in 1979. But Mr. President, I am must say that I am very, very disappointed, I am extremely disappointed that my colleague from Wyoming would take the floor of the U.S. Senate and literally trash one of our colleagues, Senator GORE, of Tennessee, a very distinguished, fine Member of this body. I think that any Senator who speaks in this way of one of our colleagues should at least have the courtesy of informing that colleague that he or she is going to take the floor for a public trashing so that that Senator may be

on the floor and have the opportunity to respond.

The Senator from Wyoming, to the best of my knowledge, has not informed Senator GORE that he was going to trash him as he did tonight, and, Mr. President, I must say that I am extremely saddened by the decision of the Senator from Wyoming to take this opportunity in the United States Senate to make these statements about our colleague, Senator GORE, of Tennessee, when he is not here to defend himself, to speak for himself, to answer these onerous allegations about him. I am saddened by it, Mr. President.

Sometimes I think we let things go by, and before long they fester. I know recently another of our colleagues made a very derisive remark on this floor about the State of Arkansas. That is also covered in rule XIX, but it is section 3, Mr. President. "No Senator in debate shall refer offensively to any State of the Union." There was an offensive remark, derisive remark made about my State of Arkansas, and, Mr. President, when I heard about it, it was too late to challenge that Senator on what he had said. But I did happen to note that the next day in the RECORD, without getting unanimous consent, that Senator who had made that statement about the State of Arkansas had it expunged from the RECORD. It is on tape, it is on video and systems.

I think we let things go unchallenged around here. All I can do tonight, because Senator GORE is not here to clear his name, all I can say, Mr. President, is to express the depth of my disappointment in my friend from Wyoming in the manner that he has chosen to attack Senator GORE, from Tennessee.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I can understand completely my friend from Arkansas. He speaks from friendship with regard to his friend Senator GORE and his friend Governor Clinton. I understand that. There will be many occasions in the next 30 days where he will respond through his friendship and loyalty on behalf of his friends. I understand that. That is where I come from, my friendship and loyalty to the President.

I just say that no one responded here to a continual drumfire of activity about the President of the United States until Senator WIRTH put the full statement in the RECORD calling the President, I quote: "Guilty of poor judgment, moral blindness, and bungling policies."

Moral blindness. That is a pretty good phrase, but that does not match half the phraseology of the Senator from Tennessee over the past months with regard to the President of the United States.

And what I was speaking of—and I hope the Record is quite clear there. I do not know that I intend to change a word of it. I was talking about a very unfortunate way to legislate, to come to this body on October 2, 1986, and legislate on the basis of—that being the hour that the Senator had told, or one other of us had told, our supporters to "show up to listen to the debate," which was all one-sided, "and then to immediately contact the Members of the U.S. Senate." And that is what took place. I thought that was a very unfortunate and disappointing way to do the Nation's business, and I told that to the Senator from Tennessee. I still think today it is a very unfortunate way to do the Nation's business. I do not believe we should make policy based on C–SPAN 2 coverage or prime time, and that is what I said then, and that is what I am saying now.

If my friend from Arkansas is disappointed, I can assure you I am just as disappointed in the conduct of the Senator from Tennessee as I have sat here for the past many months and watched and listened to the most extraordinary comments made about the President of the United States with apparent immunity, without response. And then when Senator GORE's major policy address was placed into the RECORD by Senator WIRTH, along with a great cacophony of accompanying material, which was greeted on the House of Representatives side of the Capitol with special 1-minute orders, to simply trash—and that is the word I will use also, trash—the President of the United States.

This is a contact sport. We are all in it. There are 30 days to go. The Senator from Tennessee is ready to go. I can see he is geared and ready to rip. The Senator from Nebraska may well be ready. And let me tell you, we are not going to have any of the old business of just one side doing it and the other side is supposed to sit still. And when the other side responds, then it is a vicious trashing attack, when actually the frontal part of that is just as vicious and just as much of a trashing. That is the way it works in real-life politics.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I am going to conclude. I am not going to challenge the Senator from Wyoming on this rule tonight. I probably might regret it, because I think the Chair might well agree that the Senator from Wyoming has gone beyond what we consider to be the decorum and the dignity and conceivably has violated a rule of the Senate, rule XIX, section 2.

But Mr. President, I can say this, and I think my colleagues probably on both sides of the aisle, because most of our colleagues believe in fair play and believe in due process, they believe in giving a colleague warning if you are going to do something to him or certainly say something about him or her. But, Mr. President, I would like to say that this evening the distinguished Senator from Wyoming, in his remarks, has truly violated the dignity of this Senate, and I also think what he has done is a hit below the belt.

Mr. SIMPSON. Mr. President, that is unfortunate that my friend from Arkansas feels that. But I think he feels the sting of the lash with his friends, just as I feel the sting of the lash with my friends, and that is the way it is in politics. It was not me that described this as a contact sport, but for every erroneous, bizarre, and crude statement about this fine man whom I know as President of the United States, I, indeed, will pull in the perpetrator of that activity, and we will discuss that person, and I shall continue to do that without any diminution in my affection, regard, and fealty toward rule XIX, too.

I have been here 14 years and listened to a lot of debate, and we have not even touched near the core of some of the debates that I have heard in here where some have said to others in the first person some things that quickly changed the next day in the CONGRESSIONAL RECORD. I said what I intended to say. It had to do particularly with the environmental record of the Senator from Tennessee, who did nothing of any great import with regard to the Clean Air Act and the satellite dish issue. If that is a violation of 19.2, please define it for me.

And then particularly what happened right here in this Chamber on October 2, 1986, when the entire country was orchestrated to meet a single schedule, which I helped to arrive and accommodate, I think that is a serious mistake.

And if I have a view—and I will review the rules of the Senate—I think that is a violation of the rules of the Senate. That is not what we are here for.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to at this juncture return to the order of business that was contemplated.

I ask unanimous consent that it be in order to proceed to the amendments in disagreement to H.R. 5518, the transportation bill, and that the Senate dispose of these amendments prior to the adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I am not going to object, because I know the Senator from New Jersey is very interested in moving this bill.

But, Mr. President, I have something I want to say to my dear friend from Wyoming—and I mean that sincerely—and I will have to reserve that for another time.

I happened to have talked to Senator GORE the day he made that vote on the Persian Gulf war. He was laboring up to the day he made his speech on the floor. It was not contrived. The Senator can leave an image here that he was attempting to manipulate. He was not. He was like this Senator. He was not sure. And he wanted to be sure before he cast his vote. And to leave aspersions out here that he manipulated this body and the American public is a travesty, in my judgment.

And I will have to continue that, because I know the Senator from New Jersey is interested in proceeding with this legislation.

But I overheard this and I happened to have a little conversation with the Senator and I know how he labored on this. And this was not a political contriving based on the time. He wanted to make a decision that he felt was right and he made it. He came down on the side of the President.

And anybody that would leave an impression here that he did that because he could get better TV time does not know AL GORE or does not know any other Senator in this body.

I would not accuse the Senator from Wyoming or anybody else of doing that, because I do not think it happened. And I think it is absurd that we would leave that impression toward the Senator from Tennessee.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, before proceeding with the distinguished chairman's bill, I feel called upon to say a word here on behalf of my junior colleague from the State of Tennessee.

I have been away from the Senate this evening and have only just returned and had reported to me some of the things that have been said here on the floor this evening.

And I must say, Mr. President, that I find this to be a very sad day indeed in the history of the U.S. Senate. We have one of our own, a Member of this body, running for Vice President of the United States on a national ticket, running for Vice President on the ticket of one of the great national parties.

Now he is not of the political affiliation of those who have taken the floor this evening to disparage him in, what has been reported to me, the most personal terms. Frankly, I think the Senator from Arkansas is kind in his evaluation that there has been a violation of rule XIX on the floor of the U.S. Senate this evening. I served in this body for 16 years and I do not recall any Senator taking this floor to reflect unfavorably or adversely or impute improper motives to any Senator for their vote.

Mr. CHAFEE. Mr. President, I would ask for the regular order.

Mr. SASSER. I still have the floor, Mr. President.

Mr. CHAFEE. Regular order, Mr. President.

The PRESIDING OFFICER. Does the Senator from Tennessee object?

The Senator from Tennessee has the floor.

Mr. SASSER. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey has the floor.

Mr. LAUTENBERG. I thank you. I did ask unanimous consent, and the Senator from Tennessee asked to reserve for an objection, and I think he is speaking under that condition and I do not intend to interrupt.

But I wanted to be certain that it is understood that I control the floor.

The PRESIDING OFFICER. The Senator from New Jersey has the floor; that is correct.

Mr. SASSER. Mr. President, I renew my objection, or reserve the right to object to the distinguished Senator's unanimous-consent request.

And I shall not delay the Senate unduly here this evening, but I do believe that the basic tenets of fair play call for some reply to the statements made here on the floor of the U.S. Senate concerning my junior colleague from the State of Tennessee. And I do believe, Mr. President, that statements have been made here about him in his absence that in my view are unworthy and do indeed violate rule XIX, section 2.

Now, there ought to be a basic fair play here. Simply because one of our colleagues happens to be campaigning on a national ticket away from this Chamber and away from this floor, unable to defend himself, should not give license to others to come to the floor and impute to him improper motives. And that is precisely what has occurred here this evening.

Now, I have had the pleasure of serving in the Congress of the United States 16 years with my junior colleague; 8 years here in the U.S. Senate and 8 years when he served in the House of Representatives. In all of that time, I have never heard, until this evening, improper motives imputed to him for any vote that he has cast.

Indeed, he has established a national reputation as one of the leading political figures in this country. He has established a national reputation as a leader in the environmental movement. He is recognized as one of the brightest political stars and leaders in the country. And that is the reason this evening he serves in, or is running in the No. 2 slot on a national ticket.

Now, to say that simply because the junior Senator from Tennessee or other Senators have come to the floor and criticized the administration or criticized the President gives license to attack our colleagues in a way that I think is unbecoming, is something I think that should not be done. And I think this is indeed a mean evening in the U.S. Senate. There is a meanness here that I have not encountered in my 16 years of services.

And why they are taking the floor, some of our colleagues on the other side of the aisle are taking the floor this evening to attack my junior colleague from Tennessee, I do not know. I have no idea what their motives are or what their reasons are.

He served in this body, as I said, for 8 years. And during those years, not a word was said that I can recall from the other side to disparage my junior colleague.

So Mr. President, I hope that we will put this behind us and I hope there will not be any other evenings in the U.S. Senate similar to this.

I think it is unfortunate and I think it reflects adversely on the Senate as a whole that these statements have been made here this evening. Each Senator must carry the burden of proof for the statements that he or she has made. Each Senator must make their own judgment as to the truth and veracity of statements made on the floor of the U.S. Senate.

But I must say I do not think there is much doubt in the minds of those Senators who have heard the Statements made here this evening that some very unfair, improper, and uncalled for allegations have been leveled against one of our colleagues who is not present to defend himself.

So, Mr. President, let me just wind up by saying this. In the spirit of fair play, in the spirit of comity, indeed in the spirit of plain decency, I hope that we will have no more episodes such as occurred on the floor of the Senate this evening. I deeply regret it.

The PRESIDING OFFICER. There is objection to the request of the Senator from New Jersey?

Mr. LEAHY. Reserving the right to object.

Mr. LAUTENBERG. Mr. President, if I may say, when the Senator from Wyoming asked for the floor, though I do not know that there was a unanimous-consent request, it was in respect to the transportation bill that was about to come up. And he said then that at the moment that we were prepared to move ahead, that he was prepared to end his comments.

Things ensued that enlarged the discussion significantly. And I, frankly, Mr. President, do not want to cut off that discussion. That is not my mission.

I have a different mission, however, at this moment. There is no doubt that

I have a view on the debate that is taking place. But this in my estimation is not the proper moment. I have a transportation bill here that everybody has an interest in.

We are talking about some 34 billion dollars' worth of funds that go into the communities to create jobs and to get on with the construction jobs that are begging to be tended to.

Again, I hope that my colleagues who are interested in continuing the debate that has been going—and I would be interested too, I would like to speculate a little bit with that—but I would honestly like to move ahead with the Transportation bill. And I, once again, ask unanimous consent that it be in order to proceed to the amendments in disagreement to H.R. 5518, and that the Senate dispose of these amendments prior to the adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not object. I shall be very brief because I know the burden the Senator from New Jersey carries. He is probably one of the hardest working appropriations subcommittee chairman I have known in my 18 years in the Senate.

But I was very, very concerned about comments made earlier about my colleague and close friend, Senator GORE. I was concerned because I thought they were unfair and I thought they were out of place. I thought they were unfair and out of place under the rules of the Senate. I thought they were also unfair and out of place under the normal rules of debate in a Presidential and Vice Presidential election.

Senator GORE made a very important, a very factual, and a very accurate speech here in Washington, DC, on Tuesday. It was appropriately reported. The press was there, available to ask any questions they want of him; and did. He is campaigning all over the country where anybody could ask any questions they want. He will be taking part in debates with Vice President QUAYLE, and again available to answer any questions.

He is not here on the floor of the U.S. Senate where he could defend himself this evening, and I think it is unfair to take him on because of that.

I was particularly interested in the speech he gave because so much of it reflected things that the Congress itself has found out on Iraq. Certainly even in my own committee, the Agriculture Committee, we have seen a number of questions raised about the use of agricultural credits, either to purchase weapons or more likely, I believe, to free up other money of Saddam Hussein, so he could purchase weapons.

The importance of that, of course, Mr. President, is that the American taxpayers signed on and cosigned notes with Saddam Hussein so he could have his own money freed up, not to buy food for his people—something he needed to do—but to use U.S. money, in this case U.S. foreign aid money, to buy food for his people so he could use his own money to buy weapons. Certainly throughout these various investigations we saw where material was sold to him from the United States that could be used to make nuclear weapons. And it was sold on the basis that Saddam Hussein promises of course he would not use them for nuclear weapons; of course he would not use them for chemical weapons. Believing Saddam Hussein in that was like believing a pyromaniac——

Mr. CHAFEE. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. So, Mr. President——

Mr. CHAFEE. Mr. President—we are on an appropriations bill. Can we move to it?

Mr. LEAHY. Oh, Mr. President, those who made the unfair charges against Senator GORE now feel it hurts very much. I think the point has been made, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey?

Mr. LAUTENBERG. Mr. President, once again we have a unanimous-consent request on the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993—CONFERENCE REPORT

Mr. LAUTENBERG. Mr. President, I submit a report of the committee of conference on H.R. 5518 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 1992.)

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate concur en bloc on the amendments of the House to the amendments of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5518) entitled "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes.".)

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 12, 41, 42, 43, 48, 53, 94, 102, 107, 121, 150, 159, 173, 229, 231, and 232 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$2,558,000,000, of which $253,000,000 shall be available only to the extent transferred from the Department of Defense;*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$56,565,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$123,685,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$73,000,000, of which $50,000,000 shall be available only to the extent transferred from the Department of Defense*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$27,815,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$2,350,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 45 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$2,159,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$15,326,750,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and

concur therein with an amendment as follows:

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

BALTIMORE-WASHINGTON PARKWAY

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 and section 1069 of Public Law 102-240 for the Baltimore-Washington Parkway, to remain available until expended, $15,000,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 80 to the aforesaid bill, and concur therein with an amendment as follows:

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

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $82,080,000, to remain available until September 30, 1995: Provided, That the Secretary of Transportation shall not permit transfer of title of the national advanced driving simulator from the Government of the United States: Provided further, That no provision under this head shall be interpreted in a manner which would affect the site selection for the national advanced driving simulator.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 90 to the aforesaid bill, and concur therein with an amendment as follows:

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

: Provided further, That the unexpected balances available for drunk driving prevention programs under 23 U.S.C. 410 shall be available for alcohol-impaired driving countermeasures programs under 23 U.S.C. 410, as amended by Public Law 102-240 and this Act, except for amounts necessary for the State of New Mexico to continue its drunk driving prevention program under 23 U.S.C. 410 as in effect before the date of enactment of Public Law 102-240

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 92 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$17,152,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 99 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$25,205,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 100 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken by said amendment, insert: *$650,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 149 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$4,500,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 151 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$25,500,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 156 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$12,650,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 157 to the aforesaid bill, and concur therein with an amendment as follows:

Delete the words: *"on a monthly basis"*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 158 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$880,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 160 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$5,886,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 162 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the second sum named in said amendment, insert: *$10,300,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 165 to the aforesaid bill, and concur therein with an amendment, as follows:

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

$38,000,000: Provided, That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101-576

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 167 to the aforesaid bill, and concur therein with an amendment as follows:

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

: Provided further, That notwithstanding any other provision of law, the Secretary of State shall communicate to the Government of Panama, within three months of the enactment of this section, the dissatisfaction of the Government of the United States concerning inadequate compliance by Panama with the enforcement provisions of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), and the Secretary of State and the Secretary of Transportation, in consultation with the Commandant of the Coast Guard, shall further provide no later than March 15, 1993, a written report to the Congress describing and assessing (1) the actions taken by the Government of Panama since August 1, 1992, to investigate and, where appropriate, penalize Panamanian flag ships which have been reported by other nations to have violated the provisions of Annex V of MARPOL 73/78, (2) any efforts taken by the Government of Panama to ensure improved compliance with the provisions of Annex V of MARPOL 73/78 on the part of Panamanian flag ships, and (3) the actions by the Government of the United States in the implementation of its new enforcement policy for Annex V of MARPOL 73/78, including penalty actions taken against foreign flag vessels by the Coast Guard for violations of those vessels occurring within the exclusive economic zone of the United States

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 172 to the aforesaid bill, and concur therein with an amendment as follows:

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

, not more than $2,400,000 for section 6015 of Public Law 102-240, and not more than $750,000 for section 5002 of Public Law 102-240

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 174 to the aforesaid bill, and concur therein with an amendment as follows:

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

, and notwithstanding any other provision of law, not distribute $7,500,000 of the obligation limitation established by this Act for Federal-aid highways and highway safety construction: Provided, That such undistributed obligation limitation shall be available for administrative costs and allocation to States under section 1302(d) of the Symms National Recreational Trails Act of 1991: *Provided further, That amounts for section 1081 of Public Law 192-240, section 5002 of Public Law 102-240, section 6015 of Public Law 102-240, and section 1302(d) of the Symms National Recreational Trails Act of 1991 shall be deemed necessary for administration under section 104(a) of title 23, United States Code*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 185 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 330. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Federal Aviation Administration's flight service stations at Red Bluff Airport in Red Bluff, California, Tri-City Airport in Bristol, Tennessee, and Bert Mooney Airport in Butte, Montana.

SEC. 331. Notwithstanding any other provision of law, the Federal Aviation Administration has the authority to enter into grants with the City of Kissimmee, Florida; the Douglas County Port Authority and the Chelan County Port Authority, Washington; and the Jackson-Madison County Airport Authority, Tennessee, to assist in the construction of non-Federal air traffic control towers; Provided, That funds for such towers shall be derived from the unobligated balances of the "Facilities and Equipment" account of the Federal Aviation Administration.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 186 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 332. Section 1064(e) of Public Law 102-240 is amended by adding: "For further purposes of this section, the access road from Interstate Business Route 75 to the Sugar Island Ferry Service in Chippewa County, Michigan, and the access road from United States Route 31 to the Beaver Island Ferry Service in Charlevoix County, Michigan, shall be treated as principal arterials."

SEC. 333. Notwithstanding any other provision of law, funds provided in this or subsequent Acts for necessary expenses to carry out the provisions of section 1069 of Public Law 102-240 are to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 194 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 337. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction, and Improvements shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committees on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: Provided further, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: Provided further, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 195 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "333", insert: *338*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 196 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "334", insert: *339*

In lieu of the sum "$12,000,000", insert: *$9,600,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 197 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "335", insert: *340*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 198 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "336", insert: *341*

In lieu of the words "National Highway", in both instances, insert: *Dwight D. Eisenhower*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 199 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "337", insert: *342*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 200 to the aforesaid bill, and concur therin with an amendment as follows:

In lieu of the section number "338", insert: *343*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 201 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "339", insert: *344*

Resolved, That the House recede from its disagreement to the amendment of the Sente numbered 202 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "340", insert: *345*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 204 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "342", insert: *346*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 205 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 347. Notwithstanding any other provision of law, any unspent balance of funds previously earmarked for the Long Island Expressway Fourth Lane project shall be applied instead to the Rober Moses Causeqay rehabilitation project and to the Loop Parkway Bridge rehabilitation project.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 206 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 348. (a) DENIAL AND REVOCATION.—Chapter 121 of title 46, United States Code, is amended by adding at the end the following new section:

"§ 12123. Denial and revocation of endorsements

"The Secretary of Transportation is authorized to deny the issuance or renewal of a trade or recreational endorsement on a certifiecate of documentation issued under this chapter and to revoke such endorsement if that vessel's owner has not paid an assessment of a civil penalty after final agency action for a violation of law for which an assessment has been made by the Secretary.".

(b) LIMITATIONS ON VESSEL OPERATIONS.—Section 12110(c) of title 46, United States Code, is amended by striking all of the first sentence through the first comma and inserting in lieu thereof the following: "When a vessel is operated after the Secretary has denied issuance or renewal of an endorsement or revoked the endorsement under section 12123 of this title and before the endorsement is reinstituted, or is employed in a trade for which an endorsement is required, without a certificate of documentation with an appropriate endorsement for that trade,".

(c) TECHNICAL AMENDMENTS.—(1) Section 12103(a) of title 46, United States Code, is amended by striking "On" and inserting in lieu thereof "Except as provided in section 12123 of this title, on".3

(2) The analysis for chapter 121 of title 46, United States Code, is amended by adding at the end the following new item:

"12123. Denial and revocation of endorsements.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 207 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "345", insert: *349*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 208 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "346", insert: *350*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 209 to the aforesaid bill, and concur therein with and amendment as follows:

In lieu of the section number "347", insert: *351*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 210 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 352. Notwithstanding any other provision of law, none of the funds in this Act or previous Acts shall be used for the widening of U.S. Highway 93 between Somers and Whitefish, Montana, until the Federal Highway Administration has completed a feasibility study of design alternatives: Provided, That such study shall be completed by September 30, 1993, and shall be conducted in consultation with the Montana Department of Transportation and local authorities in Flathead County, Montana: Provided further, That such study shall address the cost, safety, aesthetics, and land use planning impacts of each design alternative: Provided further, That the federal share of funding for such study shall be 100 percent of the cost of such study.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 212 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 353, Section 345 of the Department of Transportation and Related Agencies Appropriations Act, 1992, is amended by adding at the end thereof the following:

"(d)(1) In addition to its functions under subsection (b), the Metropolitan New York Aircraft Noise Mitigation Committee shall review aircraft noise complaints within the airspace over the States of New York and Connecticut lying within a 110-nautical-mile radius of La Guardia Airport, and advise the Administrator with regard to aircraft noise mitigation within such radius, and the locations and boundaries of noise impact areas defined by such complaints. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in carrying out the functions of the Committee under this section.

"(2) The Administrator, from time to time, shall consult with the Committee regarding aircraft noise mitigation and such aircraft noise complaints. The Committee shall make recommendations to the Administrator regarding such aircraft noise mitigation and complaints.

"(3) Any vacancy in a position on the Committee shall be filled in the same manner as the original appointment to that position.

"(4) The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(5) Costs and other expenses not to exceed $100,000 incurred by the Committee in carrying out its functions under this section shall be paid from appropriations to the Department of Transportation for administrative expenses.

"(6) The Metropolitan New York Aircraft Noise Mitigation Committee shall be permanent.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 214 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "352", insert: *354*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 215 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 355. The Motor Vehicle Information and Cost Savings Act is amended by adding at the end of title II thereof the following:

"SEC. 210. Labeling Requirements for Automobiles—

"(a) Short Title. this section may be cited as the "American Automobile Labeling Act"

"(b) LABEL REQUIREMENT.—(1) Each manufacturer of a new passenger motor vehicle distributed in commerce for sale in the United States shall annually establish for each model year and cause to be affixed, and each dealer shall cause to be maintained, on each such vehicle manufactured on or after October 1, 1994, in a prominent place, one or more labels—

"(A) indicating the percentage (by value) of passenger motor vehicle equipment installed on such vehicle within a carline which originated in the United States and Canada to be identified with the words "U.S./Canadian content";

"(B) indicating the final assembly point by city, State (where appropriate), and country of such automobile;

"(C) in the case of any country (other than the United States and Canada) in which 15 percent or more (by value) of equipment installed on passenger motor vehicles within a carline originated, indicating the names of at least the 2 countries in which the greatest amount (by value) of such equipment originated and the percentage (by value) of the equipment originating in each such country;

"(D) indicating the country of origin of the engine for each passenger motor vehicle; and

"(E) indicating the country of origin of the transmission for each passenger motor vehicle;

"(2) The percentages required to be indicated by this section may be rounded to the nearest 5 percent by the manufacturers. Such percentage shall be established at the beginning of each model year for such carline and shall be applicable to that carline for the entire model year.

"(3) The disclosure requirement of subparagraph (1)(B) of this section supersedes the disclosure requirement of section 3(b) of the Automobile Information Disclosure Act (15 U.S.C. 1232(b)). A manufacturer who indicates the final assembly point as required by this section shall be deemed to have satisfied the disclosure requirement imposed by section 3(b) of the Automobile Information Disclosure Act.

"(c) FORM AND CONTENT OF LABEL.—The form and content of the label required under subsection (b), and the manner and location in which such label shall be affixed, shall be prescribed by the Secretary by rule. The Secretary shall permit a manufacturer to comply with this section by allowing such manufacturer to disclose the information required under this section on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232), on the label required by section 506 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006), or on a readily visible separate label.

"(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Treasury, shall promulgate such regulations as may be necessary to carry out this section, including regulations to establish a procedure to verify the labeling information required by this section. Such regulations shall provide to the ultimate purchaser of a new passenger motor vehicle the best and most understandable information possible about the foreign and U.S./Canada origin of the equipment of such vehicles without imposing costly and unnecessary burdens on the manufacturers. The regulations shall be promulgated promptly after the enactment of this section in order to provide adequate lead time for all manufacturers to comply with this section. The regulations shall include provisions applicable to outside and allied suppliers to require such suppliers to certify whether a component provided by such suppliers is United States, U.S./Canadian or foreign and to provide such other information as may be necessary, as determined by the Secretary, to enable the manufacturer to reasonably comply with the provisions of this section and to rely on such certification and information. The regulation applicable to all suppliers shall be enforceable as a regulation of the Secretary under the appropriate provisions of this Act.

"(e) VIOLATIONS AND PENALTIES.—Any manufacturer of automobiles distributed in commerce for sale in the United States who willfully fails to affix to any new automobile so manufactured or imported by him for sale in the United States the label required by this section, or any dealer who fails to maintain such label as required by this section, shall be fined not more than $1,000. Such failure with respect to each automobile shall constitute a separate offense.

"(f) DEFINITIONS.—For purposes of this section—

"(1) The term "manufacturer" means any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

"(2) The term "person" means an individual, partnership, corporation, business trust, or any organized group of persons.

"(3) The term "passenger motor vehicle" has the meaning provided in section 2(1) of this Act, except that it shall include any multipurpose vehicle and light duty truck that is rated at 8,500 pounds gross vehicle weight or less.

"(4) The term "passenger motor vehicle equipment" means any system, subassembly, or component received at the final vehicle assembly point for installation on, or attachment to, such vehicle at the time of its initial shipment by the manufacturer to a dealer for sale to an ultimate purchaser. The term "component" shall not include minor parts, such as attachment hardware (nuts, bolts, clips, screws, pins, braces, etc.) and such other similar items as the Secretary, in consultation with manufacturers and labor, may prescribe by rule.

"(5) The terms "originated in the United States and Canada", "U.S./Canadian", and "of U.S./Canadian origin", in referring to automobile equipment, mean:

"(A) for outside suppliers, the purchase price of automotive equipment which contains at least 70 percent value added in the United States and Canada; and

"(B) for allied suppliers, the manufacturer shall determine the foreign content of any passenger motor vehicle equipment supplied by the allied supplier by adding up the purchase price of all foreign material purchased from outside suppliers that comprise the individual passenger motor vehicle equipment and subtracting such purchase price from the total purchase price of such equipment. Determination of foreign or U.S./Canadian origin from outside suppliers will be consistent with subparagraph (A).

"(6) The term "new passenger motor vehicle" means a passenger motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

"(7) The term "dealer" means any person or resident located in the United States, including any territory of the United States, or the District of Columbia, engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

"(8) The term "Secretary" means the Secretary of Transportation.

"(9) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

"(10) (A) The term "value added in the United States and Canada" means a percentage derived as follows:

"Value Added equals the total purchase price, minus total purchase price of foreign content, divided by the total purchase price.

"Costs incurred or profits made at the final vehicle assembly point and beyond (i.e., advertising, assembly, labor, interest payments, profits, etc.) shall not be included in such calculation.

"(B) In determining the origin and value added of engines and transmissions, the following groupings will be used:

(1) Engines of same displacement produced at the same plant.

(2) Transmissions of the same type produced at the same plant.

"(11) The term "carline" means a name denoting a group of vehicles which has a degree of commonality in construction (e.g., body, chassis). Carline does hot consider any level of decor of opulence and is not generally distinguished by such characteristics as roof line, number of doors, seats, or windows, except for light duty trucks. Light duty trucks are considered to be different carlines than passenger cars.

"(12) The term "country of origin", in referring to the origin of an engine or transmission, means the country in which 50 percent or more of the dollar value added of an engine or transmission originated. If no country accounts for 50 percent or more of the dollar value, then the country of origin is the country from which the largest share of the value added originated. The estimate of the percentage of the dollar value shall be based upon the purchase price of direct materials as received at individual engine or transmission plants of engines of the same displacement and transmissions of the same transmission type. For the purpose of determining the country of origin for engines and transmissions, the United States and Canada shall be treated separately.

"(13) When used in reference to passenger motor vehicle equipment which is of U.S./Canadian origin, the term "percentage (by value)" means the resulting percentage when the percentage (by value) of such equipment not of U.S./Canadian origin that will be installed or included on such vehicles produced within a carline is subtracted from 100 percent. Value shall be expressed in terms of purchase price. For both outside suppliers and allied suppliers the value used shall be the purchase price of the passenger motor vehicle equipment as paid at the final assembly point.

"(14) The term "final assembly" point shall mean the plant, factory, or other place at which a new passenger motor vehicle is produced or assembled by a manufacturer and from which such vehicle is delivered to a dealer or importer in such a condition that all component parts necessary to the mechanical operation of such automobile are included with such vehicle whether or not such component parts are permanently installed in or on such vehicle.

"(15) The term "allied supplier" means a supplier of passenger motor vehicle equipment that

is wholly owned by the manufacturer, or in the case of a joint venture vehicle assembly arrangement, any supplier that is wholly owned by one member of the joint venture arrangement.

"(16) The terms "foreign" or "foreign content" means passenger motor vehicle equipment not determined to be U.S./Canadian origin.

"(17) the term "outside supplier" means a supplier of passenger motor vehicle equipment to a manufacturer's allied supplier or anyone other than an allied supplier who ships directly to the manufacturer's final assembly point.

"(g) EFFECT ON STATE LAW.—(1) Whenever a content labeling requirement established under this section is in effect, no state or political subdivision of a State shall have the authority to adopt or enforce any law or regulation relating to the content of vehicles covered by such Federal requirement.

"(2) Nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing requirements with respect to content of automobiles procured for its own use.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 216 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 356. Notwithstanding the provisions of any other law, rule, or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 217 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "355", insert: *357*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 218 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "356", insert: *358*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 220 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "358", insert: *359*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 221 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "359", insert: *360*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 222 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 361. Notwithstanding any other provision of law, the Secretary of Transportation shall waive the state matching share for the construction of any portion of an international road project located outside of the borders of any State of the United States for which funds are earmarked in the Intermodal Surface Transportation Efficiency Act of 1991 or in the Department of Transportation and Related Agencies Appropriations Act, 1992.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 223 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 362. COLLEGIATE TRAINING INITIATIVE.

(a) The Administrator of the Federal Aviation Administration may hereafter continue the Collegiate Training Initiative program, by entering into new agreements, and by maintaining existing agreements, with post-secondary educational institutions, as defined by the Administrator, whereby such institutions prepare students for the position of air traffic controller with the Department of Transportation, as defined in section 2109 of title 5, United States Code.

(b) The Administrator may establish standards for the entry of institutions into such program and for their continued participation in it.

(c) The Administrator may appoint persons who have successfully completed a course of training in such program to the position of air traffic controller noncompetitively in the excepted service, as defined in section 2103, of title 5, United States Code. Persons so appointed shall serve at the pleasure of the Administrator, subject to section 7511, of title 5, United States Code (pertaining to adverse actions). However, an appointment under this subsection may be converted from one in the excepted service to a career-conditional or career appointment in the competitive civil service, as defined in section 2102, of title 5, United States Code, when the incumbent achieves full performance level air traffic controller status, as determined by the Administrator. The authority conferred by this subsection to make new appointments in the excepted service shall expire at the end of five years from the date of enactment of this Act, except that the Administrator may determine to extend such authority for one or more successive one-year periods thereafter.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 224 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "362", insert: *363*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 225 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "363", insert: *364*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 226 to the aforesaid bill, and concur therein with an amendment as follows:

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

SEC. 365. Notwithstanding any other provision of law, the Coast Guard shall utilize $2,000,000 in funds provided for "Research, development, test, and evaluation" in this Act or in previous appropriations Acts to enter into a grant agreement with the International Oceanographic Foundation, Inc. for the purpose of establishing the South Florida oil spill research center.

SEC. 366. Notwithstanding any other provision of law, the Federal Aviation Administration is required to remedy any existing contamination problems related to asbestos and PCBs at its Sayville facility and to remove the facility prior to the transfer of associated lands to the U.S. Fish and Wildlife Service.

SEC. 367. Notwithstanding any other provision of law, the Secretary of Transportation shall make available $4,100,000 in fiscal year 1993 from section 1105(f)(16) of Public Law 102–240 to section 1108(b)(25) of Public Law 102–240.

SEC. 368. Notwithstanding any other provision of law, section 1105(e)(2) of Public Law 102–240 is amended by adding at the end the following new sentence: "A study may be conducted under this subsection to determine the feasibility of constructing a more direct limited access highway between Peoria and Chicago, Illinois.".

SEC. 369. Notwithstanding any other provision of law, section 1108(b)(17) of Public Law 102–240 is amended by striking the current project description and inserting, "Conduct environmental studies, preliminary engineering, and construction for the Las Vegas beltway, including those portions linking McCarran International Airport and I–15.".

SEC. 370. Notwithstanding any other provision of law, in selecting projects to be carried out with funds apportioned to it under section 104 of title 23, United States Code, the State of Illinois shall give priority consideration to reconstruction of Meridian and Glen Crossing Roads in Madison County, Illinois.

SEC. 371. Notwithstanding any other provision of law, section 1105(g) of Public Law 102–240 is amended by adding a new paragraph (9) to read as follows: "(9) The States of South Dakota and Nebraska may, at their discretion, utilize funds allocated to them for the project described in section 1105(f)(17) of this Act to support the Nebraska/South Dakota feasibility study described in section 1105(f)(7) and may also utilize funds allocated for that study for the project described in section 1105(f)(17).".

SEC. 372. Notwithstanding any other provision of law, the Federal Railroad Administration, in its oversight of railroad employees' duty hours, shall presume to be lawful the Long Island Railroad's current practice of considering as commuting time the travel time of an employee to any reporting point, regardless of whether the employee has more than one reporting point.

SEC. 373. Notwithstanding any other provision of law, section 1069(t) of Public Law 102–240 is amended by striking the period in the last line, inserting a comma, and adding: "and funds provided pursuant to this provision shall not be subject to any limitation on obligations for federal-aid highways and highway safety construction programs.".

Sec. 374. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1995, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

Sec. 375. Notwithstanding any other provision of law, the Secretary is directed to waive the non-federal share for NASA Road 1 near Houston, Texas.

Sec. 376. Notwithstanding any other provision of law or regulation, before July 1, 1993, no lanes on any highway located on federally-owned land, whether subject to easement or otherwise, may be restricted to high occupancy vehicles if those lanes have been constructed or maintained through the use of toll receipts.

Sec. 377. Treatment of Certain Bus Revenue Mileage.—For purposes of the apportionment of funds under section 9 of the Federal Transit Act for fiscal year 1993, the total bus revenue vehicle miles provided by the Duke Power Company in the year ending June 30, 1990, shall be treated as having been provided by the City of Durham, North Carolina.

Sec. 378. Notwithstanding any other provision of law, section 1104(b)(17) of Public Law 102–240 is amended by striking the project description and inserting: "Study and construction of a bicycle system to serve as an alternative form of

commuter transportation, to reduce air pollution, and to enhance recreation".

Sec. 379. Notwithstanding any other provision of law, section 1106(a)(2)(69) of Public Law 102–240 is amended by adding to the project description the following: "; plan, design, and construct related, adjacent, or interlocking facilities, preserve any related historical remnants, and acquire the necessary lands or interests in lands for such facilities".

Sec. 380. Congestion Mitigation and Air Quality Improvement Program.—Section 149(b) of title 23, United States Code, is amended by adding at the end the following new sentence: "In areas of a State which are nonattainment for ozone or carbon monoxide, or both, and for PM–10 resulting from transportation activities, the State may obligate such funds for any project or program under paragraph (1) or (2) without regard to any limitation of the Department of Transportation relating to the type of ambient air quality standard such project or program addresses.".

Sec. 381. Baltimore-Washington Transportation Improvements Program.—Section 3035(nn)(2) of Public Law 102–240 is amended—

(1) by striking "Waldorf" and inserting "mass transportation improvements to the Waldorf area"; and

(2) by adding after the first sentence the following new sentence: "The transit improvements in the corridor from the Waldorf area to the Washington, D.C. area shall be based on the locally preferred alternatives that result from the Southern Maryland Mass Transportation Alternatives Study of the Tri-County Council for Southern Maryland and shall include any additional work needed on that study, detailed planning and engineering to be carried out by the Maryland Department of Transportation in conjunction with the Tri-County Council, advanced land acquisition in the transit corridor, and implementation of interim and long-range transit improvements in the transit corridor.".

Sec. 382. Section 3035(ccc) of Public Law 102–240 is amended by striking "the municipality of metropolitan Seattle, Washington" and inserting "a qualified local sponsor"; and, on page 66, line 4 of the House engrossed bill, H.R. 5518, delete "Sec."; and, on page 66, beginning on line 4, of the House engrossed bill, H.R. 5518, delete ". (a) Title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421–1433) is amended by adding at the end the following new section:"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 227 to the aforesaid bill, and concur therein with an amendment as follows:

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

TITLE IV—HIGHWAY TECHNICAL CORRECTIONS

Sec. 401. Section 1107(b) of Public Law 102–240 is amended by striking—

(a) in subsection (167) the project description and inserting in lieu thereof:

"Grading and surfacing from U.S. Highway 2 at Michigan southerly to ND Highway 15 at McVille and on FAS 3220 from ND 1 easterly to the county line."

(b) in subsection (168) the project description and inserting in lieu thereof:

"Widening and surfacing from I–94 north and east through Spiritwood, then north to ND Highway 9, FAS 4718 from ND 20 east to FAS 4745, and FAS 4712 from ND 20 to ND 9."

(c) in subsection (174) the project description and inserting in lieu thereof:

"Grading and surfacing of FAS 2750 from U.S. 85 west."

(d) in subsection (178) the project description and inserting in lieu thereof:

"Grading and surfacing, starting 3 miles west of ND 28 on FAS 3828, thence one mile west and four miles north and then west to FAS 3809."

(e) in subsection (179) the project description and inserting in lieu thereof:

"Grading and surfacing of FAS 3025 and FAS 3020 from ND 49 southeasterly to FAS 3033."

(f) in subsection (183) the project description and inserting in lieu thereof:

"For a bypass around the west of Ford Lincoln State Park from Mandan South."

(g) in subsection (184) the project description and inserting in lieu thereof:

"Grading and surfacing from U.S. 281 around the access loop roads and parking facilities in the International Peace Garden."

(h) in subsection (185) the project description and inserting in lieu thereof:

"Grading and surfacing of FAS 3331 from ND 200A at Hensler southerly to ND 25 and FAS 3304 from FSA 3331 east to FAS 3339 and FAS 3339.".

SEC. 402. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(i) The State of North Dakota may elect to utilize the total amount of funds authorized for such State under section 1107(b) in any given year for any project or projects in the State of North Dokota as authorized under section 1107.".

SEC. 403. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(j) Any balance of funds authorized by this section that remains after construction is completed on any project authorized by subsection (b) in North Dakota may be transferred and used to pay the costs of any projects authorized by subsection (b) in North Dakota.".

SEC. 404. Delete the first sentence of section 6058(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) and substitute: "The Federal share payable on account of activities carried out under section 6056, as well as operational test activities carried out under this part (other than section 6056), shall not exceed 80 percent of the cost of such activities.".

SEC. 405. Section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 56 by striking "I–55" and inserting "I–59".

SEC. 406. The Secretary of Transportation shall revise the Manual of Uniform Traffic Control Devices to include—

(a) a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs, which shall apply to all roads open to public travel; and

(b) a standard to define the roads that must have a center line or edge lines or both, provided that in setting such standard the Secretary shall consider the functional classification of roads, traffic volumes, and the number and width of lanes.

SEC. 407. (a) TECHNICAL CHANGE.—Section 1014(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) in the heading, by striking "91" and inserting "81"; and

(2) by striking "United States Route 91 from Belleville, Kansas" and inserting "United States Route 81 from Concordia, Kansas,".

(b) INNOVATIVE PROJECTS.—The table in subsection (b) of section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 154, by striking "7–15 miles Belleville to Concordia" and inserting "from Concordia to the Nebraska border".

(c) EXPENDITURE OF FUNDS.—Section 1014(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following new paragraphs:

"(4)(A) Except as provided in subparagraph (B), notwithstanding any other provision of law, the amounts made available for the construction of the Hutchinson Bypass between United States Route 50 and Kansas Route 96 in the vicinity of Hutchinson, Kansas, under section 1107(b) shall be expended prior to the expenditure of the amount obligated for such purpose pursuant to paragraph (1) of this subsection.

"(B) If the appropriate official of the State of Kansas determines that in order to carry out to completion the construction project described in paragraph (A), the expenditure of an amount obligated pursuant to paragraph (1) of this subsection is necessary, the State may expend such amount.

(5) Notwithstanding any other provision of law, the amounts allocated to the State of Kansas for fiscal years 1996 through 1997 pursuant to section 160 of title 23, United States Code, and not obligated under this subsection or any other provision of this Act, shall remain available to the State of Kansas to carry out activities eligible for funding under title 23, United States Code.".

SEC. 408. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROJECT.—Subsection (c)(1) of section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 144 note) is amended by striking "on rural Federal-aid highways" and inserting "on public roads".

SEC. 409. PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by inserting "(other than Massachusetts)" after "in a State"; and

(2) in the last sentence by striking "before" and inserting "after".

SEC. 410. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 129 of title 23, United States Code, is amended as follows—

(1) in subsection (b) by striking "approved under section 103(b) or (b) of this title as a part of one of the Federal-aid systems" and inserting in lieu thereof "classified as a public road"; and

(2) by amending subsection (c)(2) to read as follows—"(2) The operation of the ferry shall be on a route classified as a public road within the State and which has not been designated as a route on the Interstate System. Projects under this subsection may be eligible for both ferry boats carrying cars and passengers and ferry boats carrying passengers only.'.

SEC. 411. Section 1069(y) of the Intermodal Surface Transportation Efficiency Act of 1991, is amended by adding at the end of the last sentence: "Funds provided to carry out the provisions of this section are to remain available until expended.".

SEC. 412. NONDISCRIMINATION.—Section 140(b) of title 23, United States Code, is amended in the last sentence by striking "¼ of 1 percent" and inserting "½ of 1 percent".

SEC. 413. HELL GATE BRIDGE.—Notwithstanding any other provision of law, the Hell Gate Viaduct shall be considered a federally-owned bridge solely for the purposes of determining the Federal share under section 1021(d) of Public Law 102–240 as regards the project to upgrade, repair and paint the Hell Gate Viaduct authorized by section 1107 of Public Law 102–240.

SEC. 414. Notwithstanding any other provision of law, the funds provided for projects in Idaho by sections 1104 and 1107 of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240, may be obligated for any such projects.

SEC. 415. Notwithstanding any other provision of law, the State of Nevada may elect to utilize the total amount of funds authorized for such State under sections 1104(b), 1105(f), 1107(b), and 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240

within any given fiscal year for any project or projects in the State of Nevada as authorized under said sections.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 228 to the aforesaid bill, and concur therein with an amendment as follows:

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

Sec. 416. Notwithstanding any other provision of law, the funds provided for projects in Minnesota by sections 1103, 1105, 1106, 1107, and 1108 of Public Law 102-240 may be obligated for any such projects: Provided, That the total amount of any project shall not be reduced.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 230 to the aforesaid bill, and concur therein with an amendment as follows:

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

TITLE V—TRANSIT TECHNICAL CORRECTIONS

SEC. 501. Section 3012 of Public Law 102-240 is amended by adding at the end of section 8(h)(4) the following sentence: "Any transit project that has an approved draft Environmental Impact Statement would be exempt from complying with highway National Environmental Policy Act requirements.".

SEC. 502. MATCHING SHARE FOR TRANSFERRED FUNDS.—(a) Section 8(k) of the Federal Transit Act is amended by adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(b) Section 134(k) of title 23, United States Code is amended by adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(c) Section 3(h) of the Federal Transit Act is amended by adding a new subparagraph as follows:

"(7) Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among urbanized areas eligible under paragraphs (1), (2) and (3) in accordance with the apportionment formula contained in section 3(h) for the succeeding fiscal year.".

(d) Section 3 of the Federal Transit Act is amended by adding at the end the following new subsection;

"(n) Funds made available under this section which are deobligated may be used for any purpose under this section.".

(e) Section 8(h)(5) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead: "under title 23, United States Code".

(f) Section 8(i)(4) of the Federal Transit Act is amended by striking "pursuant to this title" and inserting instead: "pursuant to this title" and inserting instead: "pursuant to title 23, United States Code".

(g) Section 8(m)(1) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead "under title 23, United States Code".

(h) Section 8(p) of the Federal Transit Act is amended by adding at the end the following: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reappointed among the states for the succeeding fiscal year.".

(i) Section 8 of the Federal Transit Act is amended by adding the following new subsection (q):

"(q) The statewide planning and programming requirements of section 135, title 23, United States Code, shall apply to grants made under sections 3, 9, 9B, 16 and 18 of this Act.".

(j) Section 12(l)(1)(B) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(k) Section 16(c)(4) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(l) Section 18(c) of the Federal Transit Act is amended by adding at the end the following: "All funds made available under this section may be used for operating assistance, whether derived from the Mass Transit Account of the Highway Trust Fund under section 21(a)(1) or from general fund appropriations authorized under section 21(a)(2).".

(m) Section 21(a)(1) of the Federal Transit Act is amended by inserting after "section", "8".

(n) Section 21(a)(2) of the Federal Transit Act is amended by inserting after "sections", "8".

(o) Section 21(c) of the Federal Transit Act is amended by striking "subsection 8(p)" and inserting instead "subsection (a)".

(p) Section 21(c)(1) of the Federal Transit Act is amended by striking "8(f)" and inserting instead "8(n)".

(q) Section 21(d)(3) of the Federal Transit Act is amended by striking "1996" and inserting instead "1997".

(r) Section 26(a)(2)(A) of the Federal Transit Act is amended by adding at the end: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year.".

SEC. 503. SPECIAL RULE FOR TRANSPORTATION MANAGEMENT AREAS THAT DO NOT CONTAIN AN URBANIZED AREA OVER 200,000 POPULATION.—(1) Funds attributed to a transportation management area, established under section 134 of title 23, United States Code, and not containing an urbanized area over 200,000, under 23 U.S.C. 133(d)(3)(A)(ii), shall be obligated in that transportation management area.

(2) Section 9(m)(1) of the Federal Transit Act (49 U.S.C. App. 1607(a)(m)(1)) is amended by striking in the first sentence "urbanized areas of 200,000 or more population" and inserting the following: "transportation management areas established under section 8(i)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 233 to the aforesaid bill, and concur therein with an amendment as follows:

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

TITLE VI—ALCOHOL TRAFFIC SAFETY GRANTS

SEC. 601. MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.

Section 410 of title 23, United States Code, is amended—

(1) by striking subsection (g);

(2) by redesignating subsections (c) through (f) as (d) through (g), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) MAXIMUM PERIOD OF ELIGIBILITY FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 5 fiscal years beginning after September 30, 1992. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.".

SEC. 602. BASIC GRANT ELIGIBILITY.

Section 410(d) of title 23, United States Code, as so redesignated by section 601 of this title, is amended—

(1) by striking "4 or more of the following:" and inserting in lieu thereof "5 or more of the following:"; and

(2) in subsection (1)(C), by striking "within the time period specified in subparagraph (F)"; and

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

"(6) Establishment of a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 20 days of community service, of any person convicted of driving while intoxicated more than once in any 5-year period.".

SEC. 603. AMOUNT OF BASIC GRANTS.

Section 410(e) of title 23, United States Code, as redesignated by section 601 of this title, is amended to read as follows:

"(e) AMOUNT OF BASIC GRANT.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) shall equal 30 percent of the amount apportioned to such State for fiscal year 1992 under section 402 of this title.".

SEC. 604. SUPPLEMENTAL GRANTS.

Section 410(f) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking "A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section" each place it appears and inserting in lieu thereof "Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title".

SEC. 605. ADMINISTRATIVE EXPENSES.

Section 410(g) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking ", and the remainder shall be apportioned among the several States".

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 410(j) of title 23, United States Code, is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for each of fiscal years 1994 through 1997. Amounts made available to carry out this section are authorized to remain available until expended.".

SEC. 607. EFFECTIVE DATE OF AMENDMENTS; TRANSITION RULES.

(a) EFFECTIVE DATE.—The amendments made by sections 601 through 606 shall take effect October 1, 1992.

(b) STATES ELIGIBLE FOR BASIC GRANTS UNDER SECTION 410 BEFORE DATE OF ENACT-

MENT.—A State that received a basic grant in fiscal year 1992 under section 410 of title 23, United States Code, as in effect on September 30, 1992, and that continues to meet the criteria for a basic grant, as in effect on September 30, 1992, shall be eligible for a basic grant under such section 410, as amended by this title.

Mr. LAUTENBERG. I ask unanimous consent that the vote by which the amendments were adopted be reconsidered.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATEMENT ON TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 5518, the conference report on the transportation and related agencies appropriations bill, and has found that the bill is under its 602(b) allocations in budget authority by $165 million and is under its 602(b) allocations in outlays by less than $1 million.

I compliment the distinguished manager of the bill, Senator LAUTENBERG, and the distinguished ranking member of the subcommittee, Senator D'AMATO, for all of their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the conference report on the transportation and related agencies appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 5518

TRANSPORTATION SUBCOMMITTEE SPENDING TOTALS

[In millions of dollars]

Bill summary	Budget authority	Outlays
Domestic discretionary	12,551	33,479
Senate 602(b) allocation	12,715	33,479
Difference	−164	−(1)
Defense discretionary	100	80
Senate 602(b) allocation	100	80
Difference	0	0
Mandatory total	564	566
Senate 602(b) allocation	564	566
Difference	0	0
Bill total	13,214	34,125
Senate 602(b) allocation	13,379	34,125
Difference	−165	−(1)
Domestic discretionary above (+) or below (−):		
President's request	171	−33
House–passed bill	−118	−295
Senate–reported bill	−6	−69
Senate–passed bill	−5	−76
Defense discretionary above (+) or below (−):		
President's request	100	80
House–passed bill	100	80
Senate–reported bill	−303	−235
Senate—passed bill	−303	−235

[1] Less than $500,000.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I have only heard part of the discussion that has occupied the attention of the Senate for the last half hour or 45 minutes. I have heard part of the talk made by my friend and colleague from the neighboring State of Wyoming.

I would only say to him that, if he thinks AL GORE was playing politics with his vote on the gulf war, I say in all honesty and in all candor to my friend from Wyoming, that for what it is worth, this Senator thinks he was misinformed. And I hope that, as much as possible, we all can exercise some restraint during the last few days of this Senate before we adjourn sine die.

I recognize there is great temptation to come to the floor of the Senate because it is a forum. Some people call it a debating society and we want to debate everything that comes up.

I do not know, nor do I care to make judgment on whether or not the Senator from Wyoming has violated one of the rules of the Senate. I do know that my friend from Wyoming is a very dedicated scrapper. He will stand up for what he believes in, and I admire him for that.

I would simply say, and urge all of us, do not try and incite strictly partisan political debate on the floor of the U.S. Senate. Therefore, I hope, if it is the will of the Senator from Wyoming, that he might rephrase and strike from the RECORD some of the remarks that he has made. He may have thought that they were correct, but I want to assure my friend from Wyoming that I think he is very much incorrect.

But he certainly has the right to make whatever statements he wants, so long as he maintains within the rules of the U.S. Senate.

And I say to my colleagues on this side of the aisle—who I thought were very eloquent in protecting and answering some of the charges that were made against our brilliant and talented junior Senator from Tennessee—were proper, indeed, given the charges that were made.

I would simply say to all of my colleagues on this side of the aisle, let us be a little bit forbearing. Let us be a little bit understanding of the situation that the Senator from Wyoming finds himself in because, I suspect that he, along with others, have been seeing the recent polls that have been pouring out. And the one that came out today that shows that the Vice Presidential candidate of the Democratic Party, the first-rate junior Senator from Tennessee, and the top of that ticket, are appearing to reach run-away status in the Presidential campaign.

I can fully understand and I hope my colleagues can that that might cause some consternation from that side of the aisle. But given that, I hope maybe we can return to a little bit more of what we generally expect from the U.S. Senate. I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

EASTERN PARKWAY

Mr. DOLE. Mr. President, I was disappointed that the conference committee was unable to add $8.2 million for the Eastern Parkway project in Lawrence, KS. This is an urgently needed project in my State. The Lawrence area is one of the fastest growing parts of my State, unfortunately, this growth is in danger of being strangled by traffic congestion. This project would provide a direct route from K–10 to two of the major highways in the region—U.S. Highway 40 and U.S. Highway 59—and eliminate highway traffic through neighborhood streets.

I ask the distinguished chairman and ranking member of the Transportation Appropriations Subcommittee if they could give me any assurances that the project will be included in next year's Senate Transportation appropriations bill.

Mr. LAUTENBERG. As the Senator knows, because of the tight budget constraints that the Transportation Subcommittee faced we could not accommodate all the requests received from colleagues. This was particularly true in the highway project area. Because of the constraints the committee adopted a no "new start" rules which meant the committee funded only projects previously funded by Appropriations Committee. This was done without prejudice to the Eastern Parkway. This rule applied to many of the requests received. Next year I hope the committee will have sufficient resources to help.

Mr. D'AMATO. I regret that we were not able to convince the House to include the distinguished Republican leader's project in the conference report. Despite my best efforts, the House conferees remained completely intractable on adding new projects.

The Senator from New York will continue to do what he can to get action on this project. I will fight to get the Eastern Parkway included in next year's bill and I will fight to keep it in the conference report. The leader has my complete commitment on this project.

THE FISCAL YEAR 1993 TRANSPORTATION APPROPRIATIONS BILL

Mr. WARNER. Mr. President, I rise today to discuss the minimum allocation program and the maintenance of current law of this program in the conference report on the Transportation appropriations bill.

Despite objections from many Senators, including myself, the Senate version of the fiscal year 1993 Transportation and related agencies appropriations bill proposed capping the spending of the minimum allocation program.

I am pleased that the conferees recognized the importance of this program to donor States and agreed not to modify this minimum allocation.

Many Senators who represent donor States—those States who contribute more to the highway trust fund than they receive—strongly opposed this provision. Minimum allocation is the only surface transportation program designed as a safety net for over 20 States, including Virginia, to ensure that they receive no less than a 90 percent return on the taxes their highway users pay into the highway trust fund.

During the long and sometimes contentious reauthorization process that resulted in the Intermodal Surface Transportation Efficiency Act of 1992 [ISTEA], the treatment of donor States dominated the debate in both the Senate and the House.

Early on, based on a report prepared by General Accounting Office entitled, "Highway Funding, Federal Distribution Formulas Should Be Changed," I was among the Senate leaders advocating a revision of these formulas based on a proposal known as FAST. The Federal Aid Surface Transportation Act [FAST] embodied many of the GAO recommendations to modernize these distribution formulas to more accurately reflect highway usage.

When the authorization process failed to address these outdated formulas, donor States once again relied solely on the minimum allocation program to bring some equity and fairness to the 1992 reauthorization bill.

Specifically, the minimum allocation program was raised from 85 percent to 90 percent. To further ensure a greater degree of equity in the program, many Senators relied on a chart prepared by the Federal Highway Administration at the request of the conferees to the 1992 authorization bill. In referring to that chart today, it is clear that of the 13 program categories, 4 categories were established to provide some equity to donor States because the outdated formulas so distort the distribution of the highway trust fund.

Of the four minimum allocation categories, it was clear that the 90 percent minimum allocation would remain outside of the obligation ceiling as it had been since 1982. The conferees also understood that the other minimum allocation categories would be subject to the appropriations process. At that time, donor States accepted this compromise.

At the conclusion of work on the authorization bill, I supported the conference report not so much for what it did in meeting America's transportation needs, but because of the pledge and statutory provision to give donor States a 90 percent minimum allocation program.

I strongly objected to the provision included in the fiscal year 1993 Transportation and Related Agencies Appropriations bill for two fundamental reasons. The first reason being that the appropriations provisions to place the minimum allocation program within the obligation ceiling breaks the pledge the Congress gave to donor States. That pledge recognized that although the formulas are so inadequate and warped in distributing Federal highway dollars, the minimum allocation program ensures a funding floor below which no State will fall. The second reason for my opposition to the appropriations provision was that this matter is within the jurisdiction of the Committee on Environment and Public Works and this issue has been decided in the 1992 authorization bill—ISTEA.

Now, Mr. President, I would also like to take this opportunity to respond to several statements made during the Senate debate on minimum allocation in the fiscal year 1993 Transportation and Related Agencies Appropriations bill, and particularly the provision's impact on Virginia.

One rationale offered for capping minimum allocation at a certain funding level was that given the very difficult budget constraints faced by the committee this year, it was impossible to fund any program at its fully authorized level and that many worthwhile programs were taking a cut. It is true, as we all know, that often appropriations for a variety of programs are below the authorization level. However, Mr. President, from the evidence I have already presented, minimum allocation is one of the few programs the Congress has on three occasions excluded from the obligation ceiling. Minimum allocation is not one of the programs over which the Transportation Committee has spending control.

Mr. President, I have long supported efforts to gain control of Congress' spending habits, but this provision does not save money. It simply takes money from States already shortchanged by the distribution formulas and gives the money to other States who currently receive more than their fair share.

Another argument implies that States really don't need this money because in 1992 over half of the funds provided to minimum allocation States under section 157 have not been obligated. The minimum allocation program, like interstate maintenance, national highway system, surface transportation program and congestion mitigation, allows States 4 years to obligate these funds before they are returned to the Federal Highway Administration for redistribution. This position simply does not reflect a particular State's need for these funds.

A further reason sited by the proponents of capping minimum allocation funding was that no State would actually lose money. States would retain contract authority under this program to obligate these funds sometime in the future. Mr. President, from a minimum allocation State's perspective, this is nothing more than an empty promise which leaves our States once again with an empty pocket. Contract authority is not money. Minimum allocation is funding received by the States to use to meet their immediate transportation needs.

Lastly, the most abused argument to defend the committee's position is yet another infamous chart comparing the distribution of formula funds to each State under the committee provision or under the amendment offered by Senator BOND during the Senate debate.

I recall vividly that as one Senator who was actively involved in the Senate debate and as a conferee on the reauthorization bill last year, charts depictinge amount of funding States would receive under various funding formulas were plagued with inaccuracies—incorrect assumptions and just honest mathematical mistakes. The chart sites by the committee during the Senate debate was not provided to the full Senate so we do not know the assumptions used by the Federal Highway Administration in calculating the distribution of these funds. I can only state, that because the outdated formulas are so egregious, so out of touch with America's highway needs, minimum allocation is only the safety net for donor States. To support my views on this matter, I ask unanimous consent to print in the RECORD a letter from the Virginia Secretary of Transportation, John Milliken, indicating the State's steadfast opposition to restricting funds for the minimum allocation program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, August 12, 1992.

HON. JOHN W. WARNER,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR WARNER: I am writing to thank you for your efforts on behalf of the Commonwealth with regard to the 1993 Senate Transportation Appropriations Bill.

Throughout the transportation authorization process you worked tirelessly to craft a transportation bill that reduced inequities in contributions made by so-called "donor" states. The resulting legislation, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), promised donor states a minimum allocation of 90 percent of what they contributed to the Highway Trust Fund.

The Senate Appropriations Committee abrogated the goodfaith agreement made in ISTEA by placing the minimum allocation under the obligation ceiling cap in the 1993 Transportation Appropriations Bill. This ac-

tion by the committee continues the unfair system whereby a few states receive significantly less in federal highway funds than they contribute, and it will cost Virginia needed Federal Highway Funds.

I want to express the Commonwealth's appreciation for your efforts in support of the Bond Amendment to move minimum allocation outside the obligation ceiling cap and following the failure of the Bond Amendment to pass, your vote against the Transportation Appropriations Bill.

Sincerely,

JOHN G. MILLIKEN.

Mr. WARNER. Mr. President, it is important to recall why the minimum allocation issue is so critical to donor States and why the program even exists. It is and has been simply an issue of basic fairness and equity to a number of States who are mistreated by the highway formulas.

By 1982, when the minimum allocation program was established, it had become clear that the rate of return for States who contribute historically more into the highway trust fund than they receive in return.

In December 1982, following action by the Senate on the Surface Transportation Assistance Act of 1982, the House took similar action by adopting an amendment offered by Congressman House, chairman of the Public Works and Transportation Committee, which specifically stated, "Obligation limitations for Federal-aid highways and highway safety construction programs established by this Act or any subsequent Act shall not apply to obligations made under this section * * *"

By 1982, the donor-donee issue was pervasive in the debate on the reauthorization of the surface transportation bill. It was recognized that as a result of the commitment to build a national highway system there was throughout the history of the highway trust fund a discrepancy between the amount of money that some States contribute into the fund and the amount of money they receive from the fund.

Since the 1950's when the highway trust fund was established, America's transportation policy was in pursuit of a common goal—the construction of a major interstate highway system across the country. In 1982, Congressman Howard stated further that achieving this goal was sufficient to justify the logic that the amount of money going into the trust fund from a State had no relationship to the needs of that State.

So in the national interests, the States were allocated funds to build the interstate system no matter how much it cost and without regard to the funds that a State paid into the highway trust fund.

The establishment of the minimum allocation program in 1982 in the conference report to Public Law 97-424 stated that "obligation ceilings shall not apply to these amounts."

During the Senate Environment and Public Works Committee hearings on the 1987 Surface Transportation Assistance Act, the administration proposed a limitation of $250 million on the minimum allocation program. At that time, Senator BENTSEN indicated that a cap on the cost of minimum allocation breaks faith with the 1982 legislative agreement and does not guarantee every State a minimum of an 85-percent return on their payments into the highway trust fund.

The Senate passed version of the reauthorization bill modified the program to add allocations as well as apportionments to the program calculation.

During the House floor debate on the 1987 bill, an amendment was offered by Congressman MOODY in response to the growing dissatisfaction from the donor States that the 85-percent minimum allocation does not include the discretionary spending programs—demonstration projects, interstate discretionary, bridge discretionary, and so forth. The Moody amendment included discretionary spending—except emergency relief and interstate discretionary funds—in the calculation of minimum allocation. Unfortunately, that amendment was defeated.

The conference report on the Surface Transportation Assistance Act of 1987, Public Law 100-17, included the Senate provision to calculate minimum allocation based on a State's allocations and apportionments.

From the debate on the surface transportation reauthorization bills in 1982, 1987, and 1991, it is clear that specific provisions were made in the statute which provide that the minimum allocation program is not subject to obligation ceilings. The express purpose was to ensure that the pledge that the State would receive less than a certain percentage of what they contribute to the highway trust fund would be fulfilled, regardless of the cost of the program.

Mr. President, this conference report complies with the statutory provisions of the Intermodal Surface Transportation Efficiency Act [ISTEA] and keeps the pledge made to donor States for a 90-percent minimum allocation program. For this reason, I am pleased to support the conference report.

Mr. DOMENICI. Mr. President, I rise in support of the conference report accompanying H.R. 5518, the Transportation and related agencies appropriations bill for fiscal year 1993.

I endorse the difficult but successful effort made by the conference committee on this bill, in arriving at an agreement which is within the subcommittee's 602(b) allocation.

This bill provides $13.2 billion in budget authority and $12.1 billion in new outlays for the programs of the Department of Transportation and related agencies.

When outlays from prior-year budget authority and other adjustments are taken into account, the conference agreement totals $13.2 billion in budget authority and $34.1 billion in outlays. The bill also contains $19.2 billion in limitations on obligations under the Federal-Aid Highway Program, for airport grants and related transportation programs.

Mr. President, I do not agree with all the funding priorities contained in this bill, and I particularly regret the low level of the highway obligation limitation.

As the country examines ways to reinvest in America, there is probably no program with stronger bipartisan support than that enjoyed by the Federal-Aid Highways Program.

I do believe that it is very important, however, that we get a bill to the President in a timely manner, which is acceptable to the administration in terms of spending totals.

While I know the administration will disagree with various funding levels in this bill, the bill's total outlays are slightly below the President's request—a requirement the President has insisted upon.

This bill does contain a number of programs and projects important to the State of New Mexico, and I appreciate the subcommittee's support, given the difficult task of meeting spending constraints.

Mr. President, I urge adoption of this bill.

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM

Mr. LAUTENBERG. Mr. President, within the fiscal year 1993 Transportation appropriations conference report is an ISTEA technical correction to the Congestion Mitigation and Air Quality Improvement Program [CMAQ], section 149(b) of title 23, United States Code. The correction can be found on page 79 of the conference report, section 380.

A cursory reading tells me that this technical correction states that CMAQ funds may be used for PM-10 reduction in areas which are also in nonattainment for carbon monoxide and ozone. I know the Senator from Washington has an interest in this program and wonder if he would like to speak on this subject.

Mr. GORTON. The Senator is correct, I do have an interest in this subject because of its importance to the people in the city of Spokane, WA.

Mr. LAUTENBERG. I also recall that the Senate fiscal year 1993 Transportation appropriations report included report language, at the request of the Senator from Washington, on the CMAQ program.

Mr. GORTON. The Senator is again correct. I did include report language which described the use of CMAQ funds with regard to PM-10 nonattainment areas. If the Senator would yield for a

moment I would be delighted to elaborate on this subject.

Mr. LAUTENBERG. The Senator would be happy to yield to the Senator from Washington.

Mr. GORTON. In order to ensure that CMAQ funds could be used for PM–10 reduction, I asked that report language on this subject be included within the Senate Transportation fiscal year 1993 appropriation report. Mr. President, I ask unanimous consent that a copy of the report language, pages 94–95, from the Senate Transportation fiscal year 1993 appropriations report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. GORTON. Mr. President, if one reads both the report language from the Senate Report, just included within the record, and then the Conference Report technical correction, the intent of the CMAQ program with regard to PM–10 becomes clear.

Implicit within the conference report language on the CMAQ program is this: areas which are in non-attainment for carbon monoxide, ozone and PM–10 are eligible for CMAQ program funds. In addition PM–10 only areas are also eligible for CMAQ program funds. The states, in consultation with metropolitan planning organizations (MPOs) and the regional Environmental Protection Agency (EPA) may use, at their discretion, CMAQ funds to reduce transportation related PM–10 emissions in PM–10 nonattainment areas to achieve an ambient air quality standard, as defined by the Clean Air Act Amendments of 1990.

Mr. BURNS. Will the Senator yield?

Mr. GORTON. The Senator will.

Mr. BURNS. I, too, have an interest in this subject because of the impact it has on the people in my state of Montana. We have quite a few areas which are adversely effected by PM–10. In particular, Montana has many areas which are PM–10 only areas.

I agree with the Senator that Section 380 clarifies that CMAQ funds can be used in areas of solely PM–10 non-attainment and in no way reduces the flexibility available to the states in using CMAQ funds.

I thank the Senator from Washington.

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Congestion mitigation and air quality [CMAQ].—The Congestion Mitigation and Air Quality Improvement Program is intended to improve air quality in nonattainment areas for ozone and carbon monoxide. The Committee recognizes that, under the provision of the Clean Air Act, some communities may be designated as non-attainment areas primarily or solely because of high levels of PM–10 (particulate matter). The Committee believes that after consultation with the appropriate metropolitan planning organization [MPO] and regional EPA, the States should have the discretionary authority to use their CMAQ funds to reduce transportation-related emissions in PM–10 nonattainment areas to achieve an ambient air quality standard, as defined by the Clean Air Act Amendments of 1990.

VARIOUS AIRPORTS FOR PRIORITY CONSIDERATION

Mr. GARN. Mr. President, I wish to verify the meaning of certain language used by the committee in designating various airports for priority consideration by the Federal Aviation Administration. For example, with respect to the Ogden-Hinkley Airport in Ogden, UT, the committee directs FAA to give priority consideration to the grant request for the upgrade or replacement of terminal facilities to meet Federal security, Americans with Disabilities Act and seismic requirements. When that language was placed in the committee report it was our understanding that priority consideration would result in funding by FAA to accomplish the stated objectives. I have subsequently learned that on occasion, and I believe this happened in at least two cases involving Wyoming airports, FAA will give priority consideration to a project and then declare they will not fund it.

I ask that the chairman verify that by the use of language directing FAA to give a project priority consideration that the committee intends that the project be funded out of the airport accounts within a reasonable period of time. In the case of Ogden-Hinkley, this reasonable time would be by the end of fiscal year 1994. Am I correct in my understanding of the committee's intent in using this language?

Mr. LAUTENBERG. The Senator is correct.

Mr. President, I yield to the Senator from Utah [Mr. GARN].

Mr. GARN. Mr. President, I thank the Senator for yielding time to me. I rise to request a clarification that is needed within the Federal aviation Administration's [FAA] Airway Science Program. The conference report expresses support for FAA's efforts to approve 2-year and community college airway science curriculum programs, and directs that $1 million be available to support efforts in this area. FAA is directed to work with the Utah Valley Community College [UVCC] in Provo and the Pima Community College in Tucson to develop approved airway science curriculum programs. Does the Senator from New Jersey agree that FAA should be directed to provide this funding from unobligated funds with FAA's Airway Science Program?

Mr. LAUTENBERG. I agree with the Senator from Utah that FAA should provide the $1 million in funding from unobligated funds to help UVCC and the Pima Community College in Tucson to develop approved airway science curriculum programs.

Mr. GARN. I appreciate the Senator's clarification of that matter. In addition, UVCC has already applied to the FAA and is awaiting receipt of the FAA's new 2 year Associate Degree Airways Science curriculum. The college expects to receive final approval of the curriculum and programs within 60 days of receipt. As soon as this approval is made funding will be needed to build facilities for the Airway Science Program. UVCC has a serious crowding problem with over 10,000 students on a campus designed for an enrollment of 4,500. In light of this information, I would like to know if the Senator from New Jersey agrees that FAA should be directed to provide $1 million towards building construction from unobligated funds within the Airway and Science Program in support of the airway science program at Utah Valley Community College in Provo, UT, following approval of participation in the program.

Mr. LAUTENBERG. The Senator from Utah has provided important information and I agree that FAA should be directed to provide $1 million from unobligated funds towards construction.

Mr. GARN. I thank the Senator from New Jersey for his assistance on this matter.

NORTHERN MAINE LONG-RANGE RADAR SYSTEM

Mr. MITCHELL. Mr. President, along with Senator COHEN, I would like to ask the chairman of the Senate Appropriations Subcommittee on Transportation for clarification of a provision in the conference report. I already greatly appreciate the efforts the chairman has made on this bill.

Mr. LAUTENBERG. I will be glad to provide whatever clarification I can, and appreciate the majority leader's understanding of the efforts of the Senate conferees.

Mr. COHEN. I also thank the chairman. Our concern today involves a conference report provision, which because of a different House position in the House report on the bill, failed to accept the Senate's direction for installation of a long-range radar [LRR] system for the Northern Maine region which is currently served by radar at Loring AFB. The House report only encouraged the Federal Aviation Administration to consider inclusion of an LRR system in its fiscal year 1994 budget request.

Mr. LAUTENBERG. That is correct.

Mr. MITCHELL. However, the House committee report did express hope that adequate service can be maintained without interruption and requested the FAA to work with the Air Force to try to minimize the loss of coverage during the period between the closure of Loring AFB and the commissioning of the LRR system.

Mr. LAUTENBERG. Yes, that is correct. The two Senators from Maine are referring to a correct reading of the original House position on this issue. I would add that the House report also recognized that after Loring AFB closes in 1994, critical radar coverage will be lost unless an LRR system is installed. The House report explicitly recognized that the loss will exacerbate already extreme economic consequences of the base closure in northern Maine.

Mr. MITCHELL. In reading the conference report, I understand that the conferees were unable to agree on the Senate position, and instead agreed

that out of fiscal year 1993 funds, the FAA is to study the need for LRR coverage in northern Maine and to perform an analysis of potential sites. The conferees also made clear that this activity shall not affect implementation of LRR coverage in Bucks Harbor, MA, or other currently funded LRR sites.

Mr. LAUTENBERG. That is correct.

Mr. MITCHELL. Our concern is the fact that no time period is specified in the conference report. In light of the original House committee position that the FAA should consider the LRR project for northern Maine for its fiscal year 1994 budget, would an accurate and fair interpretation be that any study should be conducted with at least that goal in mind?

Mr. LAUTENBERG. Yes, I believe that would be an accurate and fair interpretation of the conferees' agreement. I also hope that the FAA study will be completed before January 1, 1993.

Mr. MITCHELL. I will note for the RECORD that the FAA already has been considering this issue since 1981. A New England Radar Network Plan submitted to the Washington headquarters in 1984 identified Boston Air Traffic Control radar coverage for northern Maine as inadequate. The New England region has sought this LRR system for some time, and it is our understanding that the region already has recommended it for inclusion in the fiscal year 1994 budget. The Senate committee position had hoped only to accelerate the project.

Mr. COHEN. I also wish to add for the RECORD that the Department of Defense and the Armed Services Committees also have recognized the severity of the radar coverage problem that will be created when Loring AFB closes. The Senate Armed Services Committee recognized that the LRR project may be funded in 1993, but even if that schedule were to have been met, it would still have been unclear whether the installation could have become operational before the Air Force closes Loring AFB in 1994. The timing of the project, and therefore the study, is important. The Air Force has agreed to leave its radar equipment in place after Loring AFB closes. The Senate Armed Services Committee also has directed the Air Force, as part of the Defense Bill, to fund its continued operation through fiscal year 1995 or until the FAA is able to bring its new northern Maine radar into operation, whichever occurs first.

Mr. LAUTENBERG. There is indeed a timing concern. The concern has not been limited to the Senate Appropriations Transportation Subcommittee. The Department of Defense and other Congressional committees have shared our concern, and I hope that the FAA will take note of the breadth of that concern.

Mr. MITCHELL. I also have spoken with the Secretary of Transportation on the issue, who I know appreciates the concern for northern Maine's radar coverage. I also would add that the Defense Bill provides that in the event it should be more practical for the FAA to operate the Air Force radar at Loring AFB after its closure, the Armed Services Committee supports the Air Force and FAA exploring a reimbursement arrangement. Under either scenario, there will be an ongoing cost to the Federal Government, which makes it even more imperative that the FAA complete its report in a timely manner on what the New England region already has acknowledged is a need for the region.

Mr. LAUTENBERG. I agree completely with the Senators from Maine. I will want to see the project reconsidered, and will support doing so next year. I will expect the FAA to be ready with their report in January 1993, in response to the broad, stated concerns both in Congress and the administration.

Mr. MITCHELL. We both thank the distinguished Chairman, and appreciate his understanding of the problem and his efforts to remedy it.

VERRAZANO-NARROWS BRIDGE

Mr. MOYNIHAN. I rise in support of the conference report to accompany the fiscal 1993 Transportation appropriations bill. As ever, Senator LAUTENBERG deserves our thanks and congratulations.

I am however, disappointed with one particular provision in the conference report: an amendment mandating continuation of one-way tolls on the Verrazano-Narrows bridge in New York City. The current practice is the result of an amendment to the 1986 Department of Transportation Appropriations bill. It has resulted in marked increases in traffic eastbound on the Staten Island Expressway, the Gowanus/Brooklyn-Queens Expressway and westbound through lower Manhattan. Air quality has suffered and the amendment costs the residents of New York City an estimated $7.8 million annually on lost toll revenues. The environmental impacts of the 1986 amendment are the subject of an ongoing study by the Triborough Bridge and Tunnel Authority which operates the Verrazano-Narrows Bridge. The bridge, I must add, was constructed without Federal funds.

What this amendment amounts to is an unwarranted, unjustified, and costly Federal intrusion into a local transportation issue. It is wholly inconsistent with the central themes of last year's Intermodal Surface Transportation Efficiency Act, particularly its increased emphasis on local planning. I would like to inform the distinguished chairman and my colleagues in the Senate that when the 103d Congress convenes next year, I will seek repeal of this amendment at the earliest possible time.

INTERSTATE COMMERCE COMMISSION, INSPECTOR GENERAL APPROPRIATIONS

Mr. GLENN. Mr. President, it is my understanding that the Appropriations Committee's intention was for the ICC office of inspector general to be allocated four staff positions in the fiscal year 1993 budget. Is that also his understanding?

Mr. LAUTENBERG. Yes, that was the intention of the committee. We believe that this will enhance the efficiency and effectiveness of the office of the inspector general.

Mr. GLENN. I just wanted to clear this matter up. I thank the Senator for his assistance and support of the inspector general.

SECTION 373

Mr. HATFIELD. Mr. President, I would like to take this opportunity to thank the chairman and ranking member of the Transportation Subcommittee and clarify the conferees intent with regard to section 373 of the bill so there is no confusion as to the intent of the provision.

Section 373 was agreed to by the conferees in order to clarify the terms and conditions of interstate maintenance discretionary funds that the State of Oregon receives subject to section 1069 (t) of the Intermodal Surface Transportation Efficiency Act of 1991.

Mr. LAUTENBERG. It is clearly the intent of this chairman and of the conference committee that interstate maintenance discretionary grant funds received by the State of Oregon should be provided in addition to that State's annual obligation limitation. In addition, the conferees intend that section 373 will exempt any funds the State receives for the I–5 corridor in fiscal year 1992 through fiscal year 1997 under section 118(c)(2) of title 23, U.S.C. from being treated as allocations for Interstate maintenance under section 157(a)(4) of 1015(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991.

Mr. HATFIELD. I thank the Senator for the clarification. I also note that the conferees have made clear in the statement of managers that the North Santiam River Bridge on I–5 is an extremely high priority and that FHwA should fund this project in fiscal year 1993 pursuant to section 1069(t) of ISTEA.

Mr. LAUTENBERG. The Senator from Oregon is correct.

Mr. HATFIELD. I thank the Senator.

CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT

Mr. SANFORD. Mr. President, I would like to call upon the distinguished Senator from New Jersey to discuss an issue related to the growth and expansion of the Charlotte-Douglas International Airport.

Mr. LAUTENBERG. I would be happy to discuss this issue with the junior Senator from North Carolina.

Mr. SANFORD. Earlier this year, I contacted the Transportation Appro-

priations Committee to request $2.5 million for a category II/III instrument landing system and supporting equipment to meet the runway extension deadline at the Charlotte-Douglas International Airport. The runway extension is expected to reach completion by September 1, 1993. A delay in installing this equipment will result in derogation of capability and generate operational disruption that will cost in excess of $5 million.

I understand that due to the fiscal climate, there were not sufficient funds available to fully fund this project in fiscal year 1993. However, I appreciate the $750,000 that has been made available to Charlotte-Douglas for the ILS installation.

It was clear that the language adopted by the Senate in this transportation appropriation report expressed the intent of the Congress that the Charlotte-Douglas ILS system should be installed consistent with the runway completion date. I hope that if funds become available from other programs, that reprogramming those funds for the installation of instrument landing systems at Charlotte-Douglas would be supported. I understand that the FAA intends to include a category II/III ILS for Charlotte-Douglas in its fiscal year 1994 budget request. I appreciate the administration's support, but believe we need to provide more timely funding so that by September 1, 1993, the expected date of the runway extension at Charlotte-Douglas, a new category II/III instrument landing system can be installed.

Mr. LAUTENBERG. I want to assure the Senator from North Carolina that I support Charlotte-Douglas' efforts to acquire and install an ILS system consistent with the runway expansion deadline. I regret it was not possible to make available the total amount requested for this project in this fiscal year. However, if it is possible, I will support a reprogramming request to provide funds for the Charlotte-Douglas category II/III ILS installation.

Mr. SANFORD. I thank the Senator from New Jersey for his support and his attention to this matter.

Mr. LAUTENBERG. Mr. President, as the chairman of the Transportation Appropriations Subcommittee, I am pleased to bring before the Senate the conference report on H.R. 5518, the appropriations bill for the Department of Transportation and related agencies for fiscal year 1993.

Last year, in the ISTEA legislation, the Congress made the most far-reaching changes in the Federal Surface Transportation Program since the creation of the Interstate Highway Program. The transportation appropriations conference agreement now before us provides the funding for flexible, multimodal, productive investment in critical national transportation infrastructure.

The conference report before us, I am pleased to say, takes some critical steps to address our infrastructure needs, not only by investing in our traditional highway, aviation, rail and water programs but in investing in important projects utilizing new technologies that will be critical to the transportation needs of the future; new technologies such as magnetically levitated rail systems, intelligent vehicles/intelligent highway systems, and the complete electrification of the Northeast corridor.

These technological enhancements all promise to relieve congestion both on the highways and in the air, as well as reduce air pollution and improve mobility.

This conference agreement is a responsible and balanced package that reflects the extraordinary constraints of the budget resolution and our allocation, and considering the large number of requests that both the House and Senate subcommittees received from our colleagues. Obviously, we were not able to provide for every request—we have, however, done the best we could to accommodate Members' priorities.

Let me note that the President's budget for transportation proposed several cuts, some of which were devastating to certain critical programs. These cuts were achieved largely by severely reducing operating subsidies for Amtrak, eliminating some highway projects, and cutting mass transit operating subsidies by over 70 percent.

The administration's proposal did include increased funding for the Coast Guard's operating and capital expenses, and increases for the Federal Aviation Administration's operating and capital accounts.

In other words, Mr. President, as in previous years, the President's budget proposed to pay for the recognized necessary increases for the Coast Guard and the FAA by severely reducing financial assistance for mass transit and Amtrak, and by reducing highway expenditures as well. This was not acceptable.

I am pleased that in the transit area, the bill continues transit operating assistance at $802 million, a freeze of last year's level. Further cuts in this amount would have resulted in fare increases, leading inevitably to increased congestion and air pollution. I am also pleased that, for Amtrak, the bill contains $331 million for operations, $146 million in mandatory payments, $165 million for capital grants, and $204.1 million for improvements to the Northeast corridor, including the electrification of the final segment from New Haven to Boston. This critical support for transit and intercity passenger rail will help ensure that the balanced transportation system promised by ISTEA will become a reality.

For the conference, the Transportation Subcommittee had a discretionary spending ceiling of $12.7 billion in budget authority and $33.48 billion in outlays. The conference agreement before you, as scored by CBO, spends the entire allocation in outlays.

The conference report before us obligates $1.8 billion for the airport improvements grants program and provides a total of $18 billion for the Federal-Aid Highway Program. These funds will benefit every State and enable every region of the country to get on with the important job of fixing the crumbling roads and bridges and expanding our airports' ground capacity. The bill also includes more than $8.9 billion for operations, construction, acquisitions, and research for the Federal Aviation Administration, and proposes almost $3.6 billion in operations, acquisitions, and research for the Coast Guard. These funds will ensure safety in the air and at sea and move these agencies forward in executing their critical responsibilities.

Mr. President, we had 233 amendments in conference. The conferees have agreed to a resolution of all of these amendments. The result is a package that I believe preserves a balanced transportation program for the Nation.

Mr. President, I believe this accurately and fairly summarizes the overall contents of our agreement. Before I yield, however, I want to thank my friend and ranking member, Senator D'AMATO from New York, for his help in getting this bill through the committee, the floor, and the conference with the House.

I also want to pay tribute to my House counterparts, Chairman BILL LEHMAN and the subcommittee's ranking member, LARRY COUGHLIN, both of whom are retiring from congressional service at the end of the 102d Congress. Chairman LEHMAN and Mr. COUGHLIN have been unfailingly courteous and cooperative in working out reasonable accommodations between the two Houses on the transportation bills we have produced together over the past 6 years, and they will both be sorely missed by this Senator.

I am also indebted to my colleagues who serve with me on the Transportation Subcommittee. Senators BYRD, HARKIN, SASSER, MIKULSKI, D'AMATO, KASTEN, DOMENICI, and HATFIELD, have been a constant source of sensible counsel and steadfast support.

Finally, Mr. President, I want to express my appreciation to the staff of the committee for their many hours of hard work that made this conference agreement possible. I want to recognize Patrick McCann, Peter Rogoff, John Jaskot, and Joyce Rose of the majority staff and Anne Miano and Dorothy Pastis of the minority staff, Jeff Morales of my staff, as well as their colleagues on the House side.

I believe Senator D'AMATO has some remarks he would like to offer at this time, and I yield the floor.

NEW JERSEY PRIORITIES IN THE CONFERENCE REPORT BILL

Mr. LAUTENBERG. Mr. President, as chairman of the conference committee that reached agreement on the fiscal year 1993 transportation appropriations bill, I worked to ensure that the bill helped address New Jersey's, as well as the Nation's, pressing transportation needs.

New Jersey is a transportation State. Our roads, rail systems and airports handle incredible volumes of people and commerce, with destinations throughout the region and across the country. We understand the need for a balanced transportation system as much as any State in the country.

With that understanding in mind, I have worked to direct transportation resources to initiate, complement, and boost State and local efforts in New Jersey. These funds are not just an infusion of needed funds, but an investment in New Jersey's future. Infrastructure, including transportation, creates a base for economic growth, and greatly influences our ability to compete in ever-tougher markets. These investments will pay off not only in the short-term benefits of sorely needed jobs—about 17,000 of them—but also in terms of long-term growth for New Jersey.

In the highway area, the conference report provides $451 million in formula highway funds, approximately 60 percent of which is flexible, able to be used for highways or transit. It also funds a number of key projects throughout New Jersey, including: authority for New Jersey to spend approximately $100 million to build HOV lanes on I-287, between Route 22 and I-80; priority consideration of funding for noise walls on I-78 in the vicinity of Union Township and Millburn, at an estimated cost of $17,000,000 and for study of noise walls on I-80 at the Waterloo Center for Arts; for Rte. 21 widening, $1,200,000; for the I-280 downtown connector, Newark, $1,200,000; for the I-78 downtown connector/Peddie St., Newark, $1,504,000; for the Rte. 21 viaduct advanced property acquisition, $2,880,000; for the Route 73/30 bridge replacement, Camden County, $15,000,000; priority consideration for funding under the Scenic Highway program of Route 29, Lambertville-Phillipsburg, estimated at $2,000,000; and priority consideration for timber bridge research funding for Delaware & Raritan Canal crossings, estimated at $300,000. $1,000,000 is included for the development of a model system for computerizing and analyzing accident records.

The conference report also funds a number of projects that were authorized under the Intermodal Surface Transportation Efficiency Act of 1991, including: for Rte. 21 completion, Passaic County, $18,200,000; for Molly Ann's Brook, $1,700,000; for I-78 access ramps, Newark, $1,300,000; for United Hospitals garage, Newark, $900,000; for Rte. 1 widening, Middlesex County, $1,360,000; for I-280 improvements, Parsippany-Troy Hills, $570,000; for Rte. 17/4 interchange, Paramus, $1,050,000; for the Hackensack-Kinderkamack Bridge, Hackensack, $1,050,000; for the Rte. 21 Viaduct, Newark, $2,700,000; for Rte. 21 widening, Newark, $2,560,000; for replacement of the Longport-Ocean City bridge, $3,400,000; for the Beckett Street Terminal, Camden, $1,500,000; and for the Paulsboro bridge, $368,000.

An important area of attention in the conference agreement is the implementation of the Intelligent Vehicle-Highway Systems program. I authored the IVHS authorization act in ISTEA, and believe that it is going to play a critical role in moving traffic more efficiently in New Jersey. Implementation of IVHS can improve productivity, reduce fuel consumption, and improve air quality. It will mean less time wasted on the roads, and more time spent at home with families, at work, or at play. The conference report funds the following IVHS projects in New Jersey: for Statewide traffic signal computerization, $7,000,000; for toll road electronic toll collection/traffic management, $7,000,000; for the Metropolitan Area Guidance Information Center [MAGIC] traffic management system, $6,290,000; for Transcom, $2,400,000, including $500,000 for an enhanced traffic advisory/diversion system at the intersection of the turnpike and parkway, $400,000 for an expansion of traffic monitoring along the I-287/Tappan Zee Bridge corridor, and $1,500,000 for a system of enhanced, integrated variable message signs on the turnpike; and for the State police on the New Jersey Turnpike, $3,500,000, including $1,250,000 for communications/computer equipment for integration of State police traffic enforcement activities, $1,000,000 for communications equipment at the proposed new State police facility, $450,000 for 6 additional highway advisory radio [HAR] sites to provide drivers with traffic updates, and $125,000 for completion of work on a closed circuit TV/HAR system at exit 16W on the turnpike.

The conference report also makes key investments in our transit systems. One of my top priorities in putting the Senate bill together, and throughout the conference, was to protect transit operating assistance. I am pleased to note that the conference agreement retains the full amount, $802 million, provided in the Senate bill, rather than the $720 million allocated by the House. The administration's proposal was even more severe than the House, and would have provided only $217 million, meaning New Jersey would have lost 96 percent of its operating assistance. With the retention of the $802 million, we can help keep fares down, and keep service accessible to those who depend on transit.

The Urban Core, a project to link the State's rail lines into a coordinated, efficient network, will receive $65,430,000. With the Urban Core, rail commuters will be able to travel easily from one part of New Jersey to another, and have more direct access to Manhattan. It will not only make existing rail lines more efficient and convenient, it will help open up rail service to thousands of New Jerseyans who now must drive.

$4,500,000 is provided for preliminary work on upgrading the Hawthorne-Warwick line for commuter rail service, and $3,000,000 is provided for work on the Lakewood-Freehold-Matawan/Jamesburg line. $17,850,000 is provided for a new bus maintenance facility in Atlantic City.

In the area of intercity rail, the conference report provides $35 million for various safety and communications upgrades between New York and Washington through the Northeast corridor improvement project, and $5.5 million for construction of a much-needed parking garage at the Metropark station, which will help increase capacity there significantly.

Important provisions are included relating to New Jersey's aviation network, as well. Priority consideration is given to the acquisition of airport rescue and firefighting equipment at Morristown Airport, and to $18,000,000 in funding for the Atlantic City Airport capital program.

To address important local concerns, the FAA is directed to withhold the release of a $554,000 airport improvement program for Princeton Airport. Before releasing the funds, the FAA is to assess alternatives for approach patterns at the airport, with a goal of minimizing impacts on local residents.

Finally, important measures are included to tackle the ongoing problem of aircraft noise in New Jersey. One provision freezes pay increases for FAA employees responsible for air noise policy until the environmental impact statement, or EIS, on the expanded east coast plan is submitted. The EIS has been delayed for far too long, and inclusion of this measure will force the FAA to get on with its mandated task, and issue the EIS. While a measure like this is an unusual one, the frustration of affected residents in New Jersey calls for extraordinary measures.

To assist the citizens of New Jersey in assessing the draft EIS and evaluating options for alleviating noise over residential areas, $50,000 is provided to procure technical assistance. These funds are not for legal assistance, but for professional technical assistance, similar to that provided under the Superfund Program for citizens residing near hazardous waste sites.

Mr. President, the conference agreement on the fiscal year 1993 transportation appropriations bill provides for significant investments in New Jersey's transportation systems, and ad-

dresses important transportation-related issues in my State. I urge my colleagues to support this important legislation.

Mr. President, I think that concludes the work on the Transportation appropriations bill for fiscal year 1993. I would simply like to say thanks to my colleague, the distinguished Senator from New York [Mr. D'AMATO] for his cooperation and hard work, as well as the chairman of the full committee, the President pro tempore, Senator BYRD, whose commitment is well known to investing in our Nation's infrastructure, and to the ranking member of the full committee and a distinguished member of the subcommittee, Senator HATFIELD, whose advice and, assistance is always appreciated and valued.

Mr. President, we are, in the interest of moving the business of the Senate, expediting this process. There are many things that ought to be said about this bill, about the way it was created, about the steps. I will forego that opportunity because there are many other matters of important business awaiting our attention. That concludes the work of the Senate on this bill.

Mr. D'AMATO. Mr. President, I join my colleague Senator LAUTENBERG, in support of adoption of this conference report on the fiscal year 1993 appropriations bill for the Department of Transportation. This conference report contains a grand total of $36 billion in new budget obligational authority, limitations on obligations, and exempt obligations. It is $373 million under the President's request.

This bill contains vital funding for the State of New York, as well as for the Nation. Approximately $1.7 billion in highway aid, mass transit capital and operating aid, aviation grants and capital projects, and other transportation programs will flow to the State of New York. I am very pleased that operating aid for large urban areas like New York City, Buffalo, Albany, and other cities has been preserved; this program brings about $100 million in total to New York State. Nationally, transit operating aid has been funded at $802 million.

I am extremely disappointed that two labor provisions were deleted from the conference report with respect to aviation workers. The labor protective provisions for air carrier employees displaced by international route transfers, and the flight attendant duty time provisions were deleted as a result of a strong veto threat from the administration.

Both of these labor provisions are necessary to bring fundamental fairness to the handling of current problems facing the aviation workforce. The bankruptcy of Pan American Airways has thrown thousands of skilled people out of work in New York State and elsewhere. Our bill would have assisted them in securing new positions in the fields for which they are trained. It is ironic that foreign governments protect their airline workers when international routes are transferred while our Government will not. The duty time provisions would have maximized safety for millions of airline passengers by ensuring that flight attendants can properly attend to their basic duties. I remain committed to seeing that both these issues are addressed in the next Congress.

There are many other areas of interest in H.R. 5518. Chairman LAUTENBERG has outlined them in detail in his statement. I encourage my colleagues to vote for this conference report which contains billions of dollars to build needed transportation infrastructure projects and will put millions of Americans to work in the process.

I urge the adoption of the conference report.

Mr. President, let me thank staff on both sides. They have done a magnificent job.

I want to thank the chairman, Senator LAUTENBERG. It has been a pleasure working with him and the chairman, Senator BYRD. Without their cooperation we never would have come to this point. I think it is a good bill. I think it really begins to move us in the right direction. Again, I want to commend all of those who have made it possible for us to reach this point.

Mr. LEVIN. Mr. President, I am pleased to be able to support the conference report accompanying the Department of Transportation and related agencies appropriations bill for fiscal year 1993.

The Senate's version of this bill had contained provisions which have broken the deal that was made during passage of the most recent highway authorization bill, better known as ISTEA. The agreement on highway funds distribution that we reached during debate on ISTEA ensured a minimum allocation of 90 percent to States, like Michigan, that have been donating more to the Federal Treasury in gas taxes than they have been getting in highway funds in return.

This conference report dropped the provisions that would have reversed the ISTEA agreement, to Michigan's disadvantage. I joined with 43 of my colleagues in sending a letter to the conferees expressing or opposition to these objectionable provisions. If the conference had retained those provisions, I could not have supported the conference committee's report. This is not to say that I am satisfied with the ISTEA formula.

Michigan still deserves a fairer share. But, at least we did not lose any ground in this appropriations bill. Those of us from the minimum allocation States are prepared to continue fighting to get a more equitable distribution of highway funds.

Mr. President, I would also like to thank the conferees for including in the conference report a number of important highway projects throughout the State.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Vermont, Mr. LEAHY, with the understanding that I do not lose my right to the floor. I understand he wishes me to yield for 4 minutes. I yield for 4 minutes without losing my right to the floor.

SENATOR AL GORE

Mr. LEAHY. Mr. President, I thank the distinguished chairman for his usual courtesy. I just wanted to complete a point I made—and I will speak longer at another time—when I was interrupted by a procedural request from the other side of the aisle.

I feel very strongly that the attack on Senator GORE was wrong, it was unfair, but it also was not factual. I do not yield in my respect for him to anybody in this body. I have known Senator GORE all the time I have been here. I have enormous respect for his credibility, his honesty, and his integrity.

I know how he agonized on the question of the war, whether to vote for or against it because I had long discussions with him at that time. While he and I had different conclusions, I thoroughly respect the way he came to his decision. It was a decision based on his conscience, based on the study of the issues and for no other reason. I am totally convinced of that.

I also know that in his speech the other day, he made a very important point that should not be overlooked. I rather suspect that some of the things we have heard on this floor tonight and some of the attempt to stop some of the comments made on the floor tonight is that some Members of this body are somewhat nervous about the point that Senator GORE made, which is: The American taxpayers are today spending $1.9 billion basically in foreign aid to Saddam Hussein, spending it today because this Nation cosigned notes for Saddam Hussein. Can you imagine anything that crazy?

When an attempt was made on the floor of the Senate to stop that, some of the same people who sit in the Sen-

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ate today led the charge in trying to allow those notes to go forward and to allow that crazy idea to go forward; some of the same people now object, certainly when the Senator from Vermont stands up to speak to this issue.

The fact is, Senator GORE has pointed out it was a colossal mistake. He should not be silenced on that because I think it is an issue. He spoke the truth, he spoke it accurately and he spoke it in a way that if somebody wants to debate it, then debate it face to face with him. Do not debate it when he is not here to respond.

I thank the distinguished chairman from West Virginia, my good friend and a man I have enjoyed serving with these 18 years, for this courtesy in yielding.

Mr. BYRD. I thank the Senator. Mr. President, I understand the distinguished Senator from Illinois wishes me to yield 5 minutes.

Mr. President, I am going to at some point soon, hopefully, to ask to proceed to the consideration of the conference report—I am not doing it now—on the Treasury, Postal appropriations bill, H.R. 5488.

I yield 5 minutes to the distinguished Senator. I am not going to do that until Senator METZENBAUM is on the floor, but I am going to hold the floor so that nobody can get it and talk for an hour and a half or 2 hours before we get started with it. So I yield to the distinguished Senator for 5 minutes with the understanding that I not lose my right to the floor.

DIFFER WITH RESPECT

Mr. SIMON. Mr. President, I assure the President pro tempore I will not speak for an hour and a half or 2 hours.

Mr. President, I was not here when my good friend, and he is my friend, Senator ALAN SIMPSON, spoke. But I received a phone call from my wife saying you ought to get over to the floor and respond to what was said. I heard the general nature of what was said.

Senator SIMPSON, like Senator SIMON and Senator CHAFEE and Senator BYRD and Senator DECONCINI and Senator PRYOR, once in a while goes off the deep end. Even the Presiding Officer, Senator WELLSTONE, once in a while may be guilty of that.

I think one of the things that we ought to do is to differ, but differ with respect. Let me give a very practical example.

There is probably no Member with whom I vote more differently than the senior Senator from North Carolina, Senator HELMS, and yet I have seen him go out of his way as a gentleman to constituents from Illinois and other States, and personally we get along. While I differ with him strongly, I respect his sincerity.

It seems to me that is the basis of how we operate here. We differ, differ strongly, but if we assume the other person is just as sincere in motivation as we are, generally speaking, we are going to be right. Once in a while we are going to err, but let us err on the side of generosity.

I would add that for a free system to work—and I would defer to Senator BYRD on this, who is much more of a student of history than I am, but I think it is safe to say that for a free system to work, a certain amount of self-restraint is essential.

I have differed with AL GORE. Four years ago, some of you may remember, if you have real good memories, I was a Presidential candidate, and Senator GORE and I were out campaigning, and sometimes we had very sharp exchanges. I am sure, if you go through the record, you will find PAUL SIMON differing with AL GORE on some things, as we did on Desert Storm. But I think we can learn from each other.

One of the things Senator GORE contributes that I think really is significant, AL GORE, as much as any Member of this Senate, takes the long-term look at things. I told his father, Albert Gore, Sr., shortly after the word spread about AL GORE being the nominee, I thought that was one of the contributions Senator ALBERT GORE, JR. will make to the Nation. He is going to take the long-term look at things.

I hope, Mr. President, in these final 72 hours, or whatever time is remaining around here, that, yes, we are going to have our differences, but as we have our differences, let us respect one another. I think that is true for the Democrats, when we speak about George Bush and DAN QUAYLE. I think it is true for the Republicans, when they speak about Bill Clinton and AL GORE. Let us exercise a little self-restraint and our system will be better off.

It is a little like when we go out in the campaign and we start knocking the Senate. It is an easy thing to do, easy to demagog, but ultimately we hurt ourselves doing it. And when we become excessive in our partisan positions, Mr. President, we hurt ourselves and we hurt the process.

Mr. President, if I have any time remaining out of that 5 minutes, I yield it back to the Senator from West Virginia.

RECESS FOR 5 MINUTES

Mr. BYRD. Mr. President, would the Chair momentarily protect my right to the floor.

The PRESIDING OFFICER. The Chair will do so, without objection.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes, and that I be recognized upon the resumption of the Senate's business.

There being no objection, the Senate, at 8:36 p.m. recessed until 8:42 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WELLSTONE].

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, the Senator from West Virginia is prepared to ask consent to proceed to the consideration of the conference report on the Treasury-Postal Service bill.

Mr. President, I ask unanimous consent that, on the completion of the business that the two leaders are about to engage the Senate in, I be recognized again.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR 5 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes, under the previous order.

There being no objection, the Senate, at 8:52 p.m., recessed until 8:58 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WELLSTONE].

RECESS FOR 10 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes, and that I be recognized upon the resumption of the Senate session.

There being no objection, the Senate, at 8:59 p.m., recessed until 9:09 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WOFFORD].

The PRESIDING OFFICER. The President pro tempore.

TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993—CONFERENCE REPORT

Mr. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 5488 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to

the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 1992.)

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I would like to take a few minutes to explain what is in this bill. I know there are some Senators here who want to discuss an issue regarding authorization of Federal buildings.

Before I review what we have in this bill for Customs and for ATF and for postal revenue foregone, et cetera, I will be glad to yield the floor.

I do want, before I do that, to advise that my ranking member, Senator DOMENICI, is not here right now, but he has indicated to me that we may proceed this evening with the bill and he may be able to get down here.

I will be glad to yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the subject I would like to address this evening is the matter of those buildings, and perhaps 55 of them that appropriations have been provided for when, in many instances, and I say practically all instances, there was no authorization by the authorizing committee, which is the Environment and Public Works Committee.

Mr. President, that came about in several instances, and I would say in nearly all instances, because of difficulties that arose within the committee—I am talking of the authorization committee—due to the illness of our chairman at the time and then some gaps that arose following his untimely death.

So, as a result, I think it is fair to say that there was a gap and that the Appropriations Committee moved ahead and filled that gap, operating upon some assurance from representatives of staff and the committee that it was proper to so proceed.

Mr. President, we look on that as water over the dam. That is done. What occurred was unfortunate, and, as I say, some of the blame resides in the authorizing committee, which is in the Environment and Public Works Committee.

Mr. President, there are two points that I would like to make this evening in a colloquy, if I might, and I know that the distinguished Senator from Ohio, a member of the committee, might also want to contribute to this.

My two points are as follows. And I am speaking this evening, Mr. President, on behalf of the chairman of the committee, who I have been in discussions with, Senator MOYNIHAN, and he is in complete agreement with the approach that I am taking.

First, I hope that we can receive some assurance from the chairman of the appropriating committee, the distinguished Senator from Arizona, that in the future this will not occur, that if there were buildings that members of his committee were anxious to proceed on, there would be communication between the two committees so that either we could authorize them or not authorize them. And by that I mean, Mr. President, choose to reject the authorization rather than just have a gap arise in which there is a vacuum in which the Appropriations Committee is left not knowing just what the status is and what they should do.

What I hope is that we receive assurances that there would be no appropriations without the authorization, and, if they are going to proceed, to promptly speak with us and see if we cannot iron it out. Maybe we cannot. Then there would be a headlong clash of some type. At least everybody would know where everybody stood on it. That is my first request.

My second request deals with three specific buildings in the District of Columbia—the Army Corps Headquarters, $50 million; the FBI field office, $53.8 million; and the U.S. Secret Service building, $150.6 million.

On those particular buildings, in which, indeed, prospectuses were received by the Environment Committee, but they never were scheduled. They were in a somewhat different category than most of the other buildings that, as I mentioned before, we failed to get to. These were not in that category that we failed to get to. They were not even moving on the radar range, if you would, on the radar screen.

On those particular three buildings I hope that the chairman of the appropriating subcommittee will join with us in a request that the head of the GSA would not proceed with those buildings unless the authorizing committee, indeed, did authorize them, and it is our responsibility in the authorizing committee to take these under consideration within the first 3 months of the following year.

So that is my request of the chairman of the appropriating subcommittee.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I merely want to identify with the concerns expressed by the Senator from Rhode Island, the ranking member of the Environment Committee. I have been on the committee much less time than most other members of the committee, but I have found, over a period of time, that our Government expenses its funds and makes contracts in a manner that one has some difficulty in comprehending, and sometimes I have the feeling that the efforts of the Government to purchase land as well as buildings, build buildings, or lease buildings is not always what appears to this Senator, at least, as being in the public interest. I think there is a somewhat cavalier attitude on the part of some of the officials, and maybe part of it has to do with insufficient experience.

It is a fact that three of the projects that are in the appropriations bill—the Army Corps, $50 million; the FBI field office, $53 million; and the U.S. Secret Service, $150 million—some have been discussed somewhat previously, some not at all that I know of. The FBI field office has been rather extensively discussed and, frankly, there has been some disagreement as to whether or not the Government was overpaying for the land before they even got to the construction aspects of it.

As I understand the Senator from Rhode Island indicated that perhaps we can get some assurances from the Senator from Arizona that we would try to work in the future with a better arrangement where we would try to see that the authorizing committee does act with dispatch and either agrees or disagrees to go forward before it gets to the Appropriations Committee; and, second, some assurance that he would join with us in urging the GSA not to go forward with the expenditure of any significant funds until such time as the authorizing committee had a chance to examine into the issue and conduct such hearings that would be necessary, and certainly that the Environment Committee would be constrained to act with dispatch and not to delay the matter, and it would not be expected that the GSA would in any way violate or terminate any of the contracts which have, heretofore, been entered, although I do not think there have been any such.

I think that these assurances were given, and the ranking member—speaking on behalf of himself as well as the chairman, and chairman of the appropriations subcommittee—all were in agreement that the GSA would withhold action subject to the fact that it would not be prejudicing the Government's position or violating any contractual rights, I think this matter could be resolved. I think the government's interests would be served. And I do not think there would be any harmful effect as far as the agencies concerned are involved.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Let me assure my distinguished friend from Rhode Island and my friend from Ohio that this committee tries its best. I realize people can dispute what the best is. But we try our best to cooperate with any authorizing committee. Because we appropriate money for the GSA, we obviously have to have a good relationship, or at least a relationship, with the authorizing committee.

In the past we have done that. And this year we have done that. We have contacted that committee. I talked to

the staff of that committee regarding one particular building in Fargo, ND, that had not been authorized. My staff talked to the committee.

I understand and appreciate what the Senator from Rhode Island says about the committee situation this past year, and perhaps that had a lot to do with the dispute, or unauthorization.

But let me make it very clear so nobody misunderstands. I believe there are only two buildings in this bill out of the 36 buildings, that have been authorized by the Senate. One of the ones is the Senator from New York's building, Senator MOYNIHAN's courthouse building. The other one is the late Senator Burdick's building in North Dakota, at Fargo.

The rest of these, all these courthouses have not been authorized. I do not blame anybody. I do not blame the late Senator Burdick, Senator CHAFEE, or any committee. That is up to them.

But I think it is very important as we go through here, and I hope to give my friends enough assurance of my earnest belief that we should have authorization here—we need to understand or at least correct, if I am not correct—I am under the impression that the way Federal buildings are authorized today in the Senate is a bit different than say the defense authorization committee, or the Interior energy authorization committee, or the Commerce authorization committee where a bill is passed and certain projects are authorized. A House comparable bill is passed and certain projects are authorized. Then there is a conference. They agree on which ones, and they come back, and then we have a lump sum of authorized courthouses or other Federal buildings.

I am under the impression, and I appreciate the Senator from Rhode Island correcting me if I am wrong, that this process in the Senate, at least, is not the normal process for consideration of authorization.

In the House—let me explain how it has been told to me that the House works. In the House, the Subcommittee on Public Buildings and Grounds reviews and considers prospective requests from the GSA. It makes recommendations to the Public Works and Transportation Committee and by committee resolution the projects are authorized.

There is no vote on the House floor, and there is no conference with the Senate on what they might do. And the Senate, I understand, operates somewhat in the same way. That if they are going to authorize a building, the committee authorizes it, then they send a letter of authorization so there is no authorization bill out on the floor.

When you talk about authorization, I am talking about real authorization, and it seems only right that if we are going to have authorization the committee that has jurisdiction should hold hearings. This Senator should have the right to represent his constituents and come before that committee and argue and plead the necessity for a new courthouse for the District Court of Arizona. Which, it just happens, the judges want one, and GSA was willing to do one. It is not in this bill because I did not think it was—we oversaw it, and it was not a good, sound judgment on the part of GSA or the judges, and they are working on it.

But next year I need consideration of the committee and I will bet other Members here do too, where we can make our case for a Federal courthouse in Phoenix, AZ. And if the committee does not act on it for whatever reasons? If they do hold hearings and decide, boy, it is not justified, we do not have the money, we are not going to authorize it—I will not like it, but well and good. And if it comes to the floor and I want to try to add it on to a bill of authorization and I get beat—well and good. I lose.

But if the committee in its circle of 15 or 17 Members decides we are not going to authorize it, and it never gets to the floor where I have a chance to plead my case or I have a chance to plead my case before the committee, I do not think I am asking too much for suggesting that that is not real authorization.

Now, to deal with the problem we have tonight. This bill is one bill that there are no amendments in disagreement to, so it is not amended. The Senator from Ohio has certainly every right, and I respect it and I compliment him for it, about watching the taxpayers' dollar. But let me assure my colleagues, the Senator from New Mexico, the Senator from Arizona do not sit hour after hour listening to the GSA or Secret Service—we do not have FBI—and other agencies come who want buildings and just say: Sure, do whatever you want.

We have argued with the Secret Service. We made them go back. We made them come back. They reduced the amount at our request. I am not saying our judgment is any better than that of the Senator from Ohio but I want him to know the Senator from New Mexico and I ask many questions and ask them to present it to us. Why? Because they have not been authorized. Second, they have been submitted and requested to be authorized.

And here we are caught in the dilemma. If we consider the building a necessity, if the committee has not written to us and said do not authorize this—I mean do not appropriate money for this—which we did not hear from the committee—we marked up the bill in July. It sat printed in everybody's desk here, or in their office all through the recess. We had 2 days on the floor. Nobody questioned the lack of authorization of any bill here.

I know everybody is busy.

So we proceeded—that, there being no objection we could certainly proceed with our conference, which we did.

Now, the House has the same procedure and problem over there. They had some buildings. Some are authorized and some are not. We go to conference, we agree. Now we are here.

Now the real problem for, I think the Senator from Ohio and the Senator from Rhode Island, are three major buildings, big, expensive buildings. They are the Secret Service building for $150 million I believe, the FBI building, $53, million, and the Corps of Engineers building for $50 million.

So we have three large buildings. They have not been authorized. We all know they have not been authorized when they have come on to the floor in an authorization bill—but they have not even been authorized in this quasi-authorization process of the committee getting together. I do not say that critical—it just has not happened.

So what I am prepared to say as part of the genuine spirit of being sure that buildings are properly pursued, authorized, scrutinized, money is not wasted, is when this bill becomes law and the money is appropriated and set forth in the law, available to GSA to spend it on those buildings, that this Senator will join—or do it separately—and talk to the director, the head of the GSA, and ask them not to spend the money and to come before the committee for an authorization hearing or whatever the process may be.

I want it to be very clear that if the committee does not act and if the committee does pass a bill that specifically says we deauthorize, or we refuse to authorize. or whatever action there is, and this Senator may agree with you if you do that, particularly if you go through an authorization process—better it will be for the Government than to have it—we cannot stop the spending of this money. So I do not want anybody to have any impression that the money could not go ahead and be spent if this becomes law.

But this Senator intends to do what he can to influence the GSA, so the GSA will come before it, as requested by the committee, present the justification on these three buildings or any other buildings, and that the committee will vote on it.

Now, I have already talked to the distinguished chairman from New York, and I would like to have an arrangement, as other appropriations committees have, where they work hand in hand. if they are going to appropriate money for something that is unauthorized, they tell the chairman. And he has an opportunity to oppose it and what have you.

But what I have to ask the distinguished chairman from New York and the ranking member is that they do an authorization bill, and that they bring that bill to the floor in a timely manner, before we appropriate.

I will live by what the law is or do my level best. And if I disagree so strongly as an appropriator that we should appropriate money for a courthouse because the roof is falling in or whatever it is—I will tell them. And we may do it. And then we can argue about it on the floor and they can move to strike it.

There will not be anything going on under the table or in secret. So I am prepared to commit myself to work with that committee. I would feel better.

But I have to have a commitment from that committee, I cannot speak for the Senator from New Mexico—from that committee that they are going to do truly authorization of these projects. It is a big job. You have Members who want courthouses—half the Members here. And they are going to want to come and make a plea. You have judges who are going to be calling you, not to mention the U.S. attorneys and marshals that are going to want new courthouses and new Federal buildings. And you are going to have constituents, Social Security people who are in dilapidated buildings in your cities and they are going to want to be heard by your committee. And I hope that the committee will do that.

If the committee goes through the authorization process I have no problem. But quite frankly I just hope the Senator from Ohio, the Senator from Rhode Island, understand that I have been caught with no authorization. And really no process except talking to the committee. And in this particular case, except for one example where I talked to the late Senator from North Dakota in his hospital room a few weeks before his demise about one authorization of one building, we have been dealing with the staff and the staff said: "Authorize this building. We are not objecting to whatever you have to do." That is what they told us.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I was unaware the bill was going to come up at the time it did. And I was not present here on the premises.

So I was not here to join my friend and chairman, Senator DECONCINI. I understand the concern of my friend, Senator CHAFEE.

While I have not heard from Senator METZENBAUM yet, I think I understand what he is going to say.

Mr. President, I wonder if I might just recap the situation on these Federal buildings this way: This conference report recommends a total fiscal year 1993 limitation of $677,377,000 on the new construction activity of the Federal Buildings Fund. This compares with a total limitation of $600,953,000 requested by the President. It is not as if these buildings were brought down out of the sky somewhere. The President of the United States asked for most of them.

The House bill proposed $684,952,000 for new construction, and $670,377,000 was proposed in the Senate bill which we passed here. We voted on it.

We sent Senators DECONCINI, DOMENICI, and a couple of other Senators on each side to conference having already approved these new construction projects in the Senate and the House bill had a few more buildings. We went to conference and we ironed out the differences and brought back a bill that has what we already approved plus some that the House approved that we did not. That is the way we do things here.

With reference to a number of these projects, just so the RECORD will reflect, we are talking about something that has been on the planning boards for a long time. I will just pick one that is contentious tonight—the Secret Service Headquarters Building.

Six years ago, the Secret Service began to work on the consolidation of its headquarters at one location. Its current lease expires in 1995. The initial plans were for the Service to consolidate in leased space. However, during review of the Service's prospectus in 1991, a determination was made that it would be more cost-effective for the Service to be housed in a federally owned facility as opposed to leasing.

Given the permanent nature of the Secret Service's requirements, a proposed lease would have been structured with a 20-year term and the required leasing proposal would have constituted a capital lease under current budget agreements and scoring conventions. Life-cycle costs associated with a lease facility would have been higher than a comparable federally owned building.

Based on this analysis, the President's budget contained a request for construction of this building under a prospectus that was sent to the Congress for consideration.

The Senate authorizing committee has not yet acted on the prospectus. However, the House authorizing committee approved a resolution authorizing $150,569,000 for the headquarters building. The House resolution indicates that GSA is authorized to meet the Service's headquarters consolidation needs through a building purchase if it proves more cost-effective. What is included in this conference report for this project complies with this action. We have provided $150,569,000 for this project.

Frankly, it is time. We should not delay another year and have the Secret Service of the United States on a premise with an expired lease when they have been working to consolidate for this many years.

We did not come to the Senate with unauthorized buildings in the sense that we just invented them or that we are here for the first time, sort of de novo tonight saying why do you not approve this. Thirty of the thirty-six projects in this conference agreement were already approved by a vote of the Senate.

There are two others that seem to be contentious. Both of them were requested by the White House. Both of them are of longstanding need. The FBI has been seeking to relocate its field office since as far back as 1984 I believe. It seemed to us that staff to staff there were of merit. This is a rather informal arrangement, but there is plenty of assurance in this process. Most of these buildings have gone through GSA and the Executive process to assure their maturity and the fact that the U.S. Government is meeting its needs in the most cost-effective manner.

The others I will not go into in detail, but they are very similar to the Secret Service project as described.

I, too, would say to my friend, Senator CHAFEE—and he is here speaking for Senator MOYNIHAN—I think it is imperative when the President sends us a $670 million request for buildings determined to be needed that somebody get on with giving some authorization in some informal way rather quickly and that we have some arrangement to make sure that is being done. I would like authorization, too. Frankly, I think this will always be done rather informally.

I do not think we did a bad job. I hope the Senate approves this bill. We spent a lot of time on the needs of the Internal Revenue Service and the law enforcement agencies, and the other programs in this bill to make sure they have proper funding, not just these particular buildings.

Before we close, I will make a statement on the Competitiveness Council where I disagree wholeheartedly with the statement of managers. Other than that, I support the statement and conference report on this bill and hope we will agree to it quickly tonight.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to thank the managers of the bill and on the part of the authorizing committee, and I can speak for the chairman on this, I know, one, we will move promptly with consideration of the request; two, we will give opportunities and notice to the best of our ability to Senators to appear when we are considering this prospectus that deals with the particular building that will be of concern to those Senators.

In other words, I think it is perfectly fair and correct that Senators should have an opportunity to argue for the buildings that they would like. I can only assume those buildings would be within the borders of their States.

Those are two things.

The distinguished chairman of the subcommittee asked that we then proceed with an authorizing bill that

would come to the floor. I cannot make that commitment on behalf of the committee. I am not authorized. The chairman and I have not discussed that.

I know the problems would come not so much with the Senate but with our relationships with the House because it is my understanding that in some past years—indeed, this is the way it was done—a lot of problems arose with the House of Representatives in connection with that.

So I think there is virtue in sticking with the system we have, but certainly more notice has to go out to the affected Senators. I can guarantee that will take place.

So, in summary, we make that commitment.

Second, the ranking member and the chairman of the subcommittee will proceed only with authorized buildings or, if they do not want to, then at least they will let us know and we will have a chance to speak with them, why we did not authorize it, what our rationale was, and a chance to argue back and forth.

Finally, in these three particular buildings, the commitment is that we talk with the GSA, that is our committee and the chairman and I presume the ranking member with the GSA and urge them to hold up actions on these particular buildings, Army headquarters, FBI Field Office, and U.S. Secret Service, with no further action unless contractual actions have been entered into, and we understand that, until the authorizing committee does authorize. We have to get to it within the first 3 months. We will move expeditiously, I certainly can guarantee that.

Mr. DECONCINI. Will the Senator yield?

Mr. CHAFEE. Yes.

Mr. DECONCINI. I would like to discuss with the Senator for a moment about some time.

Does the Senator have any idea? And I realize the chairman is not here, but I hate for this to happen the month of September 1994.

Mr. CHAFEE. You mean next year? No, I made a commitment within the first 3 months we would move to these three buildings.

Mr. DECONCINI. The first 3 months of 1993.

Mr. CHAFEE. Yes, 1993.

Mr. DECONCINI. I did not realize that.

Mr. CHAFEE. Yes. Frankly, I took the outside. As the Senator knows, not much happens around here in January. I am not sure when we come back. Whatever it is I know the chairman will want to move quickly. When I say the first 3 months of 1993, that is the outside limit. I would hope we can move much faster.

Mr. DECONCINI. Mr. President, I think it has been a healthy discussion, and I want to thank my colleagues and the Senator from Ohio. He is a very tenacious individual, a very good friend of mine. I have the greatest respect for him. I respect what he does and tries to do. I may disagree with his approach from time to time, but I appreciate his effort. I know he is sincere in trying to make Government more effective.

I just want to tell the good Senator that Senator DOMENICI and I had tried to do the same thing with this bill. We have not thrown money away in the bill, and we will continue to work with the authorizing committee with the sincere hope of reaching some mutual agreement. And if we cannot, we cannot. That is how this process works.

When you have a commitment by the Senator from Rhode Island on behalf of the chairman to take these three buildings, or any other buildings, and try to determine from the authorization point of view what is necessary and what is justified, if it turns out to be less than this, I will do everything I can to see that the GSA does not spend the money or alters it or makes some changes, because that is what we want. It may be that they will justify it should be more. The real estate market may turn upwards between now and the first 3 months of 1993. So who knows. But that is what we will have to go through.

Mr. MOYNIHAN. Mr. President, if I may just say that with regard to the projects referred to by the Senator from Rhode Island and the Senator from Ohio, which are the proposed Washington field office of the FBI, the proposed new headquarters of the Army Corps of Engineers, and the proposed new headquarters for the Secret Service, that I concur wholeheartedly with the remarks the two Senators have made.

In the past, the position of the Committee on Environment and Public Works may not have been clear on the issue, which is to say that objections were not raised as a matter of course to the inclusion of authorizing language for GSA projects in other bills. This is just to let the Senate know that this is a thing of the past. Our committee cares deeply about the endeavors of the GSA and has definite opinions on which projects should be authorized and which should not.

We have asked for assurances from the GSA that these three projects will not proceed unless and until the Committee on Environment and Public Works has disposed of the prospectuses submitted to us by the GSA regarding these projects. We are confident that the GSA will respect our wishes and those of the Senator from Arizona on this matter.

Mr. President, I thank the Senator from Arizona for his hard work and his gentlemanly cooperation in this matter.

Mr. DECONCINI. Mr. President, I am pleased to bring before the full Senate the conference report accompanying H.R. 5488, an act making appropriations for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for fiscal year 1993.

The conference report totals $27.486 billion. This amount is $59 million below the House-passed bill, $95 million below the Senate-passed bill, and $117 million below the President's budget request. It is also $2.896 billion above the fiscal year 1992 enacted level. The bulk of the increase above the fiscal year 1992 level, $2.5 billion, is for mandatory programs of the Office of Personnel Management which provide payments to Federal employees and retirees to cover health benefit and retirement costs. These mandatory costs are not within the control of the Appropriations Committee.

For discretionary spending, the conference report contains $11.283 billion or $117 million below the President's budget request.

Mr. President, very quickly, I will go over some of the highlights of the conference report.

For the General Services Administration, the bill contains $626 million for new courthouses and Federal office space to meet the expanding requirements of the Federal judiciary and executive branch agencies.

For the Department of the Treasury, the bill contains $7.1 billion for the Internal Revenue Service, an increase of $433 million or 6 percent above the fiscal year 1992 enacted level.

For the U.S. Customs Service, the bill contains an increase of $10.5 million for 300 new Customs inspectors to man new and expanding ports of entry which will be coming online in fiscal year 1993.

For the Bureau of Alcohol, Tobacco and Firearms, the bill contains an increase of $13 million to cover the full-year costs of 200 new Federal enforcement agents to fight violent crime in cities across the Nation.

For the Office of National Drug Control Policy, the bill contains $86 million for assistance to Federal, State, and local law enforcement agencies to enhance antidrug efforts in the 5 designated high-intensity drug trafficking areas. It also contains $75 million for a variety of drug treatment and enforcement programs which will be funded by the proceeds from seized drug assets.

For the payment to the Postal Service fund for subsidies to preferred rate mailers, the bill contains $121.9 million, the same amount funded by the House. This amount is the same as the President's budget request but $360 million below the level the Postal Service says it needs to provide the full subsidy to maintain current rates to preferred rate mailers. The conference report includes language adopted by the House prohibits the Postal Service from raising the rates of preferred rate

mailers in fiscal year 1993 if there is insufficient funds to cover the costs of subsidies.

In closing, Mr. President, I want the Members of this body to know that this is a lean conference report. It is within the President's requested level and the committee's 602(b) allocations and I urge its adoption.

ADOPTION OF THE CONFERENCE REPORT

Mr. President, if there is no further debate, I urge the adoption of the conference report.

Mr. DOMENICI. Mr. President, we present for the Senate's approval today the conference report on H.R. 5488, the Fiscal Year 1993 Treasury, Postal Service, and General Government Appropriations Act.

This conference agreement provides total appropriations of $22.5 billion for the Department of the Treasury, the Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending on September 30, 1993.

Including congressional budget scorekeeping adjustments and prior-year spending actions, the total discretionary spending recommended by this conference agreement is $11.283 billion in budget authority and $12.003 billion in outlays. These levels are within the fiscal year 1993 discretionary spending limitations established for this appropriations conference report.

I am pleased to report to my colleagues that the President is expected to sign this appropriations measure. Total spending provided by the conference agreement is below the administration's level. In addition, the conferees have deleted or modified language previously included in the bill to satisfy the administration's most serious objections, eliminating prior potential veto threats.

Not every item in conference has been resolved in the manner I would have preferred, but settling-out differences between the House and Senate always entails compromise and sacrifice on the part of both bodies and the individual Members. And given this, I believe we have reached a fair compromise.

As my colleagues know, the administration raised serious objections to the House-bill provision prohibiting funds for the President's Council on Competitiveness or any successor organization. In conference, the House receded to the Senate position to delete this language from the bill.

While the conference committee dropped the statutory language prohibiting funding for the Council, the majority of the conferees agreed to include language in the statement of managers accompanying the conference report relative to procedures which should be followed by the Council. As I said, the majority of the conferees agreed to this statement of managers language. I objected to this language. It does not reflect my position.

I made my views known on this issue at length during the Senate's consideration of this appropriations measure. It continues to be my position that the Council is a Cabinet-level body established by the President to oversee Federal policy. The Council is not a regulatory agency; it does not issue regulations. The Administrative Procedures Act must be adhered to by the Federal agencies that issue regulations; nothing the Council does changes this fact.

Having said this, Mr. President, in closing, I would like to thank the chairman of the subcommittee, my colleague from Arizona, Senator DECONCINI, for his leadership and hard work on this bill this year. It has not been an easy process.

I urge the adoption of this conference report.

Mr. DASCHLE. Mr. President, the conference report on H.R. 5488, the fiscal year 1993 Treasury-Postal appropriations bill, includes an important provision with a significant impact on native Americans and the general population. I commend the members of the Treasury-Postal Appropriations Subcommittee in the Senate and all the conferees for their support of this amendment.

The amendment to which I refer requires the Bureau of Alcohol, Tobacco and Firearms [ATF] to deny any application for a certificate of label approval, including a certificate already issued, authorizing the use of the name Crazy Horse on an alcoholic beverage, but allows for the use up of product stocks in existence as of September 15, 1992.

Mr. President, to clarify the intent of this amendment for the legislative history, I want to explain how we reached this point. (For further background, I would refer my colleagues to the CONGRESSIONAL RECORD of September 10, 1992, pages S13235–S13236.)

There have been many concerns about the use of the name Crazy Horse for the purpose of marketing an alcoholic beverage, specifically the marketing of the Original Crazy Horse Malt Liquor by Hornell Brewing Co., Inc., of Brooklyn, NY. The two primary concerns have been: First, that use of the word "crazy" in the product name and the overall product packaging undermine public health efforts to reduce alcohol abuse; and second, that use of the name "Crazy Horse" and the overall product packaging unfairly exploit the name of Crazy Horse, a great Oglala Sioux leader.

I would like to emphasize the first concern regarding the impact of the marketing of alcoholic beverages using the name Crazy Horse on public health efforts. As the U.S. Surgeon General and others have testified before Congress, the use of the term "crazy" on a clear, 40-ounce bottle of overproof beer, whose appearance is strikingly similar to that of hard liquor, could suggest to consumers that drinking the product will promote drunkenness, or craziness. The use of the name Crazy Horse would also appear to be an attempt to attract native American consumers. Alcohol abuse is a serious problem across all socio-economic and cultural boundaries and poses the No. 1 health threat to native Americans on and off reservations.

The rate of alcoholism among native Americans is six times greater than that of the general population. Accidents and chronic liver disease, cirrhosis, are the leading causes of death for native Americans ages 22 to 44. Native American infants are 20 times more likely to be born with fetal alcohol syndrome than other U.S. infants. Eighty percent of suicides among native Americans are alcohol related.

Section 629 of the House bill included a prohibition on any ATF action to approve any certificate of label approval which authorizes the use of the name Crazy Horse on any distilled spirit, wine, or malt beverage product. The Senate committee, in an attempt to obviate the need for legislation, encouraged the Oglala Sioux Tribe and the marketer of the Original Crazy Horse Malt Liquor, Hornell Brewing Co., Inc., to continue negotiations and enter into a binding agreement that would result in a voluntary withdrawal of the product label "in a way that does not cause undue hardship on the marketer, its suppliers, and its wholesale customers and their retail outlets." The parameters of such negotiations, which were agreed to by both parties, were to be limited to an agreement allowing a use up of existing product stocks by a date certain and a mutually acceptable brand name or names to replace the withdrawn brand.

After negotiations were deemed unsuccessful, the Senate adopted this amendment, which became section 630 of the Senate bill. During the conference on H.R. 5488 the House receded to the Senate, and the Senate amendment was included in the final version of the bill.

Mr. President, questions have been raised about the constitutionality of this provision. We have made every effort to approach this matter in a sensible and fair-minded way. Furthermore, my office has consulted with constitutional experts at the Library of Congress and has been advised that the provision is constitutional and should withstand a challenge on either first or fifth amendment grounds.

I am hopeful that passage of the conference report on H.R. 5488, and enactment of the fiscal year 1993 Treasury-Postal appropriations bill, will send a clear message to those who may be considering the employment of similar tactics in the marketing of alcoholic beverages. I hope that the 103rd Congress will build on this effort and work with ATF to combat other inappropri-

ate labeling and marketing for alcohol and other federally regulated substances. I am also optimistic that this will further enhance our efforts to address the critical needs facing Indian people and the entire country with respect to the fight against alcohol and substance abuse and fetal alcohol syndrome.

FEDERAL INFORMATION CENTER

Ms. MIKULSKI. Will the chairman yield for a question?

Mr. DECONCINI. I am happy to yield to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, in this conference report, the conferees agreed to a funding level of $46,419,000 for the General Services Administration's Information Resources Management Services. One of the programs carried out under this office of GSA is the Federal Information Center [FIC] Program.

As the chairman knows, the FIC Program provides a 1-800 telephone service that any citizen can call and get information about our complex Federal Government. The FIC responds to more than 8,000 callers per day, and several thousand letters per month, seeking information on a diverse range of Federal Government questions.

I understand that with the funds made available in this conference report, GSA is expected to restore the planned reduction of $1.7 million to the FIC, and continue operating this program at its current level with no adverse impact on the approximately 100 people employed in Cumberland, MD who are providing FIC services. Is this correct?

Mr. DECONCINI. The Senator from Maryland is correct. Under the funding level provided in the conference report for GSA's Information Resources Management Services Office during fiscal year 1993, it is my intent that GSA continue the FIC program at its current level.

Ms. MIKULSKI. I thank the chairman, and I yield the floor.

Mr. GRAHAM. Mr. President, I have offered amendments to bring to the attention of the Senate, the issue of reducing the Federal budget deficit and rebuilding the credibility of Congress in the public eye.

The Federal effort at serious deficit reduction must start somewhere. As I have stated before, Congress is an institution which by its nature is inductive and incremental. We can no longer wait until the day Congress is ready to tackle the issue of comprehensive deficit reduction. We must act immediately to begin to trim the Federal budget.

The administrative accounts of the major executive departments and of Congress is the place to begin this process.

As I reviewed the conference report on fiscal year 1993 Treasury, Postal Service, and general government appropriations, I found that the conference committee held only the operating expenses account of the official residence of the Vice President and the salaries and expenses account of the Office of Procurement Policy at 1992 levels.

It is with great disappointment that I must advise my colleagues that the conference committee rejected 9 of the 12 amendments that were accepted by the Senate.

The 12 amendments reduced the Senate funding amounts by $23.2 million.

The conference report appropriates $31 million over 1992 levels in the administrative accounts of the Department of the Treasury, the Executive Office of the President, the General Services Administration, and the Office of Personnel Management.

Mr. President, I thank the chairman and ranking member of the subcommittee, Senators DECONCINI and DOMENICI, and their staffs for their help in crafting and passing these amendments. However, in light of the outcome of the conference committee, I must vote against the conference report.

Mr. President, I wish to express my appreciation to the chairman and the ranking member and their staffs for the great cooperation that they extended during the Senate consideration of this bill in reference to developing a series of 12 amendments, the purpose of which was to recognize those areas in which the agencies within the responsibility of this subcommittee had been assigned new responsibilities, but, beyond that, to hold the agencies to their 1992 level of funding for their general administrative central office expenses.

This is consistent with amendments that have been offered or had been adopted in subcommittee on all of the executive agencies relative to freezing overhead costs at the 1992 level.

As the Presiding Officer will recall, earlier today we went much further than that as it relates to the legislative budget with a cut which will amount to some 10 percent this year and eventually as much as a 20- to 25-percent cut over the next 2 or 3 years in terms of the legislative budget.

It is, therefore, with disappointment I note that 9 of the 12 amendments adopted by the Senate were rejected by the conference committee. I know the commitment that our Senators had to this proposition, but, unfortunately, the bill before us today in these overhead accounts is some $23-plus million above the levels in those same accounts when the bill was voted on by the Senate.

It is especially disappointing to me, Mr. President, when you look at the agencies that are included.

As an example, the Office of Management and Budget, which is supposed to be the agency most concerned with the efficient operation of the Federal Government, the Senate had appropriated $51,934,000 for that agency. The conference report appropriates some $1,047,000 more than the Senate had appropriated; the Office of Personnel Management, the Senate had appropriated $116.5 million; the conference report, $119 million or $2.5 million more than the Senate appropriated.

I think not only the dollar amounts, that $23 million, is important, but it is the statement of commitment to a frugal Government by the very agencies that should be in the lead in that frugality. I believe the Senate took a position of leadership early today relative to its own budget. I am disappointed that these executive agencies are not taking the same position in terms of their budgets.

Mr. DECONCINI. Mr. President, I thank my distinguished friend from New Mexico for his long patience in working with this bill and his staff and my staff and everybody who has put in a lot of hours.

I urge adoption of the conference report.

Mr. ROTH. Mr. President, there are two matters that I wish to note that are contained within the conference report on the Treasury-Postal appropriations bill.

First, I find it curious that the conferees agreed to delete a House provision to defund the President's Council on Competitiveness but then inserted in the statement of managers a gratuitous discussion of how the Council should conduct business. This discussion is totally inappropriate, in my opinion. The conferees agreed that the statutory language be silent. Since the language says nothing about the Council, it seems to me there is nothing to explain.

The essence of the gratuitous advice given is that the Council should conduct itself in accordance with the provisions of S. 1942, a bill reported by the Committee on Governmental Affairs but never acted on in the Senate or the House. The pros and cons of S. 1942 are discussed in Senate Report 102-256. I will not repeat them here. But I will note that OMB believes that S. 1942 would effectively terminate regulatory review. The Justice Department has provided a written opinion that S. 1942 is unconstitutional.

This is a very controversial matter that should not be judged except after thorough study and debate. That has not taken place; yet advice has been given.

This advice is not sound. Rather than crush the regulatory review process, which would be the result if the advice were heeded, the better solution is to authorize regulatory review by statute, to provide standards for review, and to require enough disclosure to make intelligible what the reviewer has done. The answer is balance—not the extremism that frequently arises in the heat of political campaigns.

We face in America a very serious problem—the cost of regulations to our economy versus the benefits of regulations to society. Various tunnel-visioned interest groups are wont to focus on their particular part of the problem. Some in Congress have responded to these groups. But the answer is not to suffocate the regulatory review process in paperwork but to make it work for the benefit of society by balancing various competing costs and benefits. I have attempted to achieve that goal by introducing S. 2172 last January. Unfortunately, the statement of managers seems unaware of that solution.

Second, I am concerned with an attempt to restrict Presidential appointees in the Office of National Drug Control Policy from making public appearances for political campaigns. The legislation provides that after January 1, 1993, no funds made available under the bill may be used for the payment of salaries or expenses for any official for such public appearances.

Since the operative language is effective only between January 1 and September 30, 1993—a period in which no political campaign is underway, the language fortunately will have no effect. However, I am concerned that it could serve as a precedent for future appropriation bills.

While the legislation purports to restrict such public appearances as defined by section 7324(a) of title 5, this section does not define the terms "public appearance" or "political campaign." The language in the conference reports lacks definition and is probably unenforceable.

During consideration of the Hatch Act in 1939, the Congress considered the unique role played by Presidential appointees and voted to exclude these positions from coverage under the law. This exception stands on very strong ground. Our Government structure comprises a corps of civil servants, protected by the Hatch Act, to guarantee the impartial administration of the laws. Above them are Presidential appointees, excepted from the Hatch Act, who assist the President in creating and implementing public policy. It seems to me clear that any President, no matter what party, necessarily must have the right to appoint of top officials who will implement his policies. Implementing policies and achieving policy goals are indistinguishable from politics.

By attempting to use the Hatch Act to muzzle the President's political appointees, the proponents of this language fail to comprehend the underlying rationale for the Hatch Act. A law to protect civil servants is not an appropriate weapon to be used against the drug czar.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I, too, want to extend my appreciation to the distinguished chairman, Senator DECONCINI, of Arizona, and his staff and mine for their hard work. I appreciate it. It has been good working with them. I think it is a good bill.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. PELL. Mr. President, today marks the beginning of National Breast Cancer Awareness Month. For 3 years, I have had the privilege of introducing in the Senate a joint resolution to call attention to this important month. Each year, I have been gratified by the response of my colleagues, who have supported strongly both this resolution and the special effort of health advocates across the Nation to educate Americans about breast cancer during National Breast Cancer Awareness Month.

Mr. President, each year as I have introduced this resolution, I have reported the latest statistics on breast cancer mortality. I have the unfortunate task today of reporting that the statistics we cite in our 1992 resolution—estimating that a woman has a one in nine lifetime, through age 85, risk of developing breast cancer—are already outdated. The newest numbers, according to the National Cancer Institute as reported in the New York Times of September 27, 1992, which include the population of women over age 85, are one in eight. I ask unanimous consent to have printed in the RECORD at the end of my statement the article entitled "Chance of Breast Cancer is Figured at 1 in 8."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, as our resolution points out, it is estimated that breast cancer will strike an estimated 180,000 women and kill about 46,000 women in 1992. And we know that, as the population ages, breast cancer is likely to increase further, since a woman's risk of developing breast cancer increases as she ages.

It is my hope that National Breast Cancer Awareness Month will not only highlight these statistics, but also give women a sense of hope. We know that while we are not yet able to prevent breast cancer altogether, we can significantly reduce breast cancer mortality through early detection: self-examination, clinical examination by a qualified health care provider, and screening mammography. In fact, some 50 years ago, the 5-year survival rate for localized breast cancer was only 78 percent; now it is over 90 percent. And the American Cancer Society estimates that the use of a combination of early detection procedures can boost the 5-year survival rate for localized breast cancer to nearly 100 percent.

I also hope that National Breast Cancer Awareness Month will help to educate men about their own risk of breast cancer. While a man's risk is much smaller, men can and do get breast cancer. About 1,000 men will develop breast cancer in 1992, and 300 men will die of the disease. For these men and their families, breast cancer is very real, and very tragic.

Mr. President, educating about early detection, addressing concerns about self-examination and mammography, teaching survivors how to live with and after breast cancer—these issues are what National Breast Cancer Awareness Month is all about. But perhaps most importantly, we should be sure to communicate the simple but crucial message that, while breast cancer can kill, it can also be conquered.

Mr. President, I intend to do what I can in the State of Rhode Island to call attention to breast cancer and make this National Breast Cancer Awareness Month a meaningful one. I urge all of my colleagues to do the same.

EXHIBIT 1

[From the New York Times, Sept. 27, 1992]

CHANCE OF BREAST CANCER IS FIGURED AT 1 IN 8

WASHINGTON.—One in eight American women will get breast cancer sometime during her life, the National Cancer Institute now calculates.

The institute had previously said that one in nine American women would contract breast cancer by age 85. That figure is still valid, the institute said, but expanding the pool to include women over age 85 leads to the higher figure.

The institute said the higher figure is also a result of better documentation of breast cancer cases and women's longer lifetimes. Risk of getting the disease increases with age, and about 80 percent of breast cancers develop in women over age 50. Nearly 30 percent of those who develop the cancer die from the disease.

The cancer institute had planned to make the breast cancer figures public next week, along with new statistics on other types of cancer, said a spokeswoman, Nancy Volkers.

But Rep. Mary Rose Oakar, Democrat of Ohio, announced the new statistic on Friday while publicizing efforts to have the Government spend more on breast cancer research.

"We spend $1.1 billion on AIDS research," she said. "If you take the total amount spent, it's about $185 million for breast cancer."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

LET THE SENATE ALONE IMPEACH

Mr. BYRD. Mr. President, on Monday, September 28, 1992, the New York Times published an editorial entitled, "Let the Senate Alone Impeach." The editorial addresses the recent decision by U.S. district court Judge Stanley Sporkin with respect to the impeachment of Alcee Hastings. As Senators may recall, Judge Sporkin ruled that the Senate's treatment of the impeachment proceedings was unconstitutional. The New York Times editorial takes the position that the Congress is the sole arbitrator of impeachment and in such areas should not be subject to judicial interpretation. It is my firm belief that the Senate acted both competently and responsibly in this matter. A similar case is before the Supreme Court, and it is my hope that the Supreme Court will uphold the Senate's judgement.

I ask unanimous consent that the editorial by the New York Times be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 28, 1992]

LET THE SENATE ALONE IMPEACH

Who says nobody can tell the U.S. Senate what to do? Judge Stanley Sporkin of the U.S. District Court in Washington has just instructed the legislators to hold a new impeachment trial for another Federal judge. He would require the entire Senate to hear all the evidence instead of leaving that task to a committee.

Judge Sporkin's ruling would disrupt the Senate's ability to conduct it other business—and is almost certainly judicial overreach. Federal judges have no more power than anyone else to tell Congress how to handle impeachments.

The Constitution is explicit. The House votes to bring charges of impeachment against a President or a judge, and the Senate "shall have the sole power to try all impeachments." Lately the Senate, rather than tie up all 100 members, has appointed special committees to hear witnesses and sift evidence, saving floor time for special evidence and arguments on each side.

However, Judge Sporkin ruled that the removal of Alcee Hastings from a Florida judgeship "must be overturned and remanded to the Senate for a trial that comports with constitutional requirements." Due process of law, he said, requires that all senators who vote on the impeachment be present to hear all the evidence.

Judge Hastings was indicted on bribery charges but acquitted in a criminal trial. Later the Senate, impeaching him for misconduct, found that he took the bribe and falsified his defense at the trial. The law is settled that separate criminal trials and impeachment proceedings do not expose an official to double jeopardy.

The Senate's use of committees, and the ability of courts to review that use, is before the Supreme Court in the separate case of former Judge Walter Nixon of Mississippi. Lower courts already have ruled out review for an official like Judge Nixon who was convicted of the crimes for which he was removed.

But Judge Sporkin argues that without a prior guilty verdict the crucial evidence against Judge Hastings involved live witnesses whose credibility each senator must evaluate in person. A good argument—for the Senate, not the courts.

Under the Constitution, impeachment and removal are classic political actions not designed for further litigation. Taking its burden seriously, the Senate has conducted its own version of a trial with its own definition of fairness. Wise judges will recognize that they have no special competence or constitutional authority to judge the Senate.

STEVE SYMMS

Mr. CRANSTON. Mr. President, it is easy for each of us to speak well of those with whom we agree. After all, they reinforce and justify our own beliefs. On the other hand, to speak kindly of someone with whom we do not always—or even often—see eye to eye does not come quite as naturally. It requires that we put ourselves in the other person's shoes and appreciate opposing convictions.

I take this step when speaking of the senior Senator from Idaho STEVE SYMMS. It is true that he and I have rarely found ourselves in agreement. But it is also true that I respect him for his steadfast beliefs. STEVE SYMMS came to Washington nearly 20 years ago as a spokesman for conservative causes and he has maintained that voice throughout his career. I admire him for remaining faithful to his principles.

One of the tenets of his conservative creed, a call for less Government, has been the cornerstone of his political victories. In 1972, STEVE SYMMS was elected to the U.S. House of Representatives on such a platform. In 1980, he brought that agenda to this body, defeating a 24-year incumbent, a man I knew over many decades, and greatly admired, Frank Church, and he was reelected in 1986, defeating a 10-year sitting Governor, by continuing to promote a conservative ideology. The people of Idaho have a tradition of supporting conservative principles and STEVE SYMMS has obviously struck a chord with them—his repeated victories demonstrate that.

For all of our differences, we have had a friendly relationship. And there have been occasions when STEVE SYMMS and I have found ourselves strongly in agreement. A recent time was during the passage of the highway bill. Both of us shared the position that highway funding must be flexible. STEVE SYMMS was one of the first on the Environment and Public Works Committee to articulate this. He was also one of the most active participants in getting the highway legislation through Congress. For this I thank him and commend him.

STEVE SYMMS is a man of earnest belief and determined action. All of us in this body should respect in our colleagues strength of conviction and tireless effort—I know I do. And these are the qualities I respect in STEVE SYMMS. I wish him the best in the future and have no doubt that he will continue to fight for his ideals.

BROCK ADAMS

Mr. CRANSTON. Mr. President, there is an expression we are all familiar with that describes an individual overly concerned with the details who fails to see the big picture. We say that the person cannot see the forest for the trees. However, a criticism sometimes leveled at Members of Congress is that after arrival in our Nation's Capital they forget all about individuals in their concentration on making policy. Fortunately for the American people and, in particular for the residents of Washington State neither of these reproaches could be directed at the State's senior Senator.

Even a cursory review of BROCK ADAMS' record of accomplishment here in the Senate shows that he has never forgotten that good policy can only be defined as what makes a positive difference in the lives of each person it affects. His achievements demonstrate that he understands that to countless Americans there is no such thing as a national problem. There is simply a problem that they as individuals face which thousands or millions of others face as well.

Perfect examples of the excellent use to which Senator ADAMS has put this knowledge include his commitment to improving health care in America—in particular, to making sure that women's health concerns receive the same attention and the same high priority that men's health concerns do. His successes include, of course, the Breast Cancer Safety Screening Act, which created national requirements for personnel, equipment and quality control for mammography facilities and the Breast and Cervical Cancer Mortality Prevention Act, which helped increase access to health care for low-income women.

BROCK ADAMS has worked to ensure that women and minorities be included as subjects in clinical research funded by the National Institutes of Health; he has written legislation, the Infertility Prevention Act, because he recog-

nized the need to stop the spread of diseases and infections which cause infertility in women; he helped lead the successful fight to fund the Ryan White AIDS Care Act; and he sponsored legislation to provide pediatric outreach and health care for disadvantaged children.

BROCK ADAMS was also one of the earliest cosponsors of my legislation, the Freedom of Choice Act, and has been active in the fight to overturn the gag rule sought by those who believe that American women have no right to learn about the family planning options available to them.

As a champion of individual workers, BROCK ADAMS has fought cuts in crucial job training assistance, fought to ensure that workers are notified if the factory where they work is going to close down, fought to extend unemployment benefits. Of course, it is a shame that each one of these benefits for the American worker had to be fought for over the objections of the White House, but they did.

Senator ADAMS, representing one of the most beautiful States in the Nation, has worked tirelessly to protect the environment. Recognizing the threat to our Nation posed by drugs, he has worked to secure more funding for treatment and prevention programs. Believing that Congress has a moral obligation to ensure equal rights under law to all Americans, he was an original cosponsor of the Civil Rights Act of 1990.

A great expert on transportation, he has been a leader and a great source of strength on every major struggle on that front.

Amazingly, BROCK has also somehow found the time to be a force on major foreign policy issues as well—like in the ongoing struggle between the Congress and the executive branch over the power to declare war.

BROCK ADAMS has served his Nation well—in the Cabinet, in the House of Representatives and in the Senate. He has a record of accomplishment of which he and his family can be very proud. I wish my friend only the best in the days and years to come.

FAMILY PLANNING AMENDMENTS ACT

Mr. KERRY. Mr. President, the debate concerning the appropriate use of funds under title X of the Public Health Service Act has once again brought us to consideration of the role of the Federal Government in the decision making process of women considering whether to have children. Title X programs have not been reauthorized since 1985. Regulations governing, and restricting, the use of title X funds have been in effect since 1988. And while we have not been able to reach a consensus on certain issues related to the use of title X funds, women who rely on clinics receiving Federal funds have not been able to have complete information outlining the choices available to them. Maybe these women have made the family planning decisions that are best for them. But, Mr. President, maybe in this case is not good enough.

Programs receiving funds under title X operate family planning clinics, train family planning workers and provide information on family planning. Yet health care professionals cannot use their expertise to counsel their clients fully and women who turn to federally funded clinics cannot receive the same level of service as other women who can afford to go to private clinics. The objective of title X funding, providing comprehensive family planning information to women, is undermined by prohibiting them from providing certain information.

In Massachusetts, the State government has made a commitment to make up the difference in lost Federal funds if health care professionals in clinics discuss abortion as one family planning options with clinic clients. Some clinics will try to access other funding sources or somehow separate any discussion of abortion from the larger context of family planning. A clinic in the District of Columbia has vowed to defy the gag rule and continue to provide comprehensive counseling to clients, including abortion counseling. States with available resources may be able to fill the funding gap if they choose to, but clinics in other States will not be so fortunate, and will be forced to gamble that quality of health care they provide will not suffer under the restrictions. The women who rely on public clinics will also gamble that the restrictions do not undermine their ability to make appropriate choices for their lives.

Large numbers of women in our inner cities and rural communities lack adequate prenatal care, have pregnancies complicated by poor nutrition or give birth to low birth weight babies. Extending health care to these women and others in similar circumstances is at the heart of our national debate about comprehensive health care reform. All women, regardless of income level, deserve uncensored medical information from health care professionals. The actions of the Senate today will indicate whether that is our belief also.

In the discussion about family values and family preservation, the focus is usually on programs that keep families together, including expanded delivery of social services, mentoring to adults and at-risk children and additional job training opportunities so that families can remain or become self-sufficient. Inevitably, decisions about the family include decisions about children. It is hypocritical to give lip service to the importance of strengthening families without supporting policies that permit women to make their own educated decisions about whether or when to have children.

A double standard in health care or in family planning is wrong. Additional information, far from encouraging women to have abortions, will reduce the need for abortions. Facilities receiving title X funding do not use the funds to perform abortions and a veto override of this bill will not change that. A vote to override the veto of S. 323 simply will return the power to choose to the women in this country who currently are denied that right.

FAMILY PLANNING AMENDMENTS ACT

Mr. ADAMS. Mr. President, I rise today to voice my strongest support to lift the administration's gag rule and urge my colleagues to override the Presidential veto.

Mr. President, I am outraged that a President would be willing to support his own granddaughter's decision to have an abortion but would deny the 4 million women and families who depend on federally funded family planning clinics for information and counseling about abortion.

The President could have been fair. He could have set one standard for access to vital health care information for all women. He could have withdrawn the regulations and avoided this vote. But he turned his back on the low-income and young women who depend on federally funded title X clinics for their health care.

Today the administration will begin enforcing the gag rule. Title X clinics must comply or lose Federal funding. Already, clinics have closed and others have curtailed their services to poor women rather than compromise the care they receive.

The administration claims to exempt doctors from the gag rule. But the American people can't be fooled. Such a claim is meaningless. The health care professionals who provide the majority of counseling services in title X clinics are nurses, nurse practitioners, and social workers.

The administration is playing politics with women's lives over abortion. It's time for Congress to put an end to this sham and vote to override the administration's ban.

I urge my colleagues to vote to override.

FAMILY PLANNING AMENDMENTS ACT

Mr. SEYMOUR. Mr. President, I rise today to urge my colleagues to vote to override the President's veto of S. 323.

The objections to this bill seem to center around abortion. However, S. 323, is not really about abortion—it is about truth. It is about walking into a

clinic and being able to know that you will get all the information you need to make one of the most important decisions of your life. A woman has the right to make an informed decision about her pregnancy and it is not the Government's place to deny that right.

Even though the administration has loosened its interpretation of the gag rule to allow physicians to counsel for abortions; this is not far enough. Full repeal of the gag rule is necessary so that all women can have access to all of the information.

If the gag rule is implemented we will find ourselves faced with a two-tiered system of health care whereby low-income women using federally subsidized clinics receive more limited information and services than women who can afford private health care services. The title X program was created to provide low-income people with access to services they could not afford elsewhere.

Allowing only physicians to counsel for abortion is inconsistent with the health goals we have been trying to achieve, increased access to better services at lower cost. In trying to reduce costs of health care and increase access, we have been promoting increased use of allied health professionals. Title X clinics are a very appropriate use of nurse practioners and trained health counselors to replace physicians, particularly in the role of counseling. Under the existing structure and cost constraints, having only a physician permitted to counsel for abortion is impractical and unnecessary.

Beyond the overturn of the gag rule, we need to remember the importance of title X services. S. 323 will reauthorize title X clinics for the first time in 5 years. Family planning clinics are often the only health care service sought out by low-income women. The clinics have helped in early detection of breast and cervical cancer, various sexually transmitted diseases including AIDS, and other illnesses.

Each year, 1.5 million teenagers depend on title X services for preventive health services to reduce unintended pregnancies and to improve maternal child health. Had these title X services not been readily available to these youth, the number of unwanted pregnancies, sexually transmitted diseases and other health problems would have increased exponentially over the last several years. According to Planned Parenthood, each year family planning services such as those provided by title X clinics prevent 1.2 million unintended pregnancies, resulting in 509,000 unwanted births and 516,000 abortions.

We're not arguing for or against the right to have an abortion, nor are we arguing the moral implications of abortion. We are needlessly debating the fundamental right of millions of women access to safe, comprehensive health care counseling and information.

Not a day nor vote passes on the floor of the Senate without mention of fiscal responsibility in relation to the national debt, taxation, or inflation. Today we will not make an exception.

According to Planned Parenthood, every public dollar spent to provide contraceptive services saves $4.40 in first year taxpayer funds that would otherwise go toward medical care, welfare, and other mandated social services, an overall total of $1.8 billion in savings annually.

Let me share some statistics from my own State of California for a moment. In 1988–89, California's 200 title X clinics served approximately 400,000 low-income clients. Twenty-six percent of clients seen in these title X clinics are teenagers under 20 years of age. According to the California Family Planning Council, every dollar spent on family planning programs in California saves $7.70 in public costs associated with unintended pregnancy such as MediCal delivery and continuing maternity and infant care, MediCal abortions, AFDC, food stamps, and other social service costs.

California, nor the Federal Government can afford to discontinue these vital services. Each client that enters a title X clinic costs the federal government $35 annually. However, an unintended pregnancy averages $9,383 in MediCal delivery, AFDC, WIC, and food stamps for those women who carry their pregnancies to term. Otherwise, MediCal pays $360 to cover the cost of abortions.

Aside from the financial benefits of title X clinics, we should focus more importantly, on the humanitarian benefits. These clinics provide persons with special needs such as recent immigrants, the disabled, and teenagers with affordable, safe health care services in a supportive environment.

Mr. President, we as legislators have an obligation to the people of the United States to uphold the Constitution and to uphold the rights of each individual to the best of our ability. It is not our right as legislators to withhold information which is vital to the health, happiness and well-being of the citizens of this country. Therefore, we should not have the right to prohibit health care professionals from their legal and ethical obligation to fully inform their clients of all health care options, be it open-heart surgery, or family planning.

In the most minimal sense, this gag rule violates the congressional requirement and intent that family planning services be fully integrated with other health care services as part of a comprehensive health care program for clients seeking subsidized care.

As a legislator, as a husband, as a father, and as a grandfather, I cannot quietly stand by and allow this body to pass legislation which prohibits the most important people in my life, and the lives of the millions of women in this country, the access to all information regarding family planning. I urge my colleagues to overturn the gag rule. I thank the Chair.

OVERTURNING THE "MEXICO CITY POLICY"

Mr. LAUTENBERG. Mr. President, I rise in support of the fiscal year 1993 Foreign Operations bill. Among other important things, this bill overturns the so-called Mexico City policy or the international gag rule.

I commend the distinguished chairman of the Foreign Operations Subcommittee and the members of the Appropriations Committee for approving the provision to vitiate the Mexico City policy.

The Senator from Vermont [Mr. LEAHY] understands the need for international family planning and the link between population stabilization and economic development in Third World countries. Because of his leadership, this bill also contains a $100 million increase in population assistance programs, including family planning.

Mr. President, I think that it is important to explain what the Mexico City policy is and why the committee bill seeks to overturn it. Pure and simple, the Mexico City policy is an international gag rule. We have discussed the domestic gag rule extensively on the Senate floor, so I won't discuss this limitation on free speech any further. But the similarities between the two gag rules are remarkably striking.

Like the domestic gag rule, the Mexico City policy was adopted by fiat without any direction from Congress or warning to the public. In 1984, President Reagan simply announced this policy—period, end of discussion.

Like the gag rule, the Mexico City policy limits the free speech of health care professionals and is an intrusion in the confidential doctor-patient relationships. It prohibits discussion of a legal medical procedure and sets the parameters of what a doctor can say to a patient.

Mr. President, this policy is an insult to women who live in other countries who are trying to acquire information on legal reproductive options.

Mr. President, we can see the consistency here between the Mexico City policy and the gag rule. The contempt for poor women is clear, since poor women typically use publicly family planning services both here and overseas. There is a clear double standard with regard to the health care we provide for rich members of society and poor members.

I ask my colleagues, is there any Member of the Senate who would want a female family member to go to a health clinic where her medical advice would be censored by the Government?

Mr. President, the Mexico City policy was unilaterally adopted by the Reagan administration under pressure from antichoice forces. The premise of this decision was that by putting a gag in the mouths of health care workers overseas and intruding in the doctor-patient relationships in family planning clinics, there would be fewer abortions in other countries.

This is twisted logic. It is also ironic in the cruelist way. What this policy has done is force organizations like Planned Parenthood Federation of America have been forced to forfeit family planning money and curtail its efforts rather than submit to this policy. This affects operations in the countries including Egypt, Sierra Leone, Zambia, Honduras, Ghana, Malawi, Sri Landa, and Pakistan.

After protracted litigation, the Mexico City policy took effect in 1990. Since then, the Mexico City policy has left hundreds of thousands of women in poor countries without access to family planning services.

What this means is that a poor Pakistani woman will not have access counseling, family planning information and contraceptives. And what will that mean?

It will mean that there will be even more unwanted pregnancies because women in countries like Pakistan may never be able to visit a family planning clinic. In addition, countries experiencing population explosions will continue to experience them. Ultimately, this will mean that these third world countries will remain just that, third world countries.

How are we affected by this, one may ask. Pakistan is a long way away from the United States. We are affected because population growth in other countries is placing a great drain on our world's natural resource base. Overpopulation contributes to increasing scarcity of water, staple foods and arable soil. Military conflicts like the one in Somalia often result from the lack of basic resources.

Overall, overpopulation leads to malnutrition, poor health conditions, environmental destruction and low income growth. These basic conclusions were reaffirmed at the Rio summit.

If anyone doubts that overpopulation is a problem, consider some of the United Nations population projections from 1950 to 2010;

The population of India and Indonesia will double.

The population of Egypt, Brazil, the Philippines, Turkey and El Salvador will triple.

The population of Mexico and Pakistan will increase fourfold.

The population of Zimbabwe and Nicaragua will increase fivefold.

The population of Nigeria and Syria will increase sixfold.

So not only is the Mexico City policy a limitation on freedom of speech, an intrusion in the doctor-patient relationship, a blow to international family planning, poor environmental policy and defense policy, it is simply cruel.

Mr. President, this policy is also inconsistent and punitive. The Mexico City policy only gags private, nongovernmental organizations who receive Federal funds. Foreign governments who receive AID assistance may provide ungagged family planning services. It is clear that we didn't want to insult foreign governments by attaching a gag rule to their family planning funds, but we didn't mind gagging private organizations.

Who suffers from this policy? It is the women who depend on family planning services in countries where the host government does not provide family planning services. There are hundreds of thousands of such women.

Mr. President, I would like to set the record straight on a few matters mentioned by supporters of the Mexico City policy.

First, the provision in the committee bill in no way alters the Helms amendment which prohibits the use of Federal funds for abortion services.

Second, the committee bill does not allow nongovernmental family planning agencies to discuss abortion in countries where abortion is not legal. This is the case in Mexico where abortion is not legal in most cases. Thus, international family planning organizations who operate clinics in Mexico may not discuss illegal abortion services.

Third, this amendment does not authorize international family planning organizations to encourage women to have abortions. The original Population Assistance Act of 1961 charged international family planning recipients with the responsibility of providing unbiased options counseling.

Mr. President, I wanted to note for the record that a Federal audit of the Agency for International Development [AID] found no violations of the Helms amendment, provisions respecting the restrictive abortion laws of other countries, or the unbiased counseling portion of the 1961 statute.

Mr. President, once again, this bill:

First, simply allows private, nongovernmental agencies to receive U.S. family planning funds and discuss legal reproductive options with patients.

Second, allows private, nongovernmental agencies the same freedom of speech that foreign governments are allowed when providing family planning services.

Third, allows private family planning organizations to return to countries where abortion is legal and continue family planning efforts that poor countries need to economically develop.

I urge my colleagues to support the Committee bill which overturns the Mexico City policy, or better labeled the "international gag rule."

FAMILY PLANNING AMENDMENTS ACT

Mr. LEAHY. Mr. President, once again President Bush demonstrated his utter disregard for the women of this Nation by vetoing the gag rule repeal. And once again the Senate expressed the will of the American people by voting overwhelmingly to reject the President's position.

The title X program provides information and contraceptives to millions, and has been successful in decreasing unintended pregnancies. The gag rule is an unacceptable limitation on information that can be provided to women through this program. Congress has twice repealed it, and President Bush has twice vetoed the will of the majority.

The gag rule is premised on the insulting theory that providing full information to women will influence them to have abortions. Women deserve credit and respect to make up their own minds after receiving full and accurate information.

The President's position on the gag rule shows yet again that women's health issues take a backseat to political expediency in this administration.

Unfortunately this disregard comes as no surprise. Recently, the President vetoed legislation to reauthorize the National Institutes of Health—despite the fact that it called for greater attention to women's health issues—because of his unreasonable position on fetal tissue research.

And yesterday we learned that despite a clear Senate mandate, the Office of Management and Budget was willing to accept increased expenditures on prostate cancer research, but not on research into breast cancer. This arrogant, sexist determination is the most egregious example of this administration's insensitivity to women's health concerns.

Breast cancer is killing our mothers, our daughters, our wives, and our sisters. Today, 1 in 9 women in America will develop this terrible disease. Women in Vermont are particularly at risk because our State ranks fourth in the Nation in per capita breast cancer deaths.

The title X program should be a priority as well. Millions of women throughout the country rely on the title X program for their reproductive needs, including full information.

Why does the President ignore the interests of American women in favor of partisan politics?

THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar numbers 563, 594, 654, 706, 719, 720, 727, 734, en bloc; that the committee substitute amendments and committee amendments, where appropriate, be

agreed to en bloc; that the several bills each be deemed read a third time, passed, that the motion to reconsider the passage of these items be laid upon the table, en bloc, that the title amendment where appropriate be agreed to; that the consideration of each bill be included separately in the RECORD; that statements with respect to the passage of each bill be included in the RECORD where appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RANGER FAIR HOUSING ACT

The Senate proceeded to consider the bill (S. 1704) to improve the administration and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Management Agency Housing Improvement Act of 1992".

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "public lands" means Federal lands administered by the Secretary of the Interior or the Secretary of Agriculture; and

(2) "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

SEC. 3. EMPLOYEE HOUSING.

(a)(1) To promote the recruitment and retention of qualified personnel necessary for the effective management of public lands, the Secretaries are authorized to—

(A) make employee housing available, subject to the limitations set forth in paragraph (2), on or off public lands, and

(B) rent or lease such housing to employees of the respective Department at a reasonable value.

(2)(A) Housing made available on public lands shall be limited to those areas designated for administrative use.

(B) No private lands or interests therein outside of the boundaries of Federally administered areas may be acquired for the purposes of this Act except with the consent of the owner thereof.

(b) The Secretaries shall provide such housing in accordance with this Act and section 5911 of title 5, United States Code, except that for the purposes of this Act, the term—

(1) "availability of quarters" (as used in this Act and subsection (b) of section 5911) means the existence, within thirty miles of the employee's duty station, of well-constructed and maintained housing suitable to the individual and family needs of the employee, for which the rental rate as a percentage of the employee's annual gross income does not exceed the most recent Census Bureau American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income, whether paid as part of rent or paid directly to a third party;

(2) "contract" (as used in this Act and subsection (b) of section 5911) includes, but is not limited to, "Build-to-Lease", "Rental Guarantee", "Joint Development" or other lease agreements entered into by the Secretary, on or off public lands, for the purposes of sub-leasing to Departmental employees; and

(3) "reasonable value" (as used in this Act and subsection (c) of section 5911) means the base rental rate comparable to private rental rates for comparable housing facilities and associated amenities: Provided, That the base rental rate as a percentage of the employee's annual gross income shall not exceed the most recent American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income whether paid as part of rent or paid directly to a third party.

(c) Subject to appropriation, the Secretaries may enter into contracts and agreements with public and private entities to provide employee housing on or off public lands.

(d) The Secretaries may enter into cooperative agreements or joint ventures with local governmental and private entities, either on or off public lands, to provide appropriate and necessary utility and other infrastructure facilities in support of employee housing facilities provided under this Act.

SEC. 4. SURVEY OF RENTAL QUARTERS.

The Secretaries shall conduct a survey of the availability of quarters at field units under each Secretary's jurisdiction at least every five years. If such survey indicates that Government owned or suitable privately owned quarters are not available as defined in section 3(b)(1) of this Act for the personnel assigned to a specific duty station, the Secretaries are authorized to provide suitable quarters in accordance with the provisions of this Act. For the purposes of this section, the term "suitable quarters" means well-constructed, maintained housing suitable to the individual and family needs of the employee.

SEC. 5. SECONDARY QUARTERS.

(a) The Secretaries may determine that secondary quarters for employees who are permanently duty stationed at remote locations and are regularly required to relocate for temporary periods are necessary for the effective administration of an area under the jurisdiction of the respective agency. Such secondary quarters are authorized to be made available to employees, either on or off public lands, in accordance with the provisions of this Act.

(b) Rental rates for such secondary facilities shall be established so that the aggregate rental rate paid by an employee for both primary and secondary quarters as a percentage of the employee's annual gross income shall not exceed the Census Bureau American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income, whether paid as part of rent or paid directly to a third party.

SEC. 6. SURVEY OF EXISTING FACILITIES.

(a) Within two years after the date of enactment of this Act, the Secretaries shall survey all existing government owned employee housing facilities under the jurisdiction of the Department of the Interior and the Department of Agriculture, to assess the physical condition of such housing and the suitability of such housing for the effective prosecution of the agency mission. The Secretaries shall develop an agencywide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement or initial construction, as appropriate. The survey and priority listing study shall be transmitted to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations and Interior and Insular Affairs of the United States House of Representatives.

(b) Unless otherwise provided by law, expenditure of any funds appropriated for construction, repair or rehabilitation shall follow, in sequential order, the priority listing established by each agency. Funding available from other sources for employee housing repair may be distributed as determined by the Secretaries.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Theer are authorized to be appropriated such claims as may be necessary to carry out this Act.

ALASKA LAND STATUS TECHNICAL CORRECTIONS ACT

The bill (H.R. 3157) to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

IDAHO LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 1893) to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of **[**1991**]** *1992*".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the past 10 years—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(b) LAND EXCHANGE.—

(1) CONVEYANCE BY THE SECRETARY.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(B) PARCEL A.—As used in this section, the term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated [July 9,] *July 1,* 1991.

(2) CONVEYANCE BY THE STATE OF IDAHO.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(B) PARCEL B.—As used in this section, the term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated [July 9,] *July 1,* 1991.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in paragraphs (1)(B) and (2)(B) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (b), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Thye permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(d) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

KEWEENAW NATIONAL HISTORICAL PARK ACT

The Senate proceeded to consider the bill (S. 1664) to establish the Keweenaw National Historical Park, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) The oldest and largest lava flow known on earth is located on the Keweenaw Peninsula of Michigan. This volcanic activity produced the only place on earth where large scale economically recoverable 97 percent pure native copper is found.

(2) The Keweenaw Peninsula is the only site in the country where prehistoric, aboriginal mining of copper occurred. Artifacts made from this copper by these ancient indians were traded as far south as present day Alabama.

(3) Copper mining on the Keweenaw Peninsula pioneered deep shaft, hard rock mining, milling, and smelting techniques and advancements in related mining technologies later used throughout the world.

(4) Michigan Technological University, located in the copper district, was established in 1885 to supply the great demand for new technologies and trained engineers requested by the area's mining operations. Michigan Technological University possesses a wealth of both written and photographic historic documentation of the mining era in its archives.

(5) Michigan's Copper Country became a principal magnet to European immigrants during the mid-1800's and the cultural heritage of these varied nationalities is still preserved in this remarkable ethnic conglomerate.

(6) The corporate-sponsored community planning in Calumet, Michigan, as evidenced in the architecture, municipal design, surnames, foods, and traditions, and the large scale corporate paternalism was unprecedented in American industry and continues to express the heritage of the district.

(7) The entire picture of copper mining on Michigan's Keweenaw Peninsula is both represented by three components: the Village of Calumet, the Former Calumet and Hecla Mining Company properties (including the Osceola #13 mine complex), and the former Quincy Mining Company properties. The Village of Calumet best represents the social, ethnic, and commercial themes. Extant Calumet and Hecla buildings best depict corporate paternalism and power, and the themes of extraction and processing are best represented by extent structures of the Quincy Mining Company.

(8) The Secretary of the Interior has designated two National Historic Landmark Districts in the proposed Park area, the Calumet National Historic Landmark District and the Quincy Mining Company National Historic Landmark District.

(b) PURPOSES.—The purposes of this Act are:

(1) To preserve the nationally significant historical and cultural sites, structures, and districts of a portion of the Keweenaw Peninsula in the State of Michigan for the education, benefit, and inspiration of present and future generations, and;

(2) To interpret the historic synergism between all the geological, aboriginal, sociological, cultural, technological, and corporate forces that relate the story of copper on the Keweenaw Peninsula.

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "Commission" means the Keweenaw Historic Preservation Advisory Commission established by section 9.

(2) "park" means the Keweenaw National Historical Park established by section 3(a)(1).

(3) "Secretary" means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT AND ADMINISTRATION OF PARK.

(a) ESTABLISHMENT AND ADMINISTRATION.—(1) There is hereby established as a unit of the National Park System the Keweenaw National Historical Park in and near Calumet and Hancock, Michigan.

(2) The Secretary shall administer the park in accordance with the provisions of this Act, and the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (16 U.S.C. 1, 2-4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes," approved August 21, 1935 (16 U.S.C. 461 et seq.).

((b) BOUNDARIES AND MAP.—(1) The boundaries of the park shall be as generally depicted on the map entitled "Keweenaw National Historical Park, Michigan", numbered NHP-KP/20012-B and dated June, 1992. Such map shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior, Washington, D.C., and the office of the village council, Calumet, Michigan.

(2) Within 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries established under paragraph (a)(1).

SEC. 4. ACQUISITION OF PROPERTY.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary is authorized to acquire lands, or interests therein, within the boundaries of the park by donation, purchase with donated or appropriated funds, exchange, or transfer.

(b) STATE PROPERTY.—Property owned by the State of Michigan or any political subdivision of the State may be acquired only by donation.

(c) CONSENT.—No lands or interests therein within the boundaries of the park may be acquired without the consent of the owner, unless the Secretary determines that the land is being developed, or is proposed to be developed in a manner which is detrimental to the natural, scenic, historic, and other values for which the park is established.

(d) HAZARDOUS SUBSTANCES.—The Secretary shall not acquire any lands pursuant to this Act if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)).

SEC. 5. COOPERATION BY FEDERAL AGENCIES.

(a) Any Federal entity conducting or supporting activities directly affecting the park shall—

(1) consult, cooperate, and, to the maximum extent practicable, coordinate its activities with the Secretary and the Commission;

(2) conduct or support such activities in a manner that—

(A) to the maximum extent practicable, is consistent with the standards and criteria established pursuant to the general management plan developed pursuant to section 6; and

(B) will not have an adverse effect on the resources of the park; and

(3) provide for full public participation in order to consider the views of all interested parties.

SEC. 6. GENERAL MANAGEMENT PLAN.

Not later than 3 fiscal years after the date of enactment of this Act, the Secretary shall prepare, in consultation with the Commission, and submit to Congress a general management plan for the park containing the information described in section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)). Such plan shall interpret the technological and social history of the area, and the industrial complexes of the Calumet and Hecla, and Quincy Mining Companies, with equal emphasis.

SEC. 7. COOPERATIVE AGREEMENTS.

The Secretary, after consultation with the Commission, may enter into cooperative agree-

ments with owners of property within the park of nationally significant historic or other cultural resources in order to provide for interpretive exhibits or programs. Such agreements shall provide, whenever appropriate, that—

(1) the public may have access to such property at specified, reasonable times for purposes of viewing such property or exhibits, or attending the programs established by the Secretary under this subsection; and

(2) the Secretary, with the agreement of the property owner, may make such minor improvements to such property as the Secretary deems necessary to enhance the public use and enjoyment of such property, exhibits, and programs.

SEC. 8. FINANCIAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary may provide to any owner of property within the park containing nationally significant historic or cultural resources, in accordance with cooperative agreements or grant agreements, as appropriate, such financial and technical assistance to mark, interpret, and restore non-Federal properties within the park as the Secretary determines appropriate to carry out the purposes of this Act, provided that—

(1) the Secretary, acting through the National Park Service, shall have right of access at reasonable times to public portions of the property covered by such agreement for the purpose of conducting visitors through such properties and interpreting them to the public; and

(2) no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to the agreements.

(b) MATCHING FUNDS.—Funds authorized to be appropriated to the Secretary for the purposes of this section shall be expended in the ratio of 1 dollar of Federal funds for each 4 dollars of funds contributed by non-Federal sources. For the purposes of this subsection, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this Act, any money so contributed. Donations of land, or interests in land, by the State of Michigan may be considered as a contribution from non-Federal sources for the purposes of this subsection.

SEC. 9. KEWEENAW NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

(a) ESTABLISHMENT AND DUTIES.—There is established the Keweenaw National Historical Park Advisory Commission. The Commission shall—

(1) advise the Secretary in the preparation and implementation of a general management plan described in section 6;

(2) advise the Secretary on the development of and priorities for implementing standards and criteria by which the Secretary, pursuant to agreements referred to in sections 7 and 8, will provide financial as well as technical assistance to owners of non-Federal properties within the park;

(3) advise the Secretary on the development of rules governing the disbursal of funds for the development of non-Federal properties;

(4) advise the Secretary with respect to the selection of sites for interpretation and preservation by means of cooperative agreements pursuant to section 7;

(5) assist the Secretary in developing policies and programs for the conservation and protection of the scenic, historical, cultural, natural and technological values of the park which would complement the purposes of this Act;

(6) assist the Secretary in coordinating with local governments and the State of Michigan the implementation of the general management plan, and furthering the purposes of this Act;

(7) be authorized to carry out historical, educational, or cultural programs which encourage or enhance appreciation of the historic resources in the park, surrounding areas, and on the Keweenaw Peninsula; and

(8) be authorized to seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source, consistent with the purposes of this Act and the park management.

(b)(1) The Commission may acquire real property, or interests in real property, to further the purposes of the Act by gift or devise; or, by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, to further the purposes of this Act.

(2) For the purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.

(3) Any real property or interest in real property acquired by the Commission shall be conveyed by the Commission to the National Park Service or the appropriate public agency as soon as possible after such acquisition, without consideration, and on the condition that the real property or interest in real property so conveyed is used for public purposes.

(4) The value of funds or property, or interests in property, conveyed to the National Park Service by the Commission may be considered as non-Federal, the Commission's discretion.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of seven members appointed by the Secretary, of whom—

(A) two members shall be appointed from nominees submitted by the Calumet Village Council and the Calumet Township Board;

(B) one member shall be appointed from nominees submitted by the Quincy Township Board and the Franklin Township Board.

(C) one member shall be appointed from nominees submitted by the Houghton County Board of Commissioners;

(D) one member shall be appointed from nominees submitted by the Governor of the State of Michigan; and

(E) two members who are qualified to serve on the Commission because of their familiarity with National Parks and historic preservation.

(2) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members to serve a term of 3 years.

(3) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(4) TERMS OF SERVICE.—

(A) IN GENERAL.—Each member shall be appointed for a term of 3 years and may be reappointed not more than three times.

(B) INITIAL MEMBERS.—Of the members first appointed under subsection (b)(1), the Secretary shall appoint—

(i) two members for a term of 1 year;

(ii) two members for a term of 2 years; and

(iii) three members for a term of 3 years.

(5) EXTENDED SERVICE.—A member may serve after the expiration of that member's term until a successor has taken office.

(6) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or a majority of the members of the Commission.

(7) QUORUM.—Five members shall constitute a quorum.

(d) COMPENSATION.—Members shall serve without pay. Members who are full-time officers or employees of the United States, the State of Michigan, or any political subdivision thereof shall receive no additional pay on account of their service on the Commission.

(e) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(g) STAFF.—The Commission may appoint and fix the pay of such personnel as the Commission deems desirable. The Secretary may provide the Commission with such staff and technical assistance as the Secretary, after consultation with the Commission, considers appropriate to enable the Commission to carry out its duties, on a cost reimbursable basis. Upon request of the Secretary, any Federal agency may provide information, personnel, property, and services on a reimbursable basis, to the Commission to assist in carrying out its duties under this section. The Secretary may accept the services of personnel detailed from the State of Michigan or any political subdivision of the State and reimburse the State or such political subdivision for such services. The Commission may procure additional temporary and intermittent services under section 3109(b) of title 5 of the United States Code, with funds obtained under section 9(a)(6), or as provided by the Secretary.

(h) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may not issue subpoenas or exercise any subpoena authority.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS

(a) Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out this Act, but not to exceed $5 million for the acquisition of lands and interests therein, $25 million for development, and $3 million for financial and technical assistance to owners of non-Federal property as provided in section 8.

(b) There are authorized to be appropriated annually to the Commission to carry out its duties under this Act, $100,000, except that the Federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

Mr. LEVIN. Mr. President, with the Senate's passage of this bill today, we are taking a giant step toward finally recognizing how the Keweenaw Peninsula's copper boom of the mid-to-late 1800's played a pivotal role in this Nation's technological, cultural and labor relations history. Michigan's Copper Country showcases a unique period in our country's past and the industrial revolution. Passage of this bill is a victory for the people of the Keweenaw, the State of Michigan, and the entire Nation. I deeply hope that the House will be able to act on this matter quickly to ensure that we are able to present it to the President soon.

The bill that the Senate now sends on to the House, for what I hope will be swift passage, is a somewhat different version than the one which I introduced in August 1991. It is the product of a necessary compromise between and consultation with the National Park Service, the Senate Energy and Natural Resources Committee, and the people of the Keweenaw. The bill's main purpose is still the same, however, which is to preserve the nationally sig-

nificant historical and cultural sites, structures, and districts of a portion of the Keweenaw Peninsula in the State of Michigan for the education, benefit, and inspiration of present and future generations.

The major differences are that the Commissions in the earlier bill have been merged into one Keweenaw National Historical Park Advisory Commission, which will be less managerial at the National Park Service's insistence. The Commission will not have loan and grant authority, but it will have certain powers regarding the conveyance and disposition of donated lands, property, or funds. Also, at the National Park Service's insistence, authority to receive appropriations is limited to $5 million for the acquisition of lands and property interests, $25 million for development, and $3 million for financial and technical assistance to owners of non-Federal property within the park's boundaries.

This last major change will require the participation of the State of Michigan and private sources of capital in order to accumulate the capital necessary to utilize the entire $3 million because of the Park Service's insistence that this money may only be expended in the ratio of $1 of Federal capital funds for every $4 of non-Federal capital funds. A unique feature of this bill allows the value of donations of land by the State of Michigan desired by the Federal Government to count as non-Federal capital funds at the discretion of the Commission.

Mr. President, though it has been necessary to make these changes to make this bill acceptable to all my colleagues, I believe that the resulting bill will still recognize and preserve the nationally significant nature of the copper mining industry's history on the Keweenaw Peninsula. The National Park Service has officially recognized the valuable technological and cultural historical resources present within the proposed park's boundaries. The Calumet and Hecla, and Quincy Mining Companies National Historical Landmarks are clear evidence of that recognition.

The administration supports this park. The 1992 and 1993 budget request includes funds for land acquisition and planning and preservation activities for this park. The Interior appropriations conference report for fiscal year 1993 provides the National Park Service with the ability to use 1993 appropriations to begin planning the park as soon as it is authorized.

Mr. President, I am pleased that the Senate has passed S. 1664, my bill to establish the Keweenaw National Historical Park. I would like to thank Senators BUMPERS, JOHNSTON, and WALLOP, and all my colleagues for allowing this bill to come to the floor in an expeditious manner. I would particularly like to thank David Brooks on the Senate Energy Committee for his help on this bill. But, most of all, I would like to thank the people of Calumet, Hancock, and those elsewhere on the Keweenaw Peninsula of the Upper Peninsula of Michigan, for their patience, encouragement, and strong belief in the need to preserve an important part of this Nation's history.

CIVIL RIGHTS IN EDUCATION: BROWN VERSUS BOARD OF EDUCATION NATIONAL HISTORIC SITE ACT

The Senate proceeded to consider the bill (S. 2890) to provide for the establishment of the Civil Rights in Education: Brown versus Board of Education National Historic Site in the State of Kansas, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "[Civil Rights in Education:] Brown v. Board of Education National Historic Site Act of 1992".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "Secretary" means the Secretary of the Interior.

(2) The term "historic site" means the [Civil Rights in Education:] Brown v. Board of Education National Historic Site as established in section 4.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) The Supreme Court, in 1954, ruled that the earlier 1896 Supreme Court decision in Plessy v. Ferguson that permitted segregation of races in elementary schools violated the fourteenth amendment to the United States Constitution, which guarantees all citizens equal protection under the law.

(2) In the 1954 proceedings, Oliver Brown and twelve other plaintiffs successfully challenged an 1879 Kansas law that had been patterned after the law in question in Plessy v. Ferguson after the Topeka, Kansas, Board of Education refused to enroll Mr. Brown's daughter, Linda.

(3) Sumner Elementary, the all-white school that refused to enroll Linda Brown, and Monroe Elementary, the segregated school she was forced to attend, have subsequently been designated National Historic Landmarks in recognition of their national significance.

(4) Sumner Elementary, an active school, is administered by the Topeka Board of Education; Monroe Elementary, closed in 1975 due to declining enrollment, is privately owned and stands vacant.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations, the places that contributed materially to the landmark United States Supreme Court decision that brought an end to segregation in public education; and

(2) to interpret the integral role of the Brown v. Board of Education case in the civil rights movement.

(3) to assist in the preservation and interpretation of related resources within the city of Topeka that further the understanding of the civil rights movement.

SEC. 4. ESTABLISHMENT OF THE CIVIL RIGHTS IN EDUCATION: BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE.

(a) IN GENERAL.—There is hereby established as a unit of the National Park System the [Civil Rights in Education:] Brown v. Board of Education National Historic Site in the State of Kansas.

(b) DESCRIPTION.—The historic site shall consist of the Monroe Elementary School site in the city of Topeka, Shawnee County, Kansas, as generally depicted on a map entitled "[Civil Rights in Education:] Brown v. Board of Education National Historic Site," numbered Appendix A and dated June 1992. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. PROPERTY ACQUISITION.

The Secretary is authorized to acquire by donation, exchange, or purchase with donated or appropriated funds the real property described in section 4(b). Any property owned by the States of Kansas or any political subdivision thereof may be acquired only by donation. The Secretary may also acquire by the same methods personal property associated with, and appropriate for, the interpretation of the historic site: *Provided, however,* That the Secretary may not acquire such personal property without the consent of the owner.

SEC. 6. ADMINISTRATION OF HISTORIC SITE.

(a) IN GENERAL.—The Secretary shall administer the historic site in accordance with this Act and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535), and the Act of August 21, 1935, (49 Stat. 666).

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with private as well as public agencies, organizations, and institutions in furtherance of the purposes of this Act.

(c) GENERAL MANAGEMENT PLAN.—Within two complete fiscal years after funds are made available, the Secretary shall prepare and submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a general management plan for the historic site.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,250,000 to carry out the purposes of this Act including land acquisition and initial development.

Mr. DOLE. Mr. President, the Senate is about to consider S. 2890, a bill to designate the Monroe School in Topeka, KS a national historic site dedicated to interpreting the Brown versus the Board of Education case.

Much of the credit for this bill should go to Cheryl Brown Henderson. Establishing a national historic site at the Monroe School to interpret the Brown decision has been a personal battle for her. Cheryl is one of the three daughters of Rev. Oliver L. Brown, who, in the fall of 1951, joined with 12 other

families and the NAACP attorneys, to file suit against the Topeka Board of Education for preventing their children from enrolling in the neighborhood school—the all-white Sumner Elementary School. Today, Cheryl Brown Henderson is a respected advisor to the very same Topeka school system that discriminated against her sister some 40 years ago.

I would like to thank Senator BUMPERS for moving this bill through the Energy Committee in record time. Senator BUMPERS is committed, as I am, to a National Park System that Americans of all racial and ethic backgrounds can take pride in. Currently less than 5 percent of the national historic landmarks and national historic sites relate directly to the role of African-Americans. According to the Park Service, "The Topeka sites depict a significant historic theme which is not adequately represented elsewhere in the National Park or the National Historic Landmark Systems. No NPS units and only two NHLS today serve to commemorate a significant U.S. Supreme Court decision—let alone one of the magnitude of Brown versus the Board of Education."

I hope the Senate will join me, Cheryl Brown Henderson, and the National Park Service in supporting the Brown versus the Board of Education National Historic site bill.

TRANSFER OF CERTAIN LANDS IN LOUISIANA

The Senate proceeded to consider the bill (S. 3100) to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish Louisiana, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LANDS.

(a) IN GENERAL.—Subject to the limitations set forth in this section, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is directed to **[**convey,**]** *convey by quitclaim deed* without monetary consideration, all right, title and interest of the United States in and to certain lands located in Cameron Parish Louisiana, as described in **[**section 3,**]** *section 2*, to the West Cameron Port Commission for use as a public port facility or for other public purposes.

(b) RESERVATION OF MINERALS.—The United States hereby excepts and reserves from the provisions of subsection (a) all minerals underlying the lands referred to in section 2.

(c) REVERSION TO THE UNITED STATES.—If the lands conveyed by the United States pursuant to this Act cease to be operated by the West Cameron Port Authority for use as a public port facility or for other public purposes, such lands shall revert to the United States.

(d) RETENTION OF ENCUMBRANCES.—(1) The Secretary shall not convey any right, title, and interest held by the United States on the date of enactment of this Act in or to the following encumbrances on the property identified as subparcel H on the map referred to in section 2—

(A) a revocable permit (number 08-430 P 59) granted to the United States Army, to install and maintain an automatic tide gauge for recording storm and hurricane tides; and

(B) height restrictions in relation to the radio beacon tower located in the area identified as subparcel G on such map.

(2) The Secretary, after consultation with the Coast Guard, may include in the deed of conveyance any other restrictions the Secretary determines necessary for the benefit of the Coast Guard, including but not limited to restrictions on height of structures and requirements to shield seaward facing lights.

[SEC. 2. LAND DESCRIPTION.

The lands to be conveyed pursuant to this Act comprise approximately 64 acres within the irregular section 32, township 15 south, range 10 west, Louisiana Meridian, and include those lands east of State Highway 27/82 and the area commonly known as "Monkey Island", all as generally depicted on the map entitled "Cameron Parish Land Conveyance" and dated July 1, 1992.**]**

SEC. 2. LAND DESCRIPTION.

"The lands to be conveyed pursuant to this Act comprise approximately 162 acres of Federal lands located within the irregular Section 32, Township 15 South, Range 10 West, Louisiana Meridian, as generally depicted on the map entitled 'Cameron Parish Land Conveyance' and dated September, 1992.

DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992

The Senate proceeded to consider the bill (H.R. 2321) to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dayton Aviation Heritage Preservation Act of 1992".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish a unit of the National Park System in Dayton, Ohio, consisting of certain lands and structures associated with Wilbur and Orville Wright and the early development of aviation; and

(2) to create partnerships among Federal, State, and local governments and the private sector to preserve, enhance, and interpret for present and future generations the historic and cultural structures, districts, and artifacts in Dayton and the Miami Valley in the State of Ohio, which are associated with the Wright brothers, the invention and development of aviation, or the life and works of Paul Laurence Dunbar, and which, as a whole, represent a nationally significant resource.

TITLE I—DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK

SEC. 101. ESTABLISHMENT OF THE DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established, as a unit of the National Park System in the State of Ohio, the Dayton Aviation Heritage National Historical Park (hereinafter in this Act referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of the following sites, as generally depicted on a map entitled "Proposed Dayton Aviation Heritage National Historical Park", numbered NHP-DAH 80,000, and dated February 1992:

(1) A core parcel in Dayton, Ohio, which shall consist of the Wright Cycle Company *building*, Hoover Block, and lands between.

(2) Huffman Prairie Flying Field, Wright-Patterson Air Force Base, Ohio.

(3) The Wright 1905 Flyer and Wright Hall, Dayton, Ohio.

(4) The Paul Laurence Dunbar home, Dayton, Ohio.

SEC. 102. PROTECTION OF HISTORIC PROPERTIES.

(a) ACQUISITION OF PROPERTIES WITHIN THE PARK.—Within the boundaries of the park the Secretary shall, *subject to the availability of appropriated funds*, acquire the Wright Cycle Company building and Hoover Block, and may acquire other properties, or interests therein, referred to in section 101(b), by donation, purchase with donated or appropriated funds, exchange, or transfer.

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with other Federal agencies, State and local public bodies, and private interests and organizations relating to the preservation, development, use, and interpretation of properties within the boundaries of the park in order to contribute to the appropriate use and management of such properties consistent with the purposes of this Act. Such agreements shall provide, whenever appropriate, that—

(1) the public may have access to any such property at specified reasonable times for purposes of viewing such property or the exhibits or attending programs established by the Secretary under this subsection; and

(2) the Secretary may make such improvements to any such property as the Secretary deems necessary after consultation with the Commission to enhance the public use and enjoyment of such property and programs.

SEC. 103. PARK GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 complete fiscal years after the date of enactment of this Act, the Secretary, with the advice of the Commission, shall prepare and submit to the Congress a general management plan for the park which includes but is not limited to the information described in section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)), and which takes into account the preservation and development plan developed under section 202.

(b) PARK PARTNERSHIPS.—The management plan shall identify partnership opportunities between the Secretary and other Federal, State, and local governments and the private sector for the development, use, and interpretation of properties within the park.

SEC. 104. STUDIES.

The Secretary shall study the following properties **[**described in this section**]** to determine the feasibility and suitability of including them within the park:

(1) Properties within the Wright-Dunbar Historic District.

(2) Wright Company Factory, Dayton, Ohio. A report of the study of such properties

shall be submitted as part of the general management plan required by section 103.

SEC. 105. GENERAL ADMINISTRATIVE FUNCTIONS.

(a) IN GENERAL.—The park shall be administered in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including, but not limited to, the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

(b) DONATIONS.—The Secretary may accept donations of funds, property, or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purposes of managing the park.

(c) PROGRAMS.—The Secretary may sponsor, coordinate, or enter into cooperative agreements for educational or cultural programs related to the park as the Secretary considers appropriate to carry out the purposes of this Act.

(d) IDENTIFICATION AND MARKING OF SIGNIFICANT HISTORICAL SITES.—The Secretary may identify other significant sites related to the Wright brothers, the history of aviation, or Paul Laurence Dunbar in the Miami Valley which are related to the park, and, with the consent of the owner or owners thereof, may mark the sites appropriately and make reference to them in any interpretive literature. The Secretary may provide interpretive markers along transportation routes leading to units of the park.

(e) INTERPRETATION OF HUFFMAN PRAIRIE FLYING FIELD.—The Secretary may provide interpretation of Huffman Prairie Flying Field on Wright Brothers Hill, Wright-Patterson Air Force Base, Ohio.

SEC. 106. COOPERATION OF FEDERAL AGENCIES.

Any Federal entity conducting or supporting activities directly affecting the park shall—

(1) consult with, cooperate with, and to the maximum extent practicable, coordinate its activities with the Secretary; and

(2) conduct or support such activities in a manner which—

(A) to the maximum extent practicable is consistent with the standards and criteria established pursuant to section 202(b)(9); and

(B) to the maximum extent practicable will not have an adverse effect on the historic resources of the park.

SEC. 107. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE.

[Except in the case of properties subject to this Act which are under the control of the Secretary of Defense and which are affected by a national emergency declared by the President, at which time the decisions of the Secretary of Defense shall prevail, for those properties under the control of the Secretary of Defense, the Secretary of the Interior and the Secretary of Defense shall coordinate preservation efforts to the maximum extent practicable through a Memorandum of Agreement.]

The decisions concerning the execution of this Act as it applies to properties under control of the Secretary of Defense shall be made by such Secretary, in consultation with the Secretary of the Interior.

SEC. 108. ASSISTANCE.

(a) TECHNICAL AND PRESERVATION ASSISTANCE.—The Secretary may provide to any owner of property within the park, and to any organization having an agreement with the Secretary under section 102(b), such technical assistance as the Secretary considers appropriate to carry out the purposes of this Act.

(b) INTERPRETIVE MATERIALS.—The Secretary is authorized to publish interpretative materials for historic aviation resources in the Miami Valley.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated such sums as may be necessary to carry out this title.]

There is authorized to be appropriated such sums as may be necessary to carry out this title: Provided, That the amount to be appropriated for the operation, development or restoration of non-federally owned properties within the boundaries of the park shall not exceed $200,000.

TITLE II—DAYTON AVIATION HERITAGE COMMISSION

SEC. 201. DAYTON AVIATION HERITAGE COMMISSION.

(a) ESTABLISHMENT.—There is established the Dayton Aviation Heritage Commission to assist Federal, State, and local authorities and the private sector in preserving and managing the historic resources in the Miami Valley, Ohio, associated with the Wright brothers, aviation, or Paul Laurence Dunbar.

(b) MEMBERSHIP.—The Commission shall consist of 13 members as follows:

(1) 3 members appointed by the Secretary, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least one of whom shall represent the National Park Service.

(2) 3 members appointed by the Secretary from recommendations submitted by the Governor of the State of Ohio, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least one of whom shall represent the Ohio Historical Society.

(3) 1 member appointed by the Secretary of Defense, who shall represent Wright-Patterson Air Force Base.

(4) 3 members appointed by the Secretary from recommendations submitted by the City Commission of Dayton, Ohio, at least one of whom shall reside near the core parcel of the park (as described in section 101(b)(1)).

(5) 1 member appointed by the Secretary from recommendations submitted by the Board of Commissioners of Montgomery County, Ohio.

(6) 1 member appointed by the Secretary from recommendations submitted by the Board of Commissioners of Greene County, Ohio.

(7) 1 member appointed by the Secretary from recommendations submitted by the City Council of Fairborn, Ohio.

(c) TERMS.—(1) Members shall be appointed for terms of 3 years. A member may be reappointed only 3 times unless such member was originally appointed to fill a vacancy pursuant to subsection (e)(1), in which case such member may be reappointed 4 times. A member may serve after the expiration of his term until a successor is appointed.

(2) The Secretary shall appoint the first members of the Commission within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsections (b) (2), (4), (5), (6), and (7).

(d) CHAIR AND VICE CHAIR.—The chair and vice chair of the Commission shall be elected by the members of the Commission. The terms of the chair and vice chair shall be 2 years. The vice chair shall serve as chair in the absence of the chair.

(e) VACANCY.—(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary responsible for such appointment shall fill any such vacancy within 30 days after receiving a recommendation for the position.

(2) A member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. A member may serve after the expiration of his term until his successor has taken office.

(f) QUORUM.—A majority of the members of the Commission then serving shall constitute a quorum, but a lesser number may hold hearings.

(g) MEETINGS.—The Commission shall meet not less than 3 times a year at the call of the chair or a majority of its members.

(h) PAY.—(1) Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(i) FACA.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(j) TERMINATION.—The Commission shall cease to exist on January 1, 2004.

SEC. 202. DAYTON HISTORIC RESOURCES PRESERVATION AND DEVELOPMENT PLAN.

(a) IN GENERAL.—Within 2 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a preservation and development plan which may include the Wright-Dunbar Historic District, the Dunbar Historic District, the Ed Sines House and the Daniel Fitch House, and the 45 sites identified in Appendix A of the document entitled "Study of Alternatives Dayton's Aviation Heritage, Ohio" published by the National Park Service. Within 90 days after the receipt of such plan, the Secretary shall approve such plan or return it with comments to the Commission. If the Secretary has taken no action after 90 days upon receipt, the plan shall be considered approved. If the Secretary disapproves a plan, the Commission shall submit a revised plan to the Secretary. The plan shall include specific preservation and interpretation goals and a priority timetable for their achievement. The Secretary shall forward copies of the approved plan to the Congress.

(b) CONTENTS OF PLAN.—The plan referred to in subsection (a) shall—

(1) set detailed goals for the preservation, protection, enhancement, and utilization of the resources of [the district and] sites referred to in subsection (a);

(2) identify properties which should be preserved, restored, developed, maintained, or acquired;

(3) include a tentative budget for the subsequent five fiscal years;

(4) propose a management strategy for a permanent organizational structure to enhance and coordinate such resources, and aviation-related properties, and institutions;

(5) recommend methods for establishing partnerships with Federal, State, and local governments and the private sector to foster development and to preserve and enhance such resources;

(6) propose transportation links, including pedestrian facilities and bicycle trails among historic aviation sites including an interurban between [the district] *the Wright-Dunbar Historic District* and the historic resources at Wright-Patterson Air Force Base;

(7) address the use of private vehicles, traffic patterns, parking, and public transportation;

(8) propose educational and cultural programs to encourage appreciation of such resources;

(9) establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of the properties among such resources;

(10) establish an index which shall contain documentary evidence of historical and cultural significance and which includes property in the Miami Valley associated with the Wright brothers, the history of aviation, or Paul Laurence Dunbar.

(c) CONSULTATION.—In developing the plan, the Commission shall consult with appropriate officials of any local government or Federal or State agency which has jurisdiction over historic aviation resources in the Miami Valley area. The Commission shall also consult with property owners and business, historic, professional, neighborhood, and citizen organizations affected by the actions proposed in the plan.

SEC. 203. GENERAL POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

(b) DONATIONS.—Notwithstanding any other provision of law, the Commission may seek and accept donations of funds, property, or service from individuals, foundations, corporations, and other private entities and public entities for the purpose of carrying out its duties.

(c) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(d) MAIL.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) USES OF ACQUIRED ASSETS.—Any revenues or other assets acquired by the Commission by donations, the lease or sale of property, or fees for services shall be available to the Commission, without fiscal year limitations, to be used for any function of the Commission.

(f) HISTORICAL AND CULTURAL PROGRAMS.—The Commission is authorized to carry out historical, educational, or cultural programs which encourage or enhance appreciation of the historic resources in the Miami Valley associated with the Wright brothers, aviation, or the life and works of Paul Laurence Dunbar.

(g) TECHNICAL AND PRESERVATION ASSISTANCE.—The Commission may provide technical and preservation assistance to owners of property within the districts, sites, and properties referred to in section 202(a) consistent with the purposes of this Act.

(h) OBTAINING PROPERTY.—(1) The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties except that the Commission may not acquire any real property or interest in real property otherwise than under paragraph (2).

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the districts, sites, and properties referred to in section 202(a)—

(A) by gift or [device;] *devise;* or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in such district and sites.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

SEC. 204. STAFF OF COMMISSION.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

(b) ADDITIONAL PERSONNEL.—The Commission may appoint and fix the pay of such additional personnel as the Commission deems necessary. Such staff may include specialists in areas such as interpretation, historic preservation, black history and literature, aviation history and technology, and urban revitalization.

(c) TEMPORARY SERVICES.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(d) DETAIL.—Upon request of the Commission, the head of any Federal agency represented by a member on the Commission may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

(e) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(f) STATE AND LOCAL SERVICES.—The Commission may accept the services of personnel detailed from the State or any political subdivision of the State and may reimburse the State or such political subdivision for such services.

(g) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for grade GS–15 of the General Schedule.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated annually to the Commission to carry out its duties under this Act $350,000, except that the Federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

Mr. GLENN. Mr. President, I rise today to express my strong support for the passage of H.R. 2321, the Dayton's Aviation Heritage Historical Park Act. This bill will create a national park in Dayton, OH, to honor the Wright brothers, Paul Laurence Dunbar, and others who assisted in the development of manned, powered flight. It was in Dayton that the Wrights performed their initial experiments prior to the historic first flight in Kitty Hawk, NC, and where they later perfected their invention. It was in Dayton that Paul Laurence Dunbar composed many of his poems and where the Wrights printed his newspaper, the Tattler.

It was almost 2 years ago that a locally organized group of community leaders and citizens in Dayton approached me with their idea to establish a national park in Dayton to honor Dunbar and the Wrights. At that time the 2003 Committee, so named for the year of the flight's centennial, had a vision and a dream. Mr. President, today we as a Congress have an opportunity to transform that dream into a reality.

The park, which enjoys strong community support, will coordinate several existing sites, bringing them under the direction of the National Park Service for the first time. Included in the park are the Wright brothers' bicycle shop, the Wright B Flyer, the Paul Laurence Dunbar home, and Huffman-Prairie Flying Field, the field where the Wrights performed most of their experiments.

Mr. President, the Wright brothers' invention truly changed the world and opened the door for me to make a career as an aviator. Senator METZENBAUM and I have joined together in support of this park that will celebrate all that their invention has brought to our Nation and modern society. I ask that my colleagues join with me in wholeheartedly endorsing this park.

LITTLE RIVER CANYON NATIONAL PRESERVE ACT OF 1992

The Senate proceeded to consider the bill (H.R. 3665) to establish the Little River Canyon National Preserve in the State of Alabama, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Little River Canyon National Preserve Act of 1992".

SEC. 2. ESTABLISHMENT.

(a) IN GENERAL.—In order to protect and preserve the natural, scenic, recreational, and cultural resources of the Little River Canyon area in DeKalb and Cherokee Counties, Alabama, and to provide for the protection and public enjoyment of the resources, there is established the Little River Canyon National Preserve (referred to in this Act as the "Preserve").

(b) AREA INCLUDED.—The Preserve shall consist of the lands, waters, and interests in lands and waters generally depicted on the boundary

map entitled "Little River Canyon National Preserve", numbered NA–LRNP–80,001C, and dated March 1992.

(c) MAP.—The map referred to in subsection (b) shall—

(1) be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior in Washington, District of Columbia; and

(2) be filed with the appropriate offices of DeKalb and Cherokee Counties in the State of Alabama.

(d) PUBLICATION OF DESCRIPTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior (referred to in this Act as the "Secretary") shall publish in the Federal Register a detailed description of the boundaries of the Preserve.

SEC. 3. ADMINISTRATION.

(a) IN GENERAL.—The Preserve shall be administered by the Secretary in accordance with this Act and in accordance with the laws generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) HUNTING AND FISHING.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall permit hunting, trapping, and fishing on lands and waters under the jurisdiction of the Secretary within the Preserve in accordance with applicable Federal and State laws.

(2) TIME AND PLACE RESTRICTIONS.—Subject to such terms and conditions as the Secretary considers necessary in furtherance of this Act, and after consultation with the Department of Conservation and Natural Resources of the State of Alabama and owners of lands adjacent to the Preserve, the Secretary may designate zones where, and establish periods when, the activities described in paragraph (1) will not be permitted within the Preserve for reasons of public safety, administration, fish and wildlife habitat, or public use and enjoyment.

(3) RESTRICTIONS IN BOUNDARY AREAS.—After consultation with the Department of Conservation and Natural Resources of the State of Alabama and with the owners of lands adjacent to the Preserve, the Secretary may restrict hunting in areas within the Preserve that are adjacent to the boundaries of the Preserve where the restriction is necessary or appropriate to protect public safety.

(4) CONGRESSIONAL INTENT.—Nothing in this Act is intended to affect the jurisdiction or responsibilities of the State of Alabama with respect to fish and wildlife.

(c) WATER RESOURCES PROJECTS.—Subsection (a) of section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) shall apply to that portion of the Little River that flows through the Preserve in the same manner and to the same extent as such subsection applies to the rivers referred to in such subsection. The application of such subsection to the Preserve shall not affect any determination of the value of the lands, waters, or interests in lands and waters within the boundaries of the Preserve.

(d) COOPERATIVE AGREEMENTS WITH STATE.—

(1) LAW ENFORCEMENT AND FIRE PREVENTION.—In administering the Preserve, the Secretary may enter into cooperative agreements with the State of Alabama, or any political subdivision of the State, for the rendering of—

(A) rescue, fire fighting, and law enforcement services; and

(B) cooperative assistance by law enforcement and fire preventive agencies located in the vicinity of the Preserve.

(2) PREPARATION OF MANAGEMENT PLAN.—To facilitate the purposes of this section, the Secretary may enter into cooperative agreements with the State of Alabama and directly affected political subdivisions of the State to provide professional assistance in the preparation of the management plan for the Preserve.

(e) DESOTO STATE PARK.—If lands within DeSoto State Park are acquired by the Secretary, at the request of the Department of Conservation and Natural Resources of the State of Alabama, the Secretary shall enter into a cooperative agreement with the Department for the continued management by the Department of the lodge and other facilities that, as of the date of enactment of this Act, are part of DeSoto State Park. The cooperative agreement shall provide for the management and operation of the lodge and facilities in a manner that, to the maximum extent practicable, is consistent with similar operations elsewhere in the National Park System.

(f) PUBLIC INVOLVEMENT.—

(1) PUBLIC AWARENESS AND PARTICIPATION PROGRAM.—The Secretary shall develop and conduct a program to promote and encourage awareness of and participation in the development of the general management plan for the Preserve by persons owning property in the vicinity of the Preserve, other interested groups and individuals, State, county, and municipal agencies, and the general public. Prior to final approval of the plan, the Secretary shall hold public meetings in DeKalb and Cherokee Counties.

(2) CONSIDERATION OF PUBLIC COMMENT.—In preparing and implementing the plan described in paragraph (1), the Secretary shall give full consideration to the views and comments of the individuals, groups, and agencies described in paragraph (1).

(g) GREEN PITCHER PLANT.—Upon the transfer by Alabama Power Company to the United States of any lands within the boundaries of the Preserve that contain the Green Pitcher Plant (Sarracenia oreophila), all rights and obligations of Alabama Power Company under the agreement entered into between the company and the Department of the Interior (including the United States Fish and Wildlife Service) on May 12, 1983, in settlement of the action brought on September 24, 1980, against the Secretary and the Director of the Fish and Wildlife Service in the United States District Court for the Northern District of Alabama (Civil Action No. CV 80–C–1242–M), shall be extinguished.

SEC. 4. ACQUISITION.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary is authorized to acquire lands, waters, and interests in lands and waters within the boundaries of the Preserve by donation, purchase with donated or appropriated funds, or exchange.

(2) CONSENT OF THE OWNER.—The Secretary may not acquire lands, waters, or interests in lands and waters for the Preserve without the consent of the owner.

(3) STATE LANDS.—Lands, waters, and interests in lands and waters within the boundaries of the Preserve that are owned by the State of Alabama, or any political subdivision of the State, may be acquired only by donation or exchange.

(b) NEGOTIATIONS FOR ACQUISITION.—

(1) COMMENCEMENT OF NEGOTIATIONS.—Immediately after publication of a description of the boundaries of the Preserve in accordance with section 2(d), the Secretary shall commence negotiations for the acquisition of the lands, waters, and interests in lands and waters within the boundaries of the Preserve.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit, in writing, a detailed schedule of actions and a progress report regarding the acquisition to—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Interior and Insular Affairs of the House of Representatives; and

(C) the Committees on Appropriations of Congress.

(3) ACQUISITION DEADLINE.—The Secretary shall substantially complete the acquisition of the lands, waters, and interest in lands and waters within the Preserve, in accordance with the purposes of this Act, not later than 2 years after the date of enactment of this Act, subject to the availability of funds.

(c) ENVIRONMENTAL AUDITS.—

(1) AVAILABILITY TO OWNER.—Promptly following completion of any environmental audit performed by or on behalf of the Secretary with respect to any property proposed to be acquired for the purposes of this Act, the Secretary shall make available to the owner of the property a copy of the audit.

(2) INCLUSION IN DOCUMENTS TRANSFERRING TITLE.—Any audit described in paragraph (1), and any environmental audit performed by the owner of the property and submitted to the Secretary prior to the date of the acquisition, shall be included as part of the documents transferring title to the property to the United States.

(d) FUTURE ADDITIONS.— No lands or interest in lands may be added to the Preserve after the date of enactment of this Act without specific authorization by Congress and the consent of the owner of the lands or interest.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. SYMMS. I have several concerns about the legislation before us today, and I wonder if my friend, the junior Senator from Alabama and chief sponsor of the bill, would answer a few questions about it.

Mr. SHELBY. I will be pleased to respond to the questions of my friend from Idaho.

Mr. SYMMS. Mr. President, H.R. 3665 would create a national preserve out of parks and other lands in Alabama. I understand that only three landowners remain inside the boundaries of the proposed Little River Canyon National Preserve—the State of Alabama, Cherokee County, and the Alabama Power Company. Is that correct?

Mr. SHELBY. That is correct.

Mr. SYMMS. However, I also understand the National Park Service boundary map dated March 1992 and referenced in the committee reported bill on page 8, lines 11–13, may contain errors in boundary lines and mislabeling of parcels, such that lands owned by private individuals inadvertently may have been included within the boundaries of the Little River Canyon National Preserve. Is that the Senator's understanding and is it the Senator's intention that this national preserve include any lands owned by private individuals?

Mr. SHELBY. I would say to the Senator from Idaho that it definitely is not my intention nor my understanding that the Little River Canyon Na-

tional Preserve will include within its boundaries any lands owned by private individuals. I have reviewed the map to which the Senator referred and have been assured by my colleagues on the committee and committee staff that the boundaries of the Little River Canyon National Preserve, as indicated on the map, do not include any lands owned by private individuals. As a member of the authorizing committee, I would not have encouraged the committee to report the bill had the map included such lands, and I can assure the Senator that it does not.

Mr. SYMMS. I am satisfied with those assurances, and I appreciate the Senator taking this time to address my concerns.

Mr. SHELBY. I thank the Senator for his interest in this matter.

MEASURE INDEFINITELY POSTPONED—S. 1625

Mr. FORD. Mr. President, I ask unanimous consent that Calendar No. 577 be indefinitely postponed.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, as if in executive session I ask unanimous consent that the Committee on Labor and Human Resources be discharged from consideration of the following nominations for the National Institute for Literacy and that they be placed on the Calendar:

John Corcoran, of California;
Jon Deveaux, of New York;
Jim Edgar, of Illinois;
Badi Foster, of Illinois; and
Ronald M. Gillum, of Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES INDEFINITELY POSTPONED

Mr. FORD. Mr. President, I ask unanimous consent that Calendar Nos. 207, S. 45, Jena Band Choctaws-LA; 233, S. 1717, Native American Programs; and 352, S. 1869, San Carlos Indian Irrigation be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR A CORRECTION IN THE ENROLLMENT OF H.R. 2042

Mr. DOLE. Mr. President, on behalf of Senator JEFFORDS, I send to the desk a concurrent resolution and I ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 138) to authorize a correction in the enrollment of H.R. 2042.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. Mr. President, I offer a concurrent resolution to instruct the Clerk of the House to make corrections in the enrollment of H.R. 2042, and more particularly, an amendment I offered to that bill when it was passed by the Senate on September 29.

There was some concern that my amendment might add to the regulatory authority of the Department of Labor. That was not my intent, but I want to remove any doubt by offering this resolution.

The text of my amendment is virtually identical to the text of S. 353. It is my belief that the committee report on that legislation, Senate Report 102–253, should serve as guidance. That report at several points states that it is not our intent that this legislation should expand the regulatory authority of the Department of Labor.

The PRESIDING OFFICER. The question now is on agreeing to the concurrent resolution.

Without objection, the concurrent resolution is agreed to.

So the concurrent resolution (S. Con Res. 138) was agreed to, as follows:

S. CON. RES. 138

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (H.R. 2042) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes, the Clerk of the House of Representatives shall make the following corrections: With respect to section 209—

(1) strike out subparagraph (A) of subsection (d)(1) and insert in lieu thereof the following new subparagraph:

"(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed with regard to employee transported releases of hazardous materials; and"; and

(2) strike our paragraph (2) of subsection (d) and insert in lieu thereof the following new paragraph:

"(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate, pursuant to the Secretary's authority under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), such regulations or standards as determined to be appropriate not later that 3 years after such determination.".

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSTRUCTION OF THOMAS PAINE MONUMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of H.R. 1628, a bill to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes; that the Senate proceed to its immediate consideration; that the bill be deemed read for the third time, passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1628) was deemed read for the third time and passed.

THOMAS PAINE

Mr. SYMMS. Mr. President, I rise today to make some final remarks about Thomas Paine.

Seventy-eight Senators cosponsored Senate Concurrent Resolution 110, my legislation to allow the private sector to finally honor Thomas Paine.

Over 235 Representatives cosponsored H.R. 1628, similar legislation in the House, prior to passing it unanimously.

Over 140 presidents, department chairs, professors, and members of our Nation's most prestigious universities, colleges, and organizations endorsed Senate Concurrent Resolution 110, including the 12,000-member Organization of American Historians.

Most Senators have received letters asking them to support Senate Concurrent Resolution 110, and most have done so.

I would prefer that the will of the majority of Senators might have prevailed on this issue, however, I have today accepted the offer of the chairman and ranking member of the Rules Committee to support passage of H.R. 1628, with their pledge to vigorously advocate that Thomas Paine be memorialized in an appropriate, distinguished and prominent location in Washington, DC, pursuant to the Commemorative Works Act.

I appreciate their offer, and look forward to the day when children can visit Washington, DC with their parents and see this privately funded memorial to the agitator for freedom who is credited in their textbooks with creating the political will for our revolution.

Mr. President, on the evening of Friday, April 20, 1992, an evening incidentally, which the junior Senator from West Virginia and some of our pages and clerks may recall, I introduced Senate Concurrent Resolution 110 with 71 cosponsors.

Prior to that, on June 8, 1990, my friend and then-senior Senator from Idaho Jim McClure and I introduced S. 2717, the first Federal legislation in U.S. History to honor Thomas Paine.

Mr. President, Thomas Paine has been dead for nearly 200 years.

His ideas on liberty and representative, constitutionally limited, democratically elected government are as vibrant and relevant today as they were in the bleak days of 1775 and 1776 when an oppressive monarchy was sucking the life-blood out of our Nation.

In the President's room of the Capitol last Thursday, September 24, I sponsored a reception honoring Dr. Thomas Clark, the Kentucky historian laureate for life, hosted by the Thomas Paine Association through private donations.

Among the Senators, pundits, and government officials, priests, and professors, were a couple of young people who were on an exchange program from Hungary and a young woman who is a student here from Bosnia.

Mr. President, Thomas Paine is not dead to them.

They, like many others, may be puzzled why we do not honor our "son who made us natives." However, a piece of bronze, or the whereabouts of his bones is of little consequence to these young people and their perception of the emerging democracies of the world.

They cling to his words, his ideas, and his unwavering commitment to the rights of man.

When I introduced Senate Concurrent Resolution 110 in April, I spoke of what Thomas Paine did for our revolution. Today, I want to remark what Thomas Paine's revolution has done for us.

During my 20 years in Congress, I have frequently been in the minority. While my 92 to 8 votes in the Senate may not have radically changed the course of history, I was never jailed for casting a vote based on my beliefs. Thomas Paine was—and nearly lost his life for it. Thomas Paine stood for and vigorously defended the rights of the minority.

In January 1776, in Common Sense, Paine called for independence and identified "there is something absurd in supporting a Continent to be perpetually governed by an island." We have enjoyed for 200 years the benefits of that pronouncement.

Thomas Paine wrote his first public defense for the working man in 1772. As a result he had lost his job as an excise man by 1774. Soon thereafter, Ben Franklin's vision for our Nation included Thomas Paine and consequently he urged him to emigrate to Pennsylvania, where he became an influential and successful publisher of Pennsylvania Magazine.

Incidently, Paine never became a rich man—as he might have had he not donated the proceeds from his widely successful "Common Sense" and "The American Crisis" to the cause of our revolution along with his rather meager salary as a soldier.

In "Common Sense", he identified the need for the unconditional separation from England. In it he also wrote the first widely-distributed call for a written constitution to protect the civil, property, and religious rights of men and women of all races.

"Virtue is not hereditary", wrote Paine when describing the need for a government of laws not men.

This "charter" as he called it, must recognize that "* * * our strength is continental, not provincial." The purpose of Mr. Paine's "charter" was for securing freedom and property to all men, and above all things, the free exercise of religion, according to the dictates of conscience. . ."

Could these words be heard today in Hungary? * * *. in Czechoslovakia? * * * Are they heard, or simply whispered in Cuba?

Does Fidel Castro like Thomas Paine any more than old King George? Of course not. Are the framers of the governments of the emerging democracies in Eastern Europe paying attention to the writings of Paine and the model established in these United States? Of course.

Mr. President, if it is free speech that one values, remember Thomas Paine, one of the fathers of "pamphleteering" and journalism. If it is the protection of private property, the free exercise of religion without government interference, then remember Thomas Paine. If it is a constitutionally limited government, then remember Thomas Paine.

Mr. President, tonight the Senate is writing one of the last chapters of the history of ignoring Thomas Paine.

As one of the young people who has contacted me on this issue wrote.

"It is true that there is no lack of monuments in Washington, DC, and Paine himself would probably consider his anonymity inconsequential as long as the principles he held so dear were flourishing.

However, we must recognize this man—not merely to express gratitude, honor and respect, all of which he richly deserves—but for selfish reasons: for ourselves * * * Our nation needs his inspiration. We need to remember his perseverance, thoughtfulness, and foresight * * *."

In closing, I wish to offer special thanks to the senior Senators from Kentucky, Mr. FORD and Alaska, Mr. STEVENS, for their pledge of assistance in the coming process of compliance with the Commemorative Works Act. Also I wish to thank Representative NITA LOWEY for her efforts, and those of Heather Howard of her staff in the House of Representatives and David Henley, Washington, DC. director of the memorial project of the Thomas Paine National Historical Association. Additionally I would like to thank Doug Cooper, president of the association, Trevor Norris of my staff, the hundreds of people worldwide who have supported this effort and the millions of people throughout history who have struggled against tyranny to keep Thomas Paine's vision of liberty alive.

Mr. President, throughout the remainder of my service in the Senate, and the 102d Congress, I will continue to bring information about Mr. Paine, and efforts to appropriately honor him to the attention of our colleagues.

CORRECTION IN THE ENROLLMENT OF H.R. 1628

Mr. DOLE. Mr. President, on behalf of Senator SYMMS, I send to the desk a concurrent resolution, to authorize the correction in the enrollment of the bill that just passed the Senate, H.R. 1628, and I ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 139) to authorize the correction in the enrollment of H.R. 1628.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Without objection, the concurrent resolution is considered and agreed to.

So the concurrent resolution (S. Con. Res. 139) was agreed to, as follows:

S. CON. RES. 139

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (H.R. 1628) to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes, the Clerk of the House of Representatives shall make the following corrections: In section 1(a) and section 3, strike "U.S.A. Memorial Foundation".

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEMORIAL TO AFRICAN-AMERICANS WHO SERVED IN THE CIVIL WAR

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on

Rules and Administration be discharged from further consideration of House Joint Resolution 320, a resolution to authorize the government of the District of Columbia to establish a memorial to African-Americans who served with the Union forces during the Civil War; that the Senate proceed to its immediate consideration; and that the joint resolution be deemed read for the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEDOM SUPPORT ACT—CONFERENCE REPORT

Mr. FORD. Mr. President, I submit a report of the committee of conference on S. 2532 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2532) entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. PELL. Mr. President, today, the Senate considers the conference report on the Freedom Support Act, which authorizes assistance to the States of the former Soviet Union. I am pleased that the Congress is on the verge of passing a law to respond to one of the greatest events of the 20th century: the fall of communism in what was the Soviet Union. Passage of this conference report represents the culmination of months of bipartisan efforts to ensure that democratic and free market principles take root in the newly Independent States.

At various stages on the way to passage of this legislation, I have reaffirmed my view that it is an act of fundamental national self-interest for us to help Russia and the other countries of the former Soviet Union. I believe that the conference report before us serves our foreign policy, as well as domestic interests.

The conference report preserves the authorities and conditions in the bill passed by the Senate on July 2, and it gives the administration the authorities that it requested in the legislation that it sent to Congress last spring. In terms of format, the conference report differs from the Senate bill in that it is not freestanding, but rather, it is an amendment to the Foreign Assistance Act. It is the product of a closely coordinated effort among the Senate and House committees with jurisdiction over various provisions in the bill.

Let me summarize the major provisions of the conference report. The bulk of United States assistance to the countries of the former Soviet Union will be channeled through United States participation in a multilateral aid effort agreed to by the G–7 countries in the wake of the Soviet Union's dissolution. Accordingly, a centerpiece of the conference report is an authorization to the U.S. Governor of the International Monetary Fund to consent to an increase of the U.S. quota in the Fund, an amount estimated to be $12.3 billion.

According to the Treasury Department, the IMF expects that approximately $4 billion of the total increase of $60 billion—of which the United States share is $12 billion—will be made available to Russia. Treasury projects the total amount of IMF assistance for all of the former Soviet Union over the next 2 or 3 years could reach $15 billion.

As was discussed during floor consideration of the Senate bill, transactions between the U.S. Treasury and the IMF are monetary exchanges through which the United States receives an international reserve asset, and exchanges are not budgetary receipts or expenditures. There are thus no net budgetary outlays associated with the IMF quota increase.

In terms of bilateral assistance, the conference report authorizes $410 million for fiscal year 1993. This figure was arrived at by subtracting the $50 million authorized for exchange programs in section 808 of the conference substitute from the executive branch request of $460 million for fiscal year 1993.

The conference substitute sets forth 13 generic categories of assistance activities, drawn from both the Senate and House bills, that may be conducted in the countries of the former Soviet Union. It requires the President, in providing this assistance, to take into account not only relative need, but also the extent to which an independent state is acting on 11 different criteria.

It further specifies that assistance shall be terminated to: Any government the President determines is engaged in a consistent pattern of gross violations of internationally recognized human rights or of international law; any government the President determines has failed to take constructive actions to facilitate the effective implementation of applicable arms control obligations; any government the President determines has knowingly transferred missile or missile technology under the missile technology control regime, or any material equipment or technology that would contribute significantly to the ability of a country to manufacture any weapon of mass destruction; any government that is prohibited from receiving assistance by sections 669 or 670 of the Foreign Assistance Act or sections 306(a)(1) and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991; or for the Government of Russia if it has failed to make significant progress on the removal of CIS or Russian troops from Estonia, Latvia, and Lithuania, or if it has failed to undertake good faith efforts, such as negotiations, to end other military practices that weaken the sovereignty of the Baltic States.

It includes two additional ineligibility provisions: a prohibition of assistance to any independent state that withholds books or other documents of religious or historical significance and a prohibition of assistance to the Government of Azerbaijan until the President determines and reports to Congress that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabagh.

In addition to the generic list of activities authorized in title II, the conference report contains separate titles authorizing: activities that promote business and commercial development, including the establishment of American business centers; the establishment of a democracy corps; nonproliferation and disarmament programs and activities; space trade and cooperation; agricultural trade; and exchanges, scholarships, and training programs. With regard to exchanges, $50 million is specifically authorized to be appropriated for this purpose.

The conference report also contains a provision requiring the executive branch to notify the Congress prior to building a new radio transmitter in Israel for broadcasting to the former Soviet Republics of Central Asia. In adopting this provision, the conferees does not in any way indicate either opposition to construction of the transmitter, or an intent to deauthorize funding for it. Rather, adoption of the provision reflects the conferees' interest simply in allowing the project to be reviewed by the authorizing committees in both Houses in the next Congress.

Broadcasting to Central Asia remains vitally important. The rise of Islamic fundamentalist influences calls for more, not less, broadcasting to that region. At the same time, a number of new and popular broadcasting demands, such as that for Radio Free Asia, have emerged in the past year. In view of these broadcasting needs, it is not likely that the funding for the Israeli would be in jeopardy.

Finally, the conference report authorizes $25 million to be appropriated

in fiscal year 1993 to the Department of State and the U.S. Information Agency for the establishment and operation of new diplomatic posts in the Independent States of the former Soviet Union.

In my view, the Freedom Support Act is an historic, forward-thinking piece of legislation. In passing this conference report, the Congress will signify its understanding that in this greatly changed world, domestic and foreign policies cannot be separated.

The benefits of aiding the newly independent countries are vast. We will be able to make large savings on our military budget, savings that will far exceed, even on an annual basis, the amount of assistance we need to provide to the countries of the former Soviet Union. As the new States recover from more than 70 years of communism they will become important trading partners and their economic growth will contribute to our own prosperity much as the earlier recoveries in Western Europe benefited us in the 1950's. If we fail to take advantage of this effort, we will lose out to other countries on the trade and economic benefits.

If democracy and economic reform do not survive in the former Soviet Union, new threats to peace and stability in Europe and elsewhere are likely to arise. We must not allow this to happen. In the 1950's, the Congress mustered the bipartisan will necessary to fight communism. Now, 40 years later, a bipartisan effort is just as necessary to help rebuild countries devastated by more than 70 years of dictatorship, repression, and economic ruin. By passing the Freedom Support Act conference report, we take an important step toward that goal.

Mr. LUGAR. Mr. President, today is a remarkable day for the development and promotion of a new and more coherent policy toward the new States of the former Soviet Union. The conference report on the Freedom Support Act offers a new policy that puts behind us the vestiges of the cold war in favor of one which seeks to assist in the 0construction of a new strategic partnership with the successor States that strive toward democratic institution-building and market economics.

This morning, the Senate formally consented to the ratification of START Treaty limiting and reducing the strategic arsenals of the former Soviet Union and the United States, and this evening we will approve the Freedom Support Act which provides modest, but drastically needed, assistance to help stave off disaster in the newly independent states of the former Soviet Union.

When combined with the additional funds for defense conversion, particularly for the dismantlement and destruction of the nuclear weapons of the nuclear States of the former Soviet Union in the Defense authorization and appropriations bills, these three legislative actions truly mark an extra-ordinary contribution to a safer and more stable world.

Despite the economic difficulties and hardships here at home, the American people have demonstrated in poll after poll a sense of responsibility in assisting the peoples of the former Soviet Union in making the transition from totalitarianism to democracy. They recognize that it is in our short-run and long-run interest to do so.

The Freedom Support Act is not a charity and is not a give away. It is in the clear national interest of the United States; it is an investment in political, economic and social reform in these new States. It is an investment in our own security and well-being.

Among the many features of the conference report is the emphasis it gives to the role of the private sector in assisting the new States. Many of the programs in the act encourage and provide incentives to American firms to become more fully engaged in these States. Indeed, it will be the American private sector that will be the cutting edge in a new partnership with the States of the former Soviet Union. This is where the knowhow lies, where much of the technical expertise is found and where investment and trade interest will originate. American private enterprise, in addition, will be able to realize a fair profit from this investment in the former Soviet Union that will repay our near term and modest financial contribution in the conference report before us tonight.

Mr. President, the conference report includes most of what President Bush sought when he originally proposed this legislation earlier this spring. It retains much but not all the flexibility needed to implement a sensible and constructive program of assistance to the former Soviet Union. But, it clearly spells out the conditions and considerations which the new States must meet and the President must consider if the funds provided in the act can be made available to these new States.

At a time when our attention and energies are almost exclusively focused on domestic considerations, the approval of the Freedom Support Act reminds us that, despite our pre-occupations at home, the rest of the world continues at its own pace. For this reason alone, it is important that this legislation be approved. In fact, approval of this foreign policy legislation will be an important element in improving our domestic economy and our national well-being. Such is the interrelationship between the outside world and our internal, domestic needs.

Among the objectives authorized in the Freedom Support Act are programs intended to promote democracy, to help transform the command economy to free market principles, to promote human rights practices, to improve the energy sector of their economies, to provide humanitarian assistance, sponsor student and other exchanges with the United States, encourage and underwrite trade and investment, stimulate defense conversion, promote civilian nuclear reactor safety, environmental protection and other worthwhile objectives.

The conference report authorizes very limited funds given the enormity of the needs and the importance of the task of helping the former Soviet Union avoid chaos and total disintegration. The bill authorizes some $470 million in bilateral U.S. assistance for this historic purpose. Additional assistance that will not insure costs to the American taxpayer is also authorized in the bill in the form of guarantees and other programs.

Finally, Mr. President, I want to offer my congratulations to Senator PELL with whom I worked on moving this bill, as well as the START Treaty, through the Senate. These are the most recent pieces of legislation that he and I have guided through the Senate on behalf of the Committee on Foreign Relations, and I know that he is as pleased as I am with the conference report that is before us tonight.

Mr. DOMENICI. Mr. President, tonight is the 6-month anniversary of the president's request for Congress to pass legislation setting forth United States policy regarding Russia, Ukraine, and the other New Independent States of the former Soviet Union. In a model of bipartisan action during this Congress, we have managed to consider and pass this bill in only 180 days. That is indeed a record this year.

It is a week since the conferees announced that they had completed work on the bill, but the conference agreement was not filed and available for review until midafternoon today. My comments, then, reflect a very cursory review by me and my Budget Committee staff.

I commend the conferees for crafting a bill that reflects a comprehensive and generally thoughtful approach to the challenging task of helping these former Communist nations. Much of the executive branch flexibility requested by the President is provided, though for a 1-year trail basis only.

The conference agreement goes some way toward consolidating the various activities this country is being urged to undertake in the former Soviet Union. There is still duplication, though, which may yet require additional consolidation into a single American center in each republic or major city.

The report language encouraging the executive branch to utilize, to the maximum extent possible, private and nongovernmental American entities already engaged in these countries is encouraging. It also encourages the use of for-profit American firms. We don't want to see the traditional aid contrac-

tors migrate into Russia and Ukraine from the very different cultures of Africa and Asia.

Finally, I want to commend the conferees for including the authorization for the United States share of an increase in the financial resources of the International Monetary Fund. This will enable the IMB to work with Russia and the other new nations without having to return next year for more borrowing authority. Other countries will contribute $4 worth of their own currencies for every American dollar. We need those other currencies, because this Nation can not expand its own foreign aid at this time.

RUSSIAN AID

Mr. SYMMS. Mr. President, I am disappointed this conference report includes only the framework but not the guts of an amendment I offered during consideration of the Senate bill. Through that amendment, I sought to ensure that some of this aid would be used to support the establishment of a modern transportation system in the countries of the former Soviet Union.

My amendment included language ensuring the United States would provide technical assistance in developing laws for the procurement of transportation construction-related services; preparing effective transportation feasibility studies, project designs, specifications and management; and utilizing newer and more advanced transportation infrastructure construction services and products, including materials, equipment, and supplies. The amendment also provided that these activities should be undertaken using the services and expertise of transportation associations, academic institutions, and private entities whenever possible.

Unfortunately, the conferees deleted all of the specific direction with respect to the types of transportation technical assistance to be provided. I presume the language was deleted to give the State Department some greater latitude; however, the language retained in the conference report does not preclude providing exactly the types of technical assistance envisioned in the Symms amendment, and I urge the President to see that this important technical assistance is a part of the transportation aid provided under this legislation.

Mr. KERRY. Mr. President, I fully endorse the conference report on the Freedom Support Act [FSA] and would like to clarify, for the record, the purpose of the section placing conditions on United States assistance to the Government of Azerbaijan.

This section of the conference report is a modified version of a provision that I first offered in the Senate Foreign Relations Committee. As accepted by the conference committee, the provision prohibits assistance to the Government of Azerbaijan unless and until the President determines, and so reports to Congress, that Azerbaijan "is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabach".

I feel it necessary to clarify the purpose of this provision because the term "demonstrable steps" is not self-defining and because the Bush administration position on the provision has flip-flopped since the Senate first approved it.

I want to make it clear, first of all, that a major change from current policies and practices will be required if the Azeri Government is to meet the condition in the bill. It is not my intention, as sponsor of the language, and I am sure it is not the intention of the Senate, that this provision be dismissed or taken lightly by the President. By "demonstrable steps", we do not mean words, we mean actions, and those actions must reflect a sustained commitment on the part of the Azeri Government to end the violence in Nagorno-Karabach and to lift permanently the blockades against Armenia and Nagorno-Karabach.

Unfortunately, Azeri policies appear at the moment to be headed in precisely the wrong direction. The blockade against Armenia remains in place and Azerbaijan military forces have been fighting for months to close the humanitarian Lachin corridor between Armenia and Nagorno-Karabach. Just this past week, moreover, Azerbaijan launched a major offensive against the Armenian minority in Nagorno-Karabach, including the bombing of residential districts in Stepankert. As a result of the recent violence, an additional 50,000 refugees have been forced to flee to Armenia, bringing the total to more than 300,000 since the fighting began.

Any perception that Azerbaijan is without fault for the continued violence is rebutted by reports from Azerbaijan, itself. Only a few days ago, Azeri television reported that: "The Azerbaijani Armed Forces have conducted yet another successful military operation. The Fizuli subunits of the national army, having launched an advance, liberated the city of Martuni * * * as well as the Khodzhaven settlement. Simultaneously, our valiant fighters occupied the two strategically important heights of Koynekhtepe and Kyultepe and one other Armenian post in the direction of Gadrut. As a result of this operation, 5 tanks and 7 guns were destroyed and more than 200 enemy soldiers were killed. Operations continue on other fronts, as well."

Meanwhile, Armenian President Ter-Petrosyan continues to call for a normalization of relations with Azerbaijan and for cooperation in economic and political development. Armenia has renounced any territorial claims against Azerbaijan, expressed strong support for a ceasefire within Nagorno-Karabach and for discussions between Azerbaijan and Nagorno-Karabach to settle peacefully the latter's status. Armenia also remains willing to discuss directly with Azerbaijan the means by which the two republics might achieve lasting peace and stability within the region.

As I said at the time the Freedom Support Act was first approved by the Senate, "It should not be United States policy, and it is not the intent behind the language in this bill, that the United States side with one party or the other in the conflict over Nagorno-Karabach. It is not we who will have to live with the outcome of that conflict. Nor do we wish to encourage other outside powers to intervene. Our neutrality, however, does not extend to the issue of principle. We are not neutral about abduction torture or murder. We are not neutral about blockades designed to starve out populations. We are not neutral about mortarfire and shelling that kill indiscriminately. And we are not neutral about the issue of whether disputes over territory and self-determination ought to be settled through peaceful negotiation rather than violence".

At the time I made that statement, the Bush administration was on record in support of placing conditions on assistance to Azerbaijan. On June 10, Assistant Secretary of State Richard Armitage told the House Foreign Affairs Committee that the provision now in the conference report had the support of the administration.

During deliberations of the conference committee, however, the administration reversed field 180 degrees and urged that the language, approved by both the House and Senate, be dropped. The refusal of the conferees to remove or weaken the language stands, therefore, as a strong expression of congressional intent. Upon enactment of this legislation, the law of the land will clearly bar any United States aid or other benefits under this bill from going to Azerbaijan unless the government of that country makes a sustained and demonstrable commitment to cease its economic and military aggression against its neighbor and to seek a just and peaceful resolution of the crisis in Nagorno-Karabach.

Mr. BRADLEY. Mr. President, the dramatic changes we have all witnessed in the world in recent years prompt us to reflect on America's task in years ahead: How should we adapt to an altered world?

I believe that recent events lead us to redefine our superpower role. We will continue to exercise our leadership, but in a new form. In a multipolar, multicultural world, we must lead by example. We should be able to lead the world by our example of a pluralist nation that is a free and democratic society—a nation striving to accommodate eth-

nic and religious minorities, a nation of economic opportunity. Although our society has faults, how we acknowledge and deal with our problems is in itself a lesson in democratic society.

But in order to lead by example, we should give the citizens of the republics of the former Soviet Union the chance to see for themselves what a free market democracy means and how our institutions work. The educational exchanges this legislation proposes will do just that. Only through person-to-person contact—not dollars—will we create the bonds to construct an era of mutual respect to replace the cold war era of mutual suspicion.

The citizens of the former Soviet Union have many immediate needs. Yet for self-sufficiency over the long-term, even more than food or supplies, they need a vision. They need to build skills and build institutions so that they can begin the process of building new nations. All of this will require increased understanding of democratic and free market principles. And by accepting students into their homes and lives, Americans can help. This program calls for a personal involvement that other aid programs do not demand of Americans. Instead of the United States shipping over a plane full of advisers, we will bring in a plane full of talented citizens from the former Soviet Union. They will come into our communities to live, to study, to work. I believe this is what the situation demands.

The bill before us authorizes about $400 million in aid for the former Soviet Union. Included in this total is $60 million for citizen exchanges. I believe the key component is high school exchanges. This bill authorizes $20 million for next year for this purpose, sufficient to fund about 5,000 students exchanges over the next year. These youths will live with families, attend schools, and return to their own homes having learned about our institutions, skills, and values. They will have acquired a better appreciation of how they—the future leaders—can create their own institutions.

Because the need is so extensive, this bill is targeted to bringing as many students as possible over to study in the United States. But we want their experiences to be meaningful. For this reason, the legislation favors longer-term programs over short-term stays.

To ensure that the students gain an understanding for the foundation of our working democracy, we should enlist the help of American programs that expose students to the inner workings of our government. Such programs, like Close Up, share the philosophy of this legislation.

Most of the funds authorized by this program are aimed at bringing students from the former Soviet Union to the United States. Yet a percentage of the funds are set aside to send American high school students to the CIS. Cultural exchanges benefit both sides. Not only would we be assuring peaceful ties between these nations and ours, we can also learn much. Americans can learn from having foreign students in their homes and classrooms. Americans studying in Kiev, St. Petersburg, Vilnius, and Alma-Alta will return with a better understanding of the people of these new republics; they will also have the unique privilege of witnessing first hand the new frontiers of democratic capitalism.

The second component of the exchange legislation authorizes money to fund exchanges of older students and professionals from the public and private sectors. The $30 million authorized for these purposes could fund as many as 5,000 exchanges of students, agricultural experts, government officials and young business men and women over the next year.

As in the high school exchanges, the undergraduate and graduate exchanges will allow future leaders of the former Soviet Union to study and experience American society. They would also create links between our universities, colleges, and community colleges, and their institutions of higher learning.

The small business exchanges would provide a means for young managers to work with small businesses in the United States and experience first hand what it means to be an entrepreneur. We would like to see them spread to each of our 435 congressional districts, with local community groups helping to sponsor the trainees.

United States businesses serving as sponsors to young managers from the former Soviet Union will be establishing future business contacts in a market that includes 300 million potential new consumers. Their ability to get involved in the new states depends to a certain extent on their knowledge of local conditions, opportunities and their ability to work with people who are already familiar with Western business practices.

The last component of the legislation authorizes $10 million to expand the Fulbright program into the countries of the former Soviet Union.

The Iron Curtain between our societies has parted, Mr. President, but contact between our people and the people of the former Soviet Union remains woefully limited. In the 1990–91 school year, the total number of undergraduate and graduate students from the former Soviet Union on USIA exchanges was 1,210. China had almost 40,000 for the same period. Even Switzerland had more students at American universities than did the former Soviet Union. The time has come to address the gravest need, and expand our contact and influence in the former Soviet Union.

It is my hope that in the years ahead we will see tens of thousands more students over here with the passage and implementation of this bill. This year's bill must be only a beginning. I am encouraged that this body has acted swiftly to address an urgent long-term need of both our new-found ally, and by extension, the United States. We must continue the momentum. The fragile reforms that President Yeltsin has set into place must be buttressed by dreams as well as reality.

Mr. President, earlier this week, the Senate passed the Foreign Operations appropriations bill. Included in that bill was $50 million for exchange programs with the former Soviet Union. In addition, the Commerce, Justice, State, and Judiciary appropriations bill contained about $10 million for Fulbright fellowships with the former Soviet Union. The bill now before us—the Freedom Support Act—directs how those funds will be spent. It is imperative that these programs are up and running as soon as possible in 1993. I will urge the Government agencies which will be handling the administration of these programs to expedite the process by utilizing the experience and the expertise of the nonprofit sector. The Government should contract out to nonprofit organizations as much as possible to remove the exchanges from the bureaucracy that could delay their immediate implementation.

The people of the newly Independent States must be brought out of their isolation now. We must make up for 40 years of barriers between our citizens and theirs. We cannot afford to be complacent. A slow response risks retrenchment of economic and democratic reforms. It also risks the growth of new versions of authoritarian rule. Mr. President, we are at a crossroads and the time is short. We must embrace this opportunity.

Mr. SIMPSON. Mr. President, for some months, I have been following the progress of antidumping investigations involving imports of uranium and enriched uranium from the Republics of the former Soviet Union.

Last fall, a coalition of domestic uranium producers and the union which represents many of the industry's workers, filed a petition seeking relief from the dumping of all forms of uranium by the Soviets.

The massive increase in imports from the Soviet Republics began in 1990, when they surged to over 6 million pounds. Imports from the Republics doubled in 1991, amounting to over 30 percent of the U.S. market.

Last December, the U.S. International Trade Commission voted 3–0 that there was a reasonable indication that the domestic uranium industry was being injured by imports of uranium from the Republics. In May, the U.S. Department of Commerce made a preliminary determination that the Republics were dumping uranium in the United States at prices that were 115.82 percent below fair market value.

On September 16, following extensive negotiations with representatives from both sides, the Commerce Department announced that it had initialled proposed quantitative restraint agreements with five Republics of the Commonwealth of Independent States. These are: the Russian Federation, Kazakhstan, Uzbekistan, Ukraine, and Kyrgyzstan.

For each Republic, these agreements set quota limits which are determined by the market price of uranium in the United States. No uranium from the Republics would be permitted to enter this country until the market price reaches $13 a pound, which is considered to be the marginal cost of production of the most efficient U.S. producers. As the market price rises above this level, driven by market supply and demand, more imports would be allowed.

Mr. President, it should be emphasized that these proposed agreements represent a major gain for the Republics. In the first place, if the agreements are finalized, the antidumping proceeding would be suspended. The prospect of heavy antidumping duties being imposed on imports from the Republics would be eliminated. These duties, if put in place, could well be large enough to discourage virtually all imports of Soviet uranium.

Second, the proposed agreements provide the republics with a significant share of the U.S. uranium concentrate and enrichment market. For example, at the price level of $17 a pound, the allowed quotas would exceed 15 percent of U.S. requirements. Access to our market will be unlimited once uranium prices reach $21 a pound.

Third, the proposed agreements give the Republics much higher returns than they have previously for their uranium exports since the market price had been depressed as a result of their own dumping. To the extent that they maintain and increase prices, they will be rewarded with higher quotas.

Finally, the certainty of the quota system in the proposed agreements should make it easier for the republics to sell directly to utilities in the United States rather than relying on intermediaries, thereby further increasing their profits.

Mr. President, I commend the Secretary of Commerce, Mrs. Franklin, and Assistant Secretary Alan Dunn for their Personal involvement and leadership in negotiating these agreements with the Republics. They clearly understand that our laws addressing unfair trade must be applied to the CIS Republics, just as they are to all other trading partners. They have sought to resolve this antidumping investigation in a way which ultimately benefits the CIS Republics by assuring continued access to our uranium market—which remains the largest in the world.

I also commend the domestic uranium industry for its willingness to resolve this trade dispute through a settlement agreement instead of insisting on the imposition of tariffs. The suspension agreements effectively stop the dumping of CIS uranium while permitting the new Republics to participate in our market and learn the value and benefit of assuming internationally accepted standards of free market commerce. Our domestic uranium industry is much smaller today than it was a decade ago. Last year it supplied less than 20 percent of domestic requirements, but is among the world's leaders in efficient and environmentally sound uranium production. On a fair trade basis, U.S. producers will successfully compete for their share of the U.S. market.

The Secretary of Commerce must now determine that the proposed agreements are in the public interest. The final agreements must be signed by October 16, 1992, the date for the final determination in the antidumping proceeding. On the basis of information now available, these agreements appear to benefit all parties. I trust they will be signed so that further proceedings under the antidumping investigation may be suspended.

Mr. WELLSTONE. Mr. President, I want to thank Foreign Relations Committee Chairman PELL and the other members of the conference committee for their hard work on this historic legislation to provide assistance for the republics of the former Soviet Union. I am especially pleased that the conferees retained the State and local government exchange program provided for in my amendment to the Senate version of this bill.

The conference report provides substantial economic assistance, including loans through multilateral institutions like the World Bank and the International Monetary Fund, and authorizes additional assistance to help the republics dismantle and destroy their nuclear weapons. In addition, it authorizes extensive business, educational, cultural, student, agricultural, and regional and local government exchange. I applaud these exchange efforts, because I believe that such large-scale transfers of talent and technical assistance are central to the reform process. I would like to focus on the local and regional government exchange program in my statement.

I believe the program of regional and local government exchanges provided for in the conference report is especially promising, and I am confident it will be a success. I consulted broadly with the U.S. Information Agency [USIA] and a large number of private organizations of elected government officials nationwide to develop the program, and I believe it reflects their many thoughtful contributions.

Russian Federation President Boris Yeltsin has promised that he will continue to press his democratic reform program, and I believe the exchange provided for in this conference report are a modest means by which we can help move that reform agenda forward. It is extremely important that we help his Government and the Russian people establish a democratic polity and strong democratic traditions.

The comprehensive people-to-people Government exchange program authorized by this legislation is designed to help the Republics build strong, vital democratic institutions of local and regional governance. Establishing such governments throughout the Republics that are responsive to local problems is critical to their democratic transformation.

The success of their efforts to democratize their system of government and privatize their economy will depend in large part on the willingness of their diverse regional and local governments to stay in the Federation, maintain peaceful relations, and develop methods to address the problems and concerns of the people of those Republics on the local level. As I have observed on this floor before, reform will falter if local courts fail to protect individual rights, if law enforcement officials fail to protect individuals rights, if law enforcement officials are unable to enforce the laws, if local governments are unable to provide for a system which allows for the free flow of goods and services across local and regional jurisdictional lines, or to promote economic development and social welfare through efficient and equitable tax and regulatory systems. This program, to be administered by the USIA, is designed to provide urgent technical assistance to local and regional governments in these and other areas.

Last year, I traveled to the former Soviet Union for a conference on federalism sponsored by the Foundation for Social and Political Research in Moscow, which included Parliamentarians and other public officials from the various republics, and experts and prominent scholars from all over the world, committed to establishing a workable system of Federal Government there rooted in and responsible to local needs. Many of the Russian officials at this conference expressed a strong desire for extensive consultations with knowledgeable and experienced administrators and officials from the West who could help them to develop a democratic polity and establish democratic institutions. They especially underscored their need to develop expertise both to deal with the everyday problems confronting local and regional governments and to manage the dramatic changes that will flow from the establishment of autonomous and democratic institutions of local Government.

To demonstrate the pressing need to establish viable democratic local and

regional governments, let me briefly describe the acute problems of governments, let me briefly describe the acute problems of governance now faced by Russia, which to varying degrees are shared by other independent States of the former U.S.S.R.

The sudden collapse of the central totalitarian regime in the former Soviet Union resulted in a flowering of nongovernmental institutions, such as civic associations, unions, and economic cooperatives. Unfortunately, there has not been a comparable development of democratic local government. Beyond the reach of central authorities, local governance in some areas remains under the sway of communist apparatchiks. For the most part, democratic governance is confined to the upper echelons of Yeltsin's government, the Russian parliament, and the city councils of Moscow, St. Petersburg, and a few other cities. Despite Yeltsin's appointment of "representatives of the president" to most oblast governments, veteran party bureaucrats continue to dominate the scene.

Not surprisingly, frictions between the national government and regional and local governments are on the rise. In rural areas, rural governments need to be created to replace collective farm officials who formerly held sway and to provide such services as maintaining farm-to-market roads. Local governments must be given the know-how to provide efficiently a wide variety of public services needed by citizens. I understand this is especially true in the area of local and regional law enforcement, which in many areas is still controlled by officials of the old regime. I believe that efforts to reform the often cumbersome and bureaucratic institutions of local and regional law enforcement, central to developing a measure of confidence among the Russian people in their government and laws, should be encouraged and supported through this program.

The program will depend on contractor support from such organizations as the National Governors' Association, the National Association of Counties, the U.S. Conference of Mayors, the National Academy of Public Administration, the Advisory Commission on Inter-governmental Relations, the National Council of State Legislatures, the National Association of Counties, the International Center, the Council of State Governments, the National Association, and others. These, and similar organizations, can mobilize the most able and experienced of America's State and local officials to provide training and other technical assistance to their counterparts in the former U.S.S.R. National associations of State and local officials are well-suited to help build democratic regional and local governments and to develop mechanisms to promote intergovernmental and interethnic cooperation. They have experience in carrying out the kind of assistance activities proposed in my amendment; they operate extensive technical training programs for their memberships, and many have in the last year been inundated with requests for such technical assistance from the republics. All have indicated their desire to participate in such a program, and many have been preparing to do so for many months. Most already provide technical assistance, training and support to their own members. They have recently formed a consortium of groups ready to implement such an exchange program, and have been working with USIA under existing authorities to prepare their program plans. Of course, if there are other experienced groups able to provide such assistance in addition to these, I believe USIA should give their proposals every consideration as well.

Mr. President, economic assistance alone will not guarantee the survival of democracy in the former Soviet Republics. Without the development of local and regional institutions that make democratic self-government possible, and without a democratic policy taking root across the Russian Federation, there will be no real reform. In contrast to the United States, the peoples of the former U.S.S.R. have virtually no history of local democracy and little experience with local self-government. They are now asking us to provide them with the expertise we have gained from over 200 years of democratic self-rule. If we are concerned about the fate of democracy in the independent States of the former Soviet Union, we dare not turn them down.

Mr. President, the fragility of the political situation prevailing in many regions of the former U.S.S.R. underscores the urgency of adopting this conference report. We must reiterate clearly U.S. support for reform efforts in the Republics, especially in this critical period as they move into their second winter of freedom facing increasing want and growing political and economic instability. I urge my colleagues to vote to adopt this historic measure, and I urge President Bush to sign it immediately into law.

Mr. CRANSTON. Mr. President, I want to express my strong, strong support for the Freedom Support Act, a glorious opening chapter in a new partnership between the world's oldest democracy and those emerging in the Republics of the former Soviet Union. I and others have worked hard for many, many months to move this extremely important measure to enactment.

As I have said many times before, there are few measures that this body has voted on since I arrived here in 1969 that I believe are as important to human freedom or critical to our security as a Nation as this act.

Mr. President, the chilling certainty of bipolar conflict—measured in megatons, and mutually assured destruction and scores of Third World conflagrations—has been swept away.

In its place, this certainty has been converted into a world in which diversity is a challenge as well as a potential strength, where old structures wither, and a healthy debate about how to build a better world has been joined with vigor.

For more than four decades policymakers in Washington—the best and the brightest, as well as those of lesser talents—have been obsessed with one overarching challenge, that of deciphering Soviet intentions, and frustrating any hostile intentions to peace, freedom and democracy.

All the wars fought and all the police actions sustained, in which millions of people died; a huge portion of our foreign aid budget, and even the way our Federal highway system was designed—all these things were subsumed and secondary to this larger purpose.

The fundamental questions addressed by our national security establishment were: What were Soviet intentions? Did they plan to attack, and if so, when? And how much warning would we receive? And what should be our response?

Throughout my near quarter of a century in the Senate, I have focused a great deal of my time on efforts on ending the cold war and the threat of a nuclear holocaust by promoting better relations with the Soviet Union and ratifying arms control and arms reduction treaties.

Our planet escaped nuclear holocaust and the bipolar world instead crumbled into dust. The security threats we now face—environmental damage, nuclear proliferation, ethnic conflict, the internationalization of crime—are more diffuse, less treatable with the mere accumulation of weapons of mass destruction.

To some this cacophony of uncertain and shadowy threats is disconcerting. Yet, the hands of the doomsday clock of nuclear destruction have been pushed back, far back. And thus we are all safer, here in the United States and there in the rest of the world. And thus the importance of the bill we are considering for final passage now.

The Freedom Support Act is crucial if we are to bury the last shreds of cold war rivalry and replace them with a new dynamic partnership with the republics of the former Soviet Union.

It is proof positive that our interest in that area of the world was not limited merely to the containment and potential destruction of a foe, but rather extends also to a concern of the plight of its people.

Democratic institutions and market economies cannot flourish overnight, nor can they grow from nothing, or in a vacuum. At the end of a century

marked by hideous war, at a time when the global village is no longer a concept but a reality, we must extend our hand of friendship to those for whom our friendly embrace is a lifeline.

Mr. President, in 1985 when Mikhail Sergeyevich Gorbachev was named General Secretary of the Communist Party of the Soviet Union, he embarked upon a bold and innovative program to restructure the Soviet system. He prepared the Soviet Union for freedom, democracy, and economic growth, leaving behind a legacy of epic accomplishment, and offering a realistic opportunity to end the madness of the nuclear arms race.

This prospect now depends on the success of the democratic and free market reforms in the now-independent 15 Republics. We have a responsibility to ensure that the unprecedented opportunities for peace are realized. If we fail, we will not only once again risk a nuclear holocaust, but also we will have to pour billions into our defense again, cheating Americans out of the peacetime benefits they need and deserve.

The Freedom Support Act does that. I am proud, very proud, to have been a conferee on the important legislation and I congratulate both my good friend and distinguished colleague from Rhode Island [Mr. PELL] and the distinguished Senator from Indiana [Mr. LUGAR] for their leadership in getting this measure passed before the end of this session.

Mr. President, there are several parts to this legislation about which I wish to make specific reference.

PLOWSHARES

Last November, the distinguished Senator from Rhode Island [Mr. PELL] and I introduced legislation designed to help dispose of Soviet nuclear warheads. This swords-into-plowshares concept was subsequently embraced by President Bush and is specifically referenced in the legislation passed last night.

At my request, the Congressional Research Service prepared an excellent study, "Swords Into Energy: Nuclear Weapons Materials After the Cold War." I congratulate Zachary Davis, Marc Humphries, Carl Behrens, Mark Holt, and Warren Donnelly of the CRS for their contributions to this valuable effort. I ask unanimous consent that the summary, introduction, and part I of the study be included at the end of my remarks, together with a recent column I wrote for the Russian news agency TASS on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. CRANSTON. Mr. President, I note that the conference report included language provided by this Senator concerning the role of the private sector in bringing this constructive and promising concept to fruition.

It is my hope, and was certainly my intent, that the plowshares concept contained in the section on nonproliferation and disarmament, be used by the President to encourage the role of private U.S. companies to implement its provisions.

The private sector has the know-how, experience, and financial resources to assume major responsibilities in the destruction of weapons and munitions of all kinds. It has the capacity to acquire, store, and convert high enriched uranium [HEU] to low enriched uranium [LEU] for use in commercial nuclear reactor fuel.

The announcement by the President on August 31 of this year of the agreement between the United States and Russia for the purchase of HEU from the Russian stockpile should be complemented now by appropriate involvement by the private sector.

Mr. President, the U.S. private sector can quickly acquire these other HEU stocks using its own financial resources. The HEU can be received at private NRC-licensed facilities and be quickly reprocessed to weapons-grade concentration for indefinite and safe storage.

This material can then be custom blended to reactor grade and marketed to commercial nuclear powerplants throughout the world over an extended period of time, in accordance with the terms and conditions of the Nuclear Non-Proliferation Act of 1978.

Marketing plans would be approved by the President prior to the granting of import licenses so as to minimize disruption of domestic markets. Unlike the Department of Energy, which must await the outcome of the negotiations and the proposed privatization of its enriched uranium program, the private sector is prepared to move rapidly.

KYRGYZSTAN

Mr. President, from August 28–September 8, I traveled to the three Baltic Republics: Lithuania, Latvia, and Estonia, and to three Central Asian Republics: Kyrgyzstan, Kazakhstan, and Turkmenistan to analyze how the United States governmental and private sectors can be of assistance to these Republics in their first years of independence.

In Kyrgyzstan, I enjoyed a unique opportunity to discuss democracy and educational reform with professors and students at Osh University. In each of our meetings, I raised the issues of minority rights, militarization, privatization of land, the role of religion, foreign relations, and U.S. assistance.

The overwhelming message I received there, as in the other Republics, is that all of these countries, to varying degrees, are seeking free market reform which can come only with democracy. Each new country is grappling with these challenges in separate manners, based on their own histories, traditions, and populations.

While each of the three Central Asian countries I visited has evolved in distinctly different ways, all share a common economic crisis. A bad economic system has been replaced by a no economic system. How the West responds to this crisis will help determine whether these countries will become partners in a democratic world or whether Central Asia will be yet another region overtaken by chaos.

The United States has moved swiftly to establish diplomatic relations with new countries, but the promise of a substantial relationship remains unfulfilled. U.S. assistance programs have been slow to get underway and, so far, are not meeting the needs of the governments in the region.

Even more threatening, the Bush administration seems to be indicating that Turkey should be the West's agent in Central Asia. While there are ties of culture and ethnicity between the Central Asian countries and Turkey, these are far less significant than American policymakers seem to appreciate. More important, the people of Central Asia are not looking to Turkey as a model for their political and economic development. Rather, they look to the United States. To too many in Central Asia, it appears as if the United States is turning its back on their aspirations.

I am particularly hopeful that the country of Kyrgyzstan will develop political democracy and a free market economy. Kyrgyzstan has chosen a remarkably sophisticated democrat, physicist Askar Akayev, as its President, and the country has taken major steps to institutionalize democratic principles. Kyrgyzstan is writing a democratic constitution, and is working to protect fully basic freedoms within the context of a multiparty system.

In Kyrgyzstan basic freedoms are protected by law and in practice. There is a free press that is more hampered by a newsprint shortage and the lack of a journalistic tradition than by any government restriction. Government critics have many complaints but harassment is not one of them, and all praise Akayev for his commitment to human rights.

Kyrgyzstan has also decided not to build an army. President Akayev recognizes that an army will not enable such a small country to defend itself, but will be a costly drain on scarce resources. Further, he recognizes, as did Costa Rica's President Pepe Figueres a generation earlier, that most armies in developing countries are more of a threat to democratic government than they are a deterrent to any foreign aggression.

Because Kyrgyzstan will not have an army, assistance provided to this country will be devoted to an all-out national effort to enhance the quality of life. If Akayev succeeds, Kyrgyzstan's approach to military issues may in time become a model for other states in the region.

Central Asia is understandably a lower priority for the United States than some other parts of the former Soviet Union. It is remote, economically backward, and without the ethnic connections that bind the United States to the European parts of the old empire. The evolution of Russia from an aggressive totalitarian state to a democratic partner is critical to a safer and more peaceful world. The United States is right to focus its attention, above all, on Russia.

However, the United States should not ignore Central Asia. We have a strong interest in avoiding chaos in the area, and, in the long term, its natural resources will make it economically important. I urge the Congress and the administration to give special attention to Kyrgyzstan, to help it succeed economically so that its exciting experiment in democracy might prosper.

ADMINISTRATION OF JUSTICE

Mr. President, I am very pleased that the Freedom Support Act contains authorization for administration of justice programs to be carried out in the Republics of the former Soviet Union, as well as in Eastern Europe. I believe that existing Government agencies, such as the International Criminal Investigative Training Assistance Program [ICITAP], the U.S. Bureau of Prisons, and the National Academy of the Federal Bureau of Investigation, should take a leading role in providing such assistance.

I am also very pleased that the prohibition on involvement by the Department of Defense, in force in current administration of justice programs in Central and South America, have also been extended to the regions covered under this act.

The programs that we offer to the new and emerging democracies of the former Soviet Union and Eastern Europe must necessarily reflect those principles that have made our own democracy so successful. Primary among these is the principle of posse comitatus, which prohibits—except in the most extraordinary circumstances—the military from being involved in internal security.

This is a wise injunction, and one we would be well to keep in mind, not only in considering foreign assistance such as that contained in the Freedom Support Act, but also when seeking to address our own problems at home.

[EXHIBIT 1]

SWORDS INTO ENERGY: NUCLEAR WEAPONS MATERIALS AFTER THE COLD WAR

(By Zachary Davis, Marc Humphries, Carl Behrens, and Mark Holt)

SUMMARY

Retirement of large number of nuclear weapons in the United States and the former Soviet Union raises the question of what to do with the highly enriched uranium (HEU) and plutonium in the warheads. Plutonium will probably be stored in the near term, but HEU can be converted to use in commercial nuclear powerplants. Thus Russian HEU is a potential source of low-cost fuel to the United States, and of hard currency to Russia.

An agreement between the United States and Russia, initialled August 31, 1992, set the broad outlines of converting Russian weapons-grade uranium to fuel for Western nuclear reactors, but many points remain to be negotiated. Part I of this report discusses the costs and savings that would result from using HEU for reactor fuel, facilities available for conversion, protection of U.S. uranium producers, possible barter of U.S. agricultural products for Russian HEU, and the vulnerability of HEU to nuclear weapons proliferation. Part II analyzes storage and disposal options for plutonium from dismantled warheads.

Nuclear fuel derived from Russian HEU could disrupt an already shaky uranium enrichment market. On the other hand, access to low-cost HEU could ease problems for DOE's uranium enrichment enterprise; DOE could cut costs by substituting Russian HEU for some contracted enrichment services.

Russian HEU would also affect the marginal U.S. uranium mining, milling and processing industry, which has accused Russia of unfairly dumping natural uranium on the market in recent years. DOE could protect the uranium industry from the effect of Russian HEU, and still cut its own enrichment costs, by "overfeeding" its enrichment plants to use the same amount of natural uranium as it would without the HEU. But overfeeding would cut sharply into the total potential savings resulting from using HEU.

The U.S.-Russian agreement provides for participation by the U.S. private sector, and protection of jobs in the uranium mining or processing industries, presumably by the overfeeding process. A contract setting the price to be paid to Russia for HEU will be negotiated within a year, according to the agreement.

While negotiating the details of the agreement, the United States could propose to barter food and agricultural products for Russian HEU. At first sight, food-for-HEU seems an unlikely candidate for barter. Russia has little incentive to agree to accept U.S. payment for the HEU in the form of food. However, in order to reduce the risk of default on the food loans, the United States might be willing to offer a higher price for HEU if part of the payment were made in food.

Purchasing HEU from dismantled Russian warheads, while providing a means of disposing of weapons-grade materials, could pose a risk that nuclear weapons material would fall into the hands of proliferators during the process. However, these new risks appear to be worth taking. Safeguarding plutonium is more difficult, since there is no market for it today comparable to that for HEU. Other options, for storage and ultimate disposal, must be considered.

INTRODUCTION

With the retirement of large numbers of nuclear weapons in the United States and the former Soviet Union, the question of what to do with the highly enriched uranium (HEU) and plutonium in the warheads has become urgent. In the case of plutonium, the most probable near-term solution is storage under careful safeguards. HEU, on the other hand, can be readily converted to use in commercial nuclear powerplants. Converting HEU to fuel would cost less than enriching natural uranium to the level used by most nuclear plants in the world. Thus Russian HEU is a potential source of low-cost fuel to the United States and of hard currency to Russia.

Efforts to bring about the sale of Russian HEU for nuclear fuel reached a milestone August 31, 1992, with the initialling by Russia and the United States of an agreement to conclude a contract under which the U.S. Department of Energy would purchase Russian HEU for conversion and sale as commercial reactor fuel. The White House said it hoped to sign a contract within a year.

The agreement, if successful in leading to a contract, will determine the broad outlines of converting Russian weapons-grade uranium into fuel for Western nuclear reactors. Many points remain to be negotiated, however, and many details remain unanswered. Part I of this report identifies questions that have been answered and discusses those that are still open. Among those detailed are:

Costs and savings that would result from using HEU for reactor fuel;

The facilities available to convert HEU;

The protection of U.S. uranium producers not only from the effects of using Russian HEU but the ongoing threat of dumping of Russian natural and low-enriched uranium;

An assessment of possible barter arrangements involving U.S. agricultural products and Russian HEU; and

The vulnerability of HEU to nuclear weapons proliferation.

Part II is an analysis of storage and disposal options for plutonium recovered from dismantled warheads. While plans to use Russian HEU to fuel U.S. reactors are proceeding, fueling reactors with plutonium faces significant economic, technological, and political obstacles. Options for the storage and disposal of plutonium also are likely to be controversial. Legislation aimed at safeguarding both HEU and plutonium, but most relevant to the greater proliferation threat of plutonium, is also discussed in Part II.

PART I. THE GRAND URANIUM BARGAIN[1] USE OF HIGHLY ENRICHED URANIUM AS COMMERCIAL NUCLEAR REACTOR FUEL

The world nuclear fuel market and Russian HEU

The world uranium market has been in the doldrums for more than a decade, the result of a sharp slowdown in nuclear powerplant construction. The high-cost U.S. uranium industry has been especially hard hit. Similarly, the U.S. government-owned enrichment industry has faced increasing competition from lower-cost foreign facilities

Uranium is generally categorized by the percentage of uranium 235 that it contains; U-235 is the uranium isotope that most readily splits, or fissions, to release energy. The major categories of uranium are HEU, low-enriched uranium (LEU), natural uranium, and depleted uranium. Natural uranium contains only 0.7 percent U-235, with most of the remainder consisting of the non-fissile isotope U-238. Uranium enrichment plants can remove some or most of the U-238 in natural uranium to produce uranium with higher concentrations of the desirable U-235. LEU for commercial reactors contains about 3.6 percent U-235. Uranium enriched to 20 percent or more U-235 is considered HEU, but the concentration of U-235 in weapons-grade HEU is about 95 percent. Depleted uranium consists of the tails, or waste product, from enrichment plants, generally containing 0.3 percent U-235 or less.

Domestic demand for natural uranium is currently about 40 million pounds per year,[2] 80 percent of which was imported in 1991.[3] World production of natural uranium in 1991

[1] Footnotes at end of article.

was 86 million pounds.[4] Enrichment of natural uranium for reactor fuel required 11 million separative work units (SWUs)[5] in the U.S. enrichment facilities (for both foreign and domestic customers). Worldwide enrichment activity amounted to 30 million SWUs.[6]

It has been estimated that 500 metric tons (mt) of HEU in the former Soviet Union, plus another 500 mt in the United States, could be made available through dismantling thousands of nuclear warheads.[7] The August 31, 1992, agreement between Russia and the United States proposes to introduce Russian HEU at a rate of at least 10 mt per year for five years, and 30 mt per year thereafter. Ten mt per year would displace between 1.5 and 2 million SWUs per year (assuming that 1 kg of HEU would displace 175 SWUs), an amount equal to between 5 to 7 percent of world SWU production. Conservative estimates for growth in world demand are about 1.5 percent per year through the year 2005,[8] and close to 2 percent per year until 2020. Increasing HEU to 30 mt after 5 years would replace about 15 percent of projected world demand for enrichment.

Introduction of large amounts of nuclear fuel converted from Russian highly enriched uranium could disrupt an already shaky market. On the other hand, access to low-cost HEU could ease problems for DOE's uranium enrichment operations.[9] DOE's high-cost enrichment facilities face a declining share in the world enrichment market; DOE cold cut costs and increase competitiveness by substituting Russian HEU for some of the Department's contracted enrichment services.

Russian HEU would also affect the marginal U.S. uranium mining, milling and processing industry, which has accused Russia of unfairly dumping natural uranium on the market. From 1981 to 1990, employment in the U.S. uranium industry shrank from 13,700 full-time-equivalent workers to 1,300, while production fell from 43 million pounds of natural uranium concentrate to 8 million pounds.[10]

Even though natural uranium would be needed to dilute the Russian HEU into reactor-grade LEU (3.6 percent U-235), the use of HEU would reduce total demand for natural uranium. This is because bringing natural uranium, which is only 0.7 percent U-235, up to the required level of enrichment requires about 8 kilograms of natural uranium for each kilogram of enriched 3.6 percent product. The remaining 7 kilograms of enrichment "tailings" normally contain only about 0.2–0.3 percent U-235. Those 7 kilograms would not be needed if HEU is blended down to reactor-grade uranium. (See Appendix A to Part I.) Ten metric tons of HEU would back out about 500,000 pounds of natural uranium demand, about 1.3 percent of total U.S. demand in 1991, or 6.5 percent of U.S. production.

The effect of HEU on demand for natural uranium could be mitigated by "overfeeding" the enrichment process: that is, by running the plant to leave enrichment tailings of 0.4 percent or more U-235. This would reduce the number of SWUs required for each kilogram of reactor uranium, with consequent savings, and would increase the amount of natural uranium used, compensating for that displaced by HEU. (See Appendix A.)

Since the price of natural uranium is low and expected to remain there, and DOE's cost of enrichment is high, there is the option of using more uranium and saving money on SWUs. As the later section on costs indicates, however, overfeeding would sharply reduce the savings to be gained by using blended HEU. Another possible drawback to overfeeding would be the increased disposal problem posed by the greater volume of tails that would be produced, as well as the increased radioactivity of the tails resulting from the higher percentage of U-235 they would contain.

Features of the U.S.-Russian agreement

As noted in the introduction, the crux of the August 31 agreement is to be a contract by which DOE would buy HEU from Russia, at a price to be determined, and convert it to reactor-grade uranium. Russia would have the option to use some of the proceeds to build its own conversion plant and sell reactor-grade uranium to DOE. The total amount converted would be no less than 10 mt per year for 5 years, and no less than 30 mt per year subsequently. Among the features of the agreement are:[11]

The U.S. private sector would participate in the process, presumably in converting HEU to reactor-grade uranium;

Russia would use some of the proceeds to upgrade the safety of nuclear reactors in the former Soviet Union, and at its option, to build its own blending facilities;

DOE would pay for the HEU from savings in its enrichment operations;

Purchase of the HEU "would have no adverse impact of U.S. consumers or jobs in the uranium mining or processing industries";

The transaction would be "consistent with all applicable nonproliferation, physical security, material accounting and control, and environmental requirements."

Private participation

Prior to announcement of the U.S.-Russian agreement, some private efforts were underway to deal with Russian HEU. In one of them, Nuclear Fuel Services, Inc., and Allied-Signal Corporation reached a preliminary agreement with the Russian Ministry of Atomic Energy (Minatom) and the Russian Academy of Sciences to blend HEU to low enriched uranium (LEU) for use as commercial fuel. Under the agreement, NFS would work through DOE's enrichment program to market the fuel. NFS anticipated the Russian HEU being made available over a period of 20 years beginning 1993. Initially, 10,000 kg per year (10 metric tons) would be available.

Another proposal to blend down HEU was presented to the Russians and DOE by General Atomic (GA) and Babcock and Wilcox. The proposal would bring the blended HEU on stream around 1996 and for 10 years thereafter. Production volume would be calculated so as to minimize the impact on prices in the enriched uranium and natural uranium markets. The GA proposal would not involve the Government enrichment enterprise. However, this agreement, like the NFS proposal, would have to be approved by both the Russian and U.S. Governments.

Blending technology, facilities, and costs

A variety of feasible methods appear to be available for blending HEU into LEU at relatively low cost. Several U.S. facilities, owned by DOE as well as the private sector, could probably handle most steps in the process, although some new facilities could be needed. A substantial amount of uncertainty exists about the process, because HEU—formerly considered a highly valuable defense material—has never been blended down on a commercial scale.

Possible blending methods

Blending down HEU essentially involves a simple physical mixing of the correct amounts of HEU and natural uranium or other uranium feed material containing relatively little U-235. The difficult and costly separation of the uranium isotopes U-235 and U-238 that is required to make enriched uranium would be unnecessary during blending, because it was already done in making the HEU. The Russian HEU represents a vast storehouse of previous "separative work" carried out by former Soviet uranium enrichment plants; that previous work is what gives HEU its potential commercial value today.

Although blending down HEU to make LEU would be much simpler than making LEU in a uranium enrichment plant, several important criteria would have to be met by the selected blending process. The overriding concern in working with HEU is that criticality safety be maintained at all times; that is, there must be no chance that enough HEU could collect at any point to form a critical mass and begin a spontaneous nuclear chain reaction. A related concern is that the blending of HEU and low-U-235 feed be thorough enough that the correct isotopic ratio does not vary significantly throughout the mixture, to ensure that the resulting nuclear fuel behaves as expected. Nuclear fuel manufacturers would also want the low-enriched uranium mixture in a form they could handle, as explained below.

Most of the HEU stockpile in Russia and the United States is currently in the form of uranium metal, but some may consist of oxides, uranium hexafluoride (UF6), nitrates, or other forms. Blending could be carried out with the HEU in any form, as long as the low-enriched feed material were in the same form (metal, oxide, UF6, or nitrate solution). Also, the HEU could be blended down to a certain level in one form and converted to another form for further blending; for example, Russian HEU metal could be blended in Russia to below the 20 percent U-235 threshold for LEU and then shipped to the United States and converted to oxide for final blending. Such preliminary blending would eliminate the material's immediate usefulness for weapons and therefore ease the stringency of shipping safeguards.

Several proven processes are available for converting uranium metal to oxide, as well as for converting oxide to gaseous UF6. Blending down highly enriched uranium dioxide powder (U02) would yield a material that in principle could then immediately be pressed into commercial fuel pellets. However, the quality control processes of commercial fuel manufacturers currently require feed material in the form of UF6, which is produced by existing uranium enrichment plants. Because manufacturers probably will not accept oxide, the blended oxide would have to be converted to UF6 before delivery. Another potential problem with blending oxide powder, unlike blending in any other form, is that it may be possible to pick out the HEU particles to make weapons without the difficulty of re-enrichment.

Many other permutations of the available uranium conversion and blending techniques might also prove feasible. For example, the HEU metal could be dissolved in nitric acid to produce a liquid solution that could be blended and then converted to UF6, or the HEU oxide could be converted to UF6 before being blended to LEU, so the blended product would already be in a form acceptable to fuel fabricators.

Blending feed materials

Three basic uranium feed materials are feasible for blending down HEU: natural uranium, depleted uranium, and uranium that has been slightly enriched. Blending with

natural uranium would produce about 30 times as much commercial reactor fuel as the original HEU volume (depending on the desired enrichment level of the blended product).

Depleted uranium, the low-U-235 "tailings" left over from the enrichment process, is essentially a free waste material of which DOE holds enormous inventories. However, because it contains much less U-235 than natural uranium, it would produce about 10 percent less blended product. Conversely, slightly enriched uranium would produce more blended product than natural uranium (depending on the enrichment level), but would be much more expensive.

Besides cost, another factor in the choice of blending material may be the industry standard for commercial nuclear reactor fuel (ASTM Standard C 753-88), which limits the isotope U-234 to 10,000 micrograms per gram of U-235. That standard is designed to protect nuclear fuel workers from radiation emitted by U-234. Because HEU contains an elevated ratio of U-234 to U-235, the standard cannot be met unless the HEU is blended with slightly enriched uranium—allowing maximum dilution of the HEU. But fuel fabricators may be able to modify their uranium-handling procedures and equipment to allow higher levels of U-234 without affecting worker safety. The standard gives fuel fabricators the option, if they believe their procedures are safe, to accept up to 11,000 micrograms of U-234—which could be achieved with HEU blended with natural uranium. However, even that level still could not be met by depleted uranium.

Facilities

A number of facilities in the United States may be able to handle at least some of the steps required to convert HEU into commercial nuclear fuel, although their capacity might have to be expanded. But at least one step—conversion of enriched uranium into UF6—probably cannot be carried out at existing commercial conversion plants, which handle only unenriched uranium.

Nuclear fuel services (NFS)

The NFS plant at Erwin, Tenn., receives highly enriched UF76 from DOE's Portsmouth, Ohio, uranium enrichment plant and converts it to a classified uranium material that is used for making naval reactor fuel. An NFS fact sheet says the Erwin plant includes a 21 acre high-security manufacturing area with more than 20 buildings and is licensed by the Nuclear Regulatory Commission (NRC) to handle any form of uranium. According to the company's chairman, the Erwin plant could carry out all the necessary blending and conversion steps involving Russian HEU with relatively modest purchases of new equipment. He says sharp cutbacks in the production of naval fuel material have left the plant with sufficient excess capacity to process the Russian HEU.[12]

Babcock and Wilcox (B&W)

B&W's Lynchburg, Va, plant receives highly enriched uranium material from NFS and makes finished naval fuel assemblies and reactor cores. According to a company fact sheet, the plant performs a wide range of HEU processing, including the purification of enough scrap material to recover about 1,200 kilograms of HEU per year. Because of the reductions in naval fuel production, the NRC-licensed plant has excess capacity that could be used for blending Russian HEU to below 20 percent, with room for additional capacity within the existing security perimeter, the company says. For final blending and conversion to UF6, B&W has formed a partnership with General Atomics (GA), which would carry out the work at its Sequoyah Fuels Corp. plant in Gore, Okla.

UF6 conversion plants

Two commercial U.S. plants currently convert natural uranium into UF6: GA's Sequoyah Fuels Corp. and Allied-Signal Inc.'s plant at Metropolis, Ill. However, neither of those plants currently can convert enriched uranium to UR6; a new or substantially modified conversion facility would apparently be required. As noted above, GA and B&W have proposed building such facilities at the Sequoyah Fuels plant. NFS plans to perform conversion work at its Erwin plant and has formed a partnership with Allied-Signal to provide additional UF6 conversion expertise. Enriched UF6 conversion capacity would also be useful for DOE's planned new enrichment technology, atomic vapor laser isotope separation (AVLIS), whose output, like the blended HEU, would be in oxide form and therefore unacceptable to fuel fabricators.

DOE facilities

DOE-owned facilities that could prove useful for HEU blending include the Y-12 Plant near Oak Ridge, Tenn, the Portsmouth Gaseous Diffusion Plant in Ohio, and the Fuel Manufacturing Facility at the Savannah River Site in South Carolina. Y-12 handles all forms of uranium for defense purposes and may have enough capacity to blend HEU metal down to below 20 percent enrichment, and to convert that material to oxide for further blending. Portsmouth, which produces highly enrich UF6, might be able to blend down small amounts of any Russian HEU immediately available in that form. The Fuel Manufacturing Facility, recently completed but mothballed because of overcapacity, was designed as a backup for the NFS Erwin plant and so might have similar capabilities.

DOE has conducted a preliminary analysis showing that DOE facilities could handle modest amounts of HEU. However, contending that those facilities would need substantial modification, the Administration currently plans to rely on the private sector for processing the Russian material.[13]

Russian facilities

The availability of Russian facilities for any of these steps is somewhat speculative, although it would seem likely that Russia would have some capabilities paralleling DOE's. An NFS technical team recently visited uranium facilities at Sverdlovsk in Central Russia and concluded that up to 10 tons of HEU per year could be blended there. The major drawback was that materials accounting could not meet international requirements.[14]

Costs

The cost of blending down HEU for commercial reactors can only be estimated, since it has never been done on a commercial scale, but it is almost certainly far less than the cost of enriching natural uranium for reactor fuel. Energy Resources International Inc. estimated the cost of blending and converting 250 metric tons of HEU (including $450 million in capital costs) to be approximately $3,600 per kilogram, about 20 percent of the estimated market value of the final blended LEU product.[15] NFS, anticipating much lower capital costs at its underutilized Erwin plan, projects blending and conversion costs of about $2,200/kg of HEU.[16]

To calculate those HEU blending costs in terms of the resulting LEU product, the costs per kilogram of HEU must be divided by 30, because blending down HEU yields about 30 times as much LEU product by weight. So the two estimates cited above, divided by 30, result in blending costs of $75 and $120 per kilogram of LEU product. Those costs correspond roughly to 15-25 percent of the current $460/kg spot-market price for LEU product. This indicates one measure of the Russian HEU's value: the market price of the blended product minus blending costs.

To DOE, however, the value of the Russian HEU probably depends on the net costs savings that could be achieved by the uranium enrichment program by using the material. There are two ways that blending down HEU into LEU could cut DOE's enrichment costs:

Reducing the amount of separative work (measured in SWUs) that the enrichment plants must carry out, and

Reducing the amount of natural uranium required by the enrichment plants.

Those cost reductions would be offset somewhat by the cost of blending the HEU. On purely economic grounds, it is unlikely that DOE would pay more for Russian HEU than the amount of net savings that it could achieve in its uranium enrichment program by using the material.

Because there are two major components of DOE's potential costs savings (SWUs and uranium), two scenarios can be generated for DOE's use of the Russian HEU. In the first scenario, DOE would use the HEU only to cut SWUs, with no reduction in natural uranium usage; in the second, DOE would reduce both SWUs and natural uranium usage. The second scenario produces substantially greater total cost savings (although the SWU savings probably would be slightly smaller), but it could adversely affect the uranium mining industry by reducing demand for natural uranium. The first scenario, while saving less, would fulfill the pledge in the Aug. 31 White House fact sheet to "have no adverse impact" on uranium miners.

Following are broad estimates of the potential costs savings DOE could achieve with each of the two scenarios, and the resulting value to DOE of the Russian HEU. These numbers, summarized in Table 1, are derived from an NFS analysis circulated earlier in the year.[17] DOE analysts called the NFS numbers rough but not unreasonable for discussion purposes.

Cost savings from SWU reductions

The NFS analysis finds that introduction of about 20 metric tons per year of HEU could reduce DOE's operating cost by a total of $156 million through a process called "overfeeding." This works out to $7,800/kg of HEU. In overfeeding under this scenario (see Appendix A), DOE would feed into its enrichment plants the same amount of natural uranium as currently planned but cut its costs by less intensive processing. Fewer SWUs would be used, more fissile uranium-235 than normal would be left in the waste product, or tails, and less enriched product would be produced.

This procedure would protect the domestic uranium production industry from reduced demand that might be caused by the Russian HEU, since the enrichment plants would require the same amount of natural uranium feed. The shortfall in LEU product caused by less intensive processing would be made up with blended HEU. The HEU's value to DOE in that case would be $7,800/kg (DOE's cost savings from "overfeeding") minus $2,200/kg (blending and conversion costs)—about $5,600/kg, or $5.6 million per metric ton. At that price, the entire 500 metric tons of Russian HEU would appear to be worth about $2.8 billion, but the actual value of the inventory is much more difficult to calculate,

because it would be sold over a period of several decades.

Table 1.—Comparison of DOE Cost-Savings Scenarios From Using Russian HEU, Based on NFS Analysis

	SWU reductions only	SWU and uranium
Cost of blending HEU	$2,200/kg HEU	$2,200/kg HEU.
DOE cost savings:		
SWU's	$7,800/kg	$6,500/kg.
Uranium	0	$4,200/kg.
Net DOE savings	$5,600/kg	$8,500/kg.
Savings for 500 tons of HEU.	$2.8 billion	$4.3 billion.

Reducing SWU's and natural uranium feed

The NFS analysis finds that much greater value from the HEU could be realized by using the material to displace both SWUs and natural uranium. That is, DOE could not only reduce the output from its enrichment plants but also reduce the amount of natural uranium fed into them, and make up the difference with blended-down HEU.[18] With natural uranium currently selling for abut $20/kg, and each kilogram of blended-down HEU displacing 7 kg of natural uranium (because LEU made from HEU requires only one-eighth as much natural uranium as LEU produced by the enrichment plants), each kilogram of LEU made from HEU would displace about $140 worth of natural uranium.

Each kilogram of HEU, which makes abut 30 kilograms of blended LEU product, would then displace about $4,200 worth of natural uranium. According to the NFS analysis, DOE's net enrichment cost savings per kilogram of HEU would be somewhat less under this scenario, about $4,300, because overfeeding would no longer occur. But because of the savings in uranium, the maximum value of the HEU to DOE would rise to about $8,500/kg—$4,200 for displaced natural uranium plus $4,300 in net reductions in enrichment costs. That would translate into about $4.3 billion for 500 metric tons of HEU.

Measured by its possible spot-market value, instead of by its potential to reduce DOE's costs, the Russian HEU might appear to be worth even more. With LEU product currently selling for $460/kg,[19] and each kilogram of HEU able to yield 30 kilograms of reactor-grade LEU, the HEU would be worth about $13,800/kg, minus $2,200/kg in blending and conversion costs, for a total of $11,600/kg. As the previous discussion indicates, that would be much more than DOE would apparently be able to pay (unless perhaps DOE itself were to attempt to sell the blended Russian HEU on the spot market). At the spot-market price, the 500 metric tons could fetch the Russians about $5.8 billion. That assumes all the HEU could be sold quickly without reducing spot prices, which appears unrealistic; as with sales to DOE, spot-market sales would presumably take place over several decades.

The Administration's fact sheet on the tentative Russian HEU deal implies that the first scenario, in which the enrichment plants would be "overfed," is the one the Administration plans to adopt. That is apparently because such a plan would not reduce the amount of natural uranium required by the enrichment plants and would therefore protect the uranium mining industry from the effect of Russian HEU imports. But as the above scenarios show, such protection of the uranium industry greatly reduces DOE's potential cost savings from the HEU, and therefore the amount the United States could pay to the Russians. It is unknown whether the Russians would accept the lower payments implied by the "overfeeding" scenario, as opposed to the potentially higher value of their HEU if it were to displace natural uranium.

Protection of U.S. urnaium producers

The U.S. uranium mining industry is in financial trouble. The year 1991 was the eighth straight that the domestic uranium mining industry was declared "nonviable" by the Secretary of Energy under Section 170B of the Atomic Energy Act, as amended (P.L. 97-415). Though the U.S. uranium production industry has increased its U.S. market share since 1984, production has declined during that same period due to a declining share of the world market. U.S. concentrate production was nearly 8 million pounds in 1991, down from 26.8 million pounds in 1982. Further declines are expected in the near term. High production costs and low spot market prices are the primary factors for declining U.S. production. Meanwhile, imports of uranium concentrate to the U.S. have increased from 16 million pounds in 1988 to 24 million pounds in 1991.

Anti-dumping petition

The uranium production industry is naturally concerned about the details of any agreement to sell Russian HEU to DOE, even though the Administration in announcing the agreement claimed that it "would have no adverse impact" on the industry. Complicating the deal is the fact that Russian exports of natural uranium to the United States have increased sharply in recent years, to the point that U.S. uranium producers formally entered a charge of unfair trade practices. While Canada, which dominates world production with 26 percent, is the primary source of U.S. imports, nearly 7 million pounds were imported from the Commonwealth of Independent States (CIS) in 1991.

Dumping is generally defined as either selling exports at a price below the price of the same good sold on the exporter's domestic market or selling an export at a price below the cost of production. It is also a form of price discrimination. The Anti-Dumping Act of 1930, as amended in 1979 (P.L. 96-39, 19 USC 1673 a-i), is the mechanism for specifically addressing dumping concerns. Typically, if the final ruling on a dumping case is positive, the penalty for dumping is an import levy imposed on the good being traded. However, the process includes an opportunity to settle the case through a suspension agreement before the final ruling is made.

Anti-dumping petitions were filed in November 1991 by uranium producers and the Oil, Chemical and Atomic Workers Union against uranium producers in the CIS. The primary complaint was that natural uranium exports to the United States, which increased from next to nothing in 1988 to around 7 million pounds in 1991, were causing material injury to U.S. uranium producers.

A petition filed with the Department of Commerce is subject to the following process: The petition goes to the International Trade Commission (ITC) housed in the Department of Commerce. The ITA decides if the charge merits an investigation. If so, the ITC investigates the claim to determine whether material injury has occurred to the U.S. industry. If a positive preliminary ruling is issued by the ITC then the ITA determines the "dumping margin" (the price differential between the foreign selling price and the price offered in the United States). The ITA must continue to pursue the case and issue a final ruling on the dumping margin. If this ruling is positive, the ITC must also issue a final determination on the material injury. If both are positive then anti-dumping duties are be imposed by the ITA on the imported product.

In the uranium case, the ITA on May 29, 1992, issued a preliminary ruling that uranium from six CIS countries, including Russia, was being sold in the United States at less than fair value. The finding does not apply to HEU. While the Commerce Department review of the case continues, the issue was put squarely in the middle of the HEU agreement by Russian Ministry of Atomic Energy (Minatom) head Viktor Mikhailov. In mid-September Mikhailov said signing the agreement, which had only been initialed at that time, depended in part on the end of the "shameful dumping case."[20] A tentative agreement between the Commerce Department and five of the six CIS republics including Russia, was reached September 16, but a final agreement will still have to be reached.

U.S. purchases

Another attempt to defend the domestic uranium industry, included in the Senate version of the energy policy bill (H.R. 776) now in conference, also poses difficulties for the HEU agreement. A provision restricting U.S. agencies and instrumentalities to purchasing only uranium of domestic origin and by domestic uranium producers was opposed by the Administration as a violation of the U.S.-Canada Free Trade Agreement. It is unclear whether the restrictions would apply to purchases of Russian HEU or marketing reactor-grade uranium produced from Russian HEU.

Barter of food for HEU: An option?

While negotiating the details of the HEU agreement, the United States could propose to barter food and agricultural products for Russian HEU to be used for commercial purposes. The Department of Agriculture's Commodity Credit Corporation (CCC) has an ongoing and increasing program of loan guarantees for food to Russia and other CIS countries. By obtaining the HEU for food, the Federal Government could eliminate some of the loan guarantees, and thus reduce the risks to the U.S. taxpayer in the event of a default on loan repayments.

Barter involves the exchange of goods for goods. The Secretary of Agriculture has the authority to use barter as a method of trading surplus commodities acquired by the CCC. Past barter agreements typically traded surplus commodities for strategic materials needed in the National Defense Stockpile. In such transactions, commodities were prevented from deteriorating by being moved out of storage and into the market. Some of these agreements included premiums or discounts to world market prices, thereby allowing one of the parties to the barter to increase the value of its product. Some of these agreements involved private-sector exporters who would bid to sell commodities obtained through the CCC, then import the materials for the stockpile. Government-to-government transactions, such as a U.S.-Jamaican butter-for-bauxite agreement, have also occurred. Barter frequently can work well when there is a so-called "double coincidence of wants." Both countries may want to unload unwanted surpluses. As with any intergovernmental transactions, the food-for-HEU barter would affect world markets in both food and uranium, and the negotiators would have to take these effects into account.

At first sight, food-for-HEU seems an unlikely candidate for barter. The current food needs in Russia are enormous, but the new government also desperately needs hard cur-

rency to purchase other necessities. The United States is already committed to loan guarantees for food purchases by Russia, so Russia has little incentive to agree to accept part or all of the U.S. payment for the HEU in the form of food. However, in order to reduce the risk of default on the food loans, the United States might be willing to offer a higher price for HEU if part of the payment were made in food.

Food assistance to the CIS

Through July 1992, the United States has made available $4.5 billion in three-year agricultural export credit guarantees to the CIS. This includes almost $2.0 billion for FY1991 and about $2.5 billion for FY 1992. USDA recently announced $900 million in loan guarantees to Russia for FY1993. The U.S. taxpayer is exposed to risk through this arrangement. This clearly would have budgetary impact if a default were to occur.

In order to purchase U.S. commodities under the current program, Russia or other CIS countries would borrow U.S. currency from commercial banks, and pay for the commodities with the hard currency, backed by the USDA's financing arm, CCC. In the event of a loan default, the CCC would be held liable, and would repay the banks that lent the U.S. dollars to pay the commodity exporter for the food. The food exporters and the banks are in a low-risk arrangement with Russia.

One program, now being tested on a small scale, involves a third party buyer. The recent USDA announcement allows the sale of U.S. wheat exports to Russia using a third party buyer in the sales transaction. The third party is purchasing the wheat, taking advantage of export subsidies made available under USDA's Export Enhancement Program (EEP), which makes U.S. food exports more competitive in specific foreign markets. The third party is then bartering for other materials and or services from Russia or other buyers in the CIS. When announced on August 27, 1992, EEP subsidies were offered on 200,000 metric tons of wheat exports, of which 48,000 metric tons is left.

The third-party program suggests that Russia is open to barter for food. For example, out of $1 billion in Russian food assistance guaranteed by the CCC, a certain percentage could be offset by returning Russian HEU to the United States. How much HEU to obtain for the food would be negotiated. The U.S. commodities available would be from the open market and possibly CCC stocks. U.S. grain exporters would ship grain to Russia, and receive HEU as payment. The HEU would be shipped in accordance with international safeguards to the United States for further processing by DOE or designated private interests (such as NFS or GA). DOE would pay the grain exporters in cash for the HEU. Such a barter may involve an incentive whereby the United States offers the Russians a discount in terms of more wheat than would otherwise be made available under a cash payment agreement. The amount of food bartered would in effect reduce Russia's need for the loan guarantees.

Under the current agreement for the United States to acquire Russian HEU, plans are for Russia to use some of the hard currency earnings from a cash sale to upgrade its nuclear safety program and to build a facility to blend down HEU to LEU. But even with these hard currency needs of Russia, there may be some room to barter.

Advantages to the United States

A barter agreement could reduce the risk to the taxpayer in the event of a Russian default on food loans and could open the possibilities for other advantageous barter agreements.

The barter option may give the United States more flexibility in negotiating with Russia for the HEU, since U.S. hard currency payments apparently are limited to the level of cost savings DOE could achieve in its uranium enrichment program. This might increase the likelihood of reaching a deal for Russian HEU, bringing with it the advantages of improving DOE's enrichment enterprise and reducing proliferation concerns.

Disadvantages to the United States

A barter arrangement carries with it high transaction costs, particularly if private-sector negotiators are involved. Other transaction costs would involve the handling of the goods, shipping and safeguarding, and the arrangement between DOE and the grain exporter for items and payments. Of course, many of these details would have to be dealt with whether or not HEU was involved.

Questions involving trade subsidies might cause trouble in negotiations on the General Agreement on Tariffs and Trade (GATT).

A barter arrangement might require a very large premium in food to make it attractive to Russia.

Advantages to Russia

Russia might get a premium price for its HEU in a combination of hard currency and food aid, because the United States might be willing to provide more food aid than just hard currency alone.

Russia would have lower debt obligations.

Food aid might be greater and easier to get if some of it were paid for by HEU.

Barter would reduce the potential of default on loans to purchase foods.

A barter agreement would develop a mechanism for trade that could be used for future transactions with the United States.

Disadvantages to Russia

Russia would receive some payments for HEU in the form of food rather than more flexible hard currency payments.

Russia might prefer guaranteed loans for food to paying up front for food with HEU.

Nuclear proliferation and security

One advantage of acquiring Russian nuclear material would be to reduce its vulnerability to diversion in Russia. Weapons-grade HEU would be sought by potential proliferators or others who seek to profit from the sales of nuclear weapons materials. The agreement to purchase HEU from dismantled Russian warheads and use it as commercial reactor fuel provides a means of disposing of weapons-grade materials that could otherwise fall into the hands of proliferators. Consequently, one major benefit of the sale of Russian HEU to the U.S. Department of Energy would be to reduce certain proliferation risks. However, some proliferation risks will not be completely eliminated by the planned sale. Expanded levels of trade and commerce involving large quantities of bomb-quality materials in an already unstable political and economic situation raise concerns about the future security of weapons materials in Russia.

Some small quantities of Russian-origin nuclear materials have reached the black market since the collapse of the Soviet Union. Several arrests have been made in Europe during recent months in connection with attempted sales of nuclear materials thought to have been smuggled out of Russian nuclear power plants. So far, the materials seized have not been suitable for making nuclear weapons. Many of the reported sales of nuclear materials were hoaxes. Nevertheless, U.S. officials have expressed concerns regarding the ability of the Russian nuclear materials accounting system to detect diversions if they occur. The Russian nuclear export control system is also reportedly incapable of maintaining former levels of vigilance over commerce in nuclear materials. The proposed HEU sale could involve numerous transfers of large quantities of special nuclear material (SNM). In the short term, such transfers could complicate an already confused material accounting problem and create new opportunities for diversion, highjacking, or terrorism. In response to these potential problems, the U.S. has provided technical assistance to Russia and other republics of the former Soviet Union to upgrade their materials accounting and export control systems. However, some analysts have expressed doubts about the adequacy of these efforts to prevent mishandling of special nuclear materials.[21]

Dismantlement and storage

The estimated 500 metric tons of HEU involved in the recent Russian-DOE commercial arrangement corresponds to approximately 27,000 weapons. Some nuclear warheads are to be dismantled after being retired under the terms of the START treaty and its protocols. Additional Russian nuclear weapons are to be retired in connection with further reductions outlined in the Joint Understanding signed by President Bush and Russian President Yeltsin in June 1992. Removal of designated strategic weapons from active service will be verified under the terms of START. However, dismantlement of warheads is not required by START or the Joint Understanding, and no formal verification arrangements have been made for whatever dismantlement process is eventually implemented. Once weapons materials are removed from the weapons, HEU can then be transferred from military to civilian use. It is not yet clear how much HEU and plutonium exists in Russia, how much will be demilitarized, or who will have ultimate authority over the Russian materials. Without verification of the dismantlement process, knowledge about the total quantities of HEU and Pu derived from retired warheads and the precise locations of those materials are likely to remain speculative. Under such conditions, it could be difficult to detect diversions of nuclear materials.

Russian officials calculate their capacity for warhead dismantlement to be approximately 1,500 to 2,500 weapons per year—similar to the U.S. capacity. Initially, HEU and plutonium recovered from the weapons would be stored in metal form pending decisions on its ultimate disposition. Due to the consolidation of the former Soviet Union's nuclear weapons in Russia and the increase in the amount of weapons materials being processed, Russia has apparently run out of secure storage space for HEU and plutonium. The Russian government has indicated the lack of secure storage space is the top priority for U.S. assistance, and has held discussions with U.S. specialists on requirements for a new secure storage facility. Construction of such a facility would probably take five to six years, and could be constructed with U.S. assistance made available in the Soviet Nuclear Threat Reduction Act of 1992 (P.L. 102-228).[22]

Transportation

While the security of materials housed in the proposed new storage facility would probably be adequate, temporary storage and in-country transportation arrangements

could remain vulnerable to diversion. The number of potential diversion points could increase if weapons-grade material is stored and processed in multiple locations. Some concern is likely to surface regarding plans to ship HEU from Russia to the United States. Existing U.S. and international standards for the physical protection and handling of nuclear materials can be assured with greater confidence once the materials sold to the West leave Russia. The risk of diversion in the U.S. is minimal.

Transporting weapons-grade materials in Russia—for example, between dismantlement and processing facilities—could increase risks of theft or accident. Russian officials have expressed their intention to convert some HEU to LEU in facilities that will eventually be built in Russia, perhaps with profits from initial HEU sales. Russian officials have also held discussions with German companies about possible future sales of technology that would enable Russia to make weapons-grade Pu into mixed oxide (MOX) reactor fuel. Depending on where HEU blending and MOX facilities are constructed, some in-country shipments of HEU and Pu can be expected in preparation for delivery of finished product to Western buyers. Such shipments could be vulnerable to attack, especially if they occur in chaotic political circumstances. One way to reduce the vulnerability of weapons materials while in transit would be to consolidate storage and processing at secure facilities such as the proposed new "nuclear Taj Mahal" storage facility at Tomsk, Siberia.

The United States has provided assistance to Russia to protect nuclear warheads and special nuclear materials while they are being transported. Using funds authorized by the Soviet Nuclear Threat Reduction Act, the United States has agreed to provide armored blankets to protect weapons and materials ($5 million), nuclear emergency response equipment ($10 million), secure rail cars for transporting weapons and weapons materials ($20 million), and fissile material containers ($50 million).[23] A major purpose of this aid was to assist the removal of nuclear weapons from the territories of the former Soviet Union. More assistance would probably be required to assure that adequate levels of safety and security are maintained for HEU and Pu from dismantled warheads over the long term.

International inspection

One option for enhancing controls on material from dismantled warheads would be to register the material for regular safeguards inspections by the International Atomic Energy Agency (IAEA).[24] Russia, which is a member of the IAEA, could declare the existence of the HEU to the IAEA once it is removed from weapons and enters the civilian sector. (IAEA does not safeguard military nuclear material.) IAEA maintains material balances on nuclear materials and facilities declared in accordance with safeguards agreements between the Agency and member states. Once the material is demilitarized, IAEA could place it under safeguards regardless of which options for storage or sale are eventually selected. IAEA safeguards could complement other bilateral and/or multilateral verification measures designed to minimize risk of diversion. So far, however, verification measures have not been implemented for the dismantlement process and materials from dismantled warheads have not come under safeguards.

FOOTNOTES

[1] A New York Times op-ed piece entitled "A Grand Uranium Bargain" by Professor Thomas L. Neff of the Massachusetts Institute of Technology on October 24, 1991 was a catalyst for much of the recent interest in acquiring HEU from Russian warheads. In Congress, Senator Cranston introduced legislation (S. 2011, November 21, 1991) directing the President to pursue the proposed HEU purchase.

[2] General Accounting Office Report, GAO/RCED-92-194, Uranium Enrichment, Unresolved Trade Issues Leave Uncertain Future for U.S. Uranium Industry, June 1992, p. 6.

[3] NUEXCO, 1992 Annual Review, p. 17.

[4] NUEXCO, p. 17.

[5] NUEXCO, p. 28. SWUs are the primary unit of measurement of the amount of work carried out by uranium enrichment plants.

[6] General Atomics, Interview with Walter A. Simon, July 1992.

[7] Estimates for both Russia and the United States are highly speculative. A speech by Frank von Hippel at the U.S. Council for Energy Awareness Fuel Cycle 92 conference in Charleston, SC (24 March 1992) is the source for the 500 ton estimate for both countries. Other estimates range up to 600 tons for the United States and 700 or more tons for Russia.

[8] Smith Barney, Harris Upham and Co., United States Uranium Enrichment Enterprise, May 1990, p. 20.

[9] The Comprehensive Energy Policy Act of 1992 (H.R. 776), now in conference, would create a government-owned Uranium Enrichment Corporation to take over DOE's enrichment activities. The savings from Russian HEU could be very important for the success of the new entity.

[10] Domestic Uranium Mining and Milling Industry 1990 Viability Assessment. U.S. Department of Energy. Energy Information Administration. DOE/EIA-0477(90). December 1991. p. 14, 22.

[11] Fact Sheet on U.S.-Russian Agreement on Highly-Enriched Uranium. The White House. Office of the Press Secretary. Aug. 31, 1992.

[12] Telephone conversation with Paul F. Schutt, Chairman, Nuclear Fuel Services, Inc., September 3, 1992.

[13] Eugene C. Schmitt, Director of the Office of Business Operations, DOE Office of Uranium Enrichment, telephone conversation, August 6, 19921.

[14] Paul Schutt, telephone conversation, September 17, 1992.

[15] Steyn, Julian J., and Meade, Thomas B. "Potential Impact of Arms Reduction on LWR Fuel Cycle." Energy Resources International Inc. Presented at U.S. Council for Energy Awareness Fuel Cycle '92 Conference, March 22-25, 1992.

[16] Schutt, op. cit.

[17] "A Pro Forma Analysis of Blending on DOE's Enrichment Enterprise." Nuclear Fuel Services, Inc. Undated.

[18] DOE normally does not buy natural uranium, but merely enriches uranium owned by utilities. However, if DOE did not overfeed as in the first scenario, the blended HEU would displace ⅞ of the natural uranium which utilities would have to supply for enrichment. DOE could charge the utilities for the uranium they did not have to buy.

[19] Telephone conversation with Paul F. Schutt, Chairman, Nuclear Fuel Services, Inc., Sept. 17, 1992.

[20] "Nuclear Fuel," September 14, 1992, p.1.

[21] See Mark Hibbs, "Bonn Agencies Say Safeguards, Protection Nearly Absent in CIS," "Nucleonics Week," August 20, 1992, p. 1.

[22] According to Russian estimates, the proposed Russian storage facility for HEU and plutonium would cost approximately $300 million. Weapons material would be sealed in specialized metal containers in the form of metal "pucks" (4-5 kg. Pu, 10 kg. HEU). Current plans call for it to be located in the Siberian city of Tomsk. An agreement in principle for U.S. assistance was signed pending a technical agreement. Report on International Workshops on Disposal of Separated Plutonium, Bonn (15-16 June, 1992) and London (18 June, 1992); Statement of Major General William F. Burns, U.S. Army, retired, Head of the U.S. Delegation on Safety, Security and Disarmament, before the Senate Foreign Relations Committee, July 27, 1992.

[23] William F. Burns, Head of the U.S. Delegation on Safety, Security and Dismantlement, Statement before the House Armed Services Committee, March 26, 1992; Statement for the Record by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division, General Accounting Office, before the Senate Committee on Foreign Relations, July 27, 1992.

[24] See William Sutcliffe, ed., "Fissile Materials from Nuclear Arms Reductions: A Question of Disposition, Center for Technical Studies on Security, Energy and Arms Control," Lawrence Livermore National Laboratory, 1991; Zachary Davis and Warren Donnelly, Nuclear Weapons: Disposing of U.S. and CIS Inventories, CRS Issue Brief, IB91129; Charles Hebel, Limiting and Reducing Inventories of Fissionable Weapons Materials, Center for International Security and Arms Control, Stanford University, 1991; Theodore Taylor, "Verified Elimination of Nuclear Warheads," "Science and Global Security," Vol. 1, Nos. 1-2, 1989; Federation of American Scientists, "Verifying the Dismantlement of Nuclear Warheads, The Technical Basis for Actions," June 1991; Lawrence Scheinman and David Fischer, "Managing the Coming Glut of Nuclear Weapon Materials," "Arms Control Today," March 1992.

[From the Telegraph Agency of the Soviet Union, Sept. 24, 1992]

SENATOR ALAN CRANSTON

America's decision to buy as much as 500 tons of weapons-grade uranium from Russia's dismantled nuclear warheads makes eminent good sense for both countries.

U.S. purchase of the highly enriched uranium for use in commercial nuclear power plants would help keep it from falling into the hands of terrorists' groups or irresponsible governments like Libya or Iraq.

And since the U.S. Energy Department's uranium plants are notoriously inefficient (they are described as "money-losing electricity guzzlers"), diluting the Russian uranium and feeding it to american power plants would require less electricity and save money.

As for the Russians, the sale also would provide a secure way to finance the expensive process of nuclear arms reduction and disposal that is only now beginning.

The deal is along lines proposed by Russian Atomic Energy Minister Victor Mikhailov when he was in Washington in July. It also echoes legislation I introduced in the U.S. Congress late last year with the support of Senator Claiborne Pell, chairman of the Senate Foreign Relations Committee.

My bill was called the "Nuclear Weapons Security and Plowshares Act". It would have allowed for the Commonwealth of Independent States to trade ex-Soviet special nuclear materials for U.S. Agricultural products at a time when food in many of the republics was sorely needed.

The new arrangement calls instead for outright U.S. purchase the uranium. This would give the Russian Government a substantial source of hard currency.

Most importantly, part of the money, I understand, would go for safety improvements on Soviet-built nuclear reactors still in operation in the CIS. The urgent need for safety improvements on these rickety power stations is something the U.S. Central Intelligence Agency (CIA) has warned about publicly.

The U.S. agreement to buy enriched uranium from Russia, details of which are to be worked our over the coming year, should help Russia make its nuclear power industry safer. I whole heartedly support the proposal.

The PRESIDING OFFICER. The question is now on the adoption of the conference report.

Without objection, the conference report is agree to.

So the conference report was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly Fall Meeting during the 2d session of the 102d Congress, to be held in Bruges, Belgium, November 15–19, 1992:

The Senator from Texas [Mr. BENTSEN], chairman; the Senator from Alabama [Mr. HEFLIN]; the Senator from Maryland [Ms. MIKULSKI]; and the Senator from Hawaii [Mr. AKAKA].

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. FORD). The Senator from Nebraska.

STRENGTHENING OF AMERICA COMMISSION

Mr. KERREY. Mr. President, yesterday, two of our Members, Senator NUNN of Georgia and Senator DOMENICI of New Mexico, as cochairmen of a commission called the Strengthening of America Commission, released this Commission's first report, first of, I believe, five reports, on an action plan for strengthening the economy of the United States.

Mr. President, I ask unanimous consent that the executive summary of this report be printed in the RECORD.

There being no objection, the executive summary was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

A new chapter is opening in American history. We won the Cold War in large part because this nation maintained a strong, bipartisan strategy over four decades to preserve our external security. Following the same logic and principles, the bipartisan Strengthening of America Commission was formed 18 month ago under the aegis of the Center for Strategic and International Studies to look strategically at our country's economic future.

A group of 60 leading citizens from public and private life—chief executives, labor leaders, members of Congress, mayors, and specialists, with a wealth of expertise ranging from fiscal policy to education, science and technology—has now drawn up a plan for domestic renewal that is both realistic and politically viable.

Among the Commission's key recommendations are:

Balance the budget by 2002 with a detailed action plan to reduce federal deficits by $2 trillion over ten years. At the top of the agenda is getting our fiscal house in order. The Commission's comprehensive blueprint for fiscal reform will allow us to bring the budget into balance as quickly as we wisely can, while also permitting necessary, new investments in our human and physical resources. The plan will rely primarily upon spending reductions, reducing currently expected spending by 8 percent—saving $1.5 trillion—over the next decade. Placing a ceiling or cap on non-Social Security mandatory spending must be a critical part of this effort. The plan also includes increases in taxes that are 3 percent higher than expected revenues, producing $376 billion for deficit reduction.

Spending reductions would be legally locked in before the raising of any new revenues. Revenue increases would be limited to a ratio of no more than $1 for every $2.75 of spending reductions. Another $150 billion would be saved through reduced interest rates brought about by large deficit reductions. This discipline over ten years would balance the budget without using the Social Security surplus and create the basis for long-term growth and higher real income for the American people.

Abolish the current income tax system in favor of a new system that would stimulate greater savings, investment, and jobs. Our savings rate, which is a critical component of investment, productivity, and growth, is at an all-time low. It has dropped precipitously below that of our major competitors. The Commission calls for a phasing out of the current income tax system, which is biased against savings, and replacing it with a consumption-based income tax system that will gear the economy for growth and be both progressive and fair in its impact.

Create a $160 billion Endowment for the Future through increased federal investment in education, children, R & D, and technology. In our zeal to reduce deficits, we must not ignore the need to improve our human resources and our capacity to innovate. To pay for this investment over ten years, the Commission recommends terminating or scaling back lower priority programs. On education and training, the Commission's proposals include a new certificate of mastery, based on national educational standards; expanded programs of technical apprenticeship and training for the 50 percent of American youth who do not attend college; and a comprehensive effort to promote school readiness in young children.

To strengthen the industrial base, the Commission recommends devoting more R & D to manufacturing and dual use (commercial/defense) technology, and redeploying resources of the national laboratories to solve major problems in process as well as environmentally conscious manufacturing.

The Commission is releasing this first report at the height of the political season, in hopes that it will help shift the focus to the important, long-term issues which confront the nation. Other recommendations will follow over the coming year.

WHY WE MUST CHANGE

The facts are simple. We have the largest economy in the world, but we have vulnerabilities that run far deeper than the latest recession:

The growth rate of American productivity has slowed during the past 20 years, while the productivity growth rate of other major countries has accelerated. As a consequence, though our productivity and standard of living are the highest in the world, average American real income has stagnated since the 1970s.

The U.S. net national savings rate, which is a critical determinant of investment and growth, is at an all time low: it plummeted from an average of 9.8 percent of GDP in the 1960s to an average of 3.6 percent in the 1980s. In contrast, Japan and European Community countries save at a rate of over 10 percent of their GDPs.

Federal budget deficits are sapping the economic strength of our country. When the Treasury spends money it doesn't have, it must borrow money from U.S. citizens, corporations and businesses, and foreign investors. These borrowings absorb private savings that otherwise would be available for private investment—the primary growth engine of our economy.

Our current tax system is hostile toward saving and tilted toward immediate consumption. Its structure encourages a focus on cash flow and short-term profitability, its complexity imposes heavy costs, and many of its regulations create a handicap for U.S. firms in the global arena.

America's elementary and secondary education system, once the envy of the world, is performing well below the best international levels. Moreover, 50 percent of America's young people do not go on to college and receive little help moving from school to the work place.

U.S. companies spend twice as many resources on the development of new product ideas as they do on the process technologies to manufacture the products themselves. As good as American companies have been at invention, many are not nearly as fast or as effective as their competitors in turning inventions into high-quality products, and then getting those products into the hands of consumers.

Our nation's federal institutions were once regarded as a vital source of civic strength. Today, a disenchanted electorate views Washington with increasing cynicism and mistrust. The growing gap between our public servants and the public itself signals a potential crisis of confidence that cannot be ignored.

GETTING OUR FISCAL HOUSE IN ORDER

At the top of the Commission's agenda is the task of getting our fiscal house in order by getting control over the deficit and restructuring the tax system to tax consumption, not income.

Both the deficit and the tax code work against our long-term economic vitality. Both inhibit savings that are needed for investment, which would, in turn, stimulate a rise in American productivity and higher real income for the American people.

The Commission, in assessing what it will take to put our fiscal house in order, draws three basic conclusions:

First, there are no quick fixes. The challenge facing America is structural and the Commission recommends a realistic target date of 2002—a ten-year plan—to meet it.

Second, deficit reduction alone is not enough to get us from where we are to where we want to go. We need mutually reinforcing deficit reduction and tax restructuring strategies to generate growth through increased savings and investment.

Third, while the private sector is the engine for growth, new federal expenditures on children, education, infrastructure, technology, and R & D can contribute to our over-all economic performance. Any plan of action should meet these legitimate needs, either by setting new spending priorities or providing additional funding on a pay-as-you-go basis.

The Commission proposes a specific Blueprint for Action that combines budget deficit reduction with the replacement of the current tax code by a progressive consumption-based tax. The predominant view of the Commission is that this approach be guided by ten principles:

1. Balance the budget by the year 2002, without using the Social Security surplus;

2. Promote long-term economic growth without undue short-term economic disruption;

3. Base projections for deficit reduction on credible, realistic economic assumptions;

4. Follow a step-by-step agenda, legally locking in spending controls before raising revenues;

5. Limit revenue increases to a ratio of no more than $1 for every $2.75 of spending reductions;

6. Bring mandatory spending under control by putting a cap on the growth of spending on non-Social Security entitlement programs;

7. Enact comprehensive health care reform that controls costs and insures the uninsured;

8. Restructure the tax code to promote growth by encouraging savings and allocating resources more efficiently, while preserving the over-all progressivity of the code;

9. Make room for increased investment in education, children, R & D, and technology by reducing or terminating lower priority programs;

10. Fully implement the "good-government" measures—such as sunsetting programs, using the "total quality" approach to management, collecting revenues from tax cheats, and reducing waste—to make government more efficient.

BUDGET DEFICIT REDUCTION STRATEGY

The Commission's 10-year blueprint calls for balanced deficit reduction totalling $2 trillion over the next decade. Spending would be reduced 8 percent below projected levels—saving nearly $1.5 trillion over ten years. Projected revenue increases would be 3 percent over the decade, which would add nearly $376 billion. Another $150 billion would be saved through reduced interest rates. The total sum from these spending reductions, added revenues, and lowered interest rates would balance the budget.

The Commission's blueprint includes increased spending of $160 billion on children, education, R & D, and technology. It also calls for another $100 billion for highways, airports, and other physical public infrastructure, to be funded by fees or revenues outside the deficit reduction package.

The Commission bases its strategy for deficit budget reduction on realistic assumptions about economic growth. To assume significantly higher growth would be self-defeating because such optimistic assumptions would make our fiscal plans less credible. America's current fiscal situation suggests that discipline is needed and that growth must be earned, not assumed. But should our action plan result in the higher growth that is potentially within reach, the dividends to the country would be all the greater and would permit lower tax rates, increased public sector investment, or the retirement of part of the national debt.

The predominant view of the Commission is to recommend the following blueprint for restructuring fiscal policy:

(1) Allowing two years for enactment and a gradual phase-in, cap spending on non-Social Security mandatory programs beginning in 1995—saving $660 billion over 10 years, or 10 percent of such projected spending over the ten-year period.

(2) Abolish the present tax code and enact progressive consumption-based income taxation within two years. This decision would include a commitment to implement a full consumption-based income tax before the year 2002 and to specify the tax restructuring which would provide for transition. This restructuring should be permitted to raise nearly $376 billion by the year 2002 but no more than $1.00 in taxes for $2.75 in spending reductions. This represents a 3 percent increase in projected revenues and an 8 percent cut in projected spending over the course of the plan.

(3) Reduce defense spending in an orderly fashion from 20 percent to 13 percent of the federal budget, with the goal of saving $290 billion over 10 years, an additional 10 percent reduction in projected spending.

(4) Allow international spending to increase at half the rate of inflation, growing from $20 billion in 1993 to $24 billion in 2002, while placing a greater emphasis on supporting newly emerging democracies and market economies—saving $21 billion by the year 2002, a 9 percent reduction in projected spending.

(5) Permit domestic discretionary spending to increase from its current level of $234 billion to $255 billion in the year 2002. The Commission believes that domestic discretionary spending should be reprioritized so that it emphasizes investment-oriented programs that promote economic growth in the following manner:

In particular, the Commission recommends $160 billion of increased spending over current projected levels for the ten-year period on education, children, R&D, and technology.

To help pay for these high priority investments, the Commission recommends terminating, scaling back, or streamlining lower priority programs. The Commission recommends a number of programs that should be reviewed for possible termination.

All told, this reprioritization of domestic discretionary spending will produce net savings of $243 billion over a ten-year period, a nearly 9 percent reduction in projected spending.

(6) From 1993-2002, increase spending on physical infrastructure—roads, bridges, airports, and tunnels—by $100 billion over current projected spending to be paid for, by increased energy taxes or user fees (no net effect on budget over the ten years).

(7) Interest payments would be reduced—saving $237 billion over the ten-year period, an 8 percent reduction. Lower interest rates brought about by large deficit reductions would increase these savings to $387 billion, for a total reduction of 13 percent in projected interest costs.

The Commission fully understands that the proposed spending reduction and tax reform will be extremely difficult. But it should also be stressed that unless all of the key elements of the fiscal plan are implemented as a package, the country risks the real possibility of undermining America's international position without achieving its goal of a strengthened America at home. If we attempt to balance the budget by slashing national security and international programs, without restraining and reforming domestic discretionary and mandatory program spending, we will weaken ourselves both abroad and at home.

TAX RESTRUCTURING STRATEGY: THE CONSUMPTION-BASED INCOME TAX

The Commission recommends abolishing the current tax system and replacing it with a progressive consumption-based income tax system that would exempt savings and investment from taxation. This proposal has gained increasingly wide support from leading economists and tax experts of varying political persuasions.

By removing the bias in favor of consumption in the current income tax code, neither consumption nor saving would be subsidized. The Commission believes that significant new saving and other benefits will result from this change.

The consumption-based tax would be levied in very much the same way as the personal income tax. A taxpayer would take annual income, add gifts and bequests as well as net borrowings, and subtract all savings—basically net investments and the net change in his or her bank balance. The remainder would equal consumption, and the resulting amount minus exemptions would be taxed.

Under a pure consumption-based income tax, businesses would not be subject to taxation. To reduce the burden on individual taxpayers, the Commission recommends a tax on business cash flow as a key element of the new tax structure.

The Commission recognizes that, under the best of circumstances, it will take time to design and implement a consumption-based tax system. Toward that end, the Commission believes that the principles that should guide the transition from the present tax code are progressivity, fiscal responsibility, transparency, and internal consistency.

Progressivity. Any tax on consumption must preserve equity, so that our citizens, no matter what their income level, share the tax burden fairly. This can be accomplished through a progressive structure.

Fiscal responsibility. Over the transition, revenues must be raised consistent with the goal of $376 billion of additional revenue for deficit reduction. These revenues should be raised from measures consistent with the consumption-based tax recommended herein.

Additional tax measures now under discussion such as investment tax credits, capital gains differentials, R & D tax credits, if implemented, should not increase the deficit during the transition. If these growth incentives are put into play during the phase-in of the consumption-based tax, they must be paid for on a progressive basis by broadening the tax base, rate increases, or reduction in subsidies to high-income taxpayers.

Transparency. Progressive changes and adjustments in the tax code during the transition must be clearly and rightly understood by all taxpayers, so that there is no sense that tax reform is another set of "tax gimmicks."

Internal consistency. During the shift to a consumption-based tax, changes in the code must be all of a piece with the new consumption-based tax structure, deficit reduction, and economic growth.

The Commission strongly urges that a concerted effort be made to educate the public about deficit reduction and tax reform during the current presidential campaign and beyond. Voters cannot hold candidates accountable unless the media does as well.

AN INVESTMENT PROGRAM TO PROMOTE ECONOMIC GROWTH—EDUCATION

The key component of a public investment strategy is investment in human resources. Strong schools, strong work force training programs, and strong families are the components of a strong educational system. We cannot be a first-rate country with a second-rate school system. We cannot compete successfully in a global economy with a low-skilled, low-wage work force. Without supportive, involved families, we will play constant catch-up with children ill-prepared to learn. Government, the education community, and business must be partners in a long-term effort to revitalize the American educational system.

The Commission recommends three principal initiatives to support a human resources investment strategy in the 1990s: a new system of national standards at the secondary school level; expanded programs of training and apprenticeships for students who directly enter the work force after secondary schools, and expanded work force training programs for those already on the job; and a comprehensive effort to promote school-readiness in young children and strengthen their families.

A NEW SYSTEM OF NATIONAL STANDARDS

Compared to our competitors and to our own national needs, America's expectations for what the vast majority of our students should know and be able to do are minimal. To achieve both excellence and equity, our Nation should develop educational content and student performance standards in core subjects, such as math, English, science, and history. Meeting those standards by the time they graduate from high school would earn students a certificate of initial mastery that signifies preparation for democratic citizenship and readiness for high-productivity employment.

High quality standards should be supported by high quality student assessments. Student assessments should be linked to school curricula, should measure student achievement rather than aptitude, and require that students demonstrate not only the recall of facts but also their application.

To support the shift to higher expectations for student achievement at the secondary level, colleges, professional schools, and technical programs should raise their entry-level standards over a ten-year period. The Nation—through student assistance and national service programs at the federal level, through scholarship programs of colleges and universities, and through private scholarship programs—should ensure that financial need should no longer be an obstacle to higher education for students who have performed well in secondary school.

Federal, state, and local governments should ensure that schools have the requisite resources to prepare their students to meet new and more rigorous standards. The Commission recommends increasing federal investment in the Chapter 1 program, which helps educationally disadvantaged children. The assistance should extend over the next 10 years, contingent upon the reform program spelled out in this report, and earmarking some of these funds to support the nation's R&D as well as meeting the needs of disadvantaged children.

Teachers must be capable of helping students meet these demanding national standards. To improve the quality of America's teachers the Commission recommends, among other things, that:

Financial incentives be provided to attract new teachers into subject areas where teachers are in short supply; to attract the best and the brightest secondary and college students to pursue teaching careers; and to attract separated military and defense industry personnel to the teaching profession.

National standards be developed for state alternative teacher certification programs to allow qualified individuals who do not have an educational degree to enter the teaching profession.

The education community provide financial incentives for teachers to enhance their own skills and knowledge in order to enhance their students' abilities to meet higher standards.

STRENGTHEN THE WORK FORCE

Fifty percent of our young people do not go to college, but the United States, unlike its competitors, has no system to assist the transition from school to the work place. Nor do we have a system to educate and train front-line workers.

Structured on-the-job learning is the missing link in the partnership between schools and employers. Government, business, and labor should work together to establish apprenticeships that combine certifiable skill training, academic instruction, and work experience. Professionalized technical education in the form of "tech prep" programs, apprenticeship programs, and occupational training at both community colleges and technical schools should be expanded. A system of technical and professional certificates, recognized by employers and post-secondary institutions, should be developed to measure skill competencies gained through this education. This would allow workers to transfer from job to job or move from state to state as they wish.

American companies should also be encouraged to invest in their own workers. A target of 2 percent of payroll for training is reasonable. Congress should develop incentives and technical programs to increase training and upgrading of the work force, not just for top management, but also for front-line workers.

PROMOTE SCHOOL READINESS AND STRENGTHEN FAMILIES

The Commission strongly endorses the expansion of programs that promote school-readiness in young children and support families. These programs include:

"WIC" (the special supplemental food program for women, infants, and children that provides prenatal and nutrition programs);

Childhood immunization programs;

Head Start, which should be made available to all three- and four-year old children, with non-disadvantaged children participating on a completely reimbursable basis, and full-day options provided; and

"Inter-generational programs" that provide education, employment, and parenting skills programs for mothers of Head Start children.

While these programs and others can do much to promote school-readiness in children, by far the most influential teachers are parents. Parents' attitudes toward education, their expectations for their children, the values they impart, and the environment they provide for learning all have an enormous impact on educational success. In addition, parents should monitor the amount and content of their children's TV viewing. The Commission also believes that the TV industry and those who advertise on TV must take responsibility for their enormous impact on children. Finally, though they are no substitute for parents, schools should adopt strong programs on values and ethical behavior.

Families can be supported in their efforts by their employers. Parental leave, flexible work scheduling, working at home, and career sequencing all enable working parents to spend time with their children and meet family obligations. The Commission is united in advocating that working parents be given greater opportunity to spend more time with their children.

THE AMERICAN INDUSTRIAL BASE

The primary responsibility for producing competitive goods and services rests with the private sector. While American firms excel in some business sectors (e.g., pharmaceuticals, chemicals, aerospace and information services) American firms in other sectors (e.g., motor vehicles, telecommunications equipment, and computers) are being challenged by Asian and European companies.

In these industries and others, companies must develop new attitudes and strategies and learn new techniques to remain or become globally competitive.

The Commission points in particular to the path-breaking work produced by the MIT Commission on Industrial Productivity, Made in America, which documents how the 30 "best practice" American companies are meeting the challenge. Total quality management, just-in-time manufacturing, constant refinements in process technologies, and continuous training of front-line workers are among the management strategies that these companies use to become global competitors. The Commission strongly endorses these efforts.

At the same time, government can and should provide an economic environment that helps strengthen the American industrial base. As noted above, the federal government must put its fiscal house in order to increase the availability and decrease the cost of capital for productive business investment. In addition, the Commission recommends that government take these steps to leverage the efforts of private industry:

R&D tax credit. To encourage sustained private sector commitment to R&D, the Commission recommends extending the current 20% research and experimentation tax credit through the transition to a consumption-based tax. Its provisions should be amended to include expenditures on process technologies and cooperative research done at the national laboratories.

Increased resources to manufacturing technology. Manufacturing technology should be added as the "fifth horseman" to defense, health, energy, and space R&D. Less than 2 percent of the federal government's R&D budget was devoted to manufacturing technology in 1991. The Commission recommends that each federal agency support the development of manufacturing process technology as a concurrent and important aspect of ongoing R&D programs.

National laboratories. The national laboratories, an invaluable asset in meeting the military challenges of the past, must now help us meet the economic challenges of the future. The White House science and technology adviser, the national security adviser, appropriate members of the cabinet, and representatives of the private sector should establish a senior level working group to review and revise the missions of the labs to permit their best use. The labs can contribute immediately to large-scale projects such as environmental restoration, waste minimization, environmentally conscious manufacturing, energy efficiency and supply, advanced manufacturing, high-performance computing, and health care.

Increased resources for dual use technologies. The Defense Advanced Research Projects Agency (DARPA) should be transformed into the National Advanced Research Projects Agency (NARPA) in order to help integrate defense and commercial technologies into strong unified national technology base. NARPA would continue to support technologies of potential military importance as well as focus more heavily on dual-use technology. DOD would benefit by getting faster and cheaper access to commercial technology, and commercial firms would benefit by the availability of additional federal R&D dollars.

Increased resources for infrastructure. Increased federal and state resources should be devoted to highways, mass transit and aviation, including innovative technologies such as high-speed rail and intelligent vehicle systems. The Commission recommends that the federal government increase total spending on such programs by $100 billion over a ten-year period. Funding for these new physical investments would come from infrastructure taxes, energy taxes, and fees.

In addition, the Commission recommends the support of policies to encourage the de-

velopment of public communications networks that will meet the advanced telecommunications needs of all Americans, including deployment of fiber optic systems or other efficient broad-band technologies.

MAKING GOVERNMENT WORK

To help break gridlock in government, the Commission recommends structural reforms within the Executive and Legislative branches.

To the President: To bring focus and coordination to economic issues at the highest level of government, the Commission recommends creating a National Economic Council (NEC), headed by a National Economic Advisor, on a level with the National Security Council and the National Security Advisor.

To the Congress: To end the quagmire of budgetary legislation, the Commission recommends creating a Joint Budget Committee, appointed by the joint leadership of both houses, to supplant the current budget committees; lengthening the budget cycle from one to two years; decreasing overlap among some 300 committees and subcommittees, and ending duplication inherent in the budget resolution/authorization/appropriation process. This streamlining would reverse the excessive growth of Congressional staff that has occurred over the past two decades.

If we stay our present course, we and our children and grandchildren will pay an increasing price. If we begin to make the tough decisions now, the rewards and benefits will be felt for generations to come.

We believe that, in many areas, fundamental change in our nation is required, urgent, and possible. Change will demand unity and strong leadership. The President alone cannot solve all of the problems. Neither can the Congress not one political party. There is much that American business and unions must do not make our economy stronger. There is much that local communities, schools, and parents must do. There is a role for every American, either in spirit or in deed, and we hope that the Commission's bipartisan findings will give thoughtful people a place to start.

Mr. KERREY. Mr. President, I will just say briefly that there have been many reports like this in the past, very often issued at the height of a political season such as this one.

There are typically two courses that can be taken when this sort of thing occurs. One is that the report is promptly forgotten and the members themselves remember the good old days when they participated in the development of the report; or it can be taken seriously and acted upon.

I offer this executive summary for the purpose of declaring my intent to join with Senator NUNN and Senator DOMENICI as they work in the Congress to try to put the details of this plan into effect.

Certainly, there will have to be some modification in it. I have an interest myself in the restructuring of the Federal Government. I have an interest as well in health care reform as a means to reduce this Nation's fiscal deficit.

This is a radical action plan, Mr. President, the details of which are alarming to some, but it seems to me appropriate for the times at hand.

And for myself, as enthusiastic as I am in joining the distinguished Senator from Georgia and the distinguished Senator from New Mexico, I hope that others in this body, as well as in the House of Representatives, will take up the call and come prepared next year to change the policies of this country to accommodate the, I believe, urgent need, particularly urgent economic need, to do so.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOMEN VETERANS SEXUAL TRAUMA SERVICES ACT

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 682, S. 2973, regarding women veterans; that the committee substitute amendment be agreed to; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; that the title amendment be adopted; and that any statements relative to the passage of this item be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 2973) to amend title 38, United States Code, to improve the care and services furnished to women veterans who have experienced sexual trauma, to study the needs of such veterans, to expand and improve other Department of Veterans Affairs programs that provide such care and services, and for other purposes, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women Veterans Health Programs Act of 1992".

TITLE I—SEXUAL TRAUMA SERVICES

SEC. 101. CARE AND SERVICES FOR WOMEN VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) REQUIREMENT TO FURNISH CARE AND SERVICES.—Chapter 17 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

"§1720D. Counseling and treatment of women veterans for sexual trauma

"(a) A woman veteran who is diagnosed by a Department health professional designated by the Chief Medical Director (following an examination of the veteran by such professional) to be in need of counseling or treatment for sexual trauma resulting from events that occurred during the period of the woman veteran's service on active duty, shall be furnished care and services with respect to such trauma pursuant to sections 1710(a)(1)(A) and 1712(a)(1)(A) of this title, even though such trauma has not been determined to be service-connected.

"(b)(1) The Secretary may enter into contracts with appropriate non-Department facilities (as determined by the Secretary) in order to furnish women veterans with the care and services (including any diagnostic services) referred to in subsection (a).

"(2) Not later than March 31, 1994, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the use made of the authority provided under paragraph (1) before the date of the report. The report shall (A) describe the extent of the use of that authority and the types of care and services furnished to women veterans under contracts entered into under that authority, and (B) contain such recommendations regarding the extension or modification of that authority as the Secretary considers appropriate.

"(3) The Secretary may not enter into contracts under this subsection after September 30, 1994. Any contract entered into under this subsection shall expire not later than 90 days after that date.

"(c) For the purposes of this section, the term 'sexual trauma' means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, sexual harassment, or other act of sexual violence.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1720C the following new item:

"1720D. Counseling and treatment of women veterans for sexual trauma.".

SEC. 102. INFORMATION AND REFERRALS FOR WOMEN VETERANS.

(a) INFORMATION SYSTEM.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence the provision of information and referrals relating to the care and services referred to in paragraph (2) by means of a telephone information system utilizing a toll-free telephone number (commonly referred to as an 800 number).

(2) The care and services referred to in paragraph (1) are the care and services relating to sexual trauma that are available to women veterans in the communities in which such veterans reside, including care and services available under programs of the Department of Veterans Affairs (including the care and services available under section 1720D of title 38, United States Code (as added by section 101 of this Act)) and from non-Department agencies or organizations.

(b) SYSTEM REQUIREMENTS.—In providing information and referrals under subsection (a), the Secretary shall ensure that the telephone information system described in that subsection—

(1) is operated by Department personnel who are trained in the provision of the information and referrals described in that subsection to persons who have experienced sexual trauma;

(2) is operated in a manner that protects the confidentiality of persons who place telephone calls to the system; and

(3) operates at all times.

SEC. 103. REPORT ON NEED FOR CARE AND SERVICES OF VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) REPORT.—Not later than December 31, 1993, the Secretary of Veterans Affairs shall submit to Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study carried out by the Secretary under subsection (b).

(b) STUDY.—(1) The Secretary, in consultation with and with the assistance of the Secretary of Defense, shall carry out a study of the needs of women veterans for counseling, medical care, and other services for sexual trauma.

(2) In carrying out the study, the Secretary of Veterans Affairs shall, to the extent feasible and to the extent that data are available, determine the following:

(A) The extent to which women have experienced rape, sexual assault, sexual harassment, or other acts of sexual violence while on active military, naval, or air service.

(B) The extent of any under-reporting of incidents of rape, sexual assault, sexual harassment, or other acts of sexual violence among the population of women members of the Armed Forces, and the extent to which the rate of such under-reporting differs from the rate of under-reporting of such incidents among the general population of women in the United States.

(C) The extent to which women members of the Armed Forces and women veterans who have experienced sexual trauma have utilized counseling, medical care, and other services furnished by the Department of Defense and the Department of Veterans Affairs in order to respond to such experiences.

(D) The same types of information with respect to men who are members of the Armed Forces and men who are veterans as is required under subparagraphs (A), (B), and (C) with respect to women members and veterans.

SEC. 104. REPORT RELATING TO SERVICES AVAILABLE TO VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

Not later than March 1, 1993, and December 31 of each of calendar years 1993 through 1997, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a comprehensive report on the care and services furnished by the Department of Veterans Affairs to veterans who have experienced sexual trauma. The report shall include the following:

(1) A detailed description and review of the medical care, counseling, outreach, and other services available under programs of the Department to veterans who have experienced sexual trauma resulting from events that occurred during the period of such veterans' service in the active military, naval, or air service, including the number of male and female counselors employed by the Department who have been provided specialized training in the counseling of persons who have experienced sexual trauma.

(2) An assessment by the Secretary of any quantitative or qualitative deficiencies in such programs in meeting the needs of such veterans for counseling, medical care, and other services in response to such experiences.

(3) A detailed description of the plans of the Secretary to eliminate such deficiencies and a schedule for implementation of such plans.

SEC. 105. PROVISION OF INFORMATION ON SERVICES TO WOMEN WHO ARE SEPARATING FROM THE ARMED FORCES.

The Secretary of Veterans Affairs and the Secretary of Defense shall jointly carry out a program to ensure that women who are being separated from active military, naval, or air service are provided information on (1) the counseling, medical care, and other services and assistance relating to sexual trauma that are available to women veterans under programs carried out by the Department of Veterans Affairs, and (2) the requirements of eligibility for or entitlement to, and the procedures for applying for, such counseling, medical care, and other services and assistance. The Secretaries shall ensure that such information is provided through an in-person interview conducted with the woman being separated.

SEC. 106. REPORT RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA.

(a) Not later than December 31, 1992, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the Secretary's assessment of—

(A) the difficulties that women veterans encounter in obtaining from the Department of Veterans Affairs determinations that disabilities relating to sexual trauma that are the results of events that occurred during active duty are service-connected disabilities; and

(B) the extent to which Department personnel fail to make determinations that such disabilities are service-connected disabilities; and

(2) the Secretary's recommendation of actions to be undertaken to respond in a fair manner to such difficulties and to eliminate such failures.

SEC. 107. DEFINITIONS.

In this title:

(1) The terms "Armed Forces", "service-connected", and "active military, naval, or air service" have the meanings given such terms in paragraphs (10), (16), and (24) of section 101 of title 38, United States Code, respectively.

(2) The term "sexual trauma" means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, sexual harassment, or other act of sexual violence.

TITLE II—HEALTH CARE FOR WOMEN VETERANS

SEC. 201. WELL-WOMEN CARE SERVICES.

(a) WELL-WOMEN CARE SERVICES.—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)(A)(i), by inserting "well-women care services," after "section 1762 of this title,"; and

(2) by adding at the end the following new paragraph:

"(9)(A) The term 'well-women care services' means health care services provided to women outside the maternity cycle, including counseling and services relating to the following:

"(i) Papanicolaou tests (pap smear).

"(ii) Breast examinations and mammography.

"(iii) General reproductive health care.

"(iv) The management of infertility.

"(v) Menopause.

"(vi) Physical or psychological conditions arising out of acts of sexual violence.

"(B) The term does not include the following services:

"(i) Pregnancy care (including prenatal and delivery care), except care relating to a pregnancy that is complicated, or in which the risks of complication are increased, by a service-connected condition.

"(ii) Abortion.".

(b) CONTRACTS FOR WELL-WOMEN CARE SERVICES.—Section 1703(a) of such title is amended by adding at the end the following new paragraph:

"(9) Well-women care services for veterans on an ambulatory or outpatient basis, but only under contracts that expire not later than December 31, 1994.".

(c) REPORT ON THE PROVISION OF HEALTH CARE TO WOMEN.—(1) Not later than January 1 of each of 1993 through 1997, the Secretary shall submit to Congress a report on the provision of health care services to women veterans.

(2) The report shall contain the following with respect to the most recent fiscal year before the date of the report:

(A) A description of the personnel of the Department who provided health-care services to women veterans, including the number of employees (including both the number of individual employees and the number of full-time employee equivalents) and the professional qualifications or specialty training of such employees and the Department facilities to which such personnel were assigned.

(B) A description of any actions taken by the Secretary to ensure the retention of the personnel described in subparagraph (A), and any actions undertaken to recruit additional personnel or personnel to replace such personnel.

(C) A description of the type and amount of well-women care services provided by such personnel, including information on—

(i) the type and amount of such services provided at each Department facility;

(ii) the number of women provided such services at each Department facility; and

(iii) the numbers of inpatient stays and the number of outpatient visits through which such services were provided.

(D) A description of the type and amount of well-women care services provided under contracts with non-Department facilities, including information on—

(i) the type and amount of such services provided under each contract;

(ii) the number of women provided such services through each non-Department facility under each contract; and

(iii) the numbers of inpatient stays and the number of outpatient visits through which such services were provided.

(E) An assessment by the Secretary of any difficulties experienced by the Secretary in the furnishing of such services and the actions taken by the Secretary to resolve such difficulties.

(F) A description of the actions taken by the Secretary to foster and encourage the expansion of research relating to health care issues of concern to women veterans.

(3) In this subsection, the term "well-women care services" has the meaning given such term in section 1701(8) of title 38, United States Code (as added by subsection (a)).

SEC. 202. EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS.

(a) EXPANSION OF MEDICAL RESEARCH PROGRAM.—(1) Subject to paragraph (3), in carrying out the medical research program of the Department under section 7303 of title 38, United States Code, the Secretary, in consultation with the Chief Medical Director (who shall consult with the Director of Nursing Service, officials of the Central Office assigned responsibility for women's programs and the program carried out under section 7303, members of the Advisory Committee on Women Veterans established under section 542 of such title, and members of appropriate task forces within the Department of Veterans Affairs (such as the Task Force on Treatment of Women Who Suffer Sexual Abuse)), shall foster and encourage the initiation and expansion of research into the health consequences for women veterans of the matters referred to in paragraph (2).

(2) The Secretary shall foster and encourage the initiation and expansion of research under paragraph (1) on the following matters as they relate to women:

(A) Breast Cancer.

(B) Gynecological and hormonal matters.

(C) Cancer of the organs of the reproductive system.

(D) Alzheimer's Disease.

(E) Osteoporosis.

(F) Post-traumatic stress disorder.

(G) Substance abuse.

(H) Sexual violence.

(b) STUDY OF ADMITTANCE OF VETERANS TO DEPARTMENT MEDICAL CARE FACILITIES.—The Comptroller General of the United States shall carry out a study to determine—

(1) the percentage of all admissions of women veterans to Department facilities that are based on a diagnosis of psychotic illness;

(2) the percentage of all admissions of men veterans to such facilities that are based on a diagnosis of psychotic illness;

(3) an explanation of the difference, if any, in the percentages referred to in paragraphs (1) and (2), including an assessment of—

(A) the extent, if any, to which psychotic illness is more prevalent among women veterans who seek care at Department facilities than among men veterans who seek such care;

(B) the extent to which gender-related factors impede or complicate diagnoses made by Department personnel; and

(C) the extent to which, among veterans with psychotic illness, women and men seek and receive Department health-care services in different proportions.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) Funds are authorized to be appropriated for the Department of Veterans Affairs to carry out subsections (a) and (b) as follows:

(A) For fiscal year 1993, $1,500,000.

(B) For fiscal year 1994, $2,000,000.

(C) For fiscal year 1995, $2,500,000.

(2) Funds appropriated pursuant to the authorization of appropriations under paragraph (1) are in addition to other funds appropriated or otherwise made available to the Department of Veterans Affairs for research.

SEC. 203. RESEARCH OF THE DEPARTMENT OF VETERANS AFFAIRS RELATING TO WOMENS' HEALTH-CARE ISSUES.

Section 7303 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) To the extent that the Secretary determines that the quantity and nature of information available to Department personnel with respect to issues relating to health care for women veterans is inadequate to permit such personnel to carry out research relevant to the health-care needs of women veterans, the Secretary shall take actions to ensure that medical research carried out by the Secretary gives consideration to issues relating to the health of the general population of adult women in the United States, with particular emphasis on health conditions that affect large numbers of such women and therefore are likely to be prevalent to a significant degree among women veterans and health conditions for which the risk factors, treatment responses, and other factors determined relevant by the Secretary of women veterans may differ from those of the general population of adult women in the United States.

"(2) To the maximum extent practicable, the Secretary shall ensure that the personnel engaged in research pursuant to the research program described under paragraph (1)—

"(A) include—

"(i) personnel of the Department in facilities of the Department, including personnel of the geriatric research, education, and clinical centers designated pursuant to section 7314 of title 38, United States Code; and

"(ii) personnel of the National Center for Post-Traumatic Stress Disorder established pursuant to section 110(c) of the Veterans Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2692); and

"(B) are informed of the existence and progress of other research relating to women veterans conducted by or under the jurisdiction of the Secretary.".

SEC. 204. POPULATION STUDY OF THE NEED OF WOMEN VETERANS FOR HEALTH-CARE SERVICES.

(a) STUDY.—(1) The Secretary shall conduct an on-going study to determine the needs of women veterans for health-care services.

(2) Before carrying out the study, the Secretary shall—

(A) request the advice of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code; and

(B) in consultation with the Secretary of Defense, request the advice of the Advisory Committee on Women in the Services.

(3)(A) In carrying out the study, the Secretary (with the assistance of the Secretary of Defense) shall—

(i) examine the medical, biopsychosocial, and demographic histories of an appropriate sample of women veterans and women members of the Armed Forces who are serving on active duty;

(ii) to the extent feasible, use data from the most recent decennial census and official census statistics; and

(iii) to the extent feasible, use information contained in the report submitted to the Secretary under section 102(b) of the Veterans' Health Care Amendments of 1983 (Public Law 98-160; 38 U.S.C. 1712A note).

(B) The sample referred to in subparagraph (A)(i) shall include women veterans and women members of the Armed Forces who are serving on active duty and shall, to the extent feasible, provide a representative sampling (as determined by the Secretary) of the ages, the ethnic, social, and economic backgrounds, the enlisted and officer grades, and the branches of service of all women veterans and women members of the Armed Forces.

(C) The protocol for the study shall meet standards for scientific merit prescribed by the Secretary.

(b) REPORTS.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives reports relating to the results of the study as follows:

(1) Not later than 6 months after the date of the enactment of this Act, an interim report on the study describing—

(A) the status of the study on the date of the report; and

(B) the information and advice obtained by the Secretary from the Advisory Committees referred to in paragraph (2)(A).

(2) Not later than April 1, 1994, a report describing the results of the report as of that date.

(3) Not later than April 1 of each of 1996, 1998, 2000, 2002, and 2004, a report describing the results of the study as of the date of such report.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Veterans Affairs $1,500,000 to carry out the purposes of this section. Amounts appropriated pursuant to this authorization of appropriations shall be available for obligation until expended without fiscal year limitation.

SEC. 205. REPORT ON RESEARCH RELATING TO WOMEN VETERANS.

Not later than July 1 of each of 1993, 1994, 1995, and 1996, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) a description (as of May 31 of the year in which the report is submitted) of the status of any research relating to women veterans being carried out by or under the jurisdiction of the Secretary (including the research carried out under section 7303(d) of title 38, United States Code (as added by section 203 of this Act)); and

(2) recommendations of the Secretary as to future research (including a proposal for any legislation relating to such research) relating to women veterans.

SEC. 206. SUPPORT FOR WOMEN VETERANS COORDINATORS.

The Secretary shall take appropriate actions to ensure that—

(1) sufficient funding is provided to each Department facility in order to permit the women veterans coordinator to carry out the functions of the coordinator at the facility;

(2) sufficient clerical and communications support is provided to each such coordinator for that purpose; and

(3) each such coordinator has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

SEC. 207. REGIONAL WOMEN VETERANS COORDINATORS.

(a) REQUIREMENT OF APPOINTMENT.—The Secretary shall appoint a regional women veterans coordinator to serve in each regional office of the Veterans Health Administration. A person appointed as a coordinator under this section shall serve in the position on a full-time basis.

(b) RESPONSIBILITIES.—Each regional women veterans coordinator shall—

(1) coordinate the training of women veterans coordinators who are assigned to Department facilities in the region under the jurisdiction of such regional coordinator; and

(2) provide appropriate technical support and guidance to Department facilities in that region with respect to outreach activities to women veterans.

SEC. 208. FUNDING FOR CERTAIN ACTIVITIES OF THE ADVISORY COMMITTEE ON WOMEN VETERANS.

From funds available to the Department of Veterans Affairs, the Secretary shall provide funds to be used for the members of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code, for the following purposes:

(1) For travel in connection with a reasonable number of visits to Department facilities in order to permit such members to carry out the responsibilities of the Advisory Committee.

(2) For the conduct of meetings of the Advisory Committee.

SEC. 209. DEFINITIONS.

For the purposes of this title—

(1) The term "Secretary" means the Secretary of Veterans Affairs.

(2) The term "Department" means the Department of Veterans Affairs.

(3) The term "Department facilities" means the following facilities at which the Secretary furnishes medical services:

(A) Facilities over which the Secretary has direct jurisdiction.

(B) Government facilities for which the Secretary contracts.

(4) The term "medical services" has the meaning given such term in section 1701(6) of title 38, United States Code (as amended by section 201(a) of this Act).

(5) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

The title was amended so as to read: "A bill to amend title 38, United States Code, to improve the care and services furnished to women veterans who have experienced sexual trauma while on active duty, to study the needs of such veterans, to expand and improve other Department of Veterans Affairs programs that provide care and services to women veterans, and for other purposes.".

THE WOMEN VETERANS HEALTH PROGRAMS ACT OF 1992

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs, I am pleased to support passage of S. 2973, the Women Veterans Health Programs Act of 1992. This bill addresses two key health issues facing women veterans: the needs of women who have been sexually assaulted or harassed while serving in the military; and access to and availability of health services for women veterans within the Department of Veterans Affairs [VA]. I am proud to note, Mr. President, that this bill, originally introduced by Senator CRANSTON, incorporates much of S. 2028, the Women Veterans Health Equity Act of 1991, which I introduced last November.

Our committee held three very important hearings this session to discuss issues affecting women veterans. On June 30, the committee received testimony from women veterans who relayed horrifying accounts of being harassed, assaulted, and raped while serving in the military. They spoke of their hesitancy, and that of fellow victims, to come forward and report their assaults. And even when a victim does come forward, witnesses told us of records being altered or lost, complainants ignored, and allegations not investigated. Because entitlement to VA treatment often depends on establishing service-connection, this lack of evidence can lead to the unavailability of VA treatment.

Title I of S. 2973 deals with the problem faced by victims when they lack evidence of a sexual assault. Under this bill, where a VA health professional concludes that a veteran incurred sexual trauma during active duty, VA would be required to provide health care services necessary to treat that trauma on the same priority basis as if the condition were service connected. The bill also requires that the Department of Defense [DoD] coordinate with VA a study of the extent of the unmet need for treatment and counseling for the aftereffects of sexual trauma while in the service and directs DoD to ensure that the proper education and advice are provided to all women upon separation from active duty.

The committee also held hearings on June 19 in Pittsburgh, which I chaired, and on July 2 in Washington on VA's ability to meet adequately the overall health care needs of women veterans. While we learned that VA has made great strides in recognizing the needs of the growing population of female veterans, it is evident from the testimony that more can and must be done.

Based on those hearings, as well as on my work in connection with S. 2028, I believe that the VA health care system must be redirected to serve the growing numbers of women veterans. Accordingly, title II of the bill would specifically authorize VA to provide "well-women care services"—such as Pap smears and mammograms—to ensure that VA will be able to provide these critical services to women veterans. Title II would also encourage VA to expand biomedical and behavioral research focusing on areas with health consequences for women, including breast cancer, gynecological and hormonal matters, cancer of the reproductive system, Alzheimer's disease, and osteoporosis.

I would like to thank the staff who have worked so hard on this bill: Janet Coffman, Virginia Rowthorn, Sandi Isaacson, Susan Thaul, Bill Brew, and Ed Scott from the majority staff; and Carrie Gavora, Yvonne Santa Anna, and Tom Roberts of my staff.

S. 2973 is a necessary step toward improving access to quality health care for women veterans. By recognizing the need for VA to do more in the area of counseling and health services for women veterans who have been sexually traumatized and providing a critical package of preventive health care services and biomedical and behavioral research relating to women veterans, I believe this bill will lead the way to a new and long-overdue emphasis on the needs of women patriots.

I urge my colleagues to support this important bill.

THE PROPOSED "WOMEN VETERANS PROGRAMS ACT OF 1992"

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to support S. 2973, the proposed Women Veterans Health Programs Act of 1992, as reported by the Committee on Veterans' Affairs on August 5, 1992.

I strongly believe that the provisions of this legislation are essential for the Department of Veterans Affairs to provide necessary health and mental health services to women veterans—especially for the long overlooked needs of those who were sexually assaulted during their military service. Women veterans and their specific health-care needs have received too little attention for far too long. The provisions of the legislation now before the Senate are designed to give appropriate recognition and assistance to the women who have served our Nation in the Armed Forces.

Mr. President, because the specifics of this bill are described in detail in the committee report—S. Report No. 102-409—I will at this time summarize the provisions of the bill and then discuss certain key provisions.

SUMMARY OF PROVISIONS

Mr. President, S. 2973 as reported, which I will refer to as the "committee bill," contains two titles—title I, entitled "Sexual Trauma Services," which is derived from S. 2973 legislation I introduced on July 2, 1992, and title II, entitled "Health Care for Women Veterans," which is derived from S. 2028.

TITLE I—SEXUAL TRAUMA SERVICES

Mr. President, the provisions of title I would: first, require VA, in the case of a woman veteran whom a designated VA health-care professional has found to be in need of counseling or treatment for sexual trauma that occurred during service, to provide her with health-care services necessary in connection with the trauma on the same basis as VA is required to provide care for service-connected disabilities.

Second, authorize VA, through December 31, 1994, to furnish these services through contracts with non-VA providers and require by March 31, 1994, a report on the use of this authority.

Third, require VA to provide for women veterans a toll-free, 24-hour information and referral telephone line, staffed by personnel trained to facilitate access to services relating to sexual trauma.

Fourth, require the Secretary of VA, in cooperation with the Secretary of Defense, to carry out and submit to the Congress by December 31, 1993, a study of the extent of veterans' needs for counseling, medical care, and other services as the result of experiencing rape, other sexual assault, or sexual harassment while serving on active duty, including the extent of sexual trauma experienced in the military service, the extent of underreporting of crimes of sexual violence in the Armed Forces, and the utilization of military and VA health-care services by servicemembers and veterans, respectively, who were the victims of rape, other sexual assault, or sexual harassment.

Fifth, require the Secretary of VA, by March 1, 1993, and by December 31 of each of calendar years 1993 through 1997, to provide the Veterans' Affairs Committees with a comprehensive report on VA services for veterans who experienced sexual trauma, including (a) information on medical care, counseling, outreach, and other services, and the numbers of male and female counselors provided specialized training in the counseling of women who have experienced sexual trauma; (b) an assessment of any deficiencies in meeting the veterans' needs; and (c) plans to correct those deficiencies.

Sixth, require the Secretaries of VA and Defense jointly to ensure that all women being separated from active duty are given appropriate, in-person advice (a) regarding the availability of VA counseling, medical care, and other services and assistance with respect to sexual trauma; and (b) the requirements for eligibility for or entitlement to, and the procedures for applying for, such counseling, medical care, and other services and assistance.

Seventh, require VA to submit to the Veterans' Affairs Committees by December 31, 1992, a report on (a) the difficulties veterans encounter in obtaining VA determinations that disabilities relating to sexual trauma that are the results of events that occurred during active duty are service-connected and the extent to which VA fails to make determinations that such disabilities are service-connected; and (b) what steps should be taken to respond in a fair manner to those difficulties and to eliminate these failures.

TITLE II—WELL-WOMEN HEALTH CARE SERVICES

Mr. President, the provisions of title II would: first, add "well-women health care services" to the definition of "medical care" in section 1701 of title 38, thereby authorizing the Secretary, in furnishing care and services to women veterans to furnish health-care counseling and services with respect to physical and psychological conditions which may affect the current or future physical or psychological health of the veteran even though such counseling and services may not be considered to

be the care or treatment of a disability nor preventive health-care services.

Second, define the term "well-women care services" to mean health-care services provided to women outside the maternity cycle; (a) including counseling and services related to the following: Papanicolaou tests, breast examinations and mammography, general reproductive health care, the management of infertility, menopause, and sexual violence, but (b) specifically excluding (1) pregnancy care—including prenatal and delivery care—except in those cases in which the risks of complications of pregnancy or pregnancy outcome are increased secondary to a service-connected condition, and (2) abortion.

Third, provide the Secretary with a 2-year discretionary authority to contract with non-VA entities for the furnishing of well-women services on an outpatient basis.

Fourth, require the Secretary to submit an annual report, on January 1 of each of the next five years, providing information on VA's furnishing of well-women health-care services research involving health care concerns of women veterans.

Fifth, direct the Secretary to foster and encourage research involving the health care concerns of women veterans.

Sixth, require the Secretary to encourage and foster research by VA personnel in the following matters as they relate to women breast cancer, gynecological and hormonal matters, cancer of the organs of the reproductive system, Alzheimer's Disease, osteoporosis, posttraumatic stress disorder, substance abuse, and sexual violence.

Seventh, direct the General Accounting Office to study whether there are significant differences in the rates of VA hospital psychiatric admissions of male and female veterans and, if so, why.

Eighth, authorize the appropriation to VA of $1.5 million, $2 million, and $2.5 million for fiscal years 1993 through 1995, in addition to the appropriations that are otherwise appropriated for VA research, for research relating to health issues relating to women veterans.

Ninth, require the Secretary, to the extent that information relating to health care for women veterans is inadequate for the conduct of research relevant to the health-care needs of women veterans, to take action to ensure that VA's research gives consideration to the health of the general population of adult women in the United States.

Tenth, require the Secretary to take appropriate actions to ensure that VA researchers are informed of the existence and progress of other VA research relating to women veterans.

Eleventh, require VA to conduct an ongoing population study of women veterans' health-care-services needs; require the Secretary to submit to the Committees on Veterans' Affairs an initial status report on the study and then biannual reports through the year 2004; and authorize the appropriation of $1.5 million for the study.

Twelfth, require the Secretary to submit to the Committees on Veterans' Affairs by July 1 of each of the next four years a report that includes (a) a description of the status of any VA research relating to women veterans, and (b) the recommendations of the Secretary as to future research relating to women veterans.

Thirteenth, require the Secretary to provide funding to enable Women Veterans Coordinators [WVC] at each VA medical center to carry out their functions, provide WVCs with adequate clerical and rapid communications support, and ensure that each WVC has direct access to the Director or the Chief of Staff at the medical center to which the WVC is assigned.

Fourteenth, require the Secretary to appoint a fulltime regional women veterans coordinator at each Veterans Health Administration regional office to coordinate the training of WVCs within the region and to provide technical support and guidance with respect to outreach to women veterans.

Fifteenth, require the Secretary to make available travel funds (a) to enable members of VA's Advisory Committee on Women Veterans to make reasonable site visits to VA medical facilities, and (b) for meetings of the Committee.

SEXUAL TRAUMA SERVICES

Mr. President, title I of the Committee bill addresses in legislation for the first time a problem that this great nation cannot with honor fail any longer to address—the needs of women veterans who were the victims of rape, other sexual assaults, or harassment during their military service. When chairing our committee's June 30 hearing on this issue, I promised America's women veterans that we were emerging from a dark past in which the Federal Government ignored and neglected the heartwrenching situations of those who suffered sexual violence while they served in the Nation's Armed Forces.

Since that hearing VA has formed a task force on treatment of women who suffer sexual abuse which first met in August to develop recommendations on ways to improve the services VA provides to such women. VA has also organized a conference of its women veterans' coordinators, which convenes this month in Birmingham. As part of this conference, WVCs will receive their first training in the area of sexual violence. In addition, VA provided the Readjustment Counseling Service [RCS] with a supplemental fiscal year 1992 travel allotment so that all Vet Center counselors could attend training conferences. Fiscal year 1992 RCS training conferences were the first to include sections on adult and child sexual trauma. In fiscal year 1993, training sections on sexual violence among women in the military will be added for the first time. RCS will also begin using a new data system in October that will facilitate collection of data regarding specific population groups, diagnoses, and other data. This information will be helpful in tracking trends and providing additional training to counselors when necessary.

On the Congressional front, already, Senator MIKULSKI, Chair of the VA, HUD, and Independent Agencies Appropriations Subcommittee, in response to my urging added $10 million above the administration's budget request for programs to address the needs of women veterans, expressly including their needs for counseling and treatment activities for female veterans who were sexually assaulted or harassed while serving in the military.

There are good first steps, Mr. President. But, the enactment of the provisions of title I of the pending measure are essential to the ability of VA, on behalf of the Nation, to do what needs to be done to meet its most solemn obligations to women veterans who were the victims of sexual violence during their service to the Nation.

BACKGROUND

Mr. President, at our committee's June 30 and July 2, 1992, hearings, we received testimony from women veterans who were victims of sexual trauma, experts in the counseling and treatment of sexual trauma victims, VA clinicians, VA officials, and veterans' organizations. Health professionals testified that victims of sexual violence experience trauma that can have very serious physical and mental consequences requiring professional attention. Further, several witnesses testified that, although similar to the counseling and treatment for PTSD from exposure to combat, the counseling and treatment of women veterans who are victims of sexual violence is unique and requires personnel with specialized skills. Those testifying also believed that VA is not well-prepared to care appropriately for women veterans who are victims of sexual violence.

The hearings also showed that, due to the great extent to which rape and other sexual assaults are underreported, women veterans who were the victims of sexual violence during service very often will have no military records to demonstrate that the incident occurred. Thus they will have great difficulty in establishing entitlement to needed care on grounds of service-connection.

Mr. President, the number of sexual assaults and rapes that occur in military has been and continues to be largely unknown and is difficult to establish. The services do not maintain consistent, useful data on sexual vio-

lence. Moreover, victims of sexual violence in the civilian community tend not to report the crime, and, as testimony at our hearings showed, there is good reason to believe that the degree of underreporting is more pronounced in the military.

The most extensive reliable information the committee found on the extent of the problem in the military is in a September 1990 Defense Manpower Data Center Report entitled "Sexual Harassment in the Military: 1988," to which approximately 12,500 active-duty military women responded. Five percent of the respondents reported actual or attempted rape or sexual assault during the most recent 12 months. If these figures are projected to the approximately 222,000 women on active duty in 1988, over 11,000 women in the military would have been victims of sexual violence in that 1 year alone.

Given the extent of the problem within the military, the implications for VA are astounding. There are currently 1.2 million women veterans. Applying the 5-percent figure to this population—a percentage that seems very conservative because women veterans' periods of service average approximately 7 years, in contrast to the 1-year period covered by the study—would indicate that 60,000 women veterans were raped or otherwise sexually assaulted during their service.

It is appalling that the startling results of this survey produced neither a concerted effort to eliminate sexual violence in the Armed Forces nor major efforts in the Department of Defense or VA to respond to the obvious and great needs of the victims of sexual violence. Even more remarkably, DOD failed to conduct followup studies to confirm and expand upon the 1988 study.

Mr. President, recently developed VA data suggest a possibly even more widespread problem than the 1988 DOD survey indicated. At the Committee's June 30 hearing, Jessica Wolfe, Ph.D., of VA's National Center for PTSD division located in Boston, reported the results of a study she and Joan Furey, R.N., of the VA's National Center for PTSD division located in Menlo Park, California, had conducted. The study involved 113 women Vietnam theater veterans who served in Vietnam between 1964 and 1975 and who volunteered for the study. These women were surveyed on a range of psychological and PTSD symptoms as well as on self-reported health problems. Dr. Wolfe reported that, of the 113 female Vietnam veterans, 29 percent experienced a sexual encounter accompanied by force or the threat of force during their service. Also, Susan Angell, M.S.W., Ph.D., manager of the VA's Readjustment Counseling Service [RCS], Pacific Western Regional Office, testified that an informal survey of two RCS regions found that out of a total of 173 women who were clients in February 1992, 30 percent had reported a history of sexual assault during active duty, and an additional 18 percent reported post-service assaults.

Mr. President, a most regrettable aspect of this issue is, as I have learned through our hearings and from the scores of women servicemembers and veterans who contacted me after the hearing, that the perpetrators of the rapes and other acts of sexual violence against women servicemembers are their male colleagues, often their superiors in the command structure.

COMMITTEE BILL

Mr. President, following the Committee's hearings, I introduced S. 2973, the provisions of which, with certain modifications, comprise title I of the Committee bill. I believe that these provisions will make desperately-needed improvements in the services VA provides to women veterans who experience sexual trauma while on active duty.

One of the most significant provisions of title I in terms of responding to women veterans' immediate needs, is section 101. Under this section, a woman veteran whom a VA designated health-care professional determines is in need of counseling or other services in connection with sexual trauma that occurred while on active duty would be entitled to care on the same priority basis as an individual with an adjudicated service-connected condition. Under this provision, a woman veteran seeking care for a condition related to sexual trauma would not have to go through the often lengthy adjudication process to determine if the condition is related to military service in order to receive needed medical or psychological attention. It became clear during the course of the Committee hearings on this matter that victims of sexual assault often do not report the incidents and, thus, lacking documentation of their assaults in their military records, would not be successful in having a claim for conditions relating to sexual trauma approved. I strongly believe that these women veterans must not be turned away from VA because of a lack of records reflecting the fact that they were raped or otherwise assaulted. Because conditions related to sexual trauma in the military are so clearly service-related, the federal government has a fundamental obligation to treat these women and to make such treatment as accessible as possible. This legislation, in a responsible fashion, would clear away major obstacles that currently make it difficult or impossible for VA to do so.

Mr. President, in light of VA's current lack of personnel with the specialized training necessary to counsel the victims of sexual assaults, the Committee bill authorizes the furnishing of services by contract. In this regard, I am pleased to note that, at my request, the distinguished chair of the VA–HUD and Independent Agencies Subcommittee of the Committee on Appropriations, (Ms. MIKULSKI), proposed an amendment to the fiscal year 1993 VA–HUD appropriations bill (H.R. 5679), which the Senate adopted, making $4 million available for such contracts if the Committee bill is enacted. I am very grateful to Senator MIKULSKI for her efforts in this regard.

Mr. President, another section of title I, section 102, would provide for a toll-free information and referral hotline for women veterans. The Committee learned through the course of its investigation into this issue that many women veterans are extremely reluctant to approach VA for assistance. They believe—and, unfortunately, experience too often has supported their view—that VA exists to serve male veterans, is filled with male veterans, and is unprepared to respond to the specific needs of women veterans. A number of women veterans have informed the Committee that, for years, they did not consider themselves veterans and were unaware that they were eligible for VA benefits. I believe that a toll-free hotline—and publicity regarding it—would provide a safe and reassuring way for women to contact VA and for VA to provide information about benefits and services to women veterans.

Mr. President, section 105 of the Committee bill would help to fill the crucial need for information by requiring the VA Secretary, in cooperation with the Secretary of Defense, to conduct a study of the extent of women veterans' needs for care and other services and assistance as a result of sexual violence or harassment during their service. The study must include the extent of sexual trauma experienced in the Armed Forces. This study is necessitated by the inexplicable failure to followup on the 1988 DoD survey that I noted earlier, which indicated a very extensive problem.

Mr. President, these provisions, along with the other provisions of title I, are designed to provide VA with the clear mandate and means to provide critically important assistance needed by women veterans suffering from the after effects of incidents that took place while they were serving their country. VA must take responsibility for the care of these women, and I am determined to do all that I can to secure the enactment of this legislation is order to ensure that VA is able to fulfill that responsibility.

TITLE II—HEALTH CARE FOR WOMEN VETERANS

Mr. President, I am pleased that, in addition to the essential services that are provided for in title I, S. 2973 contains provisions relating to the broader range of health-care needs of women veterans. These provisions are derived, for the most part, from S. 2028, legislation introduced by Senator Specter. It was a pleasure to work with Senator SPECTER in the development of these provisions in the Committee bill.

I have long been a strong advocate for women veterans and have worked to ensure that they have access to appropriate, high-quality VA health care and other VA benefits and services.

In January 1983, following the release of the General Accounting Office's 1982 report on women veterans' access to VA benefits and service, I introduced legislation to establish a VA Advisory Committee on Women Veterans and secured the enactment of those provisions in section 301 of Public Law 98–160. The advisory committee has played an important role in identifying problems regarding the furnishing of health-care services and other benefits to women veterans and in proposing and monitoring implementation of solutions to these problems.

That same law included a provision, also derived from legislation I introduced, that required VA to ensure that each of its health-care facilities is able, either directly or by contract, "to provide appropriate care, in a timely fashion, for any gender-specific disability * * * of a woman veteran" eligible for VA care. This provision represented a significant and vital step toward enhancing VA's health-care services for women veterans.

Pursuant to legislation I authored in 1986, VA has undertaken a triad of research studies involving the health of women who served in Vietnam. The results of a mortality study of women veterans were published in November 1991. Excess deaths from external causes, such as motor vehicle accidents, and possible excess deaths from cancers of the breast and pancreas were observed in women who had served in Vietnam compared with women Vietnam-era veterans who had served elsewhere. In December 1991, the Office of Technical Assistance approved work on a pilot project for a reproductive health study of women veterans, and VA announced on September 3 that it is proceeding with the pilot. The third prong of study of women Vietnam veterans involves the further analysis of data regarding physical and psychological health of women veterans from the National Vietnam Veterans Readjustment Study, which was conducted pursuant to section 102 of Public Law 98–160.

Mr. President, in response to my September 18, 1990, request to the Comptroller General for a followup assessment of how well VA has succeeded in implementing the recommendations in GAO's 1982 report, GAO reported that VA has made significant improvements in a number of areas, such as the furnishing of gynecological care and breast cancer screening, and also commended certain VA medical centers for establishing innovative programs for furnishing care to women veterans and monitoring the quality of their care. Although deficiencies persist, Secretary Derwinski has developed sound plans for correcting them.

At the Committee's July 2, 1992, hearing, the chair of the Advisory Committee on Women Veterans, Shirley Menard, R.N., M.S.N., testified that VA's funding of the Advisory Committee on Women Veterans has not been sufficient to allow members of that Committee to travel to VA facilities to perform adequate oversight duties. Section 208 of the Committee bill would require the Secretary to provide funds to be used for the travel of the members of the Advisory Committee in connection with oversight visits to VA facilities and for the conduct of Committee meetings. Advisory Committee members should not be faced with the choice of spending their own money to see what is happening to women veterans in VA facilities or not going to all.

Beginning in 1983, VA formed a Women Veterans Coordinator [WVC] Program, with a designated staff member in place at each VA medical center by 1985 and at each Veterans Benefits Administration regional office by 1986. Testimony at the Committee's July 2, 1992, hearing illustrated the need for program improvements. The most outstanding needs were for the WVCs at each VA medical center to have an effective communication channel with the facility Director and sufficient time allotted to carry out effectively the role of a WVC. Although some VA medical centers have assigned a high visibility to the WVC, most have assigned the title to a staff member, often a nurse or a social worker, with other pressing full-time responsibilities.

Mr. President, within the last 3 months, members of the Committee staff have called over 20 VA medical centers and asked the operator to connect them with the Women Veterans Coordinator. Not one of these calls went through without a hitch. Common VAMC operator responses included not knowing who the WVC was; noting that the WVC was on leave or otherwise unavailable and that there was no one designated to carry out her duties in her absence; responding that the women's coordinating work was done by volunteers who weren't there at the time; suggesting that the personnel department handles that issue; and indicating that there was no WVC designated, followed by a referral of the call to the Patient Representative, who often was also not available.

The Committee staff members reported that, during these calls, they were frequently put on hold for extended periods or were transferred a number of times to incorrect facility telephone extensions. Such delays and lack of attention may have very serious consequences when a women veteran calls for assistance. The Committee staff members knew and gave the VA title of the position and, knowing that such a position existed—at least nominally—at each facility, were able to persist in their demands to be contacted with the WVC. A women veteran with a health problem who calls a VA facility and says she'd like help faces a much greater obstacle to getting through to a WVC and the special assistance WVCs are supposed to provide.

Moreover, according to testimony the Committee received on July 2, the WVC often does not have the time or access to the VAMC management to facilitate changes needed to improve services for women veterans. I strongly believe that WVCs generally must have more time and greater access to top management in order to identify and succeed in correcting systemic problems which adversely affect women veterans seeking VA services.

To address the problem with WVCs, section 206 of the Committee bill requires the Secretary to ensure sufficient funding is provided to each VA facility in order to permit the WVC to carry out the functions of that position, in particular by providing sufficient clerical and communications support—so that women veterans can contact them or other VAMC personnel can inform the WVC of a Women in potential need of assistance—and direct access to the Director of Chief of Staff. Furthermore, the legislation requires that a full-time WVC serve in each regional office of the Veterans Health Administration to coordinate the training of the facility-based WVCs stationed at each facility and to provide appropriate technical support and guidance to those facilities regarding outreach activities to women veterans.

CONCLUSION

Mr. President, I thank Senator SPECTER and the other members of the Committee for their cooperation in the development of this important legislation.

I also thank Sandra Isaacson of GAO, who was detailed to the Committee staff this summer to work on these issues; the Committee's minority staff members, Yvonne Santa Anna, Charlie Battaglia, and Tom Roberts, and the Committee's majority staff members, Janet Coffman, Virginia Rowthorn-Apel, Susan Thaul, Bill Brew, and Ed Scott, for their work on this legislation to improve the health care of women veterans.

Mr. President, I urge my colleagues to support this measure of vital importance to the women who have served our Nation so well in the Armed Forces.

Mr. AKAKA. Mr. President, I rise in strong support of S. 2973, the Women Veterans Programs Act of 1992, as reported by the Committee on Veterans' Affairs early last month. I am proud to be an original cosponsor of both S. 2973, as first introduced by Senator CRANSTON last July, and S. 2028, introduced by Senator SPECTER last November, from which the committee bill is derived.

S. 2973 as reported addresses two major areas concerning women veterans health care—sexual trauma services and well-care services. Title II of the bill, which is derived from S. 2028, would authorize a variety of well-women services such as pap smears, mammography, and breast examinations; services for general reproductive health; and services for conditions arising out of acts of sexual violence. It would also authorize contract care for well-women care on an outpatient basis; encourage research on health care conditions of concern to women veterans; require studies on the availability of VA health care services for women; and, require the appointment of women veterans coordinators at VA medical centers to provide advocacy and outreach for women veterans seeking treatment.

Mr. President, title I of this bill, which is derived from S. 2973 as originally introduced by Senator CRANSTON, would require VA to furnish, either in VA facilities or by contract, priority counseling or treatment for sexual trauma incurred during their military service. This legislation would also establish a telephone hotline to help facilitate service for women veterans; require a study of the need for sexual-trauma services; require a report on VA services for veterans experiencing sexual trauma; require a report on the difficulties encountered by women in obtaining service-connection for sexual assault during service; and require VA and the military to provide women separating from service information on the availability of services for victims of sexual violence.

Title II of this legislation arises directly out of hearings held by the Veterans' Affairs Committee earlier this year which focused on the little known problem of sexual assault of female military personnel. Based on a 1988 Department of Defense study that reported that 5 percent of women surveyed had been subjected to rape, attempted rape, or sexual assault while in military service, the committee believes that at least 60,000 of the Nation's 1.2 million women veterans may have been victims of sexual abuse, with another 800,000 having experienced nonphysical forms of sexual harassment.

The committee heard moving testimony from women veterans who had been sexually abused in the military, who indicated that their superiors did little to punish the abusers or to help the victims obtain counseling or medical care. After their separation from service, the witnesses reported that VA was unable to provide them with adequate services to help them deal with the long-term aftereffects of their experiences. The witnesses who appeared at our hearing were exceptional in that they were willing to come forward with their experiences; because of the nature of the acts that were committed against them as well as the criminal unresponsiveness of authorities to aid them when some did report them, tens of thousands of other women have not been able to bring themselves forward, preferring to suffer in silence.

Mr. President, the committee hearings came in the wake of last spring's Tailhook scandal that has rocked the Navy, and the entire military profession, to its core. I joined many of my colleagues at that time to condemn the culture of sexism that has permeated the military and allowed acts of sexual violence to flourish in secrecy. It is obvious that the military's long acceptance of a double standard fostered an environment in which dedicated women such as Navy Lt. Paula Coughlin, a highly capable helicopter pilot, could have the clothes torn from her body by her erstwhile male comrades-in-arms at a so-called professional development conference. That environment also led her commanding officer, a two-star admiral, effectively to condone the attack by declining to take appropriate action after she reported the incident to him.

In my opinion, the military must do more than reassign an admiral or force the resignation of a Navy Secretary or discipline the men who took part in the attacks. For Tailhook is just the tip of a terribly large iceberg, the largest and most dangerous part of which floats hidden just beneath the surface. The Navy and the other services must revamp a culture that is sexist and inbred to the point where it threatens the viability of their mission. They must develop an infrastructure of programs and procedures that can effectively forestall sexual assault and provide psychological and medical care after a sexual attack takes place.

In this regard, VA also must look to revamp its policies with respect to the treatment of women veterans. In some respects, this is more important for women, since the psychological and physical effects of sexual assault are often long term, and many women veterans will not come forward until many years after the fact, if ever. VA must undertake a comprehensive review of all policies and programs, from eligibility rules to the types of medical and psychological services that need to be provided to help these suffering individuals.

Our legislation is the first step in this process, Mr. President. It requires the responsible agencies of Government to examine the extent of the problem and assess the availability of current resources, and it authorizes basic VA services that represent a significant first step toward fully addressing this terrible issue. I hope that the Senate will adopt this legislation and that the House will join us in enacting a strong bill that is responsive to the needs of a long-overlooked population. Any attempt to delay or weaken this measure will exacerbate an already untenable and unacceptable situation.

Thank you, Mr. Chairman. I would like to recognize the leadership of the chairman and ranking minority member, and their respective staffs, on this matter. In particular, Senator CRANSTON should be singled out for bringing the issue of services for women veterans who have been victims of sexual assault to the Senate's attention. Once again, as he has for his entire Senate career, ALAN CRANSTON has demonstrated that governance and compassion are two sides of the same coin.

DEPARTMENT OF VETERANS AFFAIRS NURSE PAY AMENDMENTS OF 1992

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 669, S. 2575 relating to nurses pay.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S.2575) to amend chapter 74 of title 38, United States Code, to revise certain pay authorities that apply to nurses and other health care professionals, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCE TO TITLE 38.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Programs Improvement Act of 1992".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—NURSE PAY

SEC. 101. REVISION TO NURSE PAY GRADE SCHEDULE.

(a) REVISION.—Section 7404(b)(1) is amended in the matter relating to "NURSE SCHEDULE" by striking out "Director grade." and all that follows through "Entry grade." and inserting in lieu thereof the following:

"Nurse V.
"Nurse IV.
"Nurse III.
"Nurse II.
"Nurse I.".

(b) CONFORMING AMENDMENT.—Section 7451(b) of such title is amended by striking out "four" and inserting in lieu thereof "five".

SEC. 102. AUTHORITY TO ESTABLISH SPECIAL RATES OF PAY FOR EMPLOYEES OF FACILITIES LOCATED OUTSIDE THE CONTIGUOUS UNITED STATES, ALASKA, AND HAWAII.

Section 7451(a)(3) is amended—

(1) by striking out "(3) The rates" and inserting in lieu thereof "(3)(A) Except as provided in subparagraph (B), the rates"; and

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

"(B) Under such regulations as the Secretary shall prescribe, the Secretary shall establish and adjust the rates of basic pay for covered positions at the following health-care facilities in order to provide rates that enable the Secretary to recruit and retain sufficient numbers of health-care personnel in such positions at such facilities:

"(i) The Veterans Memorial Medical Center in the Republic of the Philippines.

"(ii) Department of Veterans Affairs health-care facilities located outside the contiguous States, Alaska, and Hawaii.".

SEC. 103. AUTHORITY TO CARRY OUT CERTAIN SURVEYS OF LABOR MARKETS IN DETERMINING RATES OF COMPENSATION OF HEALTH CARE PROFESSIONALS.

Section 7451(d)(3) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraphs (C) and (D):

"(C) In the event that the director of a Department health-care facility who conducts a survey of beginning rates of compensation for corresponding health-care professionals in the labor-market area of the facility under subparagraph (B) determines (under regulations prescribed by the Secretary) that the size or composition of the labor-market area provides information that is not sufficient to permit the adjustments referred to in that subparagraph for the applicable covered positions, the director may conduct a survey of such rates of compensation in other comparable labor-market areas (as so determined). Any survey under this subparagraph shall be conducted in accordance with the provisions of subparagraph (B).

"(D) In the event that the director of a Department health-care facility who conducts a survey of beginning rates of compensation for certified registered nurse anesthetists in the labor-market area of the facility under subparagraph (B), and, if appropriate, a survey of such rates of compensation for such nurse anesthetists in comparable labor-market areas under subparagraph (C), determines (under regulations prescribed by the Secretary) that neither of the survey methods described in such subparagraphs is sufficient to permit the adjustments referred to in subparagraph (B) for such nurse anesthetists employed by the facility, the director may use data on the beginning rates of compensation paid to certified registered nurse anesthetists who are employed on a salary basis by entities that provide anesthesia services through certified registered nurse anesthetists in the labor-market area. For the purposes of this subparagraph, certified registered nurse anesthetists who are so employed by such entities shall be deemed to be corresponding health-care professionals to the certified registered nurse anesthetists employed by the facility. ".

SEC. 104. REVISION OF BASIS FOR CALCULATION OF COMPENSATION OF CORRESPONDING HEALTH CARE POSITIONS.

Section 7451(d)(6)(A)(i) is amended by striking out "established" and inserting in lieu thereof "paid".

SEC. 105. ADJUSTMENT IN GRADE OR STEP OF CERTAIN HEALTH-CARE PROFESSIONALS WHO TRANSFER TO OTHER DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) AUTHORITY TO ADJUST.—Subsection (e) of section 7452 is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following new paragraph (2):

"(2) The Secretary may establish for an employee referred to in paragraph (1) who transfers upon the request of the Secretary (but not pursuant to a disciplinary action otherwise authorized by law) to a new facility a rate of basic pay that is higher than the rate of basic pay otherwise paid by the new facility to an employee of that grade and step if the Secretary determines that such rate of pay is necessary to recruit the employee for employment in the new facility. Whenever the Secretary exercises the authority under the preceding sentence relating to the rate of basic pay of a transferred employee, the Secretary shall, in the next annual report required under section 7451(g) of this title, provide justification for doing so.".

(b) CONFORMING AMENDMENT.—Section 7451(g) is amended by adding at the end the following new paragraph:

"(9) The justification required by section 7452(e)(2) of this title.".

TITLE II—PREVENTIVE HEALTH CARE

SEC. 201. IMPROVEMENT OF PREVENTIVE HEALTH SERVICES.

(a) IN GENERAL.—The text of section 1762 is—

(1) transferred to section 1701; and

(2) redesignated as paragraph (9) of such section 1701.

(b) IMPROVEMENT.—Such paragraph (9) is amended—

(1) by striking out "For the purposes of this subchapter, the term 'preventive health-care services' means" and inserting in lieu thereof "The term 'preventive health services' means";

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) as subparagraphs (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), and (K), respectively; and

(3) by striking out subparagraphs (A) and (B) (as so redesignated) and inserting in lieu thereof the following:

"(A) periodic medical and dental examinations (including screening for high blood pressure, glaucoma, high cholesterol, and colorectal and gender-specific cancers);

"(B) patient health education (including education relating to nutrition, stress management, physical fitness, and stopping smoking);".

(c) CONFORMING AMENDMENT.—Section 1701(6)(A)(i) is amended by striking out "preventive health-care services as defined in section 1762 of this title," and inserting in lieu thereof "preventive health services,".

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date of the enactment of this Act.

SEC. 202. REPEAL OF PILOT PROGRAM.

(a) REPEAL.—Subchapter VII of chapter 17 is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by striking out the matter relating to subchapter VII.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

SEC. 203. NATIONAL CENTER FOR PREVENTIVE HEALTH.

(a) ESTABLISHMENT.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§7318. National Center for Preventive Health

"(a)(1) The Chief Medical Director shall establish and operate in the Veterans Health Administration a National Center for Preventive Health (hereafter in this section referred to as the 'Center').

"(2) The head of the Center is the Director of Preventive Health (hereafter in this section referred to as the 'Director').

"(3) The Chief Medical Director shall provide the Center with such staff and other support as may be necessary for the Center to carry out effectively its functions under this section.

"(b) The purposes of the Center are as follows:

"(1) To provide a central office for monitoring and encouraging the activities of the Veterans Health Administration with respect to the provision, evaluation, and improvement of preventive health services.

"(2) To promote the expansion and improvement of clinical, research, and educational activities of the Veterans Health Administration with respect to such services.

"(c) In carrying out the purposes of the Center under this section, the Director shall—

"(1) develop and maintain current information on clinical activities of the Veterans Health Administration relating to preventive health services, including activities relating to—

"(A) the on-going provision of regularly-furnished services; and

"(B) patient education and screening programs carried out throughout the Administration;

"(2) develop and maintain detailed current information on research activities of the Veterans Health Administration relating to preventive health services;

"(3) in order to encourage the effective provision of preventive health services by Veterans Health Administration personnel—

"(A) ensure the dissemination to such personnel of any appropriate information on such services that is derived from research carried out by the Administration; and

"(B) acquire and ensure the dissemination to such personnel of any appropriate information on research and clinical practices relating to such services that are carried out by researchers, clinicians, and educators who are not affiliated with the Administration;

"(4) encourage and monitor the implementation within the Veterans Health Administration of the recommendations on preventive health services of the Advisory Committee on Preventive Health Services established under section 7319 of this title;

"(5) ensure transmission to the Advisory Committee of inquiries of the Secretary or the Chief Medical Director, and the responses of the Advisory Committee to such inquiries;

"(6) facilitate the optimal use of the unique resources of the Department for cooperative research into health outcomes by initiating recommendations, and responding to requests of the Chief Medical Director and the Director of the Medical and Prosthetic Research Service, for such research into preventive health services; and

"(7) provide advisory services to personnel of Department health-care facilities with respect to the planning or furnishing of preventive health services by such personnel.

"(d) In this section, the term 'preventive health services' has the meaning given such term in section 1701(9) of this title.".

(2) The table of sections at the beginning of chapter 73 is amended by adding after the item relating section 7317 the following:

"7318. National Center for Preventive Health.".

(b) POSITION OF DIRECTOR OF CENTER.—

(1) POSITION.—Subsection (a) of section 7306 is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

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

"(7) The Director of the National Center for Preventive Health, who shall be responsible to the Chief Medical Director for the operation of the Center.".

(2) CONFORMING AMENDMENT.—Subsection (c) of such section is amended in the second sentence by striking out "and (4)" and inserting in lieu thereof "(4), and (7)".

(c) ANNUAL REPORT.—(1) Not later than August 31, 1993, and on an annual basis thereafter, the National Center for Preventive Health established under section 7318 of title 38, United States Code (as added by subsection (a)), shall issue a report on the programs, activities, and findings of the Department of Veterans Affairs on preventive health services during the 12-month period preceding the date of the report to health-care professionals and organizations that have an interest in the provision of such services.

(2) In this subsection, the term 'preventive health services' has the meaning given such term in section 1701(9) of title 38, United States Code (as added by section 201 of this Act).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,500,000 to the Medical Care General and Special Fund of the Department of Veterans Affairs for each fiscal year after fiscal year 1992 for the purpose of permitting the National Center for Preventive Health established under section 7318 of title 38, United States Code (as added by subsection (a)), to carry out research, clinical, educational, and administrative activities under such section 7318. Such activities shall be deemed to be part of the operation of health-care facilities of the Department without regard to the location at which such activities are carried out.

SEC. 204. ADVISORY COMMITTEE ON PREVENTIVE HEALTH SERVICES.

(a) ESTABLISHMENT.—Subchapter II of chapter 73, as amended by section 203 of this Act, is further amended by inserting after section 7318 the following new section:

"§7319. Preventive Health Services Advisory Committee

"(a) The Secretary shall establish a Preventive Health Services Advisory Committee (hereafter in this section referred to as the 'Committee').

"(b)(1) The membership of the Committee shall be appointed by the Secretary, upon the recommendation of the Chief Medical Director, from individuals who are not employees of the Department, and shall include individuals who are not employees of the Federal Government and who have demonstrated interest and expertise in research, education, and clinical activities related to the provision of preventive health services, and at least one representative of veterans who receive health-care services from the Veterans Health Administration.

"(2) The Secretary, upon the recommendation of the Chief Medical Director, shall invite appropriate representatives of other departments and agencies of the Federal Government to participate in the activities of the Committee.

"(3) The Secretary shall provide the Committee with such staff and other support as may be necessary for the Committee to carry out effectively its functions under this section.

"(c)(1) The Committee shall—

"(A) identify for the Secretary—

"(i) the types of preventive health services that are appropriate for particular groups of veterans; and

"(ii) the areas of inquiry within the field of such services that the Committee determines to be suitable for the pursuit of new or additional clinical research by the Department;

"(B) make recommendations to the Secretary on—

"(i) various means of initiating, enhancing, modifying, or discontinuing the provision of preventive health services by the Department in order to ensure that such groups of veterans are provided with appropriate preventive health services; and

"(ii) various means of ensuring the continued provision of preventive health services by the Department;

"(C) advise the Secretary on general developments in the fields of research and clinical activities related to preventive health services; and

"(D) respond to requests of the Secretary or the Chief Medical Director for information on specific research and clinical activities and ethical matters related to such activities.

"(2) The Committee shall transmit any identifications, recommendations, and advice to the Secretary under subparagraphs (A), (B), and (C) of paragraph (1) through the Chief Medical Director.

"(d)(1) Not later than August 1, 1993, and on an annual basis thereafter, the Committee shall submit to the Secretary a report on the activities of the Committee with respect to the matters referred to in subsection (c)(1) during the 12-month period preceding the date of the report.

"(2) The Committee shall submit to the Secretary, through the Chief Medical Director, such reports in addition to the reports referred to in paragraph (1) as the Committee considers appropriate with respect to the matters referred to in subsection (c)(1). Not later than 90 days after receipt of a report under this paragraph, the Secretary shall transmit the report, together with the Secretary's comments and recommendations thereon, to the appropriate committees of the Congress.

"(e) In this section, the term 'preventive health services' has the meaning given such term in section 1701(9) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7318, as added by section 203 of this Act, the following:

"7319. Preventive Health Services Advisory Committee.".

SEC. 205. REPORTS.

(a) REPORTS.—Not later than October 31, 1993, and on an annual basis thereafter, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report including the following:

(1) A description of the programs and activities of the Department of Veterans Affairs with respect to preventive health services during the 12-month period preceding the date of the report, including—

(A) the programs conducted by the Department—

(i) to educate veterans with respect to health promotion and disease prevention; and

(ii) to provide veterans with preventive health screenings and other clinical services, with such description setting forth the types of resources used by the Department to conduct such screenings and services and the number of veterans reached by such screenings and services;

(B) the means by which the Secretary addressed the specific preventive health services needs of particular groups of veterans (including veterans with service-connected disabilities, elderly veterans, low-income veterans, women veterans, institutionalized veterans, and veterans who are at risk for mental illness);

(C) the manner in which the provision of such services was coordinated with the activities of the Medical and Prosthetic Research Service of the Department and the National Center for Preventive Health;

(D) the manner in which the provision of such services was integrated into training programs of the Department, including initial and continuing medical training of medical students, residents, and Department staff;

(E) the manner in which the Department participated in cooperative preventive health efforts with other governmental and private entities (including State and local health promotion offices and not-for-profit organizations);

(F) the specific research carried out by the Department with respect to the long-term relationships among screening activities, treatment, and morbidity and mortality outcomes; and

(G) the cost effectiveness of such programs and activities, including an explanation of the means by which the costs and benefits (including the quality of life of veterans who participate in such programs and activities) of such programs and activities are measured.

(2) A specific description of research activities on preventive health services carried out during that period using employees, funds, equipment, office space, or other support services of the Department, with such description setting forth—

(A) the source of funds for such activities;

(B) the articles or publications (including the authors of such articles and publications) in which such activities are described;

(C) the Federal, State, or local governmental entity or private entity, if any, with which such activities were carried out; and

(D) the clinical, research, or staff education projects for which funding applications were submitted (including the source of the funds applied for) and upon which a decision is pending or was denied.

(3) With respect to the Preventive Health Services Advisory Committee established under section 7319 of title 38, United States Code (as added by section 204 of this Act)—

(A) the membership list of the Advisory Committee during the 12-month period preceding the date of the report;

(B) a description of matters referred by the Secretary or the Chief Medical Director of the Department to the Advisory Committee during that period;

(C) the most recent annual report submitted to the Secretary by the head of the Advisory Committee;

(D) the comments and recommendations of the Secretary, after consultation with the Chief Medical Director, with respect to that annual report; and

(E) a description of any activities of the Department to carry out any proposals or recommendations contained in that annual report.

(4) An accounting of the expenditure of funds during that period by the National Center for Preventive Health established under section 7318 of title 38, United States Code (as added by section 204 of this Act).

(b) DEFINITION.—In this section, the term "preventive health services" has the meaning given such term in section 1701(9) of title 38, United States Code (as added by section 201 of this Act).

TITLE III—STATE HOME FACILITIES

SEC. 301. TREATMENT OF COMPENSATION OF VETERANS UNDER CERTAIN REHABILITATIVE SERVICES PROGRAMS.

Section 1718 is amended by adding at the end the following new subsection:

"(g)(1) Neither a veteran's participation in a program of rehabilitative services that is provided as part of the veteran's care furnished by a State home and is approved by the Secretary as conforming appropriately to standards for activities carried out under this section nor a veteran's receipt of payment as a result of such participation may be considered as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

"(2) A payment made to a veteran under a program of rehabilitative services described in paragraph (1) shall be considered for the purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.".

SEC. 302. EXTENSION OF PERIOD FOR COMPLETION OF CONDITIONALLY APPROVED APPLICATIONS FOR CONSTRUCTION.

(a) EXTENSION OF PERIOD.—Section 8135(b)(6)(A) is amended by striking out "90 days" and inserting in lieu thereof "180 days".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992, and shall apply to projects conditionally approved on or after that date.

SEC. 303. LIMITED PROHIBITION ON OBLIGATION OF FUNDS FOR RESCINDED PROJECTS.

(a) PROHIBITION.—Section 8135(b)(6)(B) is amended by adding at the end the following: "In the event the Secretary rescinds conditional approval of a project under this subparagraph, the Secretary may not further obligate funds for the project during the fiscal year in which the Secretary rescinds such approval.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992, and shall apply to rescissions made on or after that date.

SEC. 304. COMMENCEMENT DATE FOR RECAPTURE PERIOD.

(a) COMMENCEMENT DATE.—Section 8136 is amended by striking out "within 20 years after completion of any project" and inserting in lieu thereof "within the 20-year period beginning on the date of the approval by the Secretary of the final architectural and engineering inspection of any project".

(b) TECHNICAL AMENDMENT.—Such section is further amended by striking out "such facilities cease" and inserting in lieu thereof "the facilities covered by the project cease".

SEC. 305. COMMENCEMENT DATE FOR PAYMENT OF PER DIEM.

Section 1741 is amended by adding at the end the following:

"(e) Subject to section 1743, the payment of per diem for care furnished in a State home facility shall commence on the date of the completion of the inspection for recognition of the facility under section 1742(a) of this title if the Secretary determines, as a result of that inspection, that the State home meets the standards described in such section 1742(a).".

TITLE IV—RURAL HEALTH-CARE CLINICS

SEC. 401. RURAL HEALTH-CARE CLINIC PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 17 is amended by adding at the end of subchapter II the following new section:

"§1720D. Health care through rural clinics

"(a) During the three-year period beginning on October 1, 1992, the Secretary shall conduct a rural health-care clinic program in States where significant numbers of veterans reside in areas geographically remote from existing health-care facilities (as determined by the Secretary). The Secretary shall conduct the program in accordance with this section.

"(b)(1) In carrying out the rural health-care clinic program, the Secretary shall furnish medical services to the veterans described in subsection (c) through use of—

"(A) mobile health-care clinics equipped, operated, and maintained by personnel of the Department; and

"(B) other types of rural clinics, including part-time stationary clinics for which the Secretary contracts and part-time stationary clinics operated by personnel of the Department.

"(2) The Secretary shall furnish services under the rural health-care clinic program in areas—

"(A) that are more than 100 miles from a Department general health-care facility; and

"(B) that are less than 100 miles from such a facility, if the Secretary determines that the furnishing of such services in such areas is appropriate.

"(c) A veteran eligible to receive medical services through rural health-care clinics under the program is any veteran eligible for medical services under section 1712 of this title.

"(d) The Secretary shall commence operation of at least three rural health-care clinics (at least one of which shall be a mobile health-care clinic) in each fiscal year of the program. The Secretary may not operate more than one mobile health-care clinic under the authority of this section in any State in any such fiscal year.

"(e) Not later than December 31, 1996, the Secretary shall submit to Congress a report containing an evaluation of the program. The report shall include the following:

"(1) A description of the program, including information with respect to—

"(A) the number and type of rural health-care clinics operated under the program;

"(B) the States in which such clinics were operated;

"(C) the medical services furnished under the program, including a detailed specification of the cost of such services;

"(D) the veterans who were furnished services under the program, setting forth (i) the numbers and percentages of the veterans who had service-connected disabilities, (ii) of the veterans having such disabilities, the numbers and percentages who were furnished care for such disabilities, (iii) the ages of the veterans, (iv) taking into account the veterans' past use of Department health-care facilities, an analysis of the extent to which the veterans would have received medical services from the Department outside the program and the types of services they would have received, and (v) the financial circumstances of the veterans; and

"(E) the types of personnel who furnished services to veterans under the program, including any difficulties in the recruitment or retention of such personnel.

"(2) An assessment by the Secretary of the cost-effectiveness and efficiency of furnishing medical services to veterans through various types of rural clinics (including mobile health-care clinics operated under the pilot program conducted pursuant to section 113 of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 38 U.S.C. 1712 note)).

"(3) Any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.

"(f) For the purposes of this section, the term 'Department general health-care facility' has the meaning given such term in section 1712A(i)(2) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1720C the following new item:

"1720D. Health care through rural clinics.".

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the Department of Veterans Affairs to carry out the rural health-care clinics program provided for in section 1720D of title 38, United States Code (as added by subsection (a)), the following:

(A) For fiscal year 1993, $3,000,000.

(B) For fiscal year 1994, $6,000,000.

(C) For fiscal year 1995, $9,000,000.

(2) Amounts appropriated pursuant to such authorization may not be used for any other purpose.

(3) No funds may be expended to carry out the rural health-care clinics program provided for in such section 1720D (as so added) unless expressly provided for in an appropriations Act.

TITLE V—TELEPHONE USE DEMONSTRATION PROJECT

SEC. 501. DEMONSTRATION PROJECTS TO EVALUATE TELEPHONES FOR PATIENT USE AT DEPARTMENT HEALTH-CARE FACILITIES.

(a) DEMONSTRATION PROJECTS.—In accordance with this section, the Secretary of Veterans Affairs shall carry out demonstration projects to evaluate the feasibility and desirability of—

(1) the installation of telephones in Department of Veterans Affairs health-care facilities; and

(2) the use of such telephones by the patients of such health-care facilities.

(b) DEMONSTRATION FACILITIES.—The Secretary shall carry out a demonstration project under this section at the following Department health-care facilities:

(1) Philadelphia Department of Veterans Affairs Medical Center, Philadelphia, Pennsylvania.

(2) Tucson Department of Veterans Affairs Medical Center, Tucson, Arizona.

(c) PROJECT ACTIVITIES.—(1) In carrying out a demonstration project under this section at a facility referred to in subsection (b), the Secretary shall—

(A) install and maintain telephones of an appropriate number and type (as determined by the Secretary) in patient rooms of the facility; and

(B) subject to paragraph (2), provide for the use of such telephones by patients who are assigned to such rooms while receiving care at the facility.

(2) The Secretary shall ensure that patients who use telephones pursuant to paragraph (1)(B) shall bear financial responsibility for the cost of any long-distance telephone calls made during such use.

(d) PROJECT EVALUATION.—In evaluating the feasibility and desirability of the installation and use of the telephones referred to in subsection (c), the Secretary shall determine—

(1) the cost to each health-care facility referred to in subsection (b) of the installation, use, and maintenance of such telephones, including—

(A) the cost to the facility of such installation, use, and maintenance;

(B) the amount of any savings which accrue to the facility by reason of such installation and use (including the amount of any savings that result from a decrease in the amount of assistance in using telephones that the staff of the facility would otherwise provide to patients); and

(C) any costs that result from the necessity of providing special telephones or other special equipment to facilitate the use of telephones by disabled veterans (including veterans who are receiving long term psychiatric care or nursing care or who are blind or hearing impaired); and

(2) the impact of the use of such telephones on the therapeutic course of veterans who receive care at the facility, including the veterans referred to in paragraph (1)(C).

(e) REPORT.—Not later than September 30, 1994, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing—

(1) the determinations of the Secretary under subsection (d);

(2) an assessment by the Secretary of the feasibility and desirability of providing telephones for patients in other health-care facilities of the Department; and

(3) any additional information and recommendations with respect to the provision and use of patient telephones at Department health-care facilities as the Secretary considers appropriate.

TITLE VI—PROCUREMENT OF PHARMACEUTICALS

SEC. 601. SHORT TITLE.

This title may be cited as the "Federal Health Programs Pharmaceutical Pricing Act of 1992".

SEC. 602. MASTER AGREEMENTS WITH GENERAL SERVICES ADMINISTRATION.

(a) IN GENERAL.—The Federal Property and Administrative Services Act of 1949 (40 U.S.C.

471 et seq.) is amended by adding at the end thereof the following new title:

"TITLE X—PHARMACEUTICAL PRICING AGREEMENTS

"SEC. 1001. MASTER AGREEMENTS.

"(a) IN GENERAL.—(1)(A) A manufacturer of a drug or biological may not—

"(i) sell drugs or biologicals to any Federal agency described under subsection (b),

"(ii) be deemed to have an agreement under section 1927 of the Social Security Act (42 U.S.C. 1396r–8), or

"(iii) receive payment for the purchase of a drug or biological directly or indirectly from any entity that receives funds under the Public Health Service Act (42 U.S.C. 201 et seq.),

unless such manufacturer enters into an agreement with the Administrator as described in subparagraph (B)(i) within 5 months of the date of the enactment of this title or, in the case of a drug or biological first marketed by such manufacturer after such date, such manufacturer complies with the requirements of paragraph (2).

"(B)(i) An agreement is described in this subparagraph if such agreement requires a manufacturer referred to in subparagraph (A) to enter into one or more pharmaceutical pricing agreements with Federal agencies desiring such agreements with respect to any drug or biological marketed by such manufacturer within 6 months of the date of the enactment of this title, or, if such a pricing agreement is not desired by a Federal agency within such period, within 30 days after such Federal agency requests such a pricing agreement.

"(ii) The Administrator shall prescribe procedures under which a Federal agency shall notify a drug or biological manufacturer that the Federal agency desires to enter into a pharmaceutical pricing agreement under clause (i).

"(2) Any manufacturer of a drug or biological first marketed after the date of the enactment of this title shall—

"(A) within 2 months after the date such marketing begins—

"(i) if the manufacturer has an agreement with the Administrator under paragraph (1)(A), enter into an amendment of such agreement with respect to such drug or biological, or

"(ii) if the manufacturer does not have an agreement with the Administrator under paragraph (1)(A), enter into such an agreement with respect to such drug or biological; and

"(B) enter into pharmaceutical pricing agreements with respect to such drug or biological—

"(i) within 3 months after the date such marketing begins; or

"(ii) if such a pricing agreement is not desired by a Federal agency within such 3-month period, within 30 days after such Federal agency requests such a pricing agreement.

"(b) FEDERAL AGENCIES.—Federal agencies described in this subsection are as follows:

"(1) The Department of Veterans Affairs with respect to sales to the Department of Veterans Affairs and State homes receiving funds under section 1741 of title 38, United States Code.

"(2) The Department of Defense.

"(3) The Department of Health and Human Services with respect to sales to the Public Health Service and certain clinics described in section 2145(a) of the Public Health Service Act.

"(c) PHARMACEUTICAL PRICING AGREEMENTS.—For purposes of subsection (a), the term 'pharmaceutical pricing agreement' means an agreement or amendments to an agreement in force on the date of the enactment of this title with any Federal agency described in subsection (b) or with the Department of Health and Human Services under title XIX of the Social Security Act regarding pharmaceutical pricing and subject to the following relevant provisions:

"(1) Subchapter VI of chapter 81 of title 38, United States Code.

"(2) Section 1107 of title 10, United States Code.

"(3) Section 1927 of the Social Security Act (42 U.S.C. 1396r–8).".

SEC. 603. PRICES OF DRUGS AND BIOLOGICALS UNDER THE FEDERAL SUPPLY SCHEDULE.

(a) IN GENERAL.—Chapter 81 is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—PROCUREMENT OF DRUGS AND BIOLOGICALS

"§8171. Definitions

"For the purposes of this subchapter—

"(1) The term 'additional price discount amount', in the case of the price of a drug or biological whose price is established under an agreement under this subchapter, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (6)(A)); and

"(ii) the amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period ending on the date that is 12 months before the last day of the last month before the effective date of the agreement for which price index data and price data for the drug or biological are available, multiplied by

"(II) the percentage increase in the price index during that 12-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (6)(B)); and

"(ii) an amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period beginning on the first day of the month next following the month in which marketing of the drug or biological begins, multiplied by

"(II) the percentage increase in the price index during the period beginning on such day and ending on the last day of the last month before the effective date of the agreement for which price index data are available.

"(2) The term 'covered drug or biological' means—

"(A) any drug marketed under a new drug application approved by the Secretary of Health and Human Services under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

"(B) any biological marketed under a product licensing application approved by the Administrator of the Food and Drug Administration pursuant to section 351 of the Public Health Service Act (42 U.S.C. 262).

"(3) The term 'depot' means a centralized commodity management system operated by the Department through which drugs and biologicals procured for the use of entities of the Department are—

"(A) received, stored, and delivered through—

"(i) a warehouse system under the jurisdiction and operation of the Department; or

"(ii) a commercial entity operating under contract with the Department; or

"(B) delivered directly from the manufacturer to the entity using the drugs or biologicals.

"(4) The term 'depot price' means the price of a drug or biological under an agreement between the Secretary and the manufacturer of the drug or biological to determine the price of the drug or biological for purchase through depots.

"(5) The term 'Federal average manufacturer price', with respect to a covered drug or biological and a specified period of time, means the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any cash discounts or similar price reductions, during that period by wholesalers (other than a price paid by the Federal Government).

"(6) The term 'Federal average price differential', with respect to a covered drug or biological whose price is established under an agreement under this subchapter, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before the effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the date that is 1 year before the ending of such 3-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period beginning on the first day of the first month next following the month in which marketing of the drug or biological begins.

"(7) The term 'manufacturer', with respect to a drug or biological, means—

"(A) an entity that both manufactures and distributes the drug or biological; or

"(B) if no such entity exists, an entity that distributes the drug or biological.

The term does not include a wholesale distributor of drugs or biologicals, a retail pharmacy licensed under State law, or a practitioner licensed under State law and authorized to dispense drugs or biologicals.

"(8) The term 'price index' means the Producer Price Index—Finished Goods published monthly by the Bureau of Labor Statistics.

"(9) The term 'weighted average price', with respect to a covered drug or biological and a specified period of time, means—

"(A) the sum of the products of—

"(i) the average price per unit of each package quantity of the drug or biological sold during the period, and

"(ii) the number of units of the drug or biological sold at that average price; divided by

"(B) the total number of units of the drug or biological sold during the period.

"§8172. Prices of drugs and biologicals under Federal Supply Schedule contracts

"(a)(1) In accordance with the provisions of this section, the Secretary may enter into agreements with the manufacturers referred to in paragraph (2) under which agreements the Secretary and such manufacturers shall provide for the price under the supply schedule of drugs and biologicals that are marketed by such manufacturers.

"(2) The Secretary may enter into agreements under this section with each manufacturer of a drug or biological that enters into a master agreement with the Administrator of the General Services Administration with respect to that drug or biological under section 1001 of the Federal Property and Administrative Services Act of 1949.

"(b) Subject to subsection (g), the price under an agreement under this section of a covered

drug or biological that was listed on the supply schedule on September 1, 1990, and is listed on the supply schedule on the date of the enactment of this Act, shall be as follows:

"(1) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(A) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(i) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(ii) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(B) in the case of a drug or biological whose Federal average price differential is not positive (as determined under section 8171(6)(A) of this title), the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(2) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(c) Subject to subsection (g), the price under an agreement under this section of a covered drug or biological that was listed on the supply schedule on September 1, 1990, but not listed on the supply schedule on the date of the enactment of this Act, shall be as follows:

"(1) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(A) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(i) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(ii) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(B) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(2) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(d) Subject to subsection (g), the price under an agreement under this section of a covered drug or biological that was not listed on the supply schedule on September 1, 1990, but was approved by the Administrator of the Food and Drug Administration on or before the date of the enactment of this Act, shall be as follows:

"(1) During the 1-year period beginning on the effective date of the agreement—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(II) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(B) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(B) of this title) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based), minus

"(II) the additional price discount amount (as determined under section 8171(1)(B) of this title); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(B) of this title) is not positive, the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based).

"(2) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(e) Subject to subsection (g), the price under an agreement under this section of a covered drug or biological that is approved by the Administrator of the Food and Drug Administration after the date of the enactment of this Act shall be as follows:

"(1) During the 1-year period beginning on the effective date of the agreement—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(II) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(B) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to the Federal average manufacturer price of the drug or biological (as so based) for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before such effective date for which such data are available.

"(2) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(f) Subject to subsection (g), the price under an agreement under this section of a covered drug or biological whose price under the supply schedule was determined under subsection (b), (c), (d), or (e), or under this subsection, pursuant to an agreement that is expiring, shall be as follows:

"(1) During the 1-year period beginning on the effective date of the agreement, the price may not exceed the price of the drug or biological under the expiring agreement during the 1-year period beginning on the effective date of the expiring agreement increased by the same percentage as the increase in the price index during the period beginning on the effective date of the expiring agreement and ending on the last day of the last month before the effective date of the agreement under this subsection for which price index data are available.

"(2) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(g)(1) In entering into an agreement under subsections (b) through (f) for the price under the supply schedule of a covered drug or biological, the Secretary may provide for a price of a drug or biological during the 1-year period beginning on the effective date of the agreement that is nominally in excess (as determined by the Secretary) of the price that would be determined for the drug or biological during that period under that subsection if the Secretary determines that such excess price is in the best interests of the Department.

"(2) If the Secretary exercises the authority under this section to establish an excess price with respect to the price of a drug or biological during a 1-year period, the determination of the amount of the increase in the price of the drug or biological for the succeeding 1-year period, if any, shall be based on such excess price.

"(h) The price under an agreement under this section of a drug or biological (other than a covered drug or biological) shall be jointly determined by the Secretary and the manufacturer of the drug or biological.

"(i)(1) Except as provided in paragraph (2), the Secretary shall enter into agreements with manufacturers under this section not later than the later of—

"(A) 6 months after the date of the enactment of this section; or

"(B) 30 days after the Secretary notifies the manufacturers of the Secretary's intention to enter into such agreements.

"(2) In the case of a drug or biological that is first marketed after the date that is 5 months after the date of the enactment of this section, the Secretary shall enter into an agreement referred to in paragraph (1) not later than the later of—

"(A) 3 months after the date such marketing begins; or

"(B) 30 days after the Secretary notifies the manufacturer of the Secretary's intention to enter into such an agreement.

"(j) The Secretary shall determine the term of any agreement entered into by the Secretary and a manufacturer under this section.

"§8173. Report and audit of prices of drug and biologicals

"(a)(1) The manufacturer of a covered drug or biological whose price is determined by an agreement under section 8172 or 8174 of this title shall report to the Secretary the Federal average manufacturers price of the drug or biological during each calendar quarter in which the agreement is in force. The manufacturer shall report such price not more than 30 days after the expiration of a covered quarter.

"(2) The reports required under paragraph (1) shall be in addition to the reports required under subparagraphs (A)(i) and (B) of subsection (b)(1), subparagraphs (A)(i) and (B) of subsection (c)(1), clauses (i)(I) and (ii) of subsection (d)(1)(A), clauses (i)(I) and (ii) of subsection (d)(1)(B), clauses (i)(I) and (ii) of subsection (e)(1)(A), and subsection (e)(1)(B) of section 8172 of this title, under clauses (i)(I) and (ii) of section 8174(c)(1)(A) of this title, and under subsections (d) and (e) of section 8174 of this title. The reports required under such subparagraphs shall be submitted upon the request of the Secretary.

"(b)(1) The Secretary may impose a civil monetary penalty in an amount equal to $10,000 on any manufacturer that fails to report the information required under paragraph (1) of subsection (a) on a timely basis. Such amount shall be paid to the Treasury. The amount of the penalty shall be increased by $10,000 for each day in which such information has not been reported, and such amount shall be paid to the Treasury. If such information with respect to a drug or biological is not reported within 90 days of the deadline imposed, the Secretary may prohibit the purchase of the drug or biological through the supply schedule or Department depots after the end of such 90-day period and until the date such information is reported but in no case shall such prohibition be for a period of less than 30 days.

"(2) Any manufacturer that knowingly reports false information to the Secretary under paragraph (1) of subsection (a) or the provisions of law referred to in paragraph (2) of that subsection is subject to a civil monetary penalty in an amount not to exceed $100,000 for each item of false information reported. Such amount shall be paid to the Treasury.

"(3) The civil money penalties described in paragraphs (1) and (2) are in addition to other penalties as may be prescribed by law.

"(c) In order to determine the accuracy of any price of a drug or biological that is reported to the Secretary under the provisions of law referred to in subsection (b)(2), the Secretary may audit—

"(1) the relevant records of any manufacturer of a covered drug or biological that is the subject of an agreement under subsections (b) through (f) of section 8172 or under subsections (c) through (f) of section 8174 of this title; and

"(2) the relevant records of any wholesaler that distributes such a drug or biological.

"(d) All information contained in a report submitted to the Secretary under this section by a manufacturer shall remain confidential.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by adding after the item relating to subchapter V the following new items:

"SUBCHAPTER VI—PROCUREMENT OF DRUGS AND BIOLOGICALS

"8171. Definitions.
"8172. Prices of drugs and biologicals under Federal Supply Schedule contracts.
"8173. Report and audit of prices of drugs and biologicals.".

SEC. 604. PROCUREMENT OF DRUGS AND BIOLOGICALS UNDER CONTRACTS RELATING TO DEPARTMENT OF VETERANS AFFAIRS DEPOTS.

(a) IN GENERAL.—Subchapter VI of chapter 81 (as added by section 603 of this Act) is amended by adding at the end the following new section:

"§8174. Procurement of drugs and biologicals through Department depots

"(a) The Secretary shall enter into agreements with manufacturers referred to in section 8172(a)(2) of this title under which agreements the Secretary and such manufacturers shall determine the prices of drugs and biologicals manufactured by such manufacturers and available for purchase through depots of the Department.

"(b) Notwithstanding section 8125(a) of this title, the Secretary may procure for any Department health-care facilities any drug or biological that is subject to an agreement under this section.

"(c)(1) Subject to paragraph (2), the price under an agreement under subsection (a) of a covered drug or biological that was the subject of a contract for procurement by the Department through a depot on September 1, 1990, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(II) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(ii) in the case of a drug or biological whose Federal average price differential is not positive (as determined under section 8171(6)(A) of this title), the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(2)(A) In entering into an agreement under paragraph (1) for the price of a drug or biological, the Secretary may provide for a price of a drug or biological during the 1-year period beginning on the effective date of the agreement that is nominally in excess (as determined by the Secretary) of the price that would be determined for the drug or biological during that period under that paragraph if the Secretary determines that such excess price is in the best interests of the Department.

"(B) If the Secretary exercises the authority under this section to establish an excess price with respect to the price of a drug or biological during a 1-year period, the determination of the amount of the increase in the price of the drug or biological for the succeeding 1-year period, if any, shall be based on such excess price.

"(d) The price under an agreement under subsection (a) of a covered drug or biological that was not the subject of a contract referred to in subsection (c) on September 1, 1990, but was approved by the Administrator of the Food and Drug Administration on or before the date of the enactment of this Act, shall be determined in the manner set forth for the determination of the price of a drug or biological under section 8172(d) of this title.

"(e) The price under an agreement under subsection (a) of a covered drug or biological that is approved by such Administrator after such date, shall be determined in the manner set forth for the determination of the price of a drug or biological under section 8172(e) of this title.

"(f) The price under an agreement under subsection (a) of a covered drug or biological whose price was determined under subsections (c), (d), or (e), or under this subsection, pursuant to an agreement that is expiring, shall be determined in the manner set forth for the determination of the price of a drug or biological under section 8172(f) of this title.

"(g) The price under an agreement under subsection (a) of a drug or biological (other than a covered drug or biological) shall be jointly determined by the Secretary and the manufacturer of the drug or biological.

"(h)(1) Except as provided in paragraph (2), the Secretary shall enter into agreements with manufacturers under this section not later than the later of—

"(A) 6 months after the date of the enactment of this section; or

"(B) 30 days after the Secretary notifies the manufacturers of the Secretary's intention to enter into such agreements.

"(2) In the case of a drug or biological that is first marketed after the date that is 5 months after the date of the enactment of this section, the Secretary shall enter into an agreement referred to in paragraph (1) not later than the later of—

"(A) 3 months after the date such marketing begins; or

"(B) 30 days after the Secretary notifies the manufacturer of the Secretary's intention to enter into such an agreement.

"(i) The Secretary shall determine the term of any agreement entered into by the Secretary and a manufacturer under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by adding after the item relating to section 8173 (as added by section 603(b) of this Act) the following new item:

"8174. Procurement of drugs and biologicals through Department depots.".

(c) CONFORMING AMENDMENT.—Section 8125(a) is amended by striking out "this section," and inserting in lieu thereof "this section and section 8174(b) of this title,".

SEC. 605. PRICES OF DRUGS AND BIOLOGICALS PROCURED BY STATE HOMES.

(a) IN GENERAL.—Subchapter VI of chapter 81 (as amended by section 604 of this Act), is further amended by adding at the end the following new section:

"§8175. Prices of drugs and biologicals purchased by State homes

"In the event that a State home procures a drug or biological listed on the supply schedule, the price of the drug or biological shall be not more than the price of the drug or biological on the supply schedule on the date of the procurement.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by adding after the item relating to section 8174 (as added by section 604(b) of this Act) the following new item:

"8175. Prices of drugs and biologicals purchased by State homes.".

SEC. 606. UNIFIED PHARMACEUTICAL AWARD CONTRACTS.

(a) IN GENERAL.—Subchapter VI of chapter 81 (as amended by section 605 of this Act) is further amended by adding at the end the following new section:

"§8176. Unified pharmaceutical award contracts

"(a) The Secretary may, on behalf of the entities referred to in subsection (b), negotiate and enter into one or more unified pharmaceutical award contracts (hereafter in this section referred to as a 'UPAC') with manufacturers relating to the procurement by such entities under such contracts of drugs or biologicals that are manufactured by such manufacturers.

"(b)(1) Subject to paragraph (2), an entity on whose behalf the Secretary may enter into a UPAC under this section is any of the following entities that procures a drug or biological in connection with the furnishing of health-care services:

"(A) A department or agency of the Federal Government, including the Department of Veterans Affairs.

"(B) A department, agency, other division or unit of a State (including a State home), county, or municipality.

"(C) A Public Health Service clinic of the type described in section 2145(a) of the Public Health Service Act which the Secretary of Health and Human Services has certified is eligible to receive a discount under such section 2145.

"(2) The Secretary may not negotiate or enter into a UPAC on behalf of an entity unless the entity enters into an agreement with the Secretary—

"(A) to participate in a UPAC on a basis to be determined by the Secretary;

"(B) to purchase under the UPAC a quantity (as determined by the Secretary) of the drug or biological that is the subject of the UPAC;

"(C) to provide to the Secretary adequate evidence (as determined by the Secretary) of the entity's fiscal capability of making the purchase referred to in subparagraph (B);

"(D) to ensure that the drug or biological purchased through the UPAC is not resold; and

"(E) to pay into the revolving supply fund referred to in section 8121 of this title an amount that the Secretary determines is sufficient to cover any administrative costs of the Secretary in negotiating, entering into, or administering the UPAC.

"(c)(1) A entity on whose behalf the Secretary enters into a UPAC under this section with respect to a drug or biological may not—

"(A) resell or otherwise transfer the drug or biological to a person other than a patient of the entity;

"(B) purchase the drug or biological on behalf of any person or entity other than the entity on whose behalf the Secretary enters into the UPAC; or

"(C) dispense or administer, directly or through a contract, the drug or biological to an individual who is not receiving the drug or biological as a patient of the entity.

"(2)(A) An entity found to have sold, dispensed, or administered a drug or biological in violation of this subsection shall be subject to a civil penalty in the amount of $25,000 for each such violation. Such amount shall be paid to the Treasury.

"(B) The civil money penalty referred to in subparagraph (A) is in addition to any other such penalties as may be prescribed by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by adding after the item relating to section 8175 (as added by section 605(b) of this Act) the following new item:

"8176. Unified pharmaceutical award contracts.".

SEC. 607. PROCUREMENT OF DRUGS AND BIOLOGICALS UNDER CONTRACTS RELATING TO DEPARTMENT OF DEFENSE DEPOTS.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§1107. Procurement of drugs and biologicals through depots

"(a) IN GENERAL.—(1) The Secretary of Defense may enter into agreements with manufacturers referred to in paragraph (2) under which agreements the Secretary of Defense and such manufacturers shall determine the price of drugs and biologicals manufactured by such manufacturers and available for purchase through depots of the Department of Defense.

"(2) The manufacturers referred to in paragraph (1) are any manufacturers of drugs or biologicals that have entered into an agreement with the Administrator of the General Services Administration with respect to such drugs or biologicals under section 1001 of the Federal Property and Administrative Services Act of 1949.

"(b) PROCUREMENT OF DRUGS AND BIOLOGICALS.—The Secretary of Defense may procure for any facility of the uniformed services any drug or biological that is subject to an agreement under this section.

"(c) PRICES.—(1) Subject to subsection (d), the price under an agreement under this section of a covered drug or biological that was the subject of a contract for procurement by the Department of Defense through a depot on September 1, 1990, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary of Defense by the manufacturer), minus

"(II) the additional price discount amount (as determined under subsection (h)(1)(A)); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(2) Subject to subsection (d), the price under an agreement under this section of a covered drug or biological that was not the subject of a contract referred to in paragraph (1) on September 1, 1990, but was approved by the Administrator of the Food and Drug Administration on or before the date of the enactment of this Act, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement—

"(i) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary of Defense by the manufacturer), minus

"(bb) the additional price discount amount (as determined under subsection (h)(1)(A)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(ii) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(B)) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based), minus

"(bb) the additional price discount amount (as determined under subsection (h)(1)(B)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(B)) is not positive, the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during such the most recent 12-month period before the

commencement of such succeeding 1-year period for which price index data are available.

"(3) Subject to subsection (d), the price under an agreement under this section of a covered drug or biological that is approved by the Administrator of the Food and Drug Administration after the date of the enactment of this Act, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement—

"(i) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary of Defense by the manufacturer), minus

"(bb) the additional price discount amount (as determined under subsection (h)(1)(A)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(ii) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to the Federal average manufacturer price of the drug or biological (as so based) for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before such effective date for which such data are available.

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during such the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(4) Subject to subsection (d), the price under an agreement under this section of a covered drug or biological whose price was determined under paragraph (1), (2), or (3), or under this paragraph, pursuant to an agreement that is expiring, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement, the price may not exceed the price of the drug or biological under the expiring agreement during the 1-year period beginning on the effective date of the expiring agreement increased by the same percentage as the increase in the price index during the period beginning on the effective date of the expiring agreement and ending on the last day of the last month before the effective date of the agreement under this subsection for which price index data are available.

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(5) The price under an agreement under this section of a drug or biological (other than a covered drug or biological) shall be jointly determined by the Secretary of Defense and the manufacturer of the drug or biological.

"(d) EXCESS PRICE.—(1) In entering into an agreement under paragraphs (1), (2), (3), or (4) of subsection (c) for the depot price of a drug or biological, the Secretary of Defense may provide for a price of a drug or biological during the 1-year period beginning on the effective date of the agreement that is nominally in excess (as determined by that Secretary) of the price that would be determined for the drug or biological during that period under that paragraph if that Secretary determines that such excess price is in the best interests of the Department of Defense.

"(2) If the Secretary of Defense exercises the authority under this subsection to establish an excess price with respect to the price of a drug or biological during a 1-year period, the determination of the amount of the increase in the price of the drug or biological for the succeeding 1-year period, if any, shall be based on such excess price.

"(e) ENTRY INTO AGREEMENTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall enter into agreements with manufacturers under this section not later than the later of—

"(A) 6 months after the date of the enactment of this section; or

"(B) 30 days after that Secretary notifies the manufacturers of that Secretary's intention to enter into such agreements.

"(2) In the case of a drug or biological that is first marketed after the date that is 5 months after the date of the enactment of this section, the Secretary of Defense shall enter into an agreement referred to in paragraph (1) not later than the later of—

"(A) 3 months after the date such marketing begins; or

"(B) 30 days after that Secretary notifies the manufacturer of that Secretary's intention to enter into such an agreement.

"(f) TERM OF AGREEMENT.—The Secretary of Defense shall determine the term of any agreement entered into by that Secretary and a manufacturer under this section.

"(g) REPORTS ON PRICES.—(1)(A) The manufacturer of a covered drug or biological whose price is determined by an agreement under this section shall report to the Secretary of Defense the Federal average manufacturers price of the drug or biological during each calendar quarter in which the agreement is in force. The manufacturer shall report such price not more than 30 days after the expiration of a covered quarter.

"(B) The reports required under subparagraph (A) shall be in addition to the reports required under clauses (i)(I) and (ii) of subsection (c)(1)(A), subclauses (I)(aa) and (II) of subsection (c)(2)(A)(i), subclauses (I)(aa) and (II) of subsection (c)(2)(A)(ii), subclauses (I)(aa) and (II) of subsection (c)(3)(A)(i), and subsection (c)(3)(A)(ii). The reports required under such subparagraphs shall be submitted upon the request of the Secretary of Defense.

"(2) The Secretary of Defense may impose a civil monetary penalty in an amount equal to $10,000 on any manufacturer that fails to report the information required under paragraph (1) on a timely basis. Such amount shall be paid to the Treasury. The amount of the penalty shall be increased by $10,000 for each day in which such information has not been reported, and such amount shall be paid to the Treasury. If such information with respect to a drug or biological is not reported within 90 days of the deadline imposed, the Secretary of Defense may prohibit the purchase of the drug or biological through the supply schedule or Department depots after the end of such 90-day period and until the date such information is reported but in no case shall such prohibition be for a period of less than 30 days.

"(3) Any manufacturer that knowingly reports false information to the Secretary of Defense under subparagraph (A) of paragraph (1) or the provisions of law referred to in subparagraph (B) of such paragraph is subject to a civil monetary penalty in an amount not to exceed $100,000 for each item of false information reported. Such amount shall be paid to the Treasury.

"(4) The civil money penalties described in paragraphs (2) and (3) are in addition to other penalties as may be prescribed by law.

"(5) In order to determine the accuracy of the price of a covered drug or biological that is reported to the Secretary of Defense under the provisions of law referred to in paragraph (3), the Secretary of Defense may audit—

"(A) the relevant records of any manufacturer of a covered drug or biological that is the subject of an agreement under this section; and

"(B) the relevant records of any wholesaler that distributes such a drug or biological.

"(6) All information contained in a report submitted to the Secretary of Defense under this section by a manufacturer shall remain confidential.

"(h) DEFINITIONS.—In this section:

"(1) The term 'additional price discount amount', in the case of the price of a drug or biological whose price is established under an agreement under this subchapter, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (6)(A)); and

"(ii) the amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period ending on the date that is 12 months before the last day of the last month before the effective date of the agreement for which price index data and price data for the drug or biological are available, multiplied by

"(II) the percentage increase in the price index during that 12-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (6)(B)); and

"(ii) an amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period beginning on the first day of the month next following the month in which marketing of the drug or biological begins, multiplied by

"(II) the percentage increase in the price index during the period beginning on such day and ending on the last day of the last month before the effective date of the agreement for which price index data are available.

"(2) The term 'covered drug or biological' means—

"(A) any drug marketed under a new drug application approved by the Secretary of Health and Human Services under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

"(B) any biological marketed under a product licensing application approved by the Administrator of the Food and Drug Administration pursuant to section 351 of the Public Health Service Act (42 U.S.C. 262).

"(3) The term 'depot' means a centralized commodity management system operated by the Department of Defense through which drugs

and biologicals procured for the use of entities of the Department of Defense are—

"(A) received, stored, and delivered through—

"(i) a warehouse system under the jurisdiction and operation of the Department of Defense; or

"(ii) a commercial entity operating under contract with the Department of Defense; or

"(B) delivered directly from the manufacturer to the entity using the drugs or biologicals.

"(4) The term 'depot price' means the price of a drug or biological under an agreement between the Secretary of Defense and the manufacturer of the drug or biological to determine the price of the drug or biological for purchase through depots.

"(5) The term 'Federal average manufacturer price', with respect to a covered drug or biological and a specified period of time, means the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any cash discounts or similar price reductions, during that period by wholesalers (other than a price paid by the Federal Government).

"(6) The term 'Federal average price differential', with respect to a covered drug or biological whose price is established under an agreement under this subchapter, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before the effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the date that is 1 year before the ending of such 3-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period beginning on the first day of the first month next following the month in which marketing of the drug or biological begins.

"(7) The term 'manufacturer', with respect to a drug or biological, means—

"(A) an entity that both manufactures and distributes the drug or biological; or

"(B) if no such entity exists, an entity that distributes the drug or biological.

The term does not include a wholesale distributor of drugs or biologicals, a retail pharmacy licensed under State law, or a practitioner licensed under State law and authorized to dispense drugs and biologicals.

"(8) The term 'price index' means the Producer Price Index—Finished Goods published monthly by the Bureau of Labor Statistics.

"(9) The term 'weighted average price', with respect to a covered drug or biological and a specified period of time, means—

"(A) the sum of the products of—

"(i) the average price per unit of each package quantity of the drug or biological sold during the period, and

"(ii) the number of units of the drug or biological sold at that average price; divided by

"(B) the total number of units of the drug or biological sold during the period.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by adding after the item relating to section 1106 the following new item:

"1107. Procurement of drugs and biologicals through depots.".

TITLE VII—MISCELLANEOUS

SEC. 701. PERMANENT AUTHORITY TO FURNISH RESPITE CARE.

Section 1720B is amended by striking out subsection (c).

SEC. 702. EXTENSION OF AUTHORITY TO ENTER INTO CONTRACTS WITH RESPECT TO THE VETERANS MEMORIAL MEDICAL CENTER IN THE PHILIPPINES.

Section 1732(a) is amended in the matter above paragraph (1) by striking out "September 30, 1992," and inserting in lieu thereof "December 31, 1996,".

SEC. 703. PERMANENT AUTHORITY TO WAIVE CERTAIN LIMITATIONS APPLICABLE TO RECEIPT OF RETIREMENT PAY BY NURSES.

Section 7426(c) is amended by striking out the second sentence.

SEC. 704. EXTENSION OF AUTHORITY TO CARRY OUT HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.

Section 7618 is amended by striking out "September 30, 1992" and inserting in lieu thereof "December 31, 1997".

SEC. 705. PERMANENT AUTHORITY TO MAKE GRANTS TO STATES RELATING TO STATE HOMES.

Section 8133(a) is amended in the first sentence by striking out "through September 30, 1992." and inserting in lieu thereof a period.

AMENDMENT NO. 3371

(Purpose: to modify certain provisions relating to pharmaceutical pricing agreements, to provide for the recovery from issuers of medicare supplemental insurance policies of certain costs of care and services provided to veterans who are issued such policies, to improve the care and services furnished to women veterans who have experienced sexual trauma while on active duty, to expand and improve other Department of Veterans Affairs programs that provide care and services to women veterans, and for other purposes)

Mr. KERREY. on behalf of Senator CRANSTON I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] for Mr. CRANSTON proposes an amendment numbered 3371.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3371) was agreed to.

AMENDMENT NO. 3175

(Purpose: To provide for the recovery from issuers of medicare supplemental insurance policies of certain costs of care and services provided to veterans who are issued such policies)

Mr. KERREY. Mr. President, I call up the Cranston amendment, number 3175, that is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for Mr. CRANSTON, proposes an amendment numbered 3175.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 706. MEDICAL CARE COST RECOVERY.

(a) RECOVERY OF CARE FURNISHED CHAMPVA BENEFICIARIES.—(1) Section 1729 is amemded—

(A) by striking out "veteran" and "veteran's" each place they appear and inserting in lieu thereof "VA beneficiary" and "VA beneficiary's", respectively;

(B) by striking out "veterans" in subsection (h)(1)(B) and inserting in lieu thereof "VA beneficiary", and

(C) by adding at the end of subsection (i) the following new paragraph:

"(4) The term 'VA beneficiary' means a veteran or a person eligible for care under section 1713 of this title."

(2) The amendments made by paragraph (1) shall apply with respect to care and services furnished under section 1713 of title 38, United States Code, after the date of the enactment of this Act.

(b) INCLUSION OF MEDICARE SUPPLEMENTAL INSURANCE IN CLASS OF THIRD-PARTY PAYORS.—(1) Subsection (i)(1)(A) of section 1729 is amended by inserting ", including a medicare supplemental insurance policy," after "arrangement".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) COST RECOVERY FROM ISSUERS OF MEDICARE SUPPLEMENTAL INSURANCE.—(1) Subsection (c) of section 1729 is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary shall collect or recover the cost of care or services furnished to VA beneficiaries under subsection (a)(1) from third party issuers of medicare supplemental insurance policies to such VA beneficiaries in accordance with the provisions of this paragraph.

"(B) The Secretary, in consultation with the Secretary of Health and Human Services, shall establish procedures for the treatment of claims of the Department for the recovery of the cost of care or services under this paragraph.

"(C) In establishing procedures under subparagraph (B), the Secretary shall provide for—

"(i) the review of such claims by an entity or entities jointly designated by the Secretary and the Secretary of Health and Human Services, for the purpose of determining the extent, if any, to which the cost of such care or services would be covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) if provided by a participating provider; and

"(ii) the transmittal to third party issuers of the results of such reviews and any additional information that may be necessary to determine the liability of such third party issuers for the cost of the care or services.

"(D) The results and information referred to in subparagraph (C)(ii) shall be transmitted to issuers of medicare supplemental insurance policies not later than the later of—

"(i) the expiration of the period provided for under title XVIII of such Act for the timely filing of claims; or

"(ii) the expiration of the period provided for in the medicare supplemental insurance policy for such filing.

"(E) The Secretary of Health and Human Services shall establish a fee for each claim reviewed by the entity or entities designated under subparagraph (C)(i) under the procedures established under that subparagraph. The amount of the fee (i) shall reflect the estimated cost of processing the claim for which the fee is collected, (ii) shall be paid to the entities designated under subparagraph (C)(i), and (iii) shall reduce the amount recovered by the Secretary of Veterans Affairs under this paragraph.".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to the recovery of costs for care and services furnished after that date.

AMENDMENT NO. 3372 TO AMENDMENT NO. 3175

(Purpose: To provide for price discounts with respect to certain drugs purchased by Public Health Service entities)

Mr. KERREY. On behalf of Senator KENNEDY, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] for Mr. CRANSTON proposes an amendment numbered 3372.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3372) was agreed to.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment (No. 3175).

The amendment (No. 3175), as amended, was agreed to.

The PRESIDING OFFICER. Without objection, the committee substitute is agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

AMENDING S. 2575 TO INCLUDE DISCOUNT FOR CERTAIN PUBLIC HEALTH SERVICE ACT GRANTEES

Mr. KENNEDY. Mr. President, today we are taking another step to expand access to health care and control spiraling health care costs. I am pleased to join with Senator HATCH to amend S. 2575, which guarantees favorable drug prices for the Department of Veterans Affairs and other Federal purchasers.

Our amendment extends comparable drug prices to the public health clinics, which are our first line of defense against drug and disease. These clinics include community and migrant health centers, black lung clinics, drug treatment clinics, community mental health clinics, and other public and nonprofit agencies providing health services to low-income patients a majority of whom have no public or private health insurance.

The public health system has only limited ability to absorb price increases. Their programs must compete for scarce Federal dollars. If they are forced to pay more for drugs, they have no choice but to cut back the services they provide.

Earlier this year, the Senate Labor Committee unanimously adopted legislation addressing drug prices for public health clinics, with the commendable participation and support of a number of pharmaceutical manufacturers, including Pfizer, Searle, Merck, Warner-Lambert, Syntex, Astra, and Lilly.

This amendment is based on the committee's action. It extends discount prices to Public Health Service clinics based on the Medicaid rebate. The Medicaid rebate is based on the best price for the drug or a flat rebate, whichever yields a lower price.

The flat discount is based on the average manufacturer's price for the drug, less 12½ percent in the first year following enactment, and 5 percent in the second year. The flat discount is adjusted upward for drug price increases which exceed the increases in the consumer price index.

The bill also includes important administrative safeguards, such as a prohibition against resale of discounted drugs, a provision to prevent multiple discounts under other Federal or State programs, and an audit and dispute-resolution provision.

In addition, the bill reduces administrative burdens and helps public health clinics purchase drugs more wisely, by providing the discounts up front—either through wholesalers or directly from drug manufacturers.

I have also been working with the Senate Veterans Affairs Committee to deal with the excessive price increases that some companies have charged the Veterans' Administration over the past 2 years. The extension of Federal Supply Schedule prices to public health clinics makes it especially important that we reach a satisfactory solution to this problem.

I commend Senators CRANSTON, SIMPSON, and ROCKEFELLER for their assistance and cooperation in this effort. The agreement they have negotiated for the Department of Veterans Affairs and other federal drug purchasers is an excellent compromise. Most important, with the addition of this amendment, this legislation will stem the practice of some drug companies of cost shifting among federally funded purchasers. This practice arose following the enactment of legislation in 1990 establishing discount prices for State Medicaid programs. Some drug companies responded by increasing prices for other purchasers including the Department of Veterans Affairs and public health clinics.

All of us have a strong interest in ensuring reasonable drug prices for veterans and public health clinics. To achieve our goals, it is important to avoid intra-government cost shifting. The most desirable approach is a comprehensive one that is sensitive to the concerns of all taxpayer-supported purchasers of prescription drugs. Clearly, the intent of the Medicaid rebate law is to reduce government expenditures for the $5 billion Medicaid prescription drug program—not shift them to other public health programs.

We also have concerns about the burdens of the Medicaid law on private drug purchasers such as HMO's. But veterans and public health clinics need help now. They should not have to wait any longer for lower drug prices, and I urge Congress to enact this bipartisan legislation before the end of this session.

TITLE IV, RURAL HEALTH-CARE CLINICS, VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 1992

Mr. CONRAD. Mr. President, I am very pleased to rise in support of S. 2575, the Veterans Health Programs Improvement Act of 1992, and more specifically of title IV of S. 2575 relating to the improvement of health care services for veterans living in rural areas.

As my colleagues are aware, last year I introduced legislation, S. 1424, the DVA Mobile Health Care Clinic Act of 1991, to require the Department of Veterans Affairs to establish a permanent mobile health care clinic program for the purpose of providing health care assistance to veterans living in rural and remote areas of the country.

Under S. 1424, I proposed that funding be authorized, over a 5-year period, for the Department of Veterans Affairs to expand opportunities for veterans living in rural and remote areas to receive health care under a mobile health care clinic program. This program would be in 24 States that are not participating in the DVA pilot mobile clinic demonstration—all States with a significant rural veterans population. In North Dakota for example, 34,000 individuals—more than 50 percent of the States' veterans—live in counties 100 miles or more from the DVA Medical Center in Fargo, the only DVA health care facility in the State.

Because of where these veterans live, as well as the limitations on DVA funding to open new medical facilities or clinics, many are not receiving the health care benefits to which they are entitled at a DVA medical facility.

Over the summer months, at my urging, the Senate Committee on Veterans Affairs conducted a hearing to review

health care issues for veterans living in rural areas, and specifically to consider S. 1424—to examine the possibility of expanding the current Department of Veterans Affairs pilot mobile health clinic demonstration. I am very pleased that the committee agreed in June to recommend the expansion of mobile health care clinic opportunities for rural veterans.

Taking into account the importance of examining various options for improving access to DVA health care for rural veterans, the Senate Committee on Veterans Affairs authorized the expansion of rural health care clinic opportunities for veterans living in geographical areas some distance from DVA medical facilities. Specifically, the committee reported a provision in S. 2575—title IV, rural health care clinics—which requires the Department of Veterans Affairs to establish and evaluate three options for furnishing health care services to rural veterans: First, mobile health care clinics equipped, operated and maintained by DVA personnel; second, part-time stationary clinics operated by DVA personnel; and third, part-time stationary clinics operated through contracts with non-VA entities.

Under title IV, the Department of Veterans Affairs would be authorized to expand the operation of rural health care clinics in three States annually, for a total of 9 clinics over a period of 3 years. The committee also requires that at least three of the nine new clinics established under the rural health care clinic program be mobile clinics. The Secretary of Veterans Affairs would have the discretion to determine what combination of mobile or part-time stationary clinics would be appropriate to meet the needs of rural veterans as well as the program's goals. Eighteen million dollars is authorized for the program in fiscal years 1993–97, $3 million in fiscal year 1993.

Mr. President, I am very pleased by the Senate Committee on Veterans Affairs' decision to support my legislation to improve the health care opportunities for veterans living in rural and remote areas of the country. The need for this rural health initiative for veterans cannot be underestimated. Because of where these veterans live, many are, without question, not receiving the benefits of health care to which they are entitled at a Department of Veterans Affairs medical facility. There is little doubt that the further away a veteran lives from a DVA health care facility, the less likely he or she is to travel the great distance for nonemergency care. As I have noted in testimony before the Senate Committee on Veterans Affairs, more than 131,000 veterans, according to the DVA, live in counties that are 2 hours from the nearest DVA medical facility. In North Dakota, as noted earlier, more than 50 percent of the total States' veterans population live in counties 2 hours or more from the nearest DVA medical facility.

Mr. President, there is no question that the expansion of rural health care options, including the use of mobile clinics, is a most important step in improving health care access for veterans in rural areas. Recently, the importance of these services from mobile health care clinics became abundantly clear when three mobile health care clinics—clinics that were just turned over to the Department of Veterans Affairs for use in Prescott, AZ; Spokane, WA; and Fayetteville, NC—were pressed into service to assist the victims of Hurricane Andrew in south Dade County, FL. These three clinics have contributed tremendously in helping to meet the immediate health care needs of thousands of individuals and families affected by the devastation from Hurricane Andrew. The mobile clinics have clearly proven their value and can be expected to significantly assist those veterans living in rural areas in Arizona, North Carolina, and Washington following their assignment in Florida.

Mr. President, I strongly urge my colleagues to support S. 2575, and the expansion of the mobile health care clinic program for rural veterans.

I also ask unanimous consent that an article from the Spokesman-Review of Spokane, WA regarding the assignment of the DVA mobile clinic from the Spokane DVA Medical Center to Florida to assist Hurricane Andrew victims be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEDICAL BUS FLOWN TO HURRICANE DISASTER AREA

(By Kelly McBride)

A medical crew from the Spokane Veterans Administration Medical Center relied a mobile clinic into the belly of one of the world's biggest places Saturday and headed for Miami to help victims of Hurricane Andrew.

"This is baptism by fire if there was such a thing," said Bill Lamb, chief of voluntary services for the Veterans Administration.

The $600,000 mobile medical clinic has yet to be used in the field. It is one of six in the country designed to bring medical care to rural veterans who might be reluctant to drive long distances to see doctors.

It is scheduled to start making rounds in Eastern Washington and North Idaho in October.

The V.A. central office in Washington, D.C., in an effort to help the Federal Emergency Management Assistance program, volunteered the clinic, along with a doctor, a nurse, two nurse practitioners, two counselors, an administrator and a driver.

"Our travel orders are to stay for 10 days," said John Williams, a nurse and the mobile clinic coordinator. "But we'll stay as long as we are needed."

Before their departure Saturday, the crew of seven said they aren't sure what to expect when they arrive in Miami. They likely will drive to a hospital or to Homestead Air Force Base and be dispatched from there. The crew could not fly into Homestead, because they were scheduled to arrive after dark and there is still no electricity at the base.

"We expect to be doing a lot of triage," said Dr. Alan Prentice. "We could also end up in a tent hospital somewhere."

The group is equipped to treat minor emergencies, stitch up cuts and stabilize patients in critical condition. Prentice said he expects to treat people who are sick from drinking contaminated water and eating spoiled food.

Hundreds of thousands of people have without water and electricity since the storm swept across south Florida on Wednesday.

The clinic, a custom built bus featuring three examination rooms, a bathroom and a reception area, needs nothing but fuel to keep it going.

"As long as we can get a hold of diesel we can go anywhere," Williams said. "All we have to do is turn on the engine."

But first the crew had to get to Florida. An Air Force CSA landed Saturday afternoon at Fairchild Air Force Base to shuttle the bus and crew to the disaster area.

Flying the 38,000-pound bus to Miami is no problem, But getting it in the plane was a challenge.

With little clearance above the ground, cargo masters worried the bus would scrape bottom as it drove up over the ramp and into the plane. After measuring and calculating and taping down everything inside the bus, the crew prepared to load the cargo.

They expected to be in Miami by midnight and treating patients at sunrise.

THE WOMEN VETERANS PROGRAMS AMENDMENT TO S. 2575

Mr. AKAKA. Mr. President, I rise in strong support of S. 2575, the Veterans Health Programs Improvement Act of 1992, which would improve recruitment and retention of registered nurses and make changes to certain health care personnel programs, improve preventive health services, improve the State Home program, establish a rural health care clinic pilot program, establish a telephone service demonstration project, and ensure that VA hospitals and clinics can purchase drugs and biologicals at reasonable prices.

The most important section of this legislation, the drug provision, helps correct an unintended result of the Omnibus Budget Reconciliation Act of 1990, which resulted in pharmaceutical companies dramatically raising the prices of drugs sold to VA in order to avoid reducing their prices for Medicaid programs. This provision, drafted under the leadership of Senator ROCKEFELLER, is expected to save VA as much as $100 million in 1993.

Mr. President, I also wish to express support for the committee amendment offered by Senator CRANSTON to incorporate the text of S. 2973, the Women Veterans Programs Act of 1992, as reported by the Committee on Veterans' Affairs early last month. I am proud to be an original cosponsor of both S. 2973, as introduced by Senator CRANSTON last July, and S. 2028, introduced by Senator SPECTER last November, from which S. 2973 as reported and the Cranston committee amendment are derived.

The committee amendment addresses two major areas concerning women veterans health care—sexual trauma services and well-care services. One section of the amendment, which is derived from S. 2028, would authorize a variety of "well-women" services such as pap smears, mammography, and breast examinations; services for general reproductive health; and services for conditions arising out of acts of sexual violence. It would also authorize contract care for well-women care on an outpatient basis; encourage research on health care conditions of concern to women veterans; require studies on the availability of VA health care services for women; and, require the appointment of women veterans coordinators at VA medical centers to provide advocacy and outreach for women veterans seeking treatment.

Mr. President, the second major part of the amendment, which is derived from S. 2973 as originally introduced by Senator CRANSTON, would require VA to furnish, either in VA facilities or by contract, priority counseling or treatment for sexual trauma incurred during their military service. This legislation would also establish a telephone hotline to help facilitate service for women veterans; require a study of the need for sexual-trauma services; require a report on VA services for veterans experiencing sexual trauma; require a report on the difficulties encountered by women in obtaining service-connection for sexual assault during service; and require VA and the military to provide women separating from service information on the availability of services for victims of sexual violence.

This amendment arises directly out of hearings held by the Veterans' Affairs Committee earlier this year which focused on the little-known problem of sexual assault of female military personnel. Based on a 1988 Department of Defense study that reported that 5 percent of women surveyed had been subjected to rape, attempted rape, or sexual assault while in military service, the committee believes that at least 60,000 of the Nation's 1.2 million women veterans may have been victims of sexual abuse, with another 800,000 having experienced nonphysical forms of sexual harassment.

The committee heard moving testimony from women veterans who had been sexually abused in the military, who indicated that their superiors did little to punish the abusers or to help the victims obtain counseling or medical care. After their separation from service, the witnesses reported that VA was unable to provide them with adequate services to help them deal with the long-term aftereffects of their experiences. The witnesses who appeared at our hearing were exceptional in that they were willing to come forward with their experiences; because of the nature of the acts that were committed against them as well as the criminal unresponsiveness of authorities to aid them when some did report them, tens of thousands of other women have not been able to bring themselves forward, preferring to suffer in silence.

Mr. President, the committee hearings came in the wake of last spring's Tailhook scandal that has rocked the Navy, and the entire military profession, to its core. I joined many of my colleagues at that time to condemn the culture of sexism that has permeated the military and allowed acts of sexual violence to flourish in secrecy. It is obvious that the military's long acceptance of a double standard fostered an environment in which dedicated women such as Navy Lt. Paula Coughlin, a highly capable helicopter pilot, could have the clothes torn from her body by her erstwhile male comrades-in-arms at a so-called professional development conference. That environment also led her commanding officer, a two-star admiral, effectively to condone the attack by declining to take appropriate action after she reported the incident to him.

In my opinion, the military must do more than fire the Secretary of the Navy or a few admirals. For, as is borne out by the Pentagon Inspector General's report released on Thursday, Tailhook is just the tip of the iceberg, the largest and most dangerous part of which floats hidden just beneath the surface. The Navy and the other services must revamp a culture that is sexist and inbred to the point where it threatens the viability of their mission. They must develop an infrastructure of programs and procedures that can effectively forestall sexual assault and provide psychological and medical care after a sexual attack takes place.

In this regard, VA also must look to revamp its policies with respect to the treatment of women veterans. In some respects, this is more important for women, since the psychological and physical effects of sexual assault are often long-term, and many women veterans will not come forward until many years after the fact, if ever. VA must undertake a comprehensive review of all policies and programs, from eligibility rules to the types of medical and psychological services that need to be provided to help these suffering individuals.

This amendment, of which I am pleased to be a cosponsor, represents an important first step in this process, Mr. President. It requires the responsible agencies of government to examine the extent of the problem and assess the availability of current resources, and it authorizes basic VA services that represent a significant first step toward fully addressing this terrible issue. I hope that the Senate will adapt this amendment, as well as the underlying measure, and that the House will join us in enacting a strong bill that is responsive to the needs of a long-overlooked population. Any attempt to delay or weaken this measure will exacerbate an already untenable and unacceptable situation.

Thank you, Mr. Chairman. I would like to recognize the leadership of the chairman and ranking minority member, and their respective staffs, in bringing both the women veterans amendment and the underlying health care bill to the floor. In particular, Senator CRANSTON should be singled out for bringing the issue of services for women veterans who have been victims of sexual assault to the Senate's attention. Once again, as he has for his entire Senate career, ALAN CRANSTON has demonstrated that governance and compassion are two sides of the same coin.

VETERANS HEALTH PACKAGE INCLUDING FEDERAL PROCUREMENT OF PHARMACEUTICALS

Mr. ROCKEFELLER. Mr. President, I rise to declare victory. A victory for our Nation's veterans and for our public health services. And a victory for the Members of the Senate who joined me in this year long crusade. I want each and every one of them to know how grateful I am for their contributions. Today, the Senate will enact legislation that will mean lifesaving and life-enhancing drugs will be made available to our Nation's veterans, and to citizens dependent on public health services, at a fair price.

This legislation was crafted in response to the outrageously escalating prescription drug costs that threatened the delivery cf health care services at VA Medical Centers across this country. Those price increases also jeopardized the ability of our Public Health Service clinics to continue to furnish those drugs to their clients. This legislation, which I am very proud to have sponsored and pushed through this process, insures that the Veterans Administration and Public Health Service will be given significant discounts on the prescription drugs which they purchase. It helps to restore the VA's health care budget, recouping almost $100 million. It will go a long way to rebuilding the health care programs that suffered from skyrocketing drug prices, and it will stop that unsustainable price escalation.

An extraordinary coalition of members joined forces to forge a bipartisan agreement on this complicated issue. And again, I want to pay tribute to their hard work and tenacity. Our goal was simple, even though the task was not—we sought to alleviate the pressure of high prescription drug costs on VA and other Federal purchasers. Achieving it took good faith and tough compromises on all sides.

In the Senate Veterans' Affairs Committee, Chairman CRANSTON and I joined with Senators SIMPSON and MURKOWSKI to develop a compromise

approach designed to address the specific concerns of VA.

In the Labor Committee, Senators KENNEDY and HATCH worked long and hard to develop a bipartisan measure to address the concerns of the Public Health Service clinics that have also been plagued by rising drug costs.

And I have been working since last year with a coalition of Members, including Senators CRANSTON, PRYOR, KENNEDY and MIKULSKI, to develop this legislation.

This issue first came to my attention in April, 1991, when I visited a West Virginia VA Medical Center. At a round table discussion on VA health care, the head of the pharmacy department asked me about an amendment in OBRA that caused the prices of prescription drugs to increase dramatically.

First, I explained that I voted for OBRA and strongly supported the Pryor amendment, which established the best price system to provide discounts to Medicaid. I explained that this would yield billions of dollars in Medicaid savings that would help pay for health care coverage for pregnant women and children. But the VA pharmacist told me that OBRA was having a devastating effect on VA drug prices. The last time I checked, this center had two vacancies in its pharmacy service, and they can't afford to fill them.

I learned that West Virginia was not the only State experiencing problems. According to surveys done annually by the House Veterans' Affairs Committee, VA Medical Centers across the country were reporting escalating prices for prescription drugs, and problems coping with the issue because of tight budgets. For example, San Antonio's VA totally exhausted its supply of some over-the-counter drugs in the last 2 months of fiscal year 1991, and patients were told they had to wait 2 months for prescriptions. To get further savings, San Antonio cut back on clinical care by reducing the number of cardiac catheterizations by half during the last 2 months. I understand that similar reductions in health care services and drugs available for veterans are happening across the country. It's alarming. We need to respond.

VA desperately needs relief. VA's budget of health care is stretched to the limit. Old medical equipment goes unreplaced in VA because they do not have the millions of dollars needed to replace the backlog of equipment. Some veterans who are considered discretionary patients cannot be served because their local VA medical center cannot afford it. Not all VA medical centers can afford new programs on PTSD or substance abuse treatment because of lack of funds.

VA is unlike most Federal health care programs because it is an appropriated expense, not an entitlement like Medicare and Medicaid. Consequently, it is essential to keep in mind that every extra dollar that must be spent on prescription drugs means a dollar less for other health care needs. It is that direct a relationship. Given the pressing financial needs of VA, it cannot be expected to absorb as much as $93 million more in prescription drug costs.

Once I became aware of the problem, I began working with a strong coalition of Members to find a fair, reasonable way to ensure that VA and other Federal purchasers would receive reasonable prices.

The coalition is comprised of Chairman CRANSTON, and Senators PRYOR, MIKULSKI and KENNEDY. We worked to develop a fair, comprehensive approach to this problem. My initial goal was to rollback prices for VA and all other Federal purchasers to the pre-OBRA levels, and I still believe this would be a reasonable approach, but it was subsequently modified to address grave concerns raised by the industry.

Our compromise will allow VA to negotiate fair prices by providing an exemption from best price calculations imposed by OBRA 1990.

But in developing our compromise, we were mindful of the concerns of the Chairman of the Finance Committee. We have crafted a solution that will maximize the benefits to the VA and provide optimum protection for veterans' health care in the future without disrupting the Medicaid rebate legislation, or encroaching on Senator BENTSEN'S jurisdiction.

This issue is a cross-jurisdictional concern. If we are going to be successful, we need Senator BENTSEN to help us finance this fix. If we're to protect VA health care, Senator BENTSEN'S concerns about the ramifications for the Medicaid population must be also addressed. They are concerns that we all share.

Chairman BENTSEN'S Finance staff suggested that we deal with the issues in the jurisdiction of the Finance Committee in a freestanding piece of legislation—separate and apart from the Veterans' Committee's concerns. That legislation will exempt the Federal Supply Schedule from best price calculation and it must be paid for. This exemption will be financed by a slight adjustment in the Medicaid flat rebate, similar to the provisions in the original amendment proposed by Senators SIMPSON and MURKOWSKI.

I also agreed to concede on the rollback, but we concurred—Democrats and Republicans—that VA deserves assurances that it would at least receive a discount equivalent to Medicaid's—and our bipartisan package will provide a 24 percent discount for VA drugs sold on the Federal Supply Schedule. This discount was calculated by CBO as the median Medicaid discount in the first quarter of fiscal year 1991. This is the time frame in which we began to realize the problem for VA.

Another key part of the compromise includes strong steps to ensure that drug companies continue to offer products on the Federal Supply Schedule by linking all Federal purchasers as an enforcement mechanism.

This is a critical enforcement mechanism that should insure that prescription drugs will remain available to VA. Under our compromise, drug companies will be asked to agree to sell their drugs to all Federal purchasers—on a drug by drug basis—at a reasonable price, or to decide to forego all their Federal business.

With the Federal Government's combined purchasing power of about 20 percent of the market, I believe there is plenty of incentive to make sure drug companies recognize it is in their best business interests to deal fairly with the Federal Government.

There are some other provisions in our compromise that will give VA the authority to negotiate fixed volume contracts for Federal purchasers like the Public Health Service. Initially this provision would have given the right to participate in this new buying group to all State, county and municipal health care programs, but we again compromised to address concerns raised. With this group purchasing arrangement, called the UPAC (Unified Pharmaceutical Award Contract), we are seeking to bring the effective negotiation tactics of the private market into the government procurement system.

I believe it will work and it will save VA—and American taxpayers—money.

But I also serve on the Finance Committee, and I am concerned about the problems all other Federal purchasers of prescriptions drugs face—Public Health Service Clinics; Indian Health Service Clinics. they, too, deserve relief from skyrocketing drug prices.

I believe that it makes the most sense to take a comprehensive approach for all Federal prescription drug purchasers. Senators KENNEDY and HATCH forged a compromise in the Labor Committee that responds to similar concerns that Public Health Clinics faced with escalating drug prices. I support this Kennedy-Hatch bill, and believe it ultimately should be part of the legislation we finally enact. Their legislation should be added as an amendment to our veterans bill momentarily.

This measure was also the result of bipartisan compromise, and I want to see it signed into law.

This whole bill is founded on the premise that the Federal Government is entitled to the best possible deal it can get for the American taxpayer. The Federal Government's prescription drug market share should dictate that we get a fail deal, but until OBRA 90, more often than not, we were not get-

ting it. And whether it's the voluntary UPACs provision (the coalescing of Federal purchasers who want to organize their sizable, limited volume contracts) or the linking of all Federal purchasers that forms our enforcement mechanism, this bill greatly increases the likelihood that the government will get a fair deal. So this legislation heralds the advent of a new era of Federal purchasing—its about the government getting smart about the use of its health care dollars—the American taxpayers' dollars. We will do well to remember this as we pursue comprehensive health care reform.

I congratulate all the Members of my coalition and thank Chairman BENTSEN for his patience and invaluable assistance. We can all be proud of our accomplishment here today because veterans and the recipients of public health services will be better served as a result.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge approval of the pending measure, S. 2575, the proposed "Veterans Health Programs Improvement Act of 1992," as reported by the Committee on September 15, 1992, (S. Rept. No. 102-401), and as it will be amended by a Committee modification that I am proposing.

Mr. President, the measure as reported—which I will refer to as the committee bill—is derived from five measures:

S. 2575, legislation I introduced with Senators DECONCINI, AKAKA, and DASCHLE on April 9, 1992, with Senator GRAHAM joining later as a cosponsor, to improve nurse pay legislation enacted as the Department of Veterans Affairs Nurse Pay Act of 1990 and to extend expiring authorities for certain VA health-care programs;

S. 2740, which I introduced with Senators DECONCINI, ROCKEFELLER, GRAHAM, and AKAKA on May 19, 1992, to expand and improve VA's preventive health programs;

S. 2372, which I introduced with Senators SPECTER, GRAHAM, and DASCHLE on March 19, 1992, with Senators ADAMS, GORTON, and SEYMOUR joining later as cosponsors, relating to recipients of VA needs-based pension who participate in therapeutic work programs at State Veterans' homes;

S. 1424, introduced by Senators CONRAD and BURDICK on June 28, 1991, with Senators DECONCINI, ROCKEFELLER, GRAHAM, AKAKA, DASCHLE, REID, FORD, LEVIN, HEFLIN, SANFORD, PRESSLER, GORTON, EXON, BENTSEN, BAUCUS, WIRTH, BINGAMAN, KOHL, RIEGLE, LEAHY, SHELBY, ADAMS, BOREN, PRYOR, and WOFFORD joining later as cosponsors, to expand VA's mobile health-care clinic program; and

S. 2715, introduced by Senators DECONCINI and SPECTER on May 14, 1992, with Senator WOFFORD joining later as a cosponsor, to establish a telephone service demonstration project in two VA medical centers.

Other provisions of the legislation are derived from an amendment offered by Senators ROCKEFELLER, SIMPSON, MURKOWSKI, and myself at the Committee's August 7, 1992, markup to ensure that VA health-care facilities can purchase drugs and biologicals at reasonable prices.

The Committee modification is derived from an amendment I submitted on September 24, 1992, with respect to VA collections from Medigap insurers and the provisions of S. 2973 as reported by the Committee on August 7, 1992, the proposed "Women Veterans Health Programs Act of 1992".

SUMMARY OF PROVISIONS

Mr. President, the committee bill has seven titles—Nurse Pay, Preventive Health Care, State Home Facilities, Rural Health-Care Clinics, Telephone Use Demonstration Project, Pharmaceutical Pricing Agreements, and Miscellaneous Expiring Authorities—which can be summarized as follows.

TITLE I—NURSE PAY

Mr. President, the provisions of title I would:

First, replace the current four-grade VA nurse pay schedule with a schedule of five grades, designated Nurse I through Nurse V.

Second, authorize the Secretary of Veterans Affairs to establish and adjust the rates of basic pay for employees in covered positions at the Veterans Memorial Medical Center in the Philippines and the VA Medical Center in San Juan, PR, in order to provide rates of pay necessary to recruit and retain qualified employees at those facilities.

Third, authorize the Secretary to permit the director of a VA health-care facility, in conducting a local wage survey for purposes of the VA locality-pay system, to use data on (a) beginning rates of compensation for employees in a labor-market area outside the one in which the VA facility is located if that other labor-market area is comparable and the director demonstrates that sufficient data cannot be obtained within the local area to establish competitive salaries; and (b) compensation received by certified registered nurse anesthetists [CRNA's] employed in salaried positions by firms that provide anesthesia services on a contract basis within the local labor-market area, if the data on salaries paid to CRNA's employed by non-VA helath-care facilities in that area are not sufficient to establish competitive salary rates.

Fourth, require the director of a VA health-care facility to include in the survey on which locality pay is to be based the minimum rates of pay actually paid to—rather than established for—employees in covered positions by non-VA facilities in the local labor-market area.

Fifth (a) authorize the Secretary to increase the rate of basic pay of an employee in a position covered by locality pay who, upon the request of the Secretary, transfers to a comparable or more responsible position at a VA health-care facility at which the rate of pay for the position is lower than that paid for such a position at the VA facility from which the employee transferred; and (b) require the Secretary to include information on the use of this authority in the annual report to Congress on the implementation of the Department of Veterans Affairs Nurse Pay Act of 1990.

TITLE II—PREVENTIVE HEALTH CARE

The provisions of title II would:

First, require VA's Chief Medical Director [CMD] to establish within the Veterans Health Administration [VHA] a National Center for Preventive Health [Center].

Second, require the Secretary to establish a Preventive Health Services Advisory Committee [Advisory Committee], which would include members, appointed by the Secretary upon the recommendation of the CMD, who have demonstrated interest and expertise in preventive health services, including both persons who are and who are not Federal employees and representatives of veterans who receive health services from VA.

Third, require the Director of the Center to (a) acquire, maintain, and disseminate information on clinical practices and research concerning preventive health services; (b) monitor implementation of the recommendations of the Advisory Committee; (c) facilitate cooperative research concerning health outcomes resulting from various preventive services; (d) advise VA health-care personnel regarding the conduct of preventive health services activities and research; and (e) issue annual reports regarding VA's preventive health services activities and research findings.

Fourth, authorize annual appropriations of $2.5 million for the Center and specify that the costs of the Center are to be paid from VA's Medical Care account.

Fifth, require the Advisory Committee to (a) advise the Secretary, through the CMD, regarding developments in preventive health services research and clinical activities; (b) respond to requests of the Secretary or the CMD for information on specific activities; and (c) submit to the Secretary, through the CMD, an annual report and any other reports the Committee considers appropriate.

Sixth, require the Secretary to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives within 90 days after receiving them, the reports of the Advisory Committee—other than the annual report, which would be transmitted with the Secretary's annual report to Congress—together with the Secretary's comments and recommendations.

Seventh, require the Secretary to submit to the Committees on Veterans' Affairs an annual report that would include detailed information concerning VA's preventive health services programs.

Eighth, revise the definition of the preventive health services that VA is authorized to furnish to include expressly periodic medical and dental examinations (including screening for high blood pressure, glaucoma, high cholesterol, and colorectal and gender-specific cancers), and patient health education (including education relating to nutrition, stress management, physical fitness, and smoking cessation).

TITLE III—STATE HOME FACILITIES

Mr. President, the provisions of title III would:

First, provide that neither a veteran's participation in or receipt of payments under a VA-approved State Veterans Home incentive therapy or compensated work therapy program would affect the veteran's eligibility for VA needs-based pension or the amount of the veteran's pension payments.

Second, extend from 90 to 180 days following conditional approval of a State's application for State Veterans Home Program grant, the period within which a State must meet all requirements for participation in the State Home Program.

Third, prohibit the obligation of funds for a State Home project until the beginning of the next fiscal year if a State fails to complete all requirements for participation in the State Home Program within the conditional-approval period.

Fourth, specify that the 20-year period during which VA may recapture funds for a facility no longer used as a State Home begins on the date on which the final architectural and engineering inspection is completed.

Fifth, require that VA payment of per diem for care furnished in a State Home facility commence on the date VA completes the inspection of the facility for recognition as a State Home if the Secretary subsequently determines, as a result of that inspection, that the facility meets VA's standards for recognition as a State Home.

TITLE IV—RURAL HEALTH-CARE CLINICS

The provisions of title IV would:

First, require VA, during the 3-year period beginning on October 1, 1992, to conduct a rural health-care clinic program in States in which significant numbers of veterans reside in areas geographically remote from existing health-care facilities, as determined by the Secretary.

Second, require VA to conduct the program through the use of (a) mobile health-care clinics equipped, operated, and maintained by VA personnel, and (b) part-time stationary clinics operated by VA personnel and through contracts with non-VA entities.

Third, require VA to furnish health-care services through the program at locations at least 100 miles from the nearest VA health-care facility, or in areas less than 100 miles from the nearest VA health-care facility which the Secretary determines to be appropriate for the furnishing of health-care services through the program.

Fourth, extend eligibility to receive health-care services through the program to all veterans who are eligible for VA health-care services.

Fifth, require VA to begin operating at least three rural health-care clinics, at least one of which must be a mobile health-care clinic, during each of the 3 fiscal years of the program.

Sixth, prohibit VA from operating as part of the program more than one rural health-care clinic in any State.

Seventh, require the Secretary, not later than December 31, 1996, to submit a report on the program.

Eight, authorize appropriations of $3 million in fiscal year 1993, $6 million in fiscal year 1994, and $9 million in fiscal year 1995 for the program, and permit only funds expressly appropriated for the program to be spent on it.

TITLE V—TELEPHONE USE DEMONSTRATION PROJECT

The provisions of title V would:

First, require VA to carry out at the Philadelphia and Tucson VA medical centers demonstration projects to assess the feasibility and desirability of installing telephones in VA health-care facilities and the use of such telephones by patients of VA health-care facilities.

Second, require VA to ensure that patients bear the financial responsibility for the cost of any long-distance telephone calls.

Third, require the Secretary to determine (a) the cost to each facility of the installation, use, and maintenance of telephones, and (b) the impact of the use of telephones on the quality of care furnished to veterans.

Fourth, require the Secretary, not later than September 30, 1994, to submit to the Committees on Veterans' Affairs a report on the demonstration projects.

TITLE VI—PARAMACEUTICAL PRICING AGREEMENTS

Mr. President, the provisions of title VI would:

First (a) require a manufacturer of a drug or biological, not later than 5 months after the date of enactment—as a condition of (1) selling the drug or biological to a Federal agency (the Department of Veterans Affairs (VA), the Department of Defense (DoD), or the Public Health Service (PHS)); (2) receiving payment for the drug or biological under the Medicaid Program; or (3) receiving payment for the drug or biological directly or indirectly from any entity that receives funds under the Public Health Service Act—to enter into a master agreement with the Administrator of the General Service Administration under which the manufacturer must agree to enter into Federal Supply Schedule [FSS], VA depot, and DoD depot pharmaceutical pricing agreements (described below); (b) require the manufacturer to enter into FSS, VA depot, and DoD depot pricing agreements for a drug or biological within 6 month of the date of enactment, or, if the Secretary of Veterans Affairs or Defense does not desire to enter into such an agreement during that time period, within 30 days after the Secretary concerned makes a request to enter into a pricing agreement; (c) require that prices charged to a Federal agency under FSS, VA depot, or DoD depot pharmaceutical pricing agreements be established in accordance with the provisions of the committee bill; (d) require that the Administrator of GSA prescribe procedures under which the Secretary of Veterans Affairs or Defense must notify a manufacturer of the Secretary's desire to enter into a FSS, VA depot, or DoD depot pharmaceutical pricing agreement; (e) with respect to a drug or biological first marketed after the date of enactment, require the manufacturer (1) within 2 months after the date on which such marketing begins (A) if the manufacturer has previously entered into a master agreement with GSA, to amend it to cover the new drug or biological, or (B) if the manufacturer has not previously entered into a master agreement, to enter into one, and (2) to enter into FSS, VA depot, and DoD depot pharmaceutical pricing agreements within 3 months after the drug or biological is first marketed or, if the Secretary of Veterans Affairs or Defense does not desire to enter into such an agreement during that time period, within 30 days after the Secretary concerned makes a request to enter into such a pricing agreement.

Second, provide that prices for single source and innovator multiple source drugs and biologicals procured through the FSS be determined as follows: (a) in the case of drug or biological that was on the FSS on September 1, 1990, an amount no greater than 76 percent of the Federal average manufacturer price [FAMP]—the average price paid by wholesalers—for the drug or biological during the most recent 12-month period prior to the effective date of a new FSS agreement for which FAMP data are available minus, in the case of a drug or biological for which the FAMP has increased during that 12-month period, an additional price discount equal to the amount, if any, by which the increase in the FAMP during that period exceeded the increase in the Producer Price Index-Finished Goods during that period; (b) in the case of a drug or biological that was not on FSS on September 1, 1990, but was approved for marketing by the Administrator of the Food and Drug Ad-

ministration prior to the date of enactment of the committee bill, an amount no greater than 76 percent of the FAMP for the drug or biological during the shorter of (1) the most recent 12-month period prior to the effective date of a new FSS agreement for which FAMP data are available, and (2) the period beginning on the date on which marketing of the drug or biological begins and ending on the effective date of the agreement, minus, in the case of a drug or biological for which the FAMP has increased during the applicable period, the additional price discount amount; (c) for a drug or biological that is approved for marketing by FDA after the date of enactment of the committee bill, an amount no greater than 76 percent of the FAMP for the drug or biological during the shorter of (1) the most recent 12-month period prior to the effective date of a new FSS agreement for which FAMP data are available, and (2) the period beginning on the date on which marketing of the drug or biological begins and ending on the effective date of the agreement; (d) authorize the Secretary of Veterans Affairs to negotiate a price that is nominally higher, as determined by the Secretary, than the FSS price that would otherwise be established for that single source or innovator multiple source drug or biological under the mechanisms established under the committee bill, if the Secretary determines that price is in the best interests of VA; (e) provide, in the case of a multi-year FSS agreement, that the price of a drug or biological may be increased on an annual basis by a percentage no greater than the increase in the Producer Price Index-Finished Goods during the preceding year; and (f) provide that a price negotiated under a subsequent FSS agreement would not exceed the price for the drug or biological on the effective date of the expiring agreement increased by the percentage increase in the Producer Price Index-Finished Goods from the effective date through the expiration date of the expiring agreement.

Third, with regard to data on the FAMP of a drug or biological (a) require manufacturers to report FAMP data to the Secretary of Veterans Affairs (1) before entering into an FSS (or VA depot) pricing agreement, for the 12-month period prior to the effective date of such an agreement, and (2) not more than 30 days after the end of the previous calendar quarter for each calendar quarter in which the FSS (or VA depot) agreement is in force; (b) authorize the Secretary to impose civil monetary penalties on manufacturers that fail to report data on their FAMPs in a timely fashion or that report false information; (c) authorize the Secretary to audit the relevant records of the manufacturer, or of any wholesaler who distributes the drug or biological, to determine the accuracy of FAMP data reported to the Secretary; and (d) provide for FAMP data transmitted to the Secretary to remain confidential.

Fourth, provide for the Secretary to negotiate with manufacturers to establish FSS prices for generic and nonprescription drugs and biologicals.

Fifth, provide that prices for single source and innovator multiple source drugs and biologicals procured through VA depots be determined in the same manner as those procured through the FSS.

Sixth, authorize State Veterans Homes to purchase drugs and biologicals at FSS prices.

Seventh, authorize VA to negotiate and award pharmaceutical contracts, to be known as Unified Pharmaceutical Award Contracts [UPACs], on behalf of (1) governmental entities, including State Veterans Homes and other Federal, State, county, and municipal health-care programs, and (2) certain Public Health Service-funded clinics; (b) require an entity which desires to participate in a UPAC to (1) enter into an agreement with VA on a periodic basis, as determined by the Secretary, to participate in a UPAC, (2) make a commitment to purchase a certain quantity of the drug or biological during the UPAC contract period, (3) provide adequate proof of fiscal capability to meet the purchase volume commitment, (4) provide reasonable evidence that the drug will not be diverted to for-profit sales, and (5) pay to VA's revolving supply fund a contract user fee to offset VA's administrative costs relating to UPACs; (c) authorize the Secretary to determine, for each UPAC agreement, which Governmental entities will participate in the UPAC; (d) authorize the Seceretary to impose civil monetary penalties on any Governmental entity that diverts to for-profit sales any drug or biological procured through a UPAC agreement.

Eighth, provide that prices for single source and innovator multiple source drugs and biologicals procured through Department of Defense depots be determined in the same manner as those procured through the FSS.

Ninth, with regard to data on the FAMP of a drug or biological (a) require the manfuacturers to report FAMP data to the Secretary of Defense, in a manner determined by the Secretary (1) prior to entering into a DOD depot pricing agreement, for the 12-month period prior to the effective date of such an agreement, and (2) not more than 30 days after the end of the previous calendar quarter for each calendar quarter in which the DOD depot agreement is in force; (b) authorize the Secretary of Defense to impose civil monetary penalties on manufacturers that fail to report data on their FAMP's to the Secretary in a timely fashion or that report false information; (c) authorize the Secretary to audit the relevant records of the manufacturer of a drug or biological covered by a DOD depot contract, and of any wholesaler who distributes that drug or biological, to determine the accuracy of FAMP data; and (d) provide for FAMP data transmitted to the Secretary to remain confidential.

TITLE VII—EXPIRING AUTHORITIES

Mr. President, the provisions of title VII would:

First, make permanent VA's authority to furnish respite care to veterans eligible to receive VA hospital, nursing home, or domiciliary care.

Second, extend for 4 years and 3 months, through December 31, 1996, VA's authority to enter into contracts with the Veterans Memorial Medical Center in the Philippines for the United States to provide for payments for hospital care and medical services to eligible United States veterans.

Third, make permanent VA's authority to waive the restrictions on receipt of military retirement pay contained in section 5532 of title 5 if necessary to met special or emergency needs for registered nurses resulting from a critical shortage of well-qualified candidates.

Fourth, extend for 5 years and 3 months, through December 31, 1997, the authority for the Department of Veterans Affairs Health Professional Scholarship Program.

Fifth, make permanent VA's authority to make grants to States for the construction or renovation of State Veterans Homes.

Mr. President, because the various provisions in the committee bill are described in detail in the committee report (S. Rept. No. 102-401), at this time I will discuss only certain provisions that I want to highlight. I refer my colleagues and all others with an interest in this bill to the committee report.

NURSE PAY PROVISIONS

Mr. President, title I of the committee bill contains various amendments to the Department of Veterans' Affairs Nurse Pay Act of 1990, Public Law 101-366—which I will refer to as the Nurse Pay Act—that would further the act's goal of providing VA with the tools necessary to establish appropriate locally competitive salary rates for registered nurses [RN's] and certified registered nurse anesthetists [CRNA's] and for certain other health-care personnel for whom the Secretary identifies a need to implement a system of locally competitive wages. I note that H.R. 5192, a veterans' health-care measure reported by the House Committee on Veterans' Affairs on June 26, 1992, contains similar provisions.

BACKGROUND

The Nurse Pay Act replaced VA's national salary schedule for RN's and CRNA's with a locality-pay system under which salaries for RN's and CRNA's at each VA health-care facility are established in relation to salaries

and other benefits provided to RN's and CRNA's by non-VA health-care facilities in the same local labor-market area and authorizes VA to establish locality pay systems for certain other health-care occupations.

Overall, the act appears to have been a success. Since its implementation in April 1991, recruitment and retention of RN's and CRNA's has improved significantly at many VA health-care facilities. As is often the case with new endeavors, however, some problems persist. The committee bill addresses certain matters that require legislative solutions.

ADDITIONAL NURSE PAY GRADE

Mr. President, the committee bill would add a fifth grade to the four-grade pay schedule for RN's and CRNA's. The Nurse Pay Act replaced the existing schedule of eight pay grades for RN's with a schedule of four pay grades that were designated as director, senior, intermediate, and entry grades. Soon after the new four-grade system was implemented, the committee began to receive reports that RN's in the upper steps of the intermediate and senior grade were experiencing serious pay compression.

Because VA chose to limit the number of steps and ranges of salary in a grade, the conversion from an eight-grade to a four-grade system reduced the total number of pay levels within the nurse pay schedule. This reduced the number of opportunities an RN would have for salary increases and limited VA's ability to make salary distinctions among RN's with various qualifications and responsibilities. Many RN's view the reduction in the number of opportunities for salary increases as a loss of potential earnings. Some RN's argue that pay compression discourages experienced RN's from remaining in clinical positions—despite the fact that encouraging them to do so had been one of the main goals of the 1990 Nurse Pay Act. In addition, under the four-grade system, RN's with disparate responsibilities are more likely to be assigned to the same step within a grade, a situation which may have a detrimental impact on morale at VA health-care facilities. For example, at some VA health-care facilities an experienced head nurse may earn a salary equal to or higher than the salary of an assistant chief nurse with fewer years of service, despite the fact that assistant chief nurses have greater administrative responsibilities than head nurses, including supervision of head nurses.

Mr. President, I continue to believe that a flexible, market-driven, locally competitive pay system enhances VA's ability to recruit and retain highly-qualified RN's. However, I also recognize the severity of the pay compression problem, especially among the approximately 27,000 RN's serving in intermediate grade positions.

Section 101 of the committee bill would enable VA to relieve the pay compression experienced by RN's in the intermediate and senior grades by replacing that four-grade system with a system of five grades. An additional grade for RN positions would establish additional pay levels in the nurse schedule that would allow for more equitable distinctions in rates of compensation paid to an extensive range of clinical and supervisory nurses. I expect VA to revise the qualification standards for the various grades to accomplish that purpose.

IMPORTATION OF DATA FROM COMPARABLE LABOR MARKET AREAS

Mr. President, section 103 of the committee bill would authorize the Secretary to permit the director of a VA health-care facility, in conducting a survey to establish locally competitive rates of pay for covered positions, to use data on beginning rates of compensation for employees in comparable positions at non-VA facilities in a labor-market area outside the area in which the VA facility is located if that other market area is comparable and the director demonstrates that sufficient data cannot be obtained within the local area to establish competitive salaries.

Directors of some VA health-care facilities, primarily facilities in rural areas, have experienced difficulty in obtaining sufficient data to establish competitive salaries, because their facilities are located in labor-market areas in which a very small number of non-VA facilities are located or in which no non-VA facilities employ personnel in certain covered positions. The ability to use data on salaries paid by non-VA facilities in comparable labor-market areas would give the directors of such facilities an additional tool to use in establishing appropriate salary rates. Use of this authority would be contingent upon a director's ability to demonstrate, in accordance with regulations prescribed by the Secretary, that sufficient data could not be obtained on salaries paid by non-VA facilities within the local labor-market area in which a VA health-care facility is located.

USE OF DATA ON SALARIES PAID TO CERTIFIED REGISTERED NURSE ANESTHETISTS BY ANESTHESIA CONTRACTORS

Section 103 also would authorize the director of a VA health-care facility to use, in accordance with regulations prescribed by the Secretary, data on compensation received by certified registered nurse anesthetists, CRNA's, employed on a salary basis by entities that provide anesthesia services on a contract basis within the local labor-market area, if the director demonstrates that data on salaries paid to CRNA's employed by health-care facilities in that area are not sufficient to establish competitive salary rates.

CRNA's have criticized the Nurse Pay Act because it requires VA to survey only salaries paid by non-VA health-care facilities despite the fact that many non-VA health-care facilities do not employ CRNA's but, instead, obtain their services through arrangements with firms that provide anesthesia services on a contract basis. These anesthesia services contractors compete directly with VA facilities for CRNA's. By authorizing VA facility directors, where necessary, to survey compensation paid to CRNA's employed by anesthesia contractors on a salary basis, section 103 would improve VA facility directors' ability to establish locally competitive rates of pay for CRNA's.

PREVENTIVE HEALTH

Mr. President, title II of the committee bill reflects my and our committee's longstanding efforts to improve and expand VA's preventive-health programs.

BACKGROUND

In this time of vigorous debate regarding the fate of our Nation's health-care system, prevention may be the one thing on which all parties can agree. Many of the health-care reform proposals introduced during the 102d Congress recommend expansion of preventive health services.

Mr. President, I feel quite strongly that VA's current preventive health efforts need to be strengthened. On paper, VA has a well-planned preventive services program. The areas covered include screening tests—for hypertension, cholesterol, and colorectal, cervical and breast cancer—influenza immunization, and inquiry and counseling—regarding smoking, alcohol abuse, nutrition and weight control, physical fitness and exercise, and seat belt usage.

With the exception of the annual preventive initiatives, most preventive interventions are performed in a sporadic and unsystematic manner. Overworked clinicians have little time to counsel patients or explore symptom patterns and, thus, find it difficult to offer any preventive services beyond rudimentary tests of vital signs and perfunctory dietary advice.

A Preventive Medicine Program Office was established in VA in 1985. However, no funds are dedicated specifically to preventive health services nor is there an official in VA Central Office with sole responsibility for implementing VA's preventive health goals. Each VA medical center is required to have a designated preventive medicine coordinator [PMC]. However, designation as a PMC does not constitute a full-time position but rather the assumption of additional duties which the individual may not have sufficient time to perform.

Title II of the committee bill contains provisions which encompass clinical practice, research, and health professional education. Clinical practice of preventive care, in and of itself, is a

worthy endeavor. However, it benefits only those veterans receiving preventive health services. Clinical research on preventive health services, on the other hand, benefits both current and future VA patients, by enabling VA to determine which preventive health services are most effective. VA preventive health services research benefits nonveterans as well, as research findings are likely to have implications for the furnishing of preventive health services by non-VA providers. Similarly, integration of prevention into VA training programs for health professionals would provide these professionals with skills and knowledge they can use throughout their careers.

Section 203 of the committee bill would require the Secretary to establish a National Center for Preventive Health, which would be a focal point for the acquisition, development, and dissemination of information on VA and non-VA preventive-health clinical practices and research and would facilitate cooperative research concerning health outcomes resulting from various preventive services. Issues that the Center could address include the long-term relationships among screening activities, treatment, and the morbidity and mortality outcomes and the cost effectiveness of specific preventive health services.

The enactment of legislation establishing a VA National Center for Preventive Health would be a significant contribution to, and make clear the Congress' strong interest in, the improvement and expansion of the promising preventive health services programs currently operated by VA. It would signal to the rest of the healthcare community, as well, Congress' firm belief in VA's potential to become a leader in preventive health research.

Section 204 of the committee bill would establish a Preventive Health Services Advisory Committee to assist the Secretary and the Chief Medical Director.

The Preventive Health Services Advisory Committee would include clinicians and researchers, health services researchers, as well as representatives of veterans who are furnished healthcare services in VA facilities. It could serve as a conduit for information concerning the theory and practice of preventive health services in non-VA institutions. Furthermore, the Secretary could turn to the Advisory Committee for guidance and advice on matters or in situations where the ethical decisions are not clearly evident.

PHARMACEUTICAL PRICES

Mr. President, title VI of the committee bill contains the provisions of an amendment that Senators ROCKEFELLER, SIMPSON, and MURKOWSKI and I offered at the committee's August 7 markup. These provisions are designed to ensure that VA health-care facilities have access to reasonable prices for drugs and biologicals.

On November 5, 1990, legislation enacted in section 4401 of the Omnibus Budget Reconciliation Act of 1990 [OBRA 90] established the Medicaid Outpatient Prescription Rebate Program. That legislation, derived from S. 3029 of the 101st Congress, introduced by Senator DAVID PRYOR, and H.R. 5589 of the 101st Congress, introduced by Representatives RON WYDEN and JIM COOPER, was intended to reduce the approximately $5 billion in annual State and Federal expenditures for drugs prescribed to Medicaid beneficiaries on an outpatient basis. The Congressional Budget Office estimates that the rebate program yielded $176 million in savings in Federal Medicaid costs during fiscal year 1991 and will yield $705 million in such savings during fiscal year 1992.

The Medicaid Rebate Program appears to be achieving the goal of reducing Medicaid expenditures for pharmaceuticals. Unfortunately, the program also has resulted in unintended, adverse consequences for VA and other Federal agencies that directly furnish health-care services. I first became aware of the impact of the Medicaid Rebate Program on VA's pharmaceutical costs nearly 18 months ago. At a February 27, 1991, Committee on Veterans' Affairs hearing on VA's budget for fiscal year 1992, VA officials indicated that the administration's budget request would not be sufficient to absorb the unanticipated, dramatic increases they had begun to encounter in Federal supply schedule [FSS] and VA depot prices for drugs and biologicals. VA officials claimed that these increases were due in large part to some manufacturers' efforts to avoid having to provide State Medicaid programs—through the "best-price" mechanism—prices as low as pre-OBRA 90 FSS prices. VA's experience since that initial warning convinces me that Congress must not wait any longer to address this complex problem.

Since the enactment of OBRA 90, VA has made efforts to control pharmaceutical costs through management initiatives. VA officials have negotiated depot and single-award contracts—which are exempt from Medicaid best-price rebate calculations under OBRA 90—for some drugs and biologicals previously purchased solely through the FSS. Individual VA health-care facilities have instituted more rigid controls over physicians' prescribing practices, mandating use of generics and therapeutic equivalents in many circumstances. Some of these actions—which are described in the committee report—constitute prudent and appropriate efforts to manage scare resources. Others raise questions about the ability of individual VA healthcare facilities to furnish high-quality health-care services.

The impact of drug-price increases on VA is not confined to its pharmacies. Many VA facilities are coping with increases in pharmaceutical costs by diverting to drug purchases funds from other aspects of their operations. Partly as a response to the increased costs of drugs and biologicals, some VA facilities have reduced their outpatient rolls, canceled outpatient clinics, instituted hiring freezes, and delayed maintenance projects, or are planning such actions. Such actions mean longer waiting times for scheduled appointments or loss of access to VA healthcare services for individual veterans, fewer nurses on inpatient wards to respond to patient needs, and the continued use of worn-out or out-dated medical equipment. Because reduction of discretionary workload is one of VA's most widely utilized methods for reducing expenditures, the situation is particularly serious for veterans who are eligible for, but not entitled to, the VA health-care services they have received in the past and who otherwise may not have access to such services.

Mr. President, I will highlight briefly the four main components of title VI of the committee bill. First, the legislation would establish a 24-percent minimum percentage discount for single source and innovator multiple source—generally known as brand name—drugs and biologicals. The reasons for establishing a minimum percentage discount are twofold. First, it would ensure that manufacturers will once again provide discounts for drugs and biologicals purchased through the FSS and VA depots. Prior to the enactment of OBRA 90, FSS and VA depot prices were among the best prices available to any purchasers in the United States. Without a legislative remedy, such as the enactment of a minimum percentage discount, there can be no guarantee that VA will once again be able to purchase drugs and biologicals through FSS and VA depots at discounted prices. Use of a minimum percentage discount for FSS and VA depots to ensure VA's access to reasonable prices is consistent with the objectives of the basic rebate provisions of the Medicaid rebate statute, which require manufacturers to provide rebates to Medicaid equal to the lesser of the best price available to any other purchaser or a minimum percentage discount—12.5 percent in 1992 and 15 percent thereafter.

Second, this minimum-percentage-discount mechanism would also ensure that VA receives discounts for drugs and biologicals approved since the enactment of OBRA 90. During the coming years, increasing numbers of expensive, genetically engineered drugs are expected to be approved by the Food and Drug Administration. For example, within the next year, FDA is expected to approve a monoclonal antibody, known as HA-1A, to treat gram negative sepsis, an infection common among patients in intensive-care units. VA officials estimate that use of this

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potentially life-saving drug could cost VA $60 million per year. Because no therapeutic equivalents are likely to be available for many of these genetically engineered drugs, VA may have great difficulty negotiating discounts for these and other drugs and biologicals approved by FDA in the future unless legislation is enacted to provide minimum price discounts.

The minimum percentage discount contained in the committee bill reflects the Congressional Budget Office's estimate of the median percentage discount received by the Medicaid Program during the first quarter of calendar year 1991 under the best price and minimum-percentage-discount mechanisms. The median Medicaid discount for the first quarter of calendar year 1991 represents the closet possible approximation to pre-OBRA 90 best prices for drugs and biologicals. Since that time, the best prices for many drugs and biologicals have increased significantly, causing Medicaid's median percentage discount to decrease. In light of the need to stabilize FSS and depot prices at pre-OBRA 90 levels plus inflation, the committee views the use of this percentage as most appropriate. VA pharmacy officials estimate that a 24-percent discount likely would enable VA to recover the increased costs that VA estimates to be attributable to manufacturers' reactions to OBRA 90. According to the Congressional Budget Office, enactment of this legislation could yield $40 to $60 million per year in savings for VA for drugs and biologicals purchased through the FSS, which account for 50 percent of VA's total expenditures for drugs and biologicals.

Another feature of the committee bill, the additional price discount amount, is very similar to the additional rebate mechanism in the Medicaid rebate statute. The additional-price-discount mechanism would increase the minimum percentage discount for a drug or biological by an amount equal to the amount, if any, by which the increase in the FAMP exceeded any change in the producer price index-finished goods during the 12 months prior to a manufacturer's entering into an FSS, VA depot, or DOD depot price agreement. The net effect of the additional price discount mechanism is to contain the rate of inflation in pharmaceutical prices by providing manufacturers with a disincentive to increase their prices to VA at rates greater than the general rate of inflation.

Other provisions of the committee bill establish specific, fixed standards for FSS, VA depot, and DOD depot prices and ensure that future increases in such prices would not exceed increases in the general rate of inflation. Such criteria are necessary to ensure that the committee bill does not perpetuate a flaw of the Medicaid rebate statute. Under OBRA 90, Medicaid's best-price rebate for a drug or biological is determined on the basis of the manufacturer's price at the time of the rebate. In order to reduce the amount of these rebates, many manufacturers have eliminated or reduced the discounts they previously provided to the FSS and certain non-Federal bulk purchasers. Such actions precipitated significant increases in these purchasers' prices and may reduce the total savings Medicaid will achieve through the rebate program. Manufacturers would not have been able to do that if a fixed benchmark—rather then current prices—had been established to serve as a basis for Medicaid best-price rebate calculations.

Finally, the committee bill contains a mechanism to require manufacturers to sell drugs and biologicals through the FSS and Federal depots in accordance with the pricing mechanisms established in the legislation. The pharmaceutical industry is partially immune to many of the market forces which promote price competition in other industries. There are many drugs and biologicals for which no generic or therapeutic equivalents are available. Even when such drugs and biologicals are available for substitution, there are limits to the appropriateness of substituting one drug for another.

Moreover, VA's share of the U.S. pharmaceutical market—approximately 1 percent—is too small to provide a strong incentive for manufacturers to lower their prices to VA. Unless the market shares of these Federal agencies and federally funded healthcare facilities are combined with those of other, larger, federally funded health care programs, theoretical market forces are not likely to be sufficient to ensure that these agencies and facilities are charged reasonable prices for and have access to all the drugs and biologicals they need.

Mr. President, I note that the committee bill is only one part, albeit a large part, of the solution required to ensure that VA and other Federal agencies have access to reasonable prices. The other integral part of the solution is an exemption of FSS prices from Medicaid best-price rebate calculations. Without an exemption, Medicaid would have access to FSS prices determined using the minimum discount mechanisms established under the Committee bill. To the extent these FSS prices would be the best prices charged to any purchaser for any drugs subject to Medicaid best-price rebate calculations, these prices would become Medicaid's net prices for such drugs.

The committee has never intended that the FSS prices established under the Committee bill would be subject to Medicaid best-price rebate calculations. The reason the Committee has not acted on legislation that would exempt FSS prices from Medicaid best-price rebate calculations is that any changes in the Medicaid rebate program fall under the jurisdiction of the Finance Committee. Thus, Senator ROCKEFELLER, Senator SIMPSON, Senator MURKOWSKI, and I have been working with Senator BENTSEN, Chairman, and Senator PACKWOOD, Ranking Republican member, of the Finance Committee, to develop legislation that would exempt FSS prices from Medicaid best-price rebate calculations and provide an appropriate offset for costs Medicaid may incur as a result of the exemption. One alternative would be to increase the Medicaid minimum rebate percentage by an amount sufficient to offset the estimated $40 million cost of the FSS exemption. However, I am certainly willing to consider any other proposal developed by the Finance Committee that would yield equivalent savings for the Medicaid program.

With regard to Finance Committee action on an exemption of FSS prices from Medicaid best-price rebate calculations, Senator BENTSEN stated in an August 6, 1992, letter to Senator ROCKEFELLER, "I continue to support an exemption of VA prices from Medicaid best price calculations." I note that Senator BENTSEN and the Finance Committee's ranking Republican, Senator BOB PACKWOOD, plan soon to bring before the Senate legislation that would contain provisions that would exempt FSS prices from Medicaid best-price rebate calculations and an appropriate offset for any costs Medicaid may incur as a result of the exemption. I urge my colleagues to support that legislation in order to ensure that the Committee's intent is carried out in this regard.

In addition, the Committee expects that, as a result of such an exemption of FSS prices from the Medicaid best-price rebate mechanism, prices paid for drugs and biologicals under contracts that reference FSS prices as a basis for rebates or discounts would not be used to calculate Medicaid best-price rebates. For example, at least one State program, New York's Elderly Pharmaceutical Insurance Coverage, EPIC, program, uses FSS prices as a basis for calculating rebates and discounts for drugs and biologicals dispensed to beneficiaries of its outpatient drug reimbursement program. If EPIC prices were to continue to be used as a reference for calculating Medicaid best-price rebates, FSS prices would remain the de facto Medicaid best prices for those drugs and biologicals for which the FSS price is the lowest price charged to any purchasers subject to Medicaid best-price rebate calculations. Such a result could undermine the Committee's goal that VA officials and manufacturers negotiate the lowest possible prices for all drugs and biologicals procured through the FSS. In order to ensure that FSS prices do

not indirectly become the basis for best-price rebate calculations, I encourage the Finance Committee, in its drafting of the FSS exemption, to include a provision similar to that found in section 215 of S. 869 as passed by the Senate on November 20, 1991.

Mr. President, I urge my colleagues to support the Committee's efforts to secure enactment of VA drug price legislation before the end of the 102nd Congress. Time is running out for VA and other Federal agencies that purchase drugs and biologicals. Unless Congress acts quickly, the shortfalls in VA health-care facilities' pharmacy budgets will grow more severe, resulting in further cutbacks in VA health-care services. Our Nation's veterans and other beneficiaries of Federal health-care programs cannot afford to wait until next year for Congress to address this issue.

COMMITTEE MODIFICATION

Mr. President, at this point, I will discuss the provisions of the Committee modification that I am proposing. The provisions of this modification are derived from Amendment No. 3175, which I submitted on September 24, 1992, regarding VA reimbursements under Medigap insurance policies, and S. 2973 as reported by the Committee on August 7, 1992, the proposed "Women Veterans Health Programs Act of 1992." Other provisions of this modification amend title VI of the Committee bill, which concerns prices charged for drugs and biologicals purchased through the FSS, VA depots, and DoD depots. I will at this time summarize the provisions of the modification and discuss certain key provisions.

Mr. President, the Committee modification contains five changes in title VI of the Committee bill, which relates to the prices VA pays for pharmaceuticals. First, the Committee modification would replace the term Federal average manufacturer price (FAMP) with the term non-Federal average manufacturer price (non-FAMP) and would define that term so as to provide that, in the case of a drug or biological for which the majority of units sold are distributed to the retail class of trade, prices paid to wholesalers for distribution of the drug or biological to the retail class of trade would be used to calculate the non-FAMP. In addition, that term has been modified so as to require that only prices paid wholesalers in the United States be used to calculate the non-FAMP.

The Committee modification also would change the price index that would be used to determine additional price discount amounts and maximum annual price increases under multiyear FSS, VA depot, and DoD depot contracts. The Producer Price Index—Finished Goods would be replaced with the Consumer Price Index for all urban consumers (U.S. city average) (CPI). This modification reflects an effort to make the Committee bill consistent with other pharmaceutical price rebate and discount legislation. The CPI is used to determine additional rebate amounts under the Medicaid outpatient prescription drug rebate program. Under H.R. 2890, the proposed "Medicaid and Department of Veterans Affairs Drug Rebate Amendments of 1992," which the House of Representatives passed on September 22, 1992, the Secretary of Veterans Affairs would be required to use the CPI to determine additional price discounts for drugs and biologicals purchased through the FSS and VA depots.

Third, the Committee modification would revise provisions of the Committee bill relating to the second and all subsequent FSS, VA depot, and DoD depot contracts entered into after this measure is enacted. Under the Committee bill, the price for a drug or biological during the first year of the first FSS, VA depot, or DoD depot contract entered into after enactment of this bill could not exceed 76 percent of the Federal average manufacturer price (FAMP) for the preceding year less the additional price discount amount. The price during the first year of a subsequent contract could not exceed the price during the first year of the expiring contract increased by an amount no greater than the increase in the Producer Price Index—Finished Goods during the duration of the expiring contract. Since reporting the Committee bill, the Committee has reached the conclusion that this provision may thwart the Committee's goal of enabling VA and DoD to negotiate the lowest possible prices for drugs and biologicals. Under the Committee bill, a manufacturer might be reluctant to negotiate a discount greater than 24 percent plus the additional price discount amount under the first contract entered into after enactment, because that price would serve as a base for prices entered into under subsequent contracts. The Committee modification would alleviate this disincentive for deeper discounts by replacing the provisions of the Committee bill pertaining to subsequent contracts with provisions that would require that prices under subsequent contracts not exceed 76 percent of the FAMP for the preceding year less the additional price discount amount.

In addition, the Committee modification would modify the provisions of the Committee bill that authorize the Secretary to negotiate unified pharmaceutical award contracts (UPACs). Specifically, these modifications would clarify that only entities that directly furnish health-care services would be eligible to participate in UPACs; limit the types of entities eligible to participate in UPACs; provide that the Secretary's authority to negotiate UPACs would expire on December 31, 1997; and require the Secretary to submit to Congress a report on the use of this authority.

Under a UPAC, the market shares of various governmental entities that furnish health-care services would be combined to form a buying group that would commit to purchasing a large quantity of a drug or biological. Pharmaceutical manufacturers have expressed concern regarding the impact that UPACs might have on access to necessary medications for veterans and patients of other entities eligible to participate in UPACs. I want to reassure them that the Committee bill is not intended to change the practices by which VA and other eligible entities provide drugs and biologicals to their patients. VA and other entities participating in a UPAC would commit to purchasing a specified volume of a drug or biological but would not be prohibited from purchasing and prescribing other drugs and biologicals in the same therapeutic class.

Pharmaceutical manufacturers also have indicated that they do not believe that VA should take on the responsibility of negotiating contracts for the 83,000 governmental entities manufacturers estimate would be eligible to participate in UPACs. Although I continue to believe that the UPAC provisions of the Committee bill have the potential to enhance VA's ability to furnish high-quality health-care services, the Committee modification responds to this concern by limiting eligibility to participate in UPACs to entities funded by VA and other Federal agencies. Participation would be limited to VA, other Federal departments and agencies, State veterans homes, and the Public Health Service-funded entities eligible to receive discounts under the amendment being offered to the Committee bill by Senators KENNEDY and HATCH. This would still enable the UPAC concept to be implemented on a fairly large scale and, I believe, represents a sound approach for testing out this promising concept.

In addition, I reiterate that the price for a drug or biological under a UPAC would be freely negotiated between the Secretary of Veterans Affairs and the manufacturer. That price would not be subject to the 24-percent minimum discount and additional price discount provisions that would apply to the FSS and VA depot prices under other provisions of the Committee bill.

Finally, the Committee modification contains a provision which would correct a technical error in the definition of weighted average price in the Committee bill.

Mr. President, this modification also will add two new titles, "Sexual Trauma Services" and "Health Care for Women Veterans," and one new section, "Third-Party Reimbursements for VA-Furnished Health Care," to S. 2575.

The provisions of these two new titles are described in detail in the Committee report (S. Report No. 102-409) accompanying S. 2973.

THIRD-PARTY REIMBURSEMENTS FOR VA-FURNISHED HEALTH CARE

Mr. President, new section 906 of the bill, regarding reimbursements, would:

SUMMARY OF PROVISIONS

First, prospectively expressly include Medicare supplemental insurance carriers in the class of third-party payors from whom VA can collect reimbursement for care provided to beneficiaries of those policies.

Second, require the Secretary, in consultation with the Secretary of Health and Human Services, to establish procedures for the treatment of claims involving Medigap policies, including the review of such claims by an entity or entities jointly designated by the Secretaries of Veterans Affairs and Health and Human Services, to determine the extent to which the cost of such care or services would be covered under the Medicare program if furnished by a Medicare-participating facility, thereby making it possible to ascertain the amount for which the insurers would be liable.

Third, provide for the collection of a fee for each VA claim reviewed that would reflect the estimated cost of processing the claim.

Fourth, provide that the provisions of this amendment would apply with respect to the recovery of costs for care and services furnished after the date of enactment.

Fifth, replace the term "veteran" with "VA beneficiary" throughout section 1729, relating to VA's Medical Care Cost Recovery program, so as to authorize VA to collect from third-party payors the costs of care furnished to any VA beneficiary, which would include a veteran's dependent furnished care in a VA facility under section 1713.

BACKGROUND

Section 1729 of title 38, United States Code—which as enacted in April 1986 in the Consolidated Omnibus Budget Reconciliation Act of 1985 and amended in the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990)—authorizes VA to collect from third-party payors, other than Medicare and Medicaid, the reasonable costs of care furnished by VA to eligible veterans for nonservice connected conditions.

Mr. President, while a few Medigap carriers have paid VA for care furnished to veterans, others have disputed VA's billing under this authority. The carriers argue, in part, that the authority does not apply to Medigap policies because these policies are supplementary to Medicare and, since Medicare is excluded from VA's collection efforts, these policies should also be excluded. Three Federal district courts, in Alabama, Maryland, and Pennsylvania, have ruled in cases in which VA has pursued collections from Medigap carriers that current law does cover Medigap policies. The insurers are appealing those decisions. This provision is not intended to have any effect on those or any other cases relating to claims for reimbursement for care furnished by VA before the date of enactment.

Mr. President, the issue whether VA has the authority to bill Medigap carriers for care given by VA to veterans who are covered by Medigap policies has remained in dispute since 1986.

Part of the Medigap insurers' opposition to such coverage is based on their position that Medigap policies are organized differently from other health insurance policies. As their name suggests, Medicare supplemental insurance policies serve to cover the deductibles and copayments that Medicare beneficiaries are charged for Medicare-covered service—rather than generally cover the beneficiary's healthcare costs as conventional health insurance policies do.

As of September 1, 1992, Medigap policies must conform to one of ten standardized plans, all of which must include a core benefit package including the daily copayments charged for lengths of stay over 60 days ($163 for the 61st through the 90th day in 1992); payments for Medicare's 60 lifetime reserve days ($326 per day in 1992); 100 percent of Medicare part A eligible expenses after all Medicare hospital benefits have been exhausted; the reasonable costs of the first three pints of blood per calendar year; and 20 percent of the coinsurance amount for part B services after the $100 annual deductible. Nine of the ten standard Medigap policies include coverage of the part A inpatient hospital deductible, which for 1992 is $652 per Medicare benefit period. Other plans may include varying amounts of coverage for certain foreign travel emergencies, at-home recovery, skilled nursing facility coinsurance, preventive medical care, and prescription drugs.

Mr. President, this provision would provide explicitly for VA recovery from medigap carriers. To facilitate the resulting billing effort, the provision would direct VA to arrange for billing review according to Medicare standards through an entity or entities chosen jointly by the Secretaries of Veterans Affairs and Health and Human Services. These reviewing entities might well be intermediaries with which HHS contracts for its reviews of Medicare claims.

A fee payable to the reviewing entity based on the cost of the billing-review process, would be deducted from the amount of the claim paid by the Medigap insurer. This arrangement would allow an intermediary to interpret VA's bill, determine for what services Medicare would have paid if the VA medical center had been a Medicare-participating provider, and submit that determination to the Medigap carrier. HCFA and the current Medicare intermediaries have the expertise and procedures to do this claims processing, but this provision would not mandate that the Secretaries choose them as the conduit for these bills.

Mr. President, I want to make one point clear: By submitting VA bills to a review that would determine what Medicare would have paid had these been Medicare claims, this provision would not place VA's medical care decisions under the jurisdiction of the Medicare program. VA is responsible for the quality of the care furnished in VA facilities, and its standards for quality of care are comparable to those required by the Medicare program. However, they are administered through different channels. The provision that I am proposing would not change that. The claims-review process would determine whether VA should be reimbursed and, if so, provide a basis for determining in what amounts. It would not have the responsibility or authority to direct or indicate what care VA should provide. I have consulted with insurers and VA regarding this approach—and all agree that it is a feasible and efficient one.

SECUAL TRAUMA SERVICES

Mr. President, the proposed new title VII of the Committee bill, as added by the Committee modification, contains the text of title I of S. 2973, the proposed "Women Veterans Health Programs Act of 1992," as reported by the Committee on Veterans' Affairs on August 7, 1992. These provisions are derived from S. 2973 as I originally introduced it on July 2, 1992. The bill is cosponsored by Committee members DENNIS DECONCINI, JOHN D. ROCKEFELLER, IV, BOB GRAHAM, DANIEL K. AKAKA, THOMAS A. DASCHLE, JAMES M. JEFFORDS, and Senators PAUL SIMON and JOHN F. KERRY. Joining later as cosponsors were Committee member GEORGE J. MITCHELL, and Senators EDWARD M. KENNEDY, ALAN J. DIXON, KENT CONRAD, BARBARA MIKULSKI, and the late Senator Quentin N. Burdick.

Mr. President, the provisions of new title VII of the Committee bill would:

SUMMARY OF PROVISIONS

First, require VA, in the case of a woman veteran whom a designated VA health-care professional has found to be in need of counseling or treatment for sexual trauma that occurred during service, to provide her with health-care services necessary in connection with the trauma on the same basis as VA is required to provide care for service-connected disabilities.

Second, authorize VA, through December 31, 1994, to furnish these services through contracts with non-VA providers and require by March 31, 1994, a report on the use of this authority.

Third, require VA to provide for women veterans a toll-free, 24-hour information and referral telephone line,

staffed by personnel trained to facilitate access to services relating to sexual trauma.

Fourth, require the Secretary of VA, in cooperation with the Secretary of Defense, to carry out and submit to the Congress by December 31, 1993, a study of the extent of veterans' needs for counseling, medical care, and other services as the result of experiencing rape, other sexual assault, or sexual harassment while serving on active duty, including the extent of sexual trauma experienced in the military service, the extent of underreporting of crimes of sexual violence in the Armed Forces, and the utilization of military and VA health-care services by service members and veterans, respectively, who were the victims of rape, other sexual assault, or sexual harassment.

Fifth, require the Secretary of VA, by March 1, 1993, and by December 31 of each of calendar years 1993 through 1997, to provide the Veterans' Affairs Committees with a comprehensive report on VA services for veterans who experienced sexual trauma, including (a) information on medical care, counseling, outreach, and other services, and the numbers of male and female counselors provided specialized training in the counseling of women who have experienced sexual trauma; (b) an assessment of any deficiencies in meeting the veterans' needs; and (c) plans to correct those deficiencies.

Sixth, require the Secretaries of VA and Defense jointly to ensure that all women being separated from active duty are given appropriate, in-person advice (a) regarding the availability of VA counseling, medical care, and other services and assistance with respect to sexual trauma; and (b) the requirements for eligibility for or entitlement to, and the procedures for applying for, such counseling, medical care, and other services and assistance.

Seventh, require VA to submit to the Veterans' Affairs Committees by December 31, 1992, a report on (a) the difficulties veterans encounter in obtaining VA determinations that disabilities relating to sexual trauma that are the results of events that occurred during active duty are service connected and the extent to which VA fails to make determinations that such disabilities are service connected; and (b) what steps should be taken to respond in a fair manner to those difficulties and to eliminate these failures.

BACKGROUND

Mr. President, at our committee's June 30 and July 2, 1992, hearings, we received testimony from women veterans who were victims of sexual trauma, experts in the counseling and treatment of sexual trauma victims, VA clinicians, VA officials, and veterans' organizations. Health professionals testified that victims of sexual violence experience trauma that can have very serious physical and mental consequences requiring professional attention. Further, several witnesses testified that, although similar to the counseling and treatment for PTSD from exposure to combat, the counseling and treatment of women veterans who are victims of sexual violence is unique and requires personnel with specialized skills. Those testifying also believed that, VA is not well prepared to care appropriately for women veterans who are victims of sexual violence.

The hearings also showed that, due to the great extent to which rape and other sexual assaults are underreported, women veterans who were the victims of sexual violence during service very often will have no military records to demonstrate that the incident occurred. Thus they will have great difficulty in establishing entitlement to needed care on grounds of service connection.

Mr. President, the number of sexual assaults and rapes that occur in the military have been and continues to be largely unknown and is difficult to establish. The services do not maintain consistent, useful data on sexual violence. Moreover, victims of sexual violence in the civilian community tend not to report the crime and, as testimony at our hearings showed, there is good reason to believe that the degree of underreporting is more pronounced in the military.

The most extensive reliable information the committee found on the extent of the problem in the military is in a September 1990 Defense Manpower Data Center report entitled "Sexual Harassment in the Military: 1988," to which approximately 12,500 active-duty military women responded. Five percent of the respondents reported actual or attempted rape or sexual assault during the most recent twelve months. If these figures are projected to the approximately 222,000 women on active duty in 1988, over 11,000 women in the military would have been victims of sexual violence in that 1 year alone.

Given the extent of the problem within the military, the implications for VA are astounding. There are currently 1.2 million women veterans. Applying the 5-percent figure to this population—a percentage that seems very conservative because women veterans' periods of service average approximately 7 years, in contrast to the 1-year period covered by the study—would indicate that 60,000 women veterans were raped or otherwise sexually assaulted during their service.

It is appalling that the startling results of this survey produced neither a concerted effort to eliminate sexual violence in the Armed Forces nor major efforts in the Department of Defense or VA to respond to the obvious and great needs of the victims of sexual violence. Even more remarkably, DOD failed to conduct followup studies to confirm and expand upon the 1988 study.

Mr. President, recently developed VA data suggest a possibly even more widespread problem than the 1988 DOD survey indicated. At the committee's June 30 hearing, Jessica Wolfe, Ph.D., of VA's national center for PTSD division located in Boston, reported the results of a study she and Joan Furey, R.N., of the VA's National Center for PTSD division located in Menlo Park, CA, had conducted. The study involved 113 women Vietnam theater veterans who served in Vietnam between 1964 and 1975 and who volunteered for the study. These women were surveyed on a range of psychological and PTSD symptoms as well as on self-reported health problems. Dr. Wolfe reported that, of the 113 female Vietnam veterans, 29 percent experienced a sexual encounter accompanied by force or the threat of force during their service. Also, Susan Angell, M.S.W., Ph.D., manager of the VA's readjustment counseling service [RCS], Pacific Western Regional Office, testified that an informal survey of two RCS regions found that out of a total of 173 women who were clients in February 1992, 30 percent had reported a history of sexual assault during active duty, and an additional 18 percent reported post-service assaults.

Mr. President, a most regrettable aspect of this issue is, as I have learned through our hearings and from the scores of women service members and veterans who contacted me after the hearing, is that the perpetrators of the rapes and other acts of sexual violence against women service members are their male colleagues, often their superiors in the command structure.

Mr. President, this measure addresses in legislation for the first time a problem that this great Nation cannot with honor fail any longer to address—the needs of women veterans who were the victims of rape, other sexual assaults, or harassment during their military service. When chairing our committee's June 30 hearing on this issue, I promised America's women veterans that we were emerging from a dark past in which the Federal Government ignored and neglected the heart-wrenching situations of those who suffered sexual violence while they served in the Nation's Armed Forces.

Since that hearing VA has formed a task force on treatment of women who suffer sexual abuse which first met in August to develop recommendations on ways to improve the services VA provides to such women. VA has also organized a conference of its women veterans coordinators, which convenes this month in Birmingham. As part of this conference WVC's will receive their first training in the area of sexual violence. In addition, VA provided the readjustment counseling service [RCS] with a supplemental fiscal year 1992 travel allotment so that all vet center counselors could attend training con-

ferences. Fiscal year 1992 RCS training conferences were the first to include sections on adult and child sexual trauma. In fiscal year 1993, training sections on sexual violence among women in the military will be added for the first time. RCS will also begin using a new data system in October that will facilitate collection of data regarding specific population groups, diagnoses, and other data. This information will be helpful in tracking trends and providing additional training to counselors when necessary.

On the congressional front, Senator MIKULSKI, chair of the VA, HUD, and Independent Agencies Appropriations Subcommittee, in response to my urging, added $10 million to the VA, HUD, and Independent Agencies Appropriations Act (H.R. 5679) above the administration's budget request for VA's medical care account for programs to address the needs of women veterans expressly including their needs for counseling and treatment activities for female veterans who were sexually assaulted or harassed while serving in the military. I am pleased that $7.5 million of the Senate-passed add-on was retained in the conference report on the appropriations bill.

These are good first steps, Mr. President. But, the enactment of the provisions of this title of the amendment are essential to the ability of VA, on behalf of the Nation, to do what needs to be done to meet its most solemn obligations to women veterans who were the victims of sexual violence during their service to the Nation.

Mr. President, following the Committee's hearing's I introduced S. 2973, the provisions of which, with certain modifications, comprise this new title of the committee bill. I believe that these provisions will make desperately needed improvements in the services VA provides to women veterans who experience sexual trauma while on active duty.

One of the most significant provisions, in terms of responding to women veterans' immediate needs, is section 701. Under this section, a woman veteran whom a VA designated health-care professional determines is in need of counseling or other services in connection with sexual trauma that occurred while on active duty would be entitled to care on the same priority basis as an individual with an adjudicated service-connected condition. Under this provision, a woman veteran seeking care for a condition related to sexual trauma would not have to go through the often lengthy adjudication process to determine if the condition is related to military service in order to receive needed medical or psychological attention. It became clear during the course of the committee hearings on this matter that victims of sexual assault often do not report the incidents and, thus, lacking documentation of their assaults in their military records, would not be successful in having a claim for conditions relating to sexual trauma approved. I strongly believe that these women veterans must not be turned away from VA because of a lack of records reflecting the fact that they were raped or otherwise assaulted. Because conditions related to sexual trauma in the military are so clearly service-related, the Federal Government has a fundamental obligation to treat these women and to make such treatment as accessible as possible. This legislation, in a responsible fashion, would clear away major obstacles that currently make it difficult or impossible for VA to do so.

In light of VA's current lack of personnel with the specialized training necessary to counsel the victims of sexual assaults, this title of the amendment would authorize the furnishing of services by contract.

Mr. President, section 702 would provide for a toll-free information and referral hotline for women veterans. The committee learned through the course of its investigation into this issue that many women veterans are extremely reluctant to approach VA for assistance. They believe—and, unfortunately, experience too often has supported their view—that VA exists to serve male veterans, is filled with male veterans, and is unprepared to respond to the specific needs of women veterans. A number of women veterans have informed the committee that, for years, they did not consider themselves veterans and were unaware that they were eligible for VA benefits. I believe that a toll-free hotline—and publicity regarding it—would provide a safe and reassuring way for women to contact VA and for VA to provide information about benefits and services to women veterans.

Mr. President, section 703 would help to fill the crucial need for information by requiring the VA Secretary, in cooperation with the Secretary of Defense, to conduct a study of the extent of women veterans needs for care and other services and assistance as a result of sexual violence or harassment during their service. The study must include the extent of sexual trauma experienced in the Armed Forces. This study is necessitated by the inexplicable failure to follow-up on the 1988 DoD survey that I noted earlier, which indicated a very extensive problem.

Mr. President, these provisions, along with the other provisions of this title, are designed to provide VA with the clear mandate and means to provide critically important assistance needed by women veterans suffering from the aftereffects of incidents that took place while they were serving their country. VA must take responsibility for the care of these women, and I am determined to do all that I can to secure the enactment of this legislation in order to ensure that VA is able to fulfill that responsibility.

HEALTH CARE FOR WOMEN VETERANS

Mr. President, the provisions of the proposed title VIII, as would be added by the committee modification, are derived from title II of S. 2973, the proposed "Women Veterans Health Programs Act of 1992", as reported by the Committee on Veterans' Affairs on August 7, 1992. These provisions are derived, for the most part, from S. 2028, legislation introduced by Senator SPECTER, and can be summarized as follows:

SUMMARY OF PROVISIONS

First, add "well-women health care services" to the definition of "medical care" in section 1701 of title 38, thereby authorizing the Secretary, in furnishing care and services to women veterans to furnish health-care counseling and services with respect to physical and psychological conditions which may affect the current or future physical or psychological health of the veteran even though such counseling and services may not be considered to be the care or treatment of a disability nor preventive health-care services.

Second, define the term "well-women care services" to mean health-care services provided to women outside the maternity cycle including counseling and services related to the following: Papanicolaou tests, breast examinations and mammography, general reproductive health care, the management of infertility, menopause, and sexual violence, but specifically excluding, (a) pregnancy care (including prenatal and delivery care), except in those cases in which the risks of complications of pregnancy or pregnancy outcome are increased secondary to a service-connected condition, and (b) abortion.

Third, provide the Secretary with a 2-year discretionary authority to contract with non-VA entities for the furnishing of well-women services on an outpatient basis.

Fourth, require the Secretary to submit an annual report (on January 1 of each of the next 5 years) providing information on VA's furnishing of well-women health-care services research involving health-care concerns of women veterans.

Fifth, direct the Secretary to foster and encourage research involving the health-care concerns of women veterans.

Sixth, require the Secretary to encourage and foster research by VA personnel in the following matters as they relate to women: breast cancer, gynecological and hormonal matters, cancer of the organs of the reproductive system, Alzheimer's disease, osteoporosis, posttraumatic stress disorder, substance abuse, and sexual violence.

Seventh, direct the General Accounting Office to study whether there are significant differences in the rates of

VA hospital psychiatric admissions of male and female veterans and, if so, why.

Eighth, authorize the appropriation to VA of $1.5, $2, and $2.5 million for fiscal years 1993 through 1995, in addition to the appropriations that are otherwise appropriated for VA research, for research relating to health issues relating to women veterans.

Ninth, require the Secretary, to the extent that information relating to health care for women veterans is inadequate for the conduct of research relevant to the health-care needs of women veterans, to take action to ensure that VA's research gives consideration to the health of the general population of adult women in the United States.

Tenth, require the Secretary to take appropriate actions to ensure that VA researchers are informed of the existence and progress of other VA research relating to women veterans.

Eleventh, require VA to conduct an ongoing population study of women veterans' health-care-services needs; require the Secretary to submit to the Committees on Veterans' Affairs an initial status report on the study and then biannual reports through the year 2004; and authorize the appropriation of $1.5 million for the study.

Twelfth, require the Secretary to submit to the Committees on Veterans' Affairs by July 1 of each of the next 4 years a report that includes (a) a description of the status of any VA research relating to women veterans, and (b) the recommendations of the Secretary as to future research relating to women veterans.

Thirteenth, require the Secretary to provide funding to enable women veterans coordinators [WVC] at each VA medical center to carry out their functions, provide WVC's with adequate clerical and rapid communications support, and ensure that each WVC has direct access to the Director or the Chief of Staff at the medical center to which the WVC is assigned.

Fourteenth, require the Secretary to appoint a full-time regional women veterans coordinator at each Veterans Health Administration regional office to coordinate the training of WVC's within the region and to provide technical support and guidance with respect to outreach to women veterans.

Fifteenth, require the Secretary to make available travel funds (a) to enable members of VA's advisory committee on women veterans to make reasonable site visits to VA medical facilities, and (b) for meetings of the committee.

BACKGROUND

Mr. President, I have long been a strong advocate for women veterans and have worked to ensure that they have access to appropriate, high-quality VA health care and other VA benefits and services.

In January 1983, following the release of the General Accounting Office's 1982 report on women veteran's access to VA benefits and services, I introduced legislation to establish a VA advisory committee on women veterans and secured the enactment of those provisions in section 301 of Public Law 98-160. The advisory committee has played an important role in identifying problems regarding the furnishing of health-care services and other benefits to women veterans and in proposing and monitoring implementation of solutions to these problems.

That same law included a provision, also derived from legislation I introduced, that required VA to ensure that each of its health-care facilities is able, either directly or by contract, "to provide appropriate care, in a timely fashion, for any gender-specific disability * * * of a woman veteran" eligible for VA care. This provision represented a significant and vital step toward enhancing VA's health-care services for women veterans.

Pursuant to legislation I authored in 1986, VA has undertaken a triad of research studies involving the health of women who served in Vietnam. The results of a mortality study of women veterans were published in November 1991. Excess deaths from external causes, such as motor vehicle accidents, and possible excess deaths from cancers of the breast and pancreas were observed in women who had served in Vietnam compared with women Vietnam-era veterans who had served elsewhere. In December 1991, the Office of Technical Assistance approved work on a pilot project for a reproductive health study of women veterans, and VA announced on September 3 that it is proceeding with the pilot. The third prong of study of women Vietnam veterans involves the further analysis of data regarding physical and psychological health of women veterans from the National Vietnam Veterans Readjustment study, which was conducted pursuant to section 102 of Public Law 98-160.

Mr. President, in response to my September 18, 1990, request to the Comptroller General for a followup assessment of how well VA has succeeded in implementing the recommendations in GAO's 1982 report, GAO reported that VA has made significant improvements in a number of areas, such as the furnishing of gynecological care and breast cancer screening, and also commended certain VA medical centers for establishing innovative programs for furnishing care to women veterans and monitoring the quality of their care. Although deficiencies persist, Secretary Derwinski has developed sound plans for correcting them.

At the committee's July 2, 1992, hearing, the chair of the advisory committee on women veterans, Shirley Menard, R.N., M.S.N., testified that VA's funding of the advisory committee on women veterans has not been sufficient to allow members of that committee to travel to VA facilities to perform adequate oversight duties. Section 808 of the committee bill, as added by the committee modification, would require the Secretary to provide funds to be used for the travel of the members of the advisory committee in connection with oversight visits to VA facilities and for the conduct of committee meetings. Advisory committee members should not be faced with the choice of spending their own money to see what is happening to women veterans in VA facilities or not going at all.

Beginning in 1983, VA formed a women veterans coordinator [WVC] program, with a designated staff member in place at each VA medical center by 1985 and at each veterans benefits administration regional office by 1986. Testimony at the committee's July 2, 1992, hearing illustrated the need for program improvements. The most outstanding needs were for the WVC's at each VA medical center to have an effective communication channel with the facility Director and sufficient time allotted to carry out effectively the role of a WVC. Although some VA medical centers have assigned a high visibility to the WVC, most have assigned the title to a staff member, often a nurse or a social worker, with other pressing full-time responsibilities.

Mr. President, within the last 3 months, members of the committee staff have called over 20 VA medical centers and asked the operator to connect them with the women veterans coordinator. Not one of these calls went through without a hitch. Common VAMC operator responses included not knowing who the WVC was; noting that the WVC was on leave or otherwise unavailable and that there was no one designated to carry out her duties in her absence; responding that the women's cooridinating work was done by volunteers who weren't there at the time; suggesting that the personnel department handles that issue; and indicating that there was no WVC designated, followed by a referral of the call to the Patient Representative, who often was also not available.

The committee staff members reported that, during these calls, they were frequently put on hold for extended periods or were transferred a number of times to incorrect facility telephone extensions. Such delays and lack of attention may have very serious consequences when a woman veteran calls for assistance. The committee staff members knew and gave the VA title of the position and, knowing that such a position existed—at least nominally—at each facility, were able to persist in their demands to be contacted with the WVC. A woman veteran with a health problem who calls a VA

facility and says she'd like help faces a much greater obstacle to getting through to a WVC and the special assistance WVCs are supposed to provide.

Moreover, according to testimony the committee received an July 2, the WVC often does not have the time or access to the VAMC management to facilitate changes needed to improve services for women veterans. I strongly believe that WVC's generally must have more time and greater access to top management in order to identify and succeed in correcting systemic problems which adversely affect women veterans seeking VA services.

To address the problem with WVC's, section 806 of the Committee bill as added by the Committee modification, would require the Secretary to ensure sufficient funding is provided to each VA facility in order to permit the WVC to carry out the functions of that position. WVC's would be provided with sufficient clerical and communications support—so that women veterans can contact them or other VAMC personnel can inform the WVC of a women in potential need of assistance—and direct access to the Director or Chief of Staff. Furthermore, the legislation would require that a full-time WVC serve in each regional office of the Veterans Health Administration to coordinate the training of the facility-based WVC's stationed at each facility and to provide appropriate technical support and guidance to those facilities regarding outreach activities to women veterans.

CONCLUSION

Mr. President, I thank our committee's ranking Republican member, Senator SPECTER, for his continued support of and help with this legislation. I also am grateful to the other members of the committee for their support of this measure. I especially appreciate Senator ROCKEFELLER's diligent and persistent efforts regarding the pharmaceutical pricing provisions.

Thanks also to Carrier Gavora, Yvonne Santa Anna, Bill Tuerk, Charlie Battaglia, and Tom Roberts of the Committee's minority staff for their work on this legislation, and, for all their help on this measure, majority staff members Janet Coffman, Susan Thaul, Virginia Rowthorn-Apel, Thomas Tighe, Bill Brew, and Ed Scott. I also extend thanks to Barbara Pryor, Ellen Doneski, and Tamara Stanton of Senator ROCKEFELLER's staff, Marsha Simon of the Committee on Labor and Human Resources staff, Phyllis Albritton of Senator MIKULSKI's staff, and John Coster and Chris Jennings of the Special Committee on Aging staff for their assistance regarding the pharmaceutical pricing provisions in title VI of the committee bill. Thanks also to Charlie Armstrong of the Legislative Counsel's Office for the painstaking care he devoted to the legislation and to the VA officials who provided technical assistance to Committee staff in the development of various provisions.

I look foward to working with the chairman of the House Veterans' Affairs Committee, G.V. "SONNY" MONTGOMERY, and that committee's ranking Republican member, BOB STUMP, as well as with the other members of the House committee, to ensure swift action on this important legislation. With regard to the pharmaceutical pricing provisions, I also look forward to working with the House Energy and Commerce Committee's chairman, Representative JOHN DINGELL, and ranking Republican member NORMAN LENT, and with that committee's Health and the Environment Subcommittee chairman, Representative HENRY WAXMAN, and ranking Republican member WILLIAM DANNEMEYER.

Mr. President, for her help to the committee on the issue of sexual trauma among women veterans, I also thank Sandra Isaacson of GAO, who was detailed to the committee staff this summer to work on this issue.

Mr. President, I urge my colleagues to support this measure of vital importance to all veterans.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 5193, the House companion, that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 2575 as amended be inserted in lieu thereof; that the bill be deemed read a third time, passed; that the motion to reconsider be laid upon the table and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

So the bill (H.R. 5193), as amended, was deemed read the third time, and passed.

Mr. KERREY. Mr. President, on behalf of Senator CRANSTON I send a title amendment to the desk and ask it be considered and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amend the title to read as follows:

"To amend title 38, United States Code, to revise certain pay authorities that apply to Department of Veterans Affairs nurses, to improve preventive health services for veterans, to improve health-care services for women veterans, and to enable the Department to purchase pharmaceuticals at reasonable prices, and for other purposes."

MEASURE INDEFINITELY POSTPONED—S. 2575

Mr. KERREY. I ask unanimous consent that Calendar No. 669 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM-286

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified on April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Labor and Human Resources, and the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report seven deferrals of budget authority, totaling $930.9 million.

These deferrals affect International Security Assistance programs as well as programs of the Agency for International Development and the Departments of Agriculture, Defense, Health and Human Services, and State. The details of these deferrals are contained in the attached report.

GEORGE BUSH.

The White House, *October 1, 1992.*

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes.

At 2:41 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolutions; each without amendment:

S. 3279. An act to extend the authorization of the use of official mail in the location and recovery of missing children, and for other purposes;

S.J. Res. 218. Joint resolution to designate the calendar year 1993 as the "Year of the American Craft: A Celebration of the Creative Work of the Hand";

S.J. Res. 252. Joint resolution designating the week of April 18 through 24, 1993, as "National Credit Education Week";

S.J. Res. 287. Joint resolution to designate the week of October 4, 1992, through October 10, 1992, as "Mental Illness Awareness Week";

S.J. Res. 305. Joint resolution to designate October 1992 as "Polish American Heritage Month"; and

S.J. Res. 319. Joint resolution to designate the second Sunday in October of 1992 as "National Children's Day."

The message also announced that the House of Representatives having proceeded to reconsider the bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes, returned by the President of the United States with his objections, to the Senate, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the house to the bill (S. 2322) to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The message further announced that the House has passed the bill (S. 775) to improve the compensation of certain veterans for exposure to ionizing radiation, to improve the administration of veterans benefits programs, and for other purposes; with amendments, in which it requests the concurrence of the Senate.

The message also announced that the house has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2548. An act to authorize the Secretary of the Interior to establish an Abraham Lincoln Research and Interpretive Center;

H.J. Res. 400. Joint Resolution designating October 1992 as "Italian-American Heritage and Culture Month";

H.J. Res. 484. Joint resolution designating the week beginning February 14, 1993, as "National Visiting Nurse Associations Week";

H.J. Res. 500. Joint resolution designating March 1993 as "Irish-American Heritage Month";

H.J. Res. 503. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 23, 1992, as "National Military Families Recognition Day";

H.J. Res. 523. Joint resolution designating October 8, 1992, as "National Firefighters day";

H.J. Res. 542. Joint resolution designating the week beginning November 8, 1992, a "Hire a Veterans Week";

H.J. Res. 546. Joint resolution designating February 4, 1993, and February 3, 1994, as "National Women and Girls in Sports Day"; and

H.J. Res. 551. Joint resolution designating October 4, 1992, through October 10, 1992, as "National Bone Marrow Donor Awareness Week".

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 368. A concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes.

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 12, 41, 42, 43, 48, 53, 94, 102, 107, 121, 150, 159, 173, 229, 231, and 232 to the bill, and agrees thereto; and that the House recedes from its disagreement to the amendments of the Senate numbered 20, 27, 28, 33, 34, 44, 45, 58, 62, 80, 90, 92, 99, 100, 149, 151, 156, 157, 158, 160, 162, 165, 167, 172, 174, 185, 186, 194, 195, 196, 197, 198, 199, 200, 201, 202, 204, 205, 206, 207, 208, 209, 210, 212, 214, 215, 216, 217, 218, 220, 221, 222, 223, 224, 225, 226, 227, 228, 230, and 233 to the bill, and agree thereto, each with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills, previously received from the House of Representatives, for concurrence were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5323. An act to promote a peaceful transition to democracy in Cuba through the application of appropriate pressures on the Cuban Government and support for the Cuban people; to the Committee on Foreign Relations.

H.R. 5419. An act to amend the Marine Mammal Protection Act of 1972 to authorize the Secretary of State to enter into international agreements to establish a global moratorium to prohibit harvesting of tuna through the use of purse sein nets deployed on or to encircle dolphins or other marine mammals, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2548. An act to authorize the Secretary of the Interior to establish an Abraham Lincoln Research and Interpretive Center; to the Committee on Energy and Natural Resources.

H.J. Res. 400 Joint resolution designating October 1992 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

H.J. Res. 484. Joint resolution designating the week beginning February 14, 1993, as "National Visiting Nurse Associations Week"; to the Committee on the Judiciary.

H.J. Res. 500. Joint resolution designating March 1993 as "Italian-American Heritage Month"; to the Committee on the Judiciary.

H.J. Res. 503. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 23, 1992, as "National Military Families Recognition Day"; to the Committee on the Judiciary.

H.J. Res. 523. Joint resolution designating October 8, 1992, as "National Firefighters Day"; to the Committee on the Judiciary.

H.J. Res. 542. Joint resolution designating the week beginning November 8, 1992, as "Hire a Veteran Week"; to the Committee on the Judiciary.

H.J. Res. 546. Joint resolution designating February 4, 1993, and February 3, 1994, as "National Women and Girls in Sports Day"; to the Committee on the Judiciary.

H.J. Res. 551. Joint resolution designating October 4, 1992, through October 10, 1992, as "National Bone Marrow Donor Awareness Week"; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 368. A concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore [Mr. BYRD] announced that he had signed the following enrolled bills which had previously been signed by the Speaker of the House:

H.R. 5503. An act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5679. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities changeable in whole or in part against the revenues of said District for fiscal year ending September 30, 1993, and for other purposes;

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1777. A bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes (Rept. No. 102-448).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittee of Budget Totals from the Concurrent Resolution for Fiscal Year 1993 (Rept. No. 102-449).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 790. A bill to amend the antitrust laws in order to preserve and promote wholesale and retail competition in the retail gasoline market (Rept. No. 102-450).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1101. A bill to require the Federal Communications Commission to prescribe standards for AM stereo radio broadcasting (Rept. No. 102-451).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

H.R. 4773. A bill to provide for reporting of pregnancy success rates of assisted reproductive technology programs and for the certification of embryo laboratories (Rept. No. 102-452).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 150. A resolution expressing the sense of the Senate urging the President to call on the President of Syria to permit the extradition of fugitive Nazi war criminal Alois Brunner.

By Mr. PELL, from the Committee on Foreign Relations, with amendments and an amended preamble:

S. Res. 301. A resolution relating to ongoing violence connected with apartheid in South Africa.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 346. A resolution to express the sense of the Senate regarding the capture on September 12, 1992, of the Peruvian communist and terrorist leader, Abimael Guzman, and for other purposes.

S. Res. 349. A resolution relating to hostilities between the Republics of Armenia and Azerbaijan.

S. Res. 351. A resolution to commend the people of Thailand for successfully conducting peaceful general elections and to congratulate Thailand's pro-democracy parties on their victory.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 2985. A bill to authorize the Board for International Broadcasting to support a "Radio Free China".

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 3275. A bill to amend the Foreign Service Act of 1980 to allow additional deductions by the Agency for International Development from the salaries of Inspector General Foreign Service criminal investigators for retirement purposes, to increase the mandatory retirement age of Foreign Service criminal investigators from 55 to 57 years of age and to include Administratively Uncontrollable Overtime as basic pay in computing the annuity of a noncommissioned Foreign Service criminal investigator.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S.J. Res. 325. A joint resolution entitled the "Collective Security Participation Resolution".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on foreign Relations:

Edward S. Walker, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Paul S. Sarbanes, of Maryland, to be a Representative of the United States to the Forty-seventh Session of the General Assembly of the United Nations.

The following-named persons to be Representatives and Alternate Representatives of the United States of America to the Forty-seventh Session of the General Assembly of the United Nations:

REPRESENTATIVES

Edward Joseph Perkins, of Oregon.

Alexander Fletcher Watson, of Massachusetts.

Larry Pressler, of South Dakota.

Gloria Estefan, of Florida.

ALTERNATE REPRESENTATIVES

Irvin Hicks, of Maryland.

Shirin R. Tahir-Kheli, of Pennsylvania.

Parker G. Montgomery, of New York.

Prezell Russell Robinson, of North Carolina.

Margaretta F. Rockefeller, of New York.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees commitment to respond to requests to apper and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably three nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORD of September 23, 1992, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 102-35. United Nations Framework Convention on Climate Change (Exec. Rept. No. 102-55).

TEXT OF RESOLUTION OF RATIFICATION

Resolved, (two-thirds of the Sentors present concurring therein), That the Senate advise and consent to the ratification of the United Nations Framework Convention on Climate Change, adopted May 9, 1992, by the Resumed Fifth Session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change ("Convention"), and signed on behalf of the United States at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro on June 12, 1992.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated;

By Mr. BRADLEY:

S. 3291. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 3292. A bill to establish the death penalty for certain violent crimes and provide procedures for its imposition, provide for habeas corpus reform, and codify the "good faith" exception to the exclusionary rule; to the Committee on the Judiciary.

By Mr. EXON (for himself, Mr. GORTON, and Mr. PRESSLER):

S. 3293. A bill to amend title 49, United States Code, to provide for certification of weights of loaded containers and trailers for intermodal transportation, and for purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SARBANES (for himself and Mr. MCCONNELL):

S. 3294. A bill to amend the Foreign Assistance Act of 1961 to extend for one year the authority of the Overseas Private Investment Corporation; read the first time.

By Mr. DECONCINI (for himself and Mr. CRANSTON):

S. 3295. A bill to amend title 10, United States Code, to establish within the Office of the Secretary of Defense the position of Director of Criminal Investigations; and for other purposes; to the Committee on Armed Services.

By Mr. WOFFORD:

S. 3296. A bill to direct the Secretary of Commerce to provide grants to States to provide technical and financial assistance to small and medium-sized manufacturers; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL:

S. 3297. A bill to strengthen the security of Federal computer systems, and for other purposes; to the Committee on Governmental Affairs,.

By Mr. ROBB:

S. 3298. A bill to authorize a certificate of documentation for the vessel Shoreline XV; to the Committee on Commerce, Science, and Transportation.

By Mr. BOREN (for himself and Mr. BREAUX):

S. 3299. A bill to contain health care costs and improve access to health care through accountable health plans and managed competition, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 3300. A bill to provide universal access to health care and contain health care costs through accountable health plans and managed competition, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON:

S. 3301. A bill to permit certain disabled former Peace Corps volunteers to enroll in a Federal employees health benefit plan, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. KASTEN, Mr. GARN, Mr. SEYMOUR, Mr. CRAIG, Mr. COCHRAN, Mr. DURENBERGER, Mr. COATS, Mr. CHAFEE, Mr. BURNS, Mr. PRESSLER, Mr. DOMENICI, Mr. AKAKA, Mr. GRAHAM, Mr. DECONCINI, Mr. REID, Mr. DIXON, Mr. GLENN, Mr. LIEBERMAN, Mr. HOLLINGS, Mr. SPECTER, Mr. BUMPERS, Mr. FOWLER, and Mr. METZENBAUM):

S.J. Res. 343. A joint resolution to designate the period commencing on October 24, 1992, and ending on November 1, 1992, as "National Red Ribbon Week for a Drug-Free America"; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S.J. Res. 344. A joint resolution to prohibit the proposed sale to Saudi Arabia of F–15 aircraft; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for Mr. JEFFORDS):

S. Con. Res. 138. A concurrent resolution to authorize a correction in the enrollment of H.R. 2042; considered and agreed to.

By Mr. DOLE (for Mr. SYMMS):

S. Con. Res. 139. A concurrent resolution to authorize a correction in the enrollment of H.R. 1628; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY:

S. 3291. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; to the Committee on Finance.

INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

Mr. BRADLEY. Mr. President, I rise today to offer the 1992 Interstate Child Support Enforcement Act, which is a comprehensive plan to overhaul the interstate child support collection process, based on the report and recommendations of the U.S. Commission on Interstate Child Support. I was proud to serve on this Commission.

It's time to revamp the way we collect interstate child support because the gaps in the system are a nightmare for everyone involved—the parents, the caseworkers, but above all, the children, who are caught in the middle of this whole mess.

This legislation would streamline child support enforcement by reforming paternity establishment programs, location techniques of noncustodial parents, support order establishment, enforcement techniques, staffing, and training.

Simply put, when parents cross State lines and evade their responsibility to their own children, the cost of neglect too often falls on the American taxpayer.

One-third of all child support cases are interstate, yet only $1 of every $10 collected is from an interstate case. Behind this delinquency rate are millions of families drowning in redtape trying to collect billions of dollars from noncustodial parents.

Recent studies show that, in 1989, $5 billion in outstanding child support went unpaid, and millions more were never owed because no support orders were established.

It is now time to tighten the interstate cases and ensure that parents meet their obligations to their children. I will continue to push this legislation in the next Congress and look forward to holding public hearings to discuss the merits of the plan.

Mr. President, the life-chances of our Nation's children should not have to be restricted on account of the fact that their parents live in different States. But all too often that is exactly what happens. All too often, children who do not live with their parents are made to suffer because one parent, usually the one who does not have custody of the children, does not pay for their support.

This is not the first time we have attempted to tackle the complex problems of child support enforcement. In 1984, we mandated several reforms, including wage withholding if a parent is 1 month in arrears on his or her child support and Federal and State income tax refund offsets to collect overdue child support. These changes produced positive results. Total child support collections, which amounted to $2 billion in 1983, were up to $4 billion in 1988. In New Jersey, child support collections increased from $140 million in 1983 to $250 million in 1988. In addition, the average number of nonwelfare cases where child support collections were made increased nationally from 500,000 in 1983 to 1 million in 1988.

In 1988, we mandated expanded paternity establishment, more vigorous efforts at finding noncustodial parents who fail to meet their obligations, and increased usage of wage withholding. Since 1988, the system has improved further, so that if one were to compare 1984 to 1990, one would see that child support collections on behalf of AFDC families increased 175 percent during the period and collections on behalf of non-AFDC families increased 321 percent.

Yet even with these improvements, no one would suggest that we have solved all the problems. Even with all the work that has been done in child support over the last few years, the fact is that $5 billion of owed child support remains unpaid by noncustodial parents and millions more is never owed because no child support order has been established. Despite some improvements, the system still fails to make collections in too many cases. In 1990, the full amount of child support was collected in only 12 percent of AFDC cases and only 28 percent of non-AFDC cases. Who pays for this tragedy? The American taxpayer and millions of children whose life-chances are severely restricted by the lack of money.

Mr. President, problems abound with the child support system as a whole, but interstate cases are the most difficult. Interstate cases are far less likely to receive support payments than instate cases, despite the fact that parents in in-state cases and parents in interstate cases establish child support orders at similar rates. Although one-third of all child support cases are interstate, only $1 out of every $10 collected is the result of collections in an interstate case. The average interstate case in which enforcement of an existing order is requested takes 3 to 6 months, versus 3 to 9 weeks for in-state cases. Interstate enforcement is made far more complex by the lack of uniform State laws governing enforcement, service of process, and jurisdiction. It is burdened as well by the absence of a national information system that allows States to exchange up-to-date information on the location, resources, and obligations of absent parents.

I introduced the legislation which created the U.S. Commission on Interstate Child Support in 1988 because of my concern that conflicting State laws and practices, and the lack of uniformity in the system were hampering the effectiveness of child support enforcement across State lines. After an intensive 2-year effort at studying the problems associated with interstate enforcement of child support, the Commission recently provided Congress with a framework for improvement of the current system. I have chosen to highlight many of its recommendations in the bill I introduce today.

This bill seeks to make it easier for the millions of families who live in States different from the noncustodial parent to locate those noncustodial parents, establish paternity, establish support orders, and collect child support. It focuses mainly on issues concerning, locate and case tracking, establishment, parentage, enforcement, collection and distribution, and the respective roles of Federal and State government. I would just like to take a few minutes to discuss some of its provisions.

Expanded paternity establishment is key to improving interstate child support enforcement, Mr. President. As the number of births to unmarried women continues to rise, it is becoming increasingly necessary to spend resources establishing paternity. In 1990, there were over 1 million births to unmarried women, about one-fourth of all

births that year. About 57 percent of black children, 23 percent of Hispanic children, and 17 percent of white children born in 1990 were born to unwed women. In 1990, 68 percent of all births to women between the ages of 15 to 19 were to unwed women.

Before a custodial parent can get a child support order, paternity must be established. And when you consider that it is more difficult to establish paternity when the father of the child lives in another State, you start to see why early paternity establishment is so important.

This bill requires States to establish hospital-based paternity establishment programs, such as the successful programs which now operate in Washington and Virginia, so that fathers can be identified in hospitals. About 85 percent of fathers are in touch with the child and mother at or soon after the birth of their children. Many fathers visit their children in the hospital or birthing center. Programs that target these fathers and provide advice to them about parentage can do a lot to cut down on the number of children for whom paternity has not been established.

Where the father was not targeted at the hospital, this bill contains provisions which would make it easier for paternity to be established. It makes it less difficult to locate out-of-state fathers by expanding the locate information and services available to custodial parents and child support professionals. It mandates changes in evidence standards which remove many of the obstacles that now exist to paternity establishment across State lines. This bill also promotes the use of paternity testing procedures which are very accurate at determining paternity.

Even where parentage is established, it is difficult to locate absent parents. When those parents live in other States it becomes even more difficult. Locating absent parents is made more difficult by the absence of an information network which allow custodial parents and child support officials access to up-to-date employment information.

In interstate cases, custodial parents always seem to be one step behind noncustodial parents. If a noncustodial parent gets a job, his or her employer does not usually inform the State's employment security agency that the new employee is on the payroll until the next quarter in which the employer has to report payroll information. By the time child support officials in the custodial parent's State get ahold of that information, the noncustodial parent has often moved to another job. Imagine the frustration, Mr. President, of custodial parents who find out where the noncustodial parent was working only after he or she has left the job. This scenario is played out over and over in interstate cases.

To eliminate this problem, this bill requires the printing of a new W–4 form. On that form, all new employees would have to disclose whether they are required to pay child support and if so, the amount they have to pay and whether it is to be paid by wage withholding. If the employee is required to pay child support through wage withholding, this bill requires the employer to begin the withholding immediately.

Just as important, Mr. President, the bill I introduce today requires that the W–4 form information be sent directly to the State employment security agency for referral to the State child support enforcement agency. The State child support enforcement agency would then broadcast the information over a national network, created by this bill, which links all the States and certain data bases of the Federal Government. The W–4 form information would be compared with information in electronic, State-based child support order registries across the country. If the new employee did not accurately acknowledge a child support obligation, the network would pick up this fact. Instead of always being one step behind the noncustodial parent, the custodial parent and the child support worker will be able to find the noncustodial parent much sooner. The combination of an electronic data bank of support order information, the national network, and the amended W–4 form deal a serious blow to noncustodial parents who are now successfully avoiding payment of child support.

To eliminate the problems associated with establishing a support order across State lines, my bill requires the States to expand their long-arm statutes to reach more out-of-State noncustodial parents. It requires States to recognize and enforce child support orders from other States, and it also requires all States to adopt the August 1992 Uniform Interstate Family Support Act adopted by the National Conference of Commissioners on Uniform State Laws verbatim so that inconsistencies between the States in case processing can be eliminated.

Even where a support order has been established, custodial parents still have problems collecting money, especially in interstate cases. This bill requires the States to take tougher measures against parents who do not pay their child support. It requires them to pass laws making it possible for delinquent parents to lose their professional and occupational licenses, hitting them in a sense at their livelihood. It requires the States to suspend the driver's licenses of delinquent parents. It calls for the expended use of credit reporting—it is interesting that a noncustodial parent can be delinquent on a car loan and that fact can be reported on a credit report, but the fact that he or she is delinquent on child support might not be reported. In addition, this bill requires the States to intercept lottery winnings, money judgments, and other income of noncustodial parents who owe child support. This bill also requires the States to make it easier to freeze the bank accounts of delinquent parents, and requires the States to make it a State crime to willfully fail to pay child support.

Finally, this bill responds to staffing and training issues which have plagued child support professionals for decades. In a GAO report I and the other Congressional members of the Commission requested, it was reported that the average case load per child support case worker is 1,000 cases. Can you imagine, Mr. President, 1,000 cases? This bill requires the Department of Health and Human Services to conduct staffing studies in every State and report such findings to this body and the States. It also requires the Office of Child Support Enforcement to make training assistance available to State child support agencies.

Mr. President, I realize that this is a very big and complicated bill and that others might have chosen different paths to reforming the child support system. However, I believe this bill and the recommendations upon which it is based will spark a lot of debate on the issue of child support enforcement. I also expect bi-partisan support for many of the bill's provisions. In fact, my colleague on the Commission, MARGE ROUKEMA, is today introducing a companion measure to my legislation in the House.

Mr. President, the failure of noncustodial parents to pay child support should be the concern of all Members of this body—not just because tax dollars are at stake but because nonpayment of child support is taking a heavy toll on the children of this Nation. Fifty percent of the marriages in this country end in divorce. A quarter of the children born every year are born to unmarried women. According to the National Commission on Children, nearly 75 percent of all American children growing up in single-parent families will experience poverty for some period during the first 10 years of their lives. These disturbing statistics suggest that millions of children can be helped if we toughen our Nation's child support laws and improve our ability to locate absent parents. In the Commission, we took a comprehensive look at the problem of child support enforcement, and I think this body will be very interested in the recommendations we produced. I stand ready to work with any member of this body on the provisions laid out in this bill.

I ask unanimous consent that the full text of my statement, and two summaries of the bill's provisions be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Interstate Child Support Enforcement Act".

(b) REFERENCE TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

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

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings, declarations, and purposes.

TITLE I—LOCATE AND CASE TRACKING

Sec. 101. Expansion of use of Federal parent locator system.
Sec. 102. Expansion of data bases accessed by parent locator systems.
Sec. 103. Expansion of access to national network for location of parents.
Sec. 104. Private attorney access to locate and enforcement services.
Sec. 105. National reporting of new hires and child support information.
Sec. 106. Access to law enforcement systems of records.
Sec. 107. State networks for broadcasting warrants.

TITLE II—ESTABLISHMENT

Sec. 201. Long-arm jurisdiction and full faith and credit.
Sec. 202. Service of process on Federal employees and members of the armed services relating to child support, alimony, and parentage obligations.
Sec. 203. Presumed address of obligor and obligee.
Sec. 204. Notification to custodial parents.
Sec. 205. State uniformity regarding determination of parentage and support, jurisdiction and venue, and Federal employee residential status.
Sec. 206. Fair Credit Reporting Act amendments.
Sec. 207. National Child Support Guideline Commission.
Sec. 208. Guideline principles.
Sec. 209. Duration of support.
Sec. 210. Evidence.
Sec. 211. Nonresident's telephonic access to forum.
Sec. 212. Uniform terms in orders.
Sec. 213. Social security numbers on marriage licenses and child support orders.
Sec. 214. Administrative subpoena power.

TITLE III—PARENTAGE

Sec. 301. Parentage.

TITLE IV—ENFORCEMENT

Sec. 401. Anti-assignment clauses amended.
Sec. 402. Direct income withholding.
Sec. 403. Priority of wage withholding.
Sec. 404. Definition of income subject to withholding includes workers' compensation.
Sec. 405. Consumer Credit Protection Act amendments.
Sec. 406. Election of remedies prohibition.
Sec. 407. Occupational, professional and business licenses
Sec. 408. Driver's licenses and vehicle registrations.
Sec. 409. Liens on certificates of vehicle title.
Sec. 410. Attachment of bank accounts.
Sec. 411. Lotteries, settlements, payouts, awards, and forfeitures.
Sec. 412. Fraudulent transfer pursuit.
Sec. 413. Full IRS collection.
Sec. 414. Bonds.
Sec. 415. Tax offset for nonAFDC post-minor child.
Sec. 416. Attachment of public and private retirement funds.
Sec. 417. Reporting to credit bureaus.
Sec. 418. Criminal nonsupport.
Sec. 419. Statutes of limitation.
Sec. 420. Interest.
Sec. 421. Health-care enforcement.
Sec. 422. Bankruptcy.
Sec. 423. Federal government cooperation in enforcement of support obligations of members of the armed forces and other persons entitled to payments by the Federal government.
Sec. 424. UIFSA endorsement.

TITLE V—COLLECTION AND DISTRIBUTION

Sec. 501. Priority of distribution of collections.
Sec. 502. Relationship of AFDC to CSE—limiting reimbursement claims to award amount.
Sec. 503. Fees for nonAFDC clients.
Sec. 504. Collection and disbursement points for child support.

TITLE VI—FEDERAL ROLE

Sec. 601. Placement and role of the Federal Child Support Agency.
Sec. 602. Training.
Sec. 603. Staffing.
Sec. 604. Funding and incentives for child support agencies.
Sec. 605. Child support definition.
Sec. 606. Audits.
Sec. 607. Child support assurance demonstration projects.
Sec. 608. Development of a children's trust fund.

TITLE VII—STATE ROLE

Sec. 701. Prohibition of residency requirement for IV–D services.
Sec. 702. Advocating for children's economic security.
Sec. 703. Duties of IV–D agencies.
Sec. 704. Broader access to services.
Sec. 705. Process for change of payee in IV–D cases.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there is a large and growing number of child support and parentage cases annually involving disputes between parents or presumed parents who reside in different States;

(2) the laws by which the courts of the various States determine their authority to establish, enforce, or modify a child support order, or to determine parentage are not uniform;

(3) those laws, along with the limits imposed by a Federal system, on the authority of each State to take certain actions outside its own boundaries, contribute to—

(A) the pressing problem of parties moving to avoid jurisdiction,

(B) inequities based solely on choice of domicile,

(C) disregard of court orders resulting in massive arrearages nationwide,

(D) excessive relitigation of cases,

(E) the establishment of conflicting orders by the courts of various States, and

(F) inter-jurisdiction travel and communication that is so expensive and time consuming as to disrupt parties' occupations and commercial activities; and

(4) among the results of these conditions are—

(A) the failure of the courts of such jurisdictions to give full faith and credit to the judicial proceedings of the other States,

(B) the deprivation of rights of liberty and property without due process of law,

(C) burdens on commerce among the States, and

(D) harm to the welfare of children and their parents and other custodians.

(b) DECLARATION.—Based on the findings stated in subsection (a), it is necessary to establish national standards under which the courts of each State will determine their jurisdiction to establish, enforce, or modify a child support order, or to determine parentage and the effect to be given by each State to such determinations by the courts of other States.

(c) PURPOSE.—The general purposes of this Act are to—

(1) expand the forums available to establish, enforce, or modify a child support order, or to determine parentage so that such actions may be heard in the State that has the strongest interest in the child's financial security;

(2) promote and expand the exchange of information and other forms of mutual assistance between States that are concerned with the same child;

(3) facilitate the enforcement of support decrees among the States;

(4) discourage continuing interstate controversies over child support in the interest of greater financial stability and secure family relationships for the child; and

(5) avoid jurisdictional competition and conflict between courts in matters relating to the establishment, enforcement, and modification of child support orders, and to the determination of parentage, which have resulted in the movement of parties among States and a low percentage of interstate cases with support orders, thereby adversely affecting children's well-being.

(d) STATE.—For purposes of this section, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, and Indian country as defined in section 1151 of title 18, United States Code.

TITLE I—LOCATE AND CASE TRACKING

SEC. 101. EXPANSION OF USE OF FEDERAL PARENT LOCATOR SYSTEM.

Section 453 (42 U.S.C. 653) is amended—

(1) by striking "for the purpose of enforcing support obligations against such parent" in subsection (a) and inserting "for the purposes of parentage establishment, child support establishment, modification, and enforcement, and child visitation enforcement, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent", and

(2) by inserting "and such reasonable fees" after "such documents" in subsection (d).

SEC. 102. EXPANSION OF DATA BASES ACCESSED BY PARENT LOCATOR SYSTEMS.

(a) ADDITIONAL INFORMATION FOR FEDERAL PARENT LOCATOR SERVICE.—Section 453 (42 U.S.C. 653) is amended—

(1) by striking "the most recent address and place of employment" in subsection (b) and inserting "the most recent residential

address, employer name and address, and amounts and nature of income and assets",

(2) by striking "the resident parent" in subsection (c)(3) and inserting "either parent", and

(3) by adding at the end of subsection (e) the following new paragraph:

"(4) The Secretary of the Treasury shall enter into an agreement with the Secretary to provide prompt access for the Secretary (in accordance with this subsection and section 6103(l)(6) of the Internal Revenue Code of 1986) to the quarterly estimated Federal income tax returns filed by individuals with the Internal Revenue Service.".

(b) STATE INFORMATION.—Section 466(a) (42 U.S.C. 666(a)) is amended by inserting after paragraph (10) the following new paragraphs:

"(11) Procedures under which the State agency shall have automated on-line or batch access (or, if necessary, nonautomated access) to information regarding residential addresses, employers and employer addresses, income and assets, and medical insurance benefits with respect to absent parents through various data bases. Such data bases shall include data bases belonging to:

"(A) the State revenue or taxation department;

"(B) the State motor vehicle registration department;

"(C) the State employment security department;

"(D) the State crime information system;

"(E) the State bureau of corrections;

"(F) the State recreational, occupational, and professional licensing department;

"(G) the Secretary of State's office;

"(H) the State bureau of vital statistics;

"(I) State or local agencies administering public assistance;

"(J) State or local real and personal property record departments;

"(K) publicly regulated utility companies located in the State;

"(L) credit reporting agencies located in the State; and

"(M) trade and labor unions located in the State.

"(12) Procedures under which the State agency shall maintain a child support order registry which shall include—

"(A) each child support order in the State in which the parties agree to the inclusion of such order in the registry; and

"(B) at the option of the State, all other child support orders in the State.".

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary of Health and Human Services should investigate pursuant to section 453(e) of the Social Security Act (42 U.S.C. 653(e)) accessing Federal data banks not already linked to the Parent Locator Service which are deemed more-than-marginally useful to locate absent parents.

SEC. 103. EXPANSION OF ACCESS TO NATIONAL NETWORK FOR LOCATION OF PARENTS.

(a) IN GENERAL.—Section 453 (42 U.S.C. 653) is amended by adding at the end the following new subsection:

"(g) The Secretary, through the Office of Child Support Enforcement, shall expand the Parent Locator System, established under this section to provide a national network based on the comprehensive statewide child support enforcement systems developed by the various States. Such an expansion—

"(1) would allow each State to—

"(A) locate any absent parent who owes a child support obligation, for whom an obligation is being established, or for whom an order for visitation is being enforced by—

"(i) accessing the records of other State agencies and sources of locate information directly from one computer system to another, and

"(ii) accessing Federal sources of locate information in the same fashion; "

"(B) access the files of other States to determine whether there are other child support orders and obtain the details of those orders;

"(C) provide for both on-line and batch processing of locate requests, with on-line access restricted to cases in which the information is needed immediately (i.e., court appearances) and batch processing used to 'troll' data bases to locate individuals or update information periodically; and

"(D) direct locate requests to individual States or Federal agencies, broadcast requests to selected States, or broadcast cases to all States when there is no indication of the source of needed information;

"(2) provide for a maximum of 48-hour turnaround time for information to be broadcast and returned to a requesting State;

"(3) provide ready access to courts of the information on the network by location of a computer terminal in each court; and

"(4) access the registry of child support orders for public and private cases maintained at the State level by the State agencies as described in section 466(a)(12).".

(b) EXPANDED STATE INTERACTION WITH NATIONAL NETWORK.—Section 454(16) (42 U.S.C. 654(16)) is amended—

(1) by striking "and (E)" and inserting "(E)", and

(2) by striking "enforcement;" at the end of subparagraph (E) and inserting "enforcement, and (F) to provide access to the national network developed pursuant to section 453(g);".

SEC. 104. PRIVATE ATTORNEY ACCESS TO LOCATE AND ENFORCEMENT SERVICES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 102, is amended by inserting after paragraph (12) the following new paragraph:

"(13) Procedures under which private attorneys and pro se obligees are given access to information located in the State locate resources and through enforcement techniques of the State child support enforcement agency, for the limited purpose of establishing, modifying, and enforcing child support, visitation, and parentage orders, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent. Such procedures may provide for reasonable fees for such access.".

SEC. 105. NATIONAL REPORTING OF NEW HIRES AND CHILD SUPPORT INFORMATION.

(a) FEDERAL IMPLEMENTATION OF SYSTEM.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Labor, shall establish a system of reporting of new employees by requiring employers to provide a copy of every new employee's W-4 form to the employment security agency of the State in which the employment is located.

(2) EXPANDED USE OF FORM.—The Secretary of the Treasury shall modify the W-4 form completed by the new employee to include—

(A) whether a child support obligation is owed by the new employee, and if so, to whom such obligation is payable and the amount of such obligation,

(B) whether payment of such obligation is to be by income withholding, and

(C) whether the new employee has health care insurance available.

(3) EMPLOYER WITHHOLDING OBLIGATION.—

(A) IN GENERAL.—Subtitle C of the Internal Revenue Code of 1986 (relating to employment taxes) is amended by inserting after chapter 24 the following new chapter:

"CHAPTER 24A—COLLECTION OF CHILD SUPPORT OBLIGATIONS AT SOURCE ON WAGES

"Sec. 3411. Child support obligations collected at source.

"SEC. 3411. CHILD SUPPORT OBLIGATIONS COLLECTED AT SOURCE.

"(a) REQUIREMENT OF WITHHOLDING.—Every employer making payment of wages shall deduct and withhold upon such wages a specified child support obligation amount.

"(b) SPECIFIED CHILD SUPPORT OBLIGATION AMOUNT.—For purposes of this chapter, the specified child support obligation amount with respect to any employee shall be determined based on information provided by the employee, such information to be confirmed or corrected by the State within which the employer is located under procedures described in section 466(a)(14) of the Social Security Act.

"(c) LIABILITY FOR PAYMENT.—The employer shall be liable for the payment of the specified child support obligation amount to the payee identified by the employee.

"(d) SPECIAL RULES.—For purposes of this chapter (and so much of subtitle F as relates to this chapter), any specified child support obligation amount shall be treated as if were a tax withheld under chapter 24 and rules similar to the rules of such chapter shall apply."

(B) CLERICAL AMENDMENT.—The table of chapters of subtitle C of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 24 the following new item:

"CHAPTER 24A. Child support obligations collected at source.".

(4) WITHHELD CHILD SUPPORT OBLIGATIONS REPORTED ON W-2 FORMS.—Subsection (a) of section 6051 of the Internal Revenue Code of 1986 (relating to receipts for employees) is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and", and by inserting after paragraph (9) the following new paragraph:

"(10) the total amount of specified child support obligations withheld under section 3411.".

(b) STATE IMPLEMENTATION OF SYSTEM.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 104, is amended by inserting after paragraph (13) the following new paragraph:

"(14) Procedures under which the State shall—

"(A) impose monetary penalties on—

"(i) individuals who owe child support obligations who fail to report such obligations on Federal income tax W-4 forms at time of employment;

"(ii) employers who fail to forward such W-4 forms to the State employment security agency within 10 calendar days of the date of the payroll; and

"(iii) employers who fail to withhold the child support obligation and disburse such obligation to the individual owed such obligation within 10 calendar days of the date of the payroll, using electronic funds transfer, if possible, unless otherwise notified by such State agency;

"(B) confirm the information provided under subparagraph (A)(ii) or identify child support obligations that have not been reported by the new hire through the use of the Parent Locator System established under section 453;

"(C) notify the employer in cases where the employee has not correctly reported on

the W-4 using a standard wage withholding notice developed by the Federal Office of Child Support Enforcement under section 452(a)(14);

"(D) broadcast over the Parent Locator System to other States information based on W-4 form information that has been sent to the State employment security agency; and

"(E) in the event of a match between the W-4 related information and the abstract of support orders on file in the State registry of child support orders, notify the individual owed a child support obligation or such individual's designee of such information.

If an individual owed a child support obligation who is not utilizing the State program under this part desires the wage withholding services described in this paragraph, such individual shall be required to apply for assistance under the State plan.".

SEC. 106. ACCESS TO LAW ENFORCEMENT SYSTEMS OF RECORDS.

(a) ACCESS BY CHILD SUPPORT ENFORCEMENT AGENCIES.—The head of the National Criminal Information Center, of the National Law Enforcement Telecommunications Network, and of any other national or regional system for tracking individuals shall—

(1) allow access to information the center, network, or other system to Federal, State, and local child support enforcement agencies; and

(2) if an access code is required to allow such access, provide an access code to each child support enforcement agency that applies for one.

(b) LOSS OF FEDERAL FUNDING.—A non-Federal system for tracking individuals that fails to comply with subsection (a) shall not be eligible to receive Federal funding for the system.

SEC. 107. STATE NETWORKS FOR BROADCASTING WARRANTS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 105, is amended by inserting after paragraph (14) the following new paragraph:

"(15) Procedures under which the State—

"(A) shall make available for broadcasting on its local and State crime information system failure-to-appear warrants, capiases and bench warrants issued by courts in civil and criminal parentage and child support proceedings; and

"(B) if a defendant or anyone on behalf of the defendant posts security after being arrested, shall remit any subsequent forfeiture to the individual owed the child support obligation to the extent of any arrearage in such obligation.".

TITLE II—ESTABLISHMENT

SEC. 201. LONG-ARM JURISDICTION AND FULL FAITH AND CREDIT.

(a) STATE LAW.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 107, is amended by inserting after paragraph (15) the following new paragraphs:

"(16) Procedures under which the State may validly assert personal jurisdiction over a nonresident in an action to establish, enforce, or modify a child support order, or to determine parentage if 1 or more of the following factors are met:

"(A) The nonresident was personally served with process in the State.

"(B) The nonresident submitted to the jurisdiction of the State by consent, by entering a general appearance, or by filing a pleading that effectively waived any contest to jurisdiction.

"(C) The nonresident resided in the State with the child during the child's lifetime;

"(D) The nonresident resided in the State and provided prenatal expenses for the child or support after the child's birth.

"(E) The child resides in the State as a result of the acts or directives of the nonresident.

"(F) The nonresident engaged in sexual intercourse in the State and the child may have been conceived by such intercourse.

"(G) The nonresident asserted parentage in a putative father registry maintained by the State.

"(H) There is any other basis consistent with the constitution of the State and the Constitution of the United States for the exercise of personal jurisdiction over the nonresident.

"(17) Procedures under which the State shall—

"(A) treat out-of-State service of process in child support and parentage actions in the same manner as in-State service of process;

"(B) require that notice for the exercise of jurisdiction over nonresident be given in a manner reasonably calculated to give actual notice and may be—

"(i) by personal delivery outside the State in the manner prescribed for service of process within the State;

"(ii) in the manner prescribed by the law of the place in which the service is made;

"(iii) by first-class mail addressed to the individual to be served (if allowed by the State's rules of civil procedure) or any other form of mail that includes a request for a receipt or signature of such individual, subject to the requirements of such rules of civil procedure; or

"(iv) as directed by the court, including publication if other means of notification are ineffective, subject to the requirements of the State's rules of civil procedure;

"(C) require that notice to commence a child support or parentage action be delivered, mailed, or published with sufficient time to allow for serving an answer or other response before any hearing in the State, in accordance with the otherwise applicable rule regarding the commencement of an original action in the State;

"(D) require notice of the commencement of a child support or parentage action to each party whose rights, privileges, duties, or powers may be affected by the action;

"(E) require that proof of service outside the State may be made by the affidavit of the individual who made the service, or in the manner prescribed by the law of the State, by the order under which the service is made, or by the law of the place in which service is made, and if service is made by mail, proof of service may be by a receipt signed by the addressee or other evidence of delivery to the addressee; and

"(F) require the availability of first-class mail service after the service of the summons and initial pleadings.".

(b) SENSE OF THE CONGRESS.—Pursuant to its powers to enforce the Due Process Clause of the Fifth Amendment, section 5 of the Fourteenth Amendment, the Commerce Clause, the General Welfare Clause, and the Full Faith and Credit Clause of the United States Constitution, it is the sense of the Congress that the courts of a State may, consistent with due process, exercise personal jurisdiction over a nonresident who is the parent or presumed parent of a resident child in order to establish, enforce, or modify a child support order or to determine parentage.

(c) INTERSTATE RECOGNITION OF CHILD SUPPORT AND PARENTAGE ORDERS.—

(1) IN GENERAL.—Chapter 115 of title 28, United States Code, is amended by inserting after section 1738A the following new section:

"§ 1738B. Full faith and credit to child support and parentage orders

"(a) DEFINITIONS.—As used in this section, the term:

" 'Child' means any individual under the age of 18 years, and any individual who has attained the age of 18 years or more for whom a child support order has been issued pursuant to the laws of a State.

" 'Child support' includes periodic and lump sum payments for current and past due economic support, payments of premiums for health insurance for children, payments for or provision of child care, and payments for educational expenses.

" 'Child support order' means a judgment, decree or order of a court requiring the payment of money, whether in periodic amounts or lump sum, for the support of a child and includes permanent and temporary orders, initial orders and modifications, ongoing support and arrearages.

" 'Child's State' means the State in which the child currently resides with a parent, or an individual acting as a parent.

" 'Contestant' means an individual, including a parent, who claims a right to receive child support or is under an order to pay child support, and includes States and political subdivisions to which support rights have been assigned.

" 'Court' means a court, administrative process, or quasijudicial process of a State that is authorized to—

"(1) adjudicate parentage;

"(2) establish the amount of support payable by a contestant; or

"(3) modify the amount of support payable by a contestant.

" 'Home State' means the State in which, immediately preceding the time involved, a child lived with his or her parents, a parent, or an individual acting as parent, for at least 6 consecutive months (including any periods of temporary absence), and in the case of a child less than 6 months old, the State in which the child lived from birth with any of such individuals.

" 'Individual acting as a parent' means an individual, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody.

" 'Modification' and 'modify' refer to a change in a child support order or an order adjudicating parentage that modifies, replaces, supersedes, or otherwise is made subsequent to such prior order, whether or not made by the same court that issued such prior order.

" 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, and Indian country as defined in section 1151 of title 18, United States Code.

"(b) FULL FAITH AND CREDIT.—The courts of each State shall recognize and enforce according to its terms a child support order or an order adjudicating parentage against an individual over whom personal jurisdiction has been exercised, including an order pursuant to a State law that authorizes the courts of the State to exercise personal jurisdiction over nonresidents to the extent permitted by the Constitution of the United States, and shall not modify such an order except as provided in subsection (f).

"(c) BASES OF JURISDICTION.—A court of a State has personal jurisdiction over a nonresident contestant if 1 or more of the following factors are met:

"(1) The nonresident was personally served with process in the State.

"(2) The nonresident submitted to the jurisdiction of the State by consent, by entering a general appearance, or by filing a pleading that effectively waived any contest to jurisdiction.

"(3) The nonresident resided in the State with the child during the child's lifetime;

"(4) The nonresident resided in the State and provided prenatal expenses for the child or support after the child's birth.

"(5) The child resides in the State as a result of the acts or directives of the nonresident.

"(6) The nonresident engaged in sexual intercourse in the State and the child may have been conceived by such intercourse.

"(7) The nonresident asserted parentage in a putative father registry maintained by the State.

"(8) There is any other basis consistent with the constitution of the State and the Constitution of the United States for the exercise of personal jurisdiction over the nonresident.

"(d) CONTINUING EXCLUSIVE JURISDICTION.—A court of a State which has made a child support order or adjudicated parentage consistently with the provisions of this section has continuing, exclusive jurisdiction of that order for so long as the State remains the child's State or the residence of any contestant, unless another State, acting in accordance with subsection (f), has modified such order.

"(e) NOTICE AND HEARING.—Before a court of a State makes a child support order or adjudicates parentage, reasonable notice and opportunity to be heard shall be given to the contestants.

"(f) MODIFICATION.—A court of a State may modify a child support order or an order adjudicating parentage made by a court of another State if—

"(1) it has jurisdiction to make such an order; and

"(2) the court of the other State no longer has continuing, exclusive jurisdiction because—

"(A) the other State no longer is the child's State or the residence of any contestant; or

"(B) each contestant has filed written consent for the State to modify the order and assume continuing, exclusive jurisdiction of such order.

"(g) ENFORCEMENT OF PRIOR ORDERS.—A court of a State which no longer has continuing, exclusive jurisdiction of a child support order or an order adjudicating parentage may enforce such order with respect to unsatisfied obligations which accrued before the date on which a modification of such order is made under subsection (f).

"(h) WITHHOLDING EXERCISE OF JURISDICTION.—A court of a State shall not exercise jurisdiction in any proceeding for a child support order or an adjudication of parentage commenced during the pendency of a proceeding in a court of another State when the court of the other State is exercising jurisdiction consistently with this section unless—

"(1) the proceeding was filed in the State before the expiration of time allowed in the other State for filing a responsive pleading challenging the exercise of jurisdiction by the other State;

"(2) the contesting party timely challenges the exercise of jurisdiction by the other State; and

"(3) if applicable, the court is in the home State of the child.

"(i) CHOICE OF LAW.—(1) Except as provided in paragraphs (2) and (3), the forum State's law shall apply in a proceeding to establish, modify, or enforce a child support order or an order adjudicating parentage.

"(2) The courts of a State shall apply the law of the State that issued a child support order or an order adjudicating parentage in interpreting such an order.

"(3) In an action to enforce a child support order or an order adjudicating parentage, the statute of limitations under the laws of the forum State or the issuing State, whichever is longer, shall apply.".

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738A the following new item:

"1738B. Full faith and credit to child support and parentage orders.".

SEC. 202. SERVICE OF PROCESS ON FEDERAL EMPLOYEES AND MEMBERS OF THE ARMED SERVICES RELATING TO CHILD SUPPORT, ALIMONY, AND PARENTAGE OBLIGATIONS.

(a) IN GENERAL.—Part D of title IV is amended by inserting after section 460 the following new section:

"SERVICE OF PROCESS ON FEDERAL EMPLOYEES AND MEMBERS OF THE ARMED SERVICES RELATING TO CHILD SUPPORT, ALIMONY, AND PARENTAGE OBLIGATIONS.

"SEC. 460A. (a) The head of each agency shall designate an agent for receipt of service of process for any employee or member of the armed services of such agency who is stationed outside the United States or its territories and possessions relating to any action filed in a State court to establish, enforce, or modify a child support order or an alimony order, or to determine parentage.

"(b) The agent designated under subsection (a) shall receive service of process—

"(1) at the designated post of duty or regular place of business of the employee or member of the armed services; or

"(2) at a location within the United States for an employee or member of the uniformed services whose post of duty is outside of the United States.

"(c) Nothing in this section shall be construed to prohibit any employee or member of the armed services from requesting or being granted a stay or continuance in any action in a Federal or State court, including any relief available under the Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.).

"(d) For purposes of this section, the term 'agency' means each agency of the Federal Government, including—

"(1) an Executive agency as defined under section 105 of title 5, United States Code;

"(2) the Department of Defense with regard to employees of such department and members of the armed services;

"(3) the United States Postal Service and Postal Rate Commission;

"(4) any agency of the government of the District of Columbia;

"(5) any agency of the legislative or judicial branch of the Government; and

"(6) any advisory committee to which the Federal Advisory Committee Act (5 U.S.C. App.) applies.".

(b) CONFORMING AMENDMENT FOR GARNISHMENT PROCEEDINGS.—Section 459(b) (42 U.S.C. 659(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) With respect to any Federal employee, including any member of the armed services, who is stationed outside the United States, the agent designated under paragraph (1) shall receive service of process—

"(A) at the designated post of duty or regular place of business of the employee or member of the armed services; or

"(B) at a location within the United States for an employee or member of the armed services whose post of duty is outside of the United States.

"(3) Nothing in this section shall be construed to prohibit any employee or member of the armed services from requesting or being granted a stay or continuance in any action in a Federal or State court, including any relief available under the Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.).".

(c) REGULATIONS.—No later than 270 days after the date of the enactment of this Act, the head of each agency shall promulgate and publish regulations implementing the amendments made by this section.

SEC. 203. PRESUMED ADDRESS OF OBLIGOR AND OBLIGEE.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 201, is amended by inserting after paragraph (17) the following new paragraph:

"(18) Procedures under which the State shall—

"(A) require the filing of parents' residential addresses, mailing addresses, home telephone numbers, driver's license numbers, social security numbers, names of employers, addresses of places of employment, and work telephone numbers with the appropriate court or administrative agency, on or before the date the final order is issued;

"(B) create the presumption that for the purpose of providing sufficient notice in any support-related action other than the initial notice in an action to adjudicate parentage or establish a child support order that the last residential address of the party given to the appropriate agency or court is the current address of the party, unless the individual owed the support obligation in good faith provides a more accurate address, which then becomes the presumed address of the individual who owes such obligation; and

"(C) ensure that information concerning the location of a parent or child shall not be released to the other parent if there is a court order for the physical protection of one parent or child entered against the other parent.".

SEC. 204. NOTIFICATION TO CUSTODIAL PARENTS.

Section 454 (42 U.S.C. 654) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting "; and", and by inserting after paragraph (24) the following new paragraph:

"(25) provide that the agency administering the plan—

"(A) notify any individual owed a child support obligation of all hearings in which such obligation might be established, modified, or enforced, in a timely fashion to allow custodial parents the opportunity to attend and present evidence to the court, except that failure to actually notify such individual may not be used as a ground for delay and shall not prevent a court from rendering a decision if the agency made reasonable attempts to provide such notice; and

"(B) provide custodial parents with a copy of any order that establishes, modifies, or enforces a child support obligation within 14 days of the date of the issuance of such order.".

SEC. 205. STATE UNIFORMITY REGARDING DETERMINATION OF PARENTAGE AND SUPPORT, JURISDICTION AND VENUE, AND FEDERAL EMPLOYEE RESIDENTIAL STATUS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 203, is amended by inserting after paragraph (18) the following new paragraph:

"(19) Procedures under which within the State—

"(A) a party seeking both parentage adjudication and child support establishment shall be able to bring both in a single cause of action;

"(B) the venue for parentage adjudication shall be in the county of residence of the child, when the child and alleged parent who is the defendant reside in different counties within the State;

"(C) a court or agency that issues a parentage or child support order shall have continuing and exclusive jurisdiction over the order until that court or agency transfers jurisdiction to the appropriate court or agency in the county where the child resides, or the parties consent to be bound by another court or agency in the State that has subject matter jurisdiction;

"(D) proceedings for purposes of enforcement and modification shall be transferred to the city, county, or district where the child resides without the need for refiling by the plaintiff or re-serving the defendant;

"(E) a court or agency that hears parentage or child support claims shall have statewide jurisdiction over the parties, and the parentage and child support orders issued by the court or agency shall have statewide effect for enforcement purposes; and

"(F) visitation denial is not a defense to child support enforcement and the nonpayment of support is not a defense to visitation enforcement.".

SEC. 206. FAIR CREDIT REPORTING ACT AMENDMENTS.

Section 604 of the Consumer Credit Protection Act (15 U.S.C. 1681b) is amended by adding at the end thereof the following new paragraph:

"(4) To an agency administering a State plan under section 454 of the Social Security Act (42 U.S.C. 654) to use the information relevant to the setting of an initial or modified child support award, without the necessity of a court order.".

SEC. 207. NATIONAL CHILD SUPPORT GUIDELINE COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "National Child Support Guidelines Commission" (in this section referred to as the "Commission").

(b) GENERAL DUTIES.—The Commission shall convene a conference to study the desirability of a national child support guideline, and if such guideline is advisable, the Commission shall develop for congressional consideration a national child support guideline that is based on the conference's study of various guideline models, the deficiencies of such models and any needed improvements.

(c) MEMBERSHIP.—

(1) NUMBER; APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of 9 individuals appointed jointly by the Secretary of Health and Human Services and the Congress, not later than January 15, 1995.

(B) QUALIFICATIONS OF MEMBERS.—Members of the Commission shall be appointed from among those who are able to provide expertise and experience in the evaluation and development of child support guidelines.

(2) TERMS OF OFFICE.—Each member shall be appointed for a term of 2 years. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMMISSION POWERS, COMPENSATION, ACCESS TO INFORMATION, AND SUPERVISION.—The first sentence of subparagraph (C), the first and third sentences of subparagraph (D), subparagraph (F) (except with respect to the conduct of medical studies), clauses (ii) and (iii) of subparagraph (G), and subparagraph (H) of section 1886(e)(6) of the Social Security Act shall apply to the Commission in the same manner in which such provisions apply to the Prospective Payment Assessment Commission.

(e) REPORT.—Not later than 2 years after the appointment of members, the Commission shall report to the President and the Congress on the results of the study described in subsection (b) and the final assessment by the Commission of issues relating to a national child support guideline.

(f) TERMINATION.—The Commission shall terminate upon the submission of the report described in subsection (e).

SEC. 208. GUIDELINE PRINCIPLES.

Section 467 (42 U.S.C. 667) is amended by adding at the end the following new subsections:

"(d) The guidelines established pursuant to subsection (a) shall include the following principles:

"(1) A change in the child support amount resulting from the application of the guidelines since the entry of the last support order is sufficient reason for modification of a child support obligation without the necessity of showing any other change in circumstance. The State may set a minimum timeframe between reviews of modifications based on the guidelines, absent other changes in circumstances.

"(2) By not later than 1995, each State shall establish automatic child support order review procedures based on the automated calculation of the amount of support to which a child is entitled.

"(3) Any custodial parent who is not receiving aid for families with dependent children under part A of this title must agree to the review of a child support award. Such custodial parent shall be advised of a recalculated support amount based on such review and given an opportunity to decline the pursuit of the modification.

"(e) The guidelines established pursuant to subsection (a) may consider the treatment of the following:

"(1) Work-related or job-training-related child care expenses of either parent for the care of children of either parent.

"(2) Health insurance and related uninsured health care expenses, and school expenses incurred on behalf of the child of such parents for whom the child support order is sought.

"(3) Remarried parent's spouse's income.

"(4) Multiple family child raising obligations other than those for the child for whom the child support order is sought.".

SEC. 209. DURATION OF SUPPORT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 205, is amended by inserting after paragraph (19) the following new paragraph:

"(20) Procedures under which the State—

"(A) requires a continuing support obligation by one or both parents until at least the latter of when a child reaches the age of eighteen, or graduates from or is no longer enrolled in secondary school or its equivalent, unless a child marries, or is otherwise emancipated by a court of competent jurisdiction;

"(B) provides that courts with child support jurisdiction have the discretionary power, pursuant to criteria established by the State, to order—

"(i) child support, payable to an adult child, at least up to the age of 22 for a child enrolled in an accredited postsecondary or vocational school or college and who is a student in good standing;

"(ii) either or both parents to pay for postsecondary school support based on each parent's financial ability to pay;

"(C) provides for child support to continue beyond the child's age of majority provided the child is disabled, unable to be self-supportive, and the disability arose during the child's minority; and

"(D) provides that courts should consider the effect of child support received on means-tested governmental benefits and whether to credit governmental benefits against a support award amount.".

SEC. 210. EVIDENCE.

(a) NATIONAL SUBPOENA DUCES TECUM.—Section 452(a) (42 U.S.C. 652(a)) is amended by striking "and" at the end of paragraph (9), by striking the period at the end of paragraph (10), and by inserting after paragraph (10) the following new paragraphs:

"(11) draft and distribute a national subpoena duces tecum for use by local and State child support agencies and child support litigants to reach income information pertaining to all private, Federal, State, and local government employees, as well as any receivers of income, such subpoena duces tecum—

"(A) to be limited to evidence regarding the prior 12 months of income or evidence of accumulated income to date,

"(B) to be honored by payors with the timely mailing of the information to a supplied address on the subpoena,

"(C) to be enforced by a hearing held in the payor's State at which time the payor bears, under penalty of State sanction, the burden of specifying the reasons for not timely honoring the subpoena, and

"(D) the information of which is to be admitted once offered to prove the truth of the matter asserted; and

"(12) establish a simplified certification process and admissibility procedure for out-of-State documents in child support or parentage cases.".

(b) STATE LAWS.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 209, is amended by inserting after paragraph (20) the following new paragraph:

"(21) Procedures under which—

"(A) any certified copy of an out-of-State order, decree, or judgment related to child support or parentage shall be admitted once offered in the courts of the State if such order, decree, or judgment is regular on its face;

"(B) the introduction of electronically transmitted information and faxed documents to the court or administrative agency shall be allowed to determine the amount of the obligation and terms of the order, and electronically transmitted records of payment of a child support agency that are regular on their face may be offered in a child support or parentage proceeding and shall be admitted to prove the truth of the matter asserted;

"(C) out-of-State depositions, interrogatories, admissions of fact, and other discovery documents may be offered and shall be admitted in a child support or parentage proceeding to prove the truth of the matters asserted in the documents if regular on their face and if such documents comply with the appropriate discovery rule or law of the State where the discovery was conducted; and

"(D) written, videotaped, or audiotaped evidence related to a child support or parentage proceeding may be offered and shall be admitted to prove the truth of the matter asserted therein.".

SEC. 211. NONRESIDENT'S TELEPHONIC ACCESS TO FORUM.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 210, is amended by inserting after paragraph (21) the following new paragraph:

"(22) Procedures under which litigants in an interstate parentage or child support administrative or judicial action may appear and participate by telephonic means.".

SEC. 212. UNIFORM TERMS IN ORDERS.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 210, is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting "; and", and by inserting after paragraph (12) the following new paragraph:

"(13) develop, in conjunction with State executive and judicial organizations, a uniform abstract of a child support order, to be used by all State courts to record the facts of a child support order in a registry of child support orders established under section 466(a)(12), such abstract to include—

"(A) the date that support payments are to commence;

"(B) the circumstances upon which support payments are to terminate;

"(C) the amount of current child support expressed as a sum certain, arrearages expressed as a sum certain as of a certain date, and any payback schedule for the arrearages;

"(D) whether the support award is in a lump sum (nonallocated) or per child;

"(E) if the award is lump sum, the event causing a change in the support award and the amount of any change;

"(F) other expenses, such as those for child care and health care;

"(G) names of the parents;

"(H) social security numbers of the parents;

"(I) names of all children covered by the order;

"(J) dates of birth and social security numbers of children covered by the order;

"(K) court identification (FIPS code, name and address) of the court issuing the order;

"(L) health-care support information; and

"(M) party to contact when additional information is obtained.".

SEC. 213. SOCIAL SECURITY NUMBERS ON MARRIAGE LICENSES AND CHILD SUPPORT ORDERS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 211, is amended by inserting after paragraph (22) the following new paragraph:

"(23) Procedures under which social security numbers of the individuals applying for a marriage license are listed on the license by each applicant's name.'.

SEC. 214. ADMINISTRATIVE SUBPOENA POWER.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 213, is amended by inserting after paragraph (23) the following new paragraph:

"(24) Procedures under which the State agency may issue subpoenas that require the individual served to produce and deliver documents to or to appear at a court or administrative agency on a certain date and may sanction an individual for failing to obey the subpoena's command.".

TITLE III—PARENTAGE

SEC. 301. PARENTAGE.

(a) STATE PLAN.—

(1) IN GENERAL.—Section 454 (42 U.S.C. 654), as amended by section 204, is amended by striking "and" at the end of paragraph (24), by striking the period at the end of paragraph (25) and inserting "; and", and by inserting after paragraph (25) the following new paragraph:

"(26) in order to encourage voluntary paternity acknowledgement, provide for—

"(A) the development and distribution of material at schools, hospitals, agencies administering the programs under part A of this title and title XIX, prenatal health-care providers, WIC programs, health departments, clinics, and other appropriate locations that describe the benefits and responsibilities of paternity establishment and the process by which paternity services may be obtained,

"(B) outreach programs at hospitals and birthing facilities and programs for prenatal care, child birth, and parenting, and

"(C) the use of consent procedures.".

(2) ENHANCED FEDERAL MATCH.—Section 455(a)(1) (42 U.S.C. 655(a)(1)) is amended by striking "and" at the end of subparagraph (B), by inserting "and" after the semicolon at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

"(D) equal to 90 percent (rather than the percentage specified in subparagraph (A)) of so much of the sums expended during such quarter as are attributable to costs incurred in carrying out the purposes of section 454(26);".

(b) STATE LAW.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 214, is amended by inserting after paragraph (24) the following new paragraph:

"(25) Procedures under which—

"(A) a signature by an individual on a signature line provided for a father on a State birth certificate shall create a rebuttable presumption of parentage of the signatory, and the birth certificate shall be admitted as evidence for the truth of the matter asserted;

"(B) a simple, civil consent procedure is available for individuals who agree to acknowledge parentage of a child;

"(C) an acknowledgment of parentage may be incorporated in a witnessed, written statement that includes a statement that—

"(i) the individual understands the consequences of paternity establishment,

"(ii) the individual is signing the statement voluntarily, and

"(iii) the individual does not object to the court entering an order for parentage, based on the acknowledgment, without notice prior to the entry of the order and without the requirement of pleadings, service, summons, testimony or a hearing;

"(D) collection of information for support determination may be done concurrently with the parentage acknowledgment process, so long as consistent with State constitutional law;

"(E) the State shall use a civil procedure (and not a criminal procedure) for the determination of parentage;

"(F) the standard of evidence for such determination is a preponderance of the evidence;

"(G) a party may bring a parentage action without joinder of the named child and the State's law regarding privity of the parties shall govern the res judicata effect of nonjoinder;

"(H) the State establishes a threshold percentage of probability of parentage or a threshold percentage of likelihood of exclusion of those wrongfully accused which creates a presumption of parentage if such parentage testing results are admitted and uncontroverted;

"(I) a resolution of parentage may be made against a noncooperative party who refuses to submit to an order by a court for parentage testing;

"(J) any objection to the parentage testing or to the results of that testing must be made in writing at least 21 days prior to trial, and if no objection is made, the test result is admitted to prove the truth of the matter asserted, without the need for the attendance of a representative of the hospital, clinic, or parentage laboratory, except that a party is not prohibited from calling an outside expert witness to refute or support the testing procedure or results, or the mathematical theory on which the test results are based;

"(K) the introduction and admission into evidence, without the need for third-party foundation testimony, of prenatal and postnatal parentage-testing bills is allowed and each bill is regarded as prima facie evidence of the amount incurred on behalf of the child for the procedures included in the bill;

"(L) the State may enter a default order in parentage cases upon proper showing of evidence of parentage and of service of process on the defendant, without requiring the personal presence of the plaintiff;

"(M) temporary support orders are entered if—

"(i) the parentage testing results create a presumption of parentage,

"(ii) the individual from whom support is sought has signed a verified statement of parentage; or

"(iii) other clear and convincing evidence is presented that such individual is the child's parent; and

"(N) a party whose parentage has been previously determined by law may not plead nonparentage as a defense to a child support action.".

TITLE IV—ENFORCEMENT

SEC. 401. ANTI-ASSIGNMENT CLAUSES AMENDED.

Section 462(f)(2) (42 U.S.C. 662(f)(2)) is amended by striking "(not including" and all that follows through "compensation)".

SEC. 402. DIRECT INCOME WITHHOLDING.

(a) STATE LAW.—Section 466(b) (42 U.S.C. 666(b)) is amended by adding at the end the following new paragraphs:

"(11) Any individual or entity engaged in commerce, as a condition of doing business in the State, shall honor income withholding notices or orders issued by a court of any other State. Service of the notice may be by first-class mail, or directly served on the income source. The individual or entity served shall immediately provide a copy of the notice to the employee. The individual or entity shall honor the withholding notice or order—

"(A) if such notice or order is regular on its face,

"(B) regardless of the location of the employee's workplace.

If such notice or order is fully complied with, the individual or entity may not be held liable for wrongful withholding.

"(12) In any case under this part, if a contest to or refusal to comply with an income withholding notice or order occurs, the State seeking withholding shall send an informational copy of the withholding notice or order to the registry established under subsection (a)(14) in the State in which the employee is employed or which is the source of the income.

"(13) If the employee requests a hearing to contest the withholding based on a mistake of fact, that hearing may be held in the State of the income source or the State of the employee's employment, with a determination made within 45 days of the mailing of the withholding notice or order to the in-

come source. The State where any hearing is held shall provide the appropriate services in cases enforced under the State plan to ensure that the interests of the individual owed the child support obligation are represented.".

(b) UNIFORM WITHHOLDING NOTICE.—Section 452(a) (42 U.S.C. 652(a)), as amended by section 212, is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting "; and", and by inserting after paragraph (13) the following new paragraph:

"(14) develop a uniform withholding notice to be used in all income withholding cases, such notice to list the number of children covered by such notice and to be generic to allow for the service of the same notice on subsequent or concurrent sources of income without the necessity of obtaining from the decisionmaker a new, income-source-specific notice.".

SEC. 403. PRIORITY OF WAGE WITHHOLDING.

Section 466(b) (42 U.S.C. 666(a)), as amended by section 402, is amended by inserting after paragraph (13) the following new paragraph:

"(14) Procedures under which, absent a request by the custodial parent, the presumptive priority of withholding under a child support or income withholding order is—

"(A) payments on current support obligations,

"(B) payments of premiums for health insurance for dependent children, and

"(C) payments on past due child support obligations and unreimbursed health-care expenses.

In the case of multiple withholding orders affecting the same employee, payments shall be made to each child on a pro rata basis.".

SEC. 404. DEFINITION OF INCOME SUBJECT TO WITHHOLDING INCLUDES WORKERS' COMPENSATION.

Section 462 (42 U.S.C. 662(f)) is amended—

(1) by striking "For purposes of section 459" and inserting "For purposes of section 459 and, in the case of subsection (f), this part",

(2) by striking the period at the end of paragraph (2) of subsection (f) and inserting ", or", and

(3) by adding at the end of subsection (f) the following new paragraph:

"(3) workers' compensation benefits.".

SEC. 405. CONSUMER CREDIT PROTECTION ACT AMENDMENTS.

(a) PREEMPTION OF STATE LAWS.—Section 307 of the Consumer Credit Protection Act (15 U.S.C. 1677) is amended—

(1) by striking "This" and inserting "(a) IN GENERAL.—Subject to subsection (b), this";

(2) by striking "or" at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting ", or"; and

(4) by adding at the end the following:

"(3) providing a cause of action, either by the State or a private individual, to enforce a Federal or State law related to garnishment for the purpose of securing child support.

"(b) EXCEPTION.—Subsection (a)(1) does not apply to the laws of any State that prohibit or restrict garnishments for the purpose of securing support for any person.".

(b) OTHER FORMS OF INCOME.—Title III of the Consumer Credit Protection Act (15 U.S.C. 1671 et seq.) is amended by adding at the end the following new section:

"SEC. 308. OTHER FORMS OF INCOME.

"This title does not apply to forms of income that are not earnings within the definition contained in section 302(a).".

(c) PRIORITY OF DEBTS.—Title III of the Consumer Credit Protection Act (15 U.S.C. 1671 et seq.), as amended by subsection (b), is further amended by adding at the end the following new section:

"SEC. 309. PRIORITY OF DEBTS.

"If an individual's disposable earnings are not sufficient to pay—

"(1) a garnishment intended to satisfy a Federal debt; and

"(2) a garnishment intended to satisfy a debt related to the support of any child,

the Federal debt shall be satisfied through garnishment only after the debt related to child support has first been satisfied.".

(d) ADDITIONAL INDEBTEDNESS IN ANTI-DISCHARGE SECTION.—Section 304 of the Consumer Credit Protection Act (16 U.S.C. 1674) is amended by adding at the end the following:

"(c) The prohibition contained in subsection (a) shall apply to any employee whose earnings are subject to garnishment for more than one indebtedness, if the additional indebtedness arises from an order for the support of a child.".

SEC. 406. ELECTION OF REMEDIES PROHIBITION.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 301, is amended by inserting after paragraph (25) the following new paragraph:

"(26) Procedures under which the doctrine of election of remedies may not be invoked in child support cases.".

SEC. 407. OCCUPATIONAL, PROFESSIONAL, AND BUSINESS LICENSES.

(a) STATE HOLD BASED ON WARRANT OR SUPPORT DELINQUENCY.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 406, is amended by inserting after paragraph (26) the following new paragraph:

"(27) Procedures under which the State occupational licensing and regulating departments and agencies may not issue or renew occupational, professional, or business licenses of—

"(A) noncustodial parents who are the subject of outstanding failure to appear warrants, capiases, and bench warrants related to a child support proceeding that appear on the State's crime information system, until removed from the system; and

"(B) individuals who are delinquent in their child support obligation, until the pro se obligee, the obligee's attorney, or a State prosecutor responsible for child support enforcement consents to, or a court that is responsible for the order's enforcement orders, the release of the hold on the license, or an expedited inquiry and review is completed while such individual is granted a 30-day temporary license.".

(b) FEDERAL HOLD BASED ON SUPPORT DELINQUENCY.—No Federal agency may issue or renew occupational, professional, or business licenses of individuals who are delinquent in their child support obligation, until the pro se obligee, the obligee's attorney or a State prosecutor responsible for child support enforcement consents to, or a court that is responsible for the order's enforcement orders, the release of the hold on the license, or an expedited inquiry and review is completed while such individual is granted a 30-day temporary license.

(c) WAIVER OF FEDERAL IMMUNITY.—The Federal Government shall waive its sovereign immunity claims by statute for this limited purpose and cooperate fully with local and State officials regarding license issuances or renewals.

SEC. 408. DRIVER'S LICENSES AND VEHICLE REGISTRATIONS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 407, is amended by inserting after paragraph (27) the following new paragraph:

"(28) Procedures under which the State motor vehicle department—

"(A) may not issue or renew driver's licenses or vehicle registrations (other than temporary) of noncustodial parents who are the subject of outstanding failure to appear warrants, capiases and bench warrants related to a child support proceeding that appear on the State's crime information system, until removed from the system;

"(B) upon receiving notice that an individual holds a State driver's license or vehicle registration who is the subject of a warrant related to a child support proceeding, issues a show cause order to that individual asking that individual to demonstrate why his or her driver's license or vehicle registration ought not be suspended until the warrant is removed by the State responsible for issuing the warrant; and

"(C) in cases in which a show cause order pursuant to subparagraph (B) has been issued, may grant a temporary license or vehicle registration to such individual pending the show cause hearing or the removal of the warrant, whichever occurs first.".

SEC. 409. LIENS ON CERTIFICATES OF VEHICLE TITLE.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 408, is amended by inserting after paragraph (28) the following new paragraph:

"(29) Procedures under which the State shall systematically place liens on vehicle titles for child support arrearages, using a method for updating the value of the lien on a regular basis or allowing for an expedited inquiry to and response from a governmental payee for proof of the amount of arrears, with an expedited method for the titleholder or the individual owing such arrearage to contest the arrearage claimed or to request a release upon fulfilling the support obligation. Such procedures shall establish that such lien have precedence over all other encumbrances on the vehicle title other than a purchase money security interest, and that the individual owed such arrearage may execute on, seize, and sell the property if warranted.".

SEC. 410. ATTACHMENT OF BANK ACCOUNTS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 409, is amended by inserting after paragraph (29) the following new paragraph:

"(30) Procedures under which the State shall authorize post-judgment seizure of bank accounts without the need to obtain a separate court order for the attachment. The funds shall be frozen pending notice to and an expedited opportunity to be heard for the account holder or holders. If the account holder or holders do not successfully challenge the freeze, the part of the account subject to the freeze up to the amount of the child support debt shall be turned over to the individual or State seeking the execution.".

SEC. 411. LOTTERIES, SETTLEMENTS, PAYOUTS, AWARDS, AND FORFEITURES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 410, is amended by inserting after paragraph (30) the following new paragraph:

"(31) Procedures, in addition to other income withholding procedures, under which a lien is imposed against property with the following effect:

"(A) A lottery player's winnings from a State lottery or a gambler's winnings in a State-sanctioned or tribal-sanctioned gambling house or casino shall have the winnings held by the distributor until an inquiry is made to and a response is received from the State child support enforcement agency whether the recipient of the winnings owes child support arrearage. If the recipient does owe child support, an amount equivalent to

the arrearage shall be paid out of the winnings and forwarded directly to such agency for distribution.

"(B) Insurance settlements or policy payouts must be held by the insurance carrier or the risk-holder until an inquiry is made to and a response received from such agency regarding whether the beneficiary of the settlement or payout owes child support arrearage. If the beneficiary does owe child support, an amount equivalent to the arrearage shall be paid out of the settlement or payout and forwarded directly to such agency for distribution.

"(C) Lawsuits filed in State or Federal court that result in awards, judgments, or settlements shall be held by either the attorney for the payor or the pro se payor until an inquiry is made to and a response is received from such agency regarding whether the successful litigant owes child support arrearage. If the litigant does, an amount equivalent to the arrearage shall be paid out of the money held and forwarded directly to such agency for distribution.

"(D) Property seized and forfeited to the State when an individual has been convicted of a crime involving forfeiture of property, shall be held by the State until an inquiry is made to and a response is received from such agency regarding whether the convicted individual owes child support arrearage. If the convicted individual does, an amount equivalent to the arrearage shall be paid out and forwarded directly to such agency for distribution, after attendant costs such as those for towing, storage, and selling are deducted, and before all other private or public claimants to the property have their claims satisfied.".

SEC. 412. FRAUDULENT TRANSFER PURSUIT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 411, is amended by inserting after paragraph (31) the following new paragraph:

"(32) Procedures similar to provisions of the Uniform Fraudulent Transfer Act or the Uniform Fraudulent Conveyance Act that provide indicia or badges of fraud that create a prima facie case that an individual who owes a child support obligation transferred income or property to avoid the individual owed such obligation.".

SEC. 413. FULL IRS COLLECTION.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Commissioner of the Internal Revenue Services should instruct the field offices and agents of the Internal Revenue Service to give a high priority to requests for the use of full collection in delinquent child support cases, and to set uniform standards for full collection to ensure its expeditious and effective implementation.

(b) SIMPLIFIED PROCEDURE.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall by regulation simplify the full collection process and reduce the amount of child support arrearage needed before an individual may apply for full collection.

SEC. 414. BONDS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 412, is amended by inserting after paragraph (32) the following new paragraph:

"(33) Procedures which allow the posting of a cash bond, security deposit, or personal undertaking with the State child enforcement agency if child support payments are not timely made, with the refund of funds (other than the costs of posting) if the individual who owes a child support obligation makes full payments for a prescribed period of time.".

SEC. 415. TAX OFFSET FOR NON-AFDC POST-MINOR CHILD.

Section 464(c) (42 U.S.C. 664(c)) is amended—

(1) by striking "(1) Except as provided in paragraph (2), as" and inserting "As", and

(2) by striking paragraphs (2) and (3).

SEC. 416. ATTACHMENT OF PUBLIC AND PRIVATE RETIREMENT FUNDS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 414, is amended by inserting after paragraph (33) the following new paragraph:

"(34) Procedures under which—

"(A) an individual owed a child support obligation may attach lump sum funds invested by the individual who owes such obligation or the employer of such individual in public and private retirement plans, including any funds that are prematurely reachable by such individual without loss of employment even if the distribution would cause a penalty or tax to such individual for early withdrawal;

"(B) all early withdrawal penalties or taxes remain the responsibility of the individual who owes such obligation; and

"(C) the attachment is made without the requirement of a separate court order, with notice and an expedited hearing provided if requested.".

SEC. 417. REPORTING TO CREDIT BUREAUS.

Section 466(a)(7)(A) (42 U.S.C. 666(a)(7)(A)) is amended by striking "$1,000" and inserting "one month's worth of support".

SEC. 418. CRIMINAL NONSUPPORT.

(a) STATE LAW.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 416 is amended by inserting after paragraph (34) the following new paragraph:

"(35) Procedures under which—

"(A) criminal nonsupport penalties may be imposed; and

"(B) the use immunity may be granted to compel testimony in civil child support proceedings where the defendant claims a Fifth Amendment privilege against self-incrimination, and once granted, bars Federal or other State prosecution for criminal nonsupport based on the testimony given in the civil proceeding in which use immunity was granted.".

(b) FEDERAL LAW.—

(1) IN GENERAL.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Flight to avoid payment of arrearages in child support

"(a) Whoever, for the purpose of avoiding payment of an arrearage under a legal child support obligation, leaves or remains outside the State in which such obligation is imposed, shall be fined under this title or imprisoned not more than six months for the first offense and no more than two years for a second or subsequent offense. After serving time, a continued failure to pay for six months shall constitute a second offense hereunder.

"(b) As used in this section—

"(1) the term 'arrearage' means, with respect to a legal child support obligation, a judicially determined arrearage in payments under such obligation; and

"(2) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States; and

"(3) and an absence of six months without any payment of arrearage shall create a rebuttable presumption of intent to avoid arrearage payment.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"1075. Flight to avoid payment of arrearages in child support".

SEC. 419. STATUTES OF LIMITATION.

(a) IN GENERAL.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 418, is amended by inserting after paragraph (35) the following new paragraph:

"(36) Procedures which permit the enforcement of any child support order until at least the child's 30th birthday.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to orders entered before, on, and after the date of the enactment of this Act.

SEC. 420. INTEREST.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 419, is amended by inserting after paragraph (36) the following new paragraph:

"(37) Procedures under which the State child support enforcement agency is required to assess and collect interest on all child support judgments, at the rate determined for interest on money judgments, and in addition to any late payment fee imposed by the State under section 454(21).".

SEC. 421. HEALTH-CARE ENFORCEMENT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 420, is amended by inserting after paragraph (37) the following new paragraph:

"(38) Procedures under which—

"(A) a rebuttable presumption is established that the individual owed a child support obligation shall have the right to choose the appropriate health care insurance for the children of the parties;

"(B) in making the appropriate order for health care insurance, the court shall consider the availability, coverage, and cost of any proposed insurance plan;

"(C) the insurance premium and noncovered health care expenses are apportioned between the parents pursuant to a formula included in the State's child support guideline;

"(D) any insurance premium or sum-certain health care expense for which the individual who owes such obligation is responsible shall be included in the child support order;

"(E) the individual owed such obligation under the child support order may act in the place of the insured, including the right to make direct application for insurance, and to make claims and sign claim forms to the same extent as the insured could;

"(F) if the individual who owes such obligation is securing the insurance, such individual shall provide, within 30 days of the order, written proof to the individual owed such obligation and the State child support enforcement agency that insurance has been obtained or an application made for insurance, and the date the insurance coverage is to take effect;

"(G) each welfare benefit plan operating under the laws of the State is required to include in such plan that—

"(i) the employer or union shall release to the individual owed such obligation or the State child enforcement agency, upon request, information on the dependent coverage including the name of the insurer,

"(ii) the employer or union or insurer shall provide all necessary reimbursement forms to such individual, and

"(iii) the employer or union shall provide claim forms and enrollment cards to such individual and honor the signature of such individual on the claim form;

"(H) courts shall quantify 'reasonable cost' in the order providing for medical support; and

"(I) employers located in the State are required to provide notice, using an address provided by the State child support enforcement agency, to the custodial parent for children of any termination or change in benefit of an insurance plan under which children in the parent's care are covered.".

SEC. 422. BANKRUPTCY.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (12) the following new paragraph:

"(12a) 'debt for child support' means a debt to a child for maintenance for or support of the child within the meaning of section 523(a)(5).".

(b) EXCEPTION FROM AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) by inserting "(A)" after "(2);

(2) by adding "or" after the semicolon; and

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

"(B) under subsection (a), of the commencement or continuation of a civil action or administrative proceeding against the debtor—

"(i) to establish parentage;

"(ii) to establish, review, adjust, or modify a judgment or order creating a debt for child support; or

"(iii) to enforce or collect on a judgment or order issued in such an action or proceeding;".

(c) TREATMENT OF DEBT FOR CHILD SUPPORT IN PROCEEDINGS UNDER CHAPTERS 11, 12, AND 13.—

(1) CHAPTER 11.—Section 1123(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(8) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(2) CHAPTER 12.—Section 1222(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(3) CHAPTER 13.—Section 1322(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(d) ASSERTION OF CLAIM FOR CHILD SUPPORT.—

(1) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following new section:

"§ 511. Assertion of claim for child support

"(a) IN GENERAL.—A claim for payment of a debt for child support may be asserted by the filing of a claim form that describes the debt.

"(b) FEE.—No fee shall be charged for the filing of a claim described in subsection (a).

"(c) REQUIREMENTS FOR APPEARANCE.—A claim described in subsection (a) may be made in any court by a person appearing—

"(1) in proper person; or

"(2) through an attorney admitted to practice in any district court, without the attorney's being required to meet any admission requirements other than those applicable in the district in which the attorney is admitted to practice.".

(2) BANKRUPTCY RULES.—Pursuant to section 2705 of title 28, United States Code, the Bankruptcy Rules shall be amended as necessary to implement section 511 of title 11, United States Code, as added by paragraph (1); until the Bankruptcy Rules are so amended, any provision of the Bankruptcy Rules or the rules of any court that is inconsistent with that section is superseded by that section.

(e) CLARIFICATION OF THE NONDISCHARGEABILITY OF STATE PUBLIC DEBTS AND ASSIGNED CHILD SUPPORT BASED ON THE PROVISION OF EXPENDITURES UNDER PARTS A AND E OF TITLE IV OF THE SOCIAL SECURITY ACT.—

Section 523 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(f) For the purposes of subsection (a)(5), a debt to a child of the debtor for maintenance for or support of the child includes State public debts and assigned child support based on the provision of expenditures under parts A and E of title IV of the Social Security Act (43 U.S.C. 401 et seq. and 470 et seq.).".

SEC. 423. FEDERAL GOVERNMENT COOPERATION IN ENFORCEMENT OF SUPPORT OBLIGATIONS OF MEMBERS OF THE ARMED FORCES AND OTHER PERSONS ENTITLED TO PAYMENTS BY THE FEDERAL GOVERNMENT.

(a) AVAILABILITY OF CURRENT LOCATOR INFORMATION.—The Secretary of Defense shall prescribe regulations providing for each worldwide personnel locator service of the Armed Forces and each installation personnel locator service of the Armed Forces—

(1) to include the residential address of each member of the Armed Forces listed in such service;

(2) in the case of a change of duty station or residential address of a member so listed, to be updated with regard to the residential address of the member within 30 days after the change of duty station or residential address; and

(3) to make the information regarding the member's residential address available, on request, to any authorized person (as defined in section 453(c) of the Social Security Act (42 U.S.C. 653(c)) for the purposes of part D of title IV of such Act.

(b) FACILITATING THE GRANTING OF LEAVE FOR ATTENDANCE AT HEARINGS.—

(1) REGULATIONS REQUIRED.—The Secretary of each military department shall prescribe regulations to facilitate the granting of leave to a member of the Armed Forces under the jurisdiction of that Secretary when necessary for the member to attend a hearing of a Court that is conducted in connection with a civil action—

(A) to determine whether the member is a natural parent of a child; or

(B) to determine an obligation of the member to provide child support.

(2) WAIVER AUTHORITY.—The regulations may authorize a waiver of the applicability of the regulations to a member of the Armed Forces when—

(A) the member is serving in an area of combat operations; or

(B) such a waiver is otherwise necessary in the national security interest of the United States.

(3) DEFINITIONS.—In this section:

(A) The term "Court" has the meaning given such term in section 1408(a) of title 10, United States Code.

(B) The term "child support" has the meaning given such term in section 462 of the Social Security Act (42 U.S.C. 662).

(c) PAYMENT OF MILITARY RETIRED PAY IN COMPLIANCE WITH COURT ORDERS.—

(1) DATE OF CERTIFICATION OF COURT ORDER.—Section 1408 of title 10, United States Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection (h):

"(h) CERTIFICATION DATE.—It is not necessary that the date of a certification of the authenticity or completeness of a copy of a court order for child support received by the Secretary concerned for the purposes of this section be recent in relation to the date of receipt.".

(2) PAYMENTS CONSISTENT WITH ASSIGNMENTS OF RIGHTS TO STATES.—

(A) AUTHORITY.—Subsection (d)(1) of such section is amended by inserting after the first sentence the following: "In the case of a spouse or former spouse who, pursuant to section 402(a)(26) of the Social Security Act (42 U.S.C. 602(26)), assigns to a State the rights of the spouse or former spouse to receive support, the Secretary concerned may make the child support payments referred to in the preceding sentence to that State in amounts consistent with the assignment of rights.".

(B) RULE OF CONSTRUCTION.—Subsection (c)(2) of such section is amended—

(i) by inserting after the first sentence the following: "The second sentence of subsection (d)(1) shall not be construed to create any such right, title, or interest.";

(ii) by inserting "(A)" after "(2)"; and

(ii) by designating the last sentence as subparagraph (B).

(3) ARREARAGES OWED BY MEMBERS OF THE UNIFORMED SERVICES.—Part D of title IV (42 U.S.C. 651 et seq.) is amended by inserting after section 465 the following new section:

"SEC. 465A. PAYMENT OF CHILD SUPPORT ARREARAGES OWED BY MEMBERS OF THE UNIFORMED SERVICES.

"Any authority, requirement, or procedure provided in this part or section 1408 of title 10, United States Code, that applies to the payment of child support owed by a member of the uniformed services (as defined in section 101 of title 37, United States Code) shall apply to the payment of child support arrearages as well as to amounts of child support that are currently due.".

SEC. 424. UIFSA ENDORSEMENT.

Section 466 (42 U.S.C. 666) is amended by adding at the end the following new subsection:

"(f) In order to satisfy section 454(20)(A), each State must have in effect laws which adopt verbatim the officially approved version of the Uniform Interstate Family Support Act adopted by the National Conference of Commissioners on Uniform State Laws in August 1992.".

TITLE V—COLLECTION AND DISTRIBUTION

SEC. 501. PRIORITY OF DISTRIBUTION OF COLLECTIONS.

(a) STATE DISTRIBUTION PLAN.—Section 457 (42 U.S.C. 657) is amended by adding at the end the following new subsection:

"(e) The amounts collected as support by a State pursuant to a plan approved under this part during any fiscal year beginning after September 30, 1994 (except amounts collected

through a tax refund offset), shall (subject to subsection (d) be distributed as follows:

"(1) To a current month's child support obligation.

"(2) After the fulfillment of the current month's obligation, to debts owed the family (other than obligations under this title); if any right to child support were assigned to the State, then all arrearages that accrued after the child no longer received assistance under this title are to be distributed to the family; States may include any preassignment family-debt arrearages at this priority level.

"(3) To reimburse the State making the collection for any assistance payments made to the family (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).

"(4) To reimburse other States for payments described in paragraph (3) (in the order in which such payments occurred). The collecting State shall continue to enforce the order until all such payments have been reimbursed and to transmit the collections and identifying information to the other State.".

(b) STUDY AND PILOT PROJECTS.—The Comptroller General of the United States (hereafter in this subsection referred to as the "Comptroller General") shall analyze the existing child support distribution system under section 457 of the Social Security Act and authorize pilot projects for the distribution of arrearages in the following order:

(1) Application of all support collected first to a current month's child support obligation.

(2) Application of funds collected in excess of the amount of the current month's obligation to debts owed the family (other than obligations under this title).

(3) Using funds collected in excess of the debts to the family and in excess of the amount of the current support obligation, to reimburse the State making the collection for any assistance payments made to the family (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).

(4) Using funds collected in excess of the current month's support obligation after the debt to the family and the collecting State have been satisfied, to reimburse other States for payments described in paragraph (3) (in the order in which such payments occurred). The collecting State shall continue to enforce the order until all such payments have been reimbursed and to transmit the collections and identifying information to the other State.

(5) Subject to paragraph (6), the priority of distribution of interest shall reflect the distribution priority for the child support installment or the title IV of the Social Security Act grant on which the interest accrued.

(6) A State's right to retain interest on assigned support is limited to the grant amount paid by that State. All additional interest is to be distributed to the individual owed such support

The pilot projects shall be awarded to States that allow for the indefinite tolling of the statute of limitations on debts under title IV of the Social Security Act and are not governed by Federal case law that allows for the dischargeability of such debts in bankruptcy. In analyzing each pilot project a cost-benefit analysis, a welfare-medicaid-food stamp cost-avoidance analysis, and an analysis of the family impact including a present value dollar valuation of the distribution scheme shall be reported to the Comptroller General. The Comptroller General shall report the results of the study and pilot projects to the Congress.

(c) REVISION OF FEDERAL INCOME TAX REFUND OFFSET.—Section 6402 of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended—

(1) by striking "after any other reductions allowed by law (but before" in subsection (c) and inserting "before any other reductions allowed by law (and before", and

(2) by striking "with respect to past-due support collected pursuant to an assignment under section 402(a)(26) of the Social Security Act" in subsection (d).

(d) FIFTY-DOLLAR DISREGARDED FOR ALL MEANS-TESTED PROGRAM.—Section 457(b)(1) (42 U.S.C. 657(b)(1)) is amended by inserting "under this part or under any other Federal program which determines eligibility for assistance or amount of such assistance based on the income or assets of the applicant for or recipient of such assistance" after "during such month".

(e) FILL-THE-GAP POLICIES ENCOURAGED.—The Secretary of Health and Human Services shall, upon request by any State, grant a waiver under section 1115(a)(1) of the Social Security Act with respect to the date limitations under section 402(a)(28) of such Act.

SEC. 502. RELATIONSHIP OF AFDC TO CSE—LIMITING REIMBURSEMENT CLAIMS TO AWARD AMOUNT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 421, is amended by inserting after paragraph (38) the following new paragraph:

"(39) Procedures under which any claims for the child's portion of the assistance under this title such State may have against a noncustodial parent shall be limited to the amount specified as child support under a court or administrative order.".

SEC. 503. FEES FOR NON-AFDC CLIENTS.

Clause (ii) of section 454(6)(E) (42 U.S.C. 654(6)(E)) shall be amended to read as follows:

"(ii) at the option of the State, from any individual other than the custodial parent;".

SEC. 504. COLLECTION AND DISBURSEMENT POINTS FOR CHILD SUPPORT.

Section 454 (42 U.S.C. 654), as amended by section 301, is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting "; and", and by inserting after paragraph (26) the following new paragraph:

"(27) provide either one central, statewide collection, accounting, and disbursement point for cases under this part or several local or regional collection and disbursement points throughout the State for all cases.".

TITLE VI—FEDERAL ROLE

SEC. 601. PLACEMENT AND ROLE OF THE FEDERAL CHILD SUPPORT AGENCY.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 402 is amended—

(1) by striking "under the direction of a designee of the Secretary" and inserting "to be known as the Office of Child Support Enforcement, under the direction of an assistant secretary appointed by the President with the advice and consent of the Senate";

(2) by inserting "using a methodology that reflects cost-avoidance as well as cost-recovery" after "the States and the Federal Government" in paragraph (10)(A);

(3) by inserting ", including a separate legal counsel for the Office" after "Enforcement" in paragraph (10)(B);

(4) by redesignating subparagraphs (H) and (I) of paragraph (10) as subparagraphs (I) and (J) of such paragraph, respectively, and by inserting after subparagraph (G) of such paragraph the following new subparagraph:

"(H) the budgetary allocation of the $50 pass through equally between part A and this part;"; and

(5) by striking "and" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting "; and", and by inserting after paragraph (14) the following new paragraph:

"(15) initiate and actively pursue with other Federal agencies, such as the Department of Defense, coordinated efforts on Federal legislation.".

SEC. 602. TRAINING.

(a) FEDERAL TRAINING ASSISTANCE.—Section 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by inserting "and training" after "technical assistance".

(b) STATE TRAINING PROGRAM.—Section 454 (42 U.S.C. 654), as amended by section 504, is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by inserting after paragraph (27) the following new paragraph:

"(28) provide that the State will develop and implement a training program which provides training no less than annually to all personnel providing functions under the State plan.".

(c) REPORT.—Section 452(a)(10) (42 U.S.C. 652(a)(10)), as amended by section 601, is amended by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) the training activities at the Federal and State levels, the training audit, and the amount of funds expended on training;".

SEC. 603. STAFFING.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 601, is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:

"(16) conduct staffing studies for each State child support enforcement program, including each agency and court involved in the child support process, and report such results to the Congress and the State officials.".

SEC. 604. FUNDING AND INCENTIVES FOR CHILD SUPPORT AGENCIES.

(a) STUDY.—The Comptroller General of the United States shall study the incentive formula under section 458 of the Social Security Act (42 U.S.C. 458) and investigate the feasibility, costs, and benefits of the following:

(1) Encouraging States to centralize functions at the State level.

(2) Abolishing minimum incentives to States as well as the requirement that incentive funds be passed to local child support enforcement agencies.

(3) Exploring incentive formula that are based on increases in FFP for States that exceed performance criteria instead of the present percentage of collections formula.

(4) Promoting quality control.

(5) Providing financial incentives for the enforcement of health-care expenses.

(6) Providing for a Federal incentive formula that would include tying incentive amounts to performance criteria that include total collections as a denominator (not solely the amount of AFDC collections) and which are not solely based on cost-benefit criteria alone.

(b) REPORT.—The Comptroller General of the United States shall report the results of the study described in subsection (a) to the Congress not later than 1996.

SEC. 605. CHILD SUPPORT DEFINITION.

(a) IN GENERAL.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following new subsection:

"(j) For purposes of this part, the term 'child support' includes periodic and lump sum payments for current and past due economic support, payments of premiums for health insurance for children, payments for or provision of child care, and payments for educational expenses.".

(b) CONFORMING AMENDMENT.—Section 462(b) (42 U.S.C. 662(b)) is amended—

(1) by inserting "and lump sum" after "periodic", and

(2) by inserting "child care," after "clothing,".

SEC. 606. AUDITS.

(a) STUDY.—The Secretary of Health and Human Services shall contract for a study of the audit process of the Office of Child Support Enforcement to develop criteria and methodology for auditing State child support enforcement agencies established under part D of title IV of the Social Security Act. The study shall be designed to result in improvements to the auditing process that include—

(1) reduction in the resources required to perform the audit,

(2) simplified procedures for States to follow in obtaining samples,

(3) the feasibility of sampling cases for needed action as opposed to the present audit methods that require sampling plans for each audit criteria, and

(4) a more timely audit period of review.

The study shall also be designed to determine a penalty process that focuses on improving the delivery of child support services and not harming families, specifically a penalty that is not tied to the reduction of funds available to the States to provide payments under the Aid to Families with Dependent Children program. Such a plan should include the escrowing of funds withheld as penalties for use by States in a federally approved program improvement.

(b) REPORT.—The Secretary of Health and Human Services shall report the results of the study described in subsection (a) to the Congress not later than 90 days after completion of the study.

(c) CONTINUATION OF OCSE'S AUDIT REVIEW.—From the date of the report described in subsection (b), the audit review of the Office of Child Support Enforcement shall be limited to cases open on such date and cases closed within 180 days before such date, unless there is a specific need for a longitudinal review of State agency case handling that includes cases that have been closed for more than 180 days. The criteria for longitudinal reviews shall be established by regulation by the Secretary of Health and Human Services. The Office of Child Support Enforcement shall continue to impose timeframes for implementation and audit standards for each mandated function under part D of title IV of the Social Security Act.

SEC. 607. CHILD SUPPORT ASSURANCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of Health and Human Devices (hereafter in this section referred to as the "Secretary") shall provide for demonstration projects to determine the feasibility and utility of such an economic assistance program to assure minimum child support payments and to test alternative administrative procedures, administering agencies, and funding processes.

(b) DEMONSTRATION PROJECTS DESCRIBED.—The Secretary shall provide for at least 6 demonstration projects within 90 days of the date of the enactment of this Act. In selecting the demonstration sites, the Secretary shall ensure, to the extent possible, that those States selected use a variety of support guideline models.

(c) APPROVAL OF APPLICATIONS.—The Secretary may approve an application under this section if the State agency administering the plan under part D of title IV of the Social Security Act demonstrates by such application that the agency will develop a project that will meet the following criteria:

(1) Any child with a living noncustodial parent for whom a child support order has been sought or obtained and any child who meets "good cause" criteria for not seeking or enforcing a support order is eligible for the assured child support benefit.

(2) To be eligible for the assured child support benefit, the child's caretaker must apply for services under part D of title IV of the Social Security Act.

(3) Child support assurance is available to the extent that a child does not receive a specified minimum level of child support from the noncustodial parent.

(4) The State is at or above the national median paternity establishment rate (as defined in section 452(g)(2) of the Social Security Act) and provides assurances it will continue to improve its performance in the number of cases in which paternity is established, the number of cases in which child support orders are collected, and the number of cases in which child support collections are made.

(5) The receipt of child support assurance creates an assignment of support rights, such as created by receipt of public assistance, to the extent of the amount of child support assurance received.

(6) If the Federal Government does become subrogated to the rights of the caretaker to enforce and collect the support order up to the amount of child support assurance provided, Federal regulations shall provide clear instructions regarding distribution of any support payments received from the individual who owes such support.

(7) The State will specify how receipt of child support assurance will affect a State's incentives and Federal financial participation.

(d) DURATION OF PROJECT.—The demonstration projects provided for in this section shall be conducted for a period of 5 years. The Secretary may cancel a project if the Secretary determines that such project is not being conducted consistent with or satisfactorily under this section.

(e) ANNUAL GRANTS.—The Secretary shall make annual grants to the agency of an approved demonstration project under this section in such sums as are necessary to carry out such project.

(f) REPORT.—The Secretary shall within 90 days after the completion of the last demonstration project under this section submit a report to the Congress detailing the findings, the cost-effectiveness of each project, and—

(1) the impact of the project on the economic well-being of children and adults in both custodial and noncustodial households;

(2) the impact of the project on participation rates under title IV of the Social Security Act; and

(3) the impact of the project on interstate collections as well as on intrastate collections from noncustodial parents.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

SEC. 608. DEVELOPMENT OF A CHILDREN'S TRUST FUND.

(a) DESIGNATION OF CONTRIBUTIONS.—

(1) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end thereof the following new part:

"PART IX—DESIGNATION OF CONTRIBUTIONS TO CHILDREN'S TRUST FUND

"Sec. 6097. Amounts for Children's Trust Fund.

"SEC. 6097. AMOUNTS FOR CHILDREN'S TRUST FUND.

"(a) IN GENERAL.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that any contribution which the taxpayer includes with such return be paid over to the Children's Trust Fund.

"(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year—

"(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, or

"(2) at any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary.

Such designation shall be made in such manner as the Secretary prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.".

(2) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Part IX—Designation of contributions for Children's Trust Fund.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1992.

(b) ESTABLISHMENT OF CHILDREN'S TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9512. CHILDREN'S TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Children's Trust Fund', consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFER TO CHILDREN'S TRUST FUND OF AMOUNTS DESIGNATED.—There is hereby appropriated to the Children's Trust Fund amounts equivalent to the amounts designated under section 6097 and received in the Treasury.

"(c) EXPENDITURES FROM TRUST FUND.—

"(1) IN GENERAL.—Amounts in the Children's Trust Fund shall be available as provided by appropriation Acts for making expenditures for programs regarding child support and the specific mandates described in part D of title IV of the Social Security Act, especially such mandates established by the amendments made by the Omnibus Interstate Child Support and Parentage Act.

"(2) ADMINISTRATIVE EXPENSES.—Amounts in the Children's Trust Fund shall be available to pay the administrative expenses of the Department of the Treasury directly allocable to—

"(A) modifying the individual income tax return forms to carry out section 6097,

"(B) carrying out this chapter with respect to such Trust Fund, and

"(C) processing amounts received under section 6097 and transferring such amounts to such Trust Fund.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 9512. Children's Trust Fund.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1992.

TITLE VII—STATE ROLE

SEC. 701. PROHIBITION OF RESIDENCY REQUIREMENT FOR IV-D SERVICES.

Section 454 (42 U.S.C. 654), as amended by section 602, is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting "; and", and by inserting after paragraph (28) the following new paragraph:

"(29) provide that an applicant may not be denied services under the plan solely because of the applicant's nonresidency in that State.".

SEC. 702. ADVOCATING FOR CHILDREN'S ECONOMIC SECURITY.

Section 454 (42 U.S.C. 654), as amended by section 702, is amended by striking "and" at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting "; and", and by inserting after paragraph (29) the following new paragraph:

"(30) provide that the State agency administering the plan shall advocate to promote the greatest economic security possible for children, within the ability of the individual who owes a child support obligation to pay such obligation.".

SEC. 703. DUTIES OF IV-D AGENCIES.

Section 454 (42 U.S.C. 654), as amended by section 703, is amended by striking "and" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting "; and", and by inserting after paragraph (30) the following new paragraph:

"(31) provide that the State agency administering the plan shall provide to all custodial parents—

"(A) a written description of available services and a statement articulating the priority of distribution and the degree of confidentiality of information;

"(B) a statement that before the agency consents to a dismissal with prejudice or a reduction of arrearages, the agency shall provide notice to the last known address at least 30 days before dismissal;

"(C) written quarterly reports on case status;

"(D) a statement that services under this part are mandatory if an individual is determined eligible under part A; and

"(E) a statement that while eligibility under part A is being determined, an applicant is eligible for services under this part and all application fees are deferred pending such determination.".

SEC. 704. BROADER ACCESS TO SERVICES.

It is the sense of the Congress that State and local child support enforcement agencies should provide—

(1) offices in easily accessible locations near public transportation,

(2) office hours that allow parents to meet with attorneys and caseworkers without taking time off from work, and

(3) office environments conducive to discussion of legal and personal matters in privacy (e.g., individual interview rooms and child care facilities).

SEC. 705. PROCESS FOR CHANGE OF PAYEE IN IV-D CASES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 502, is amended by inserting after paragraph (39) the following new paragraph:

"(40) Procedures under which a change in payee may not require a court hearing or order to take effect and may be done administratively, as long as a statement by an agency official is included in the court or administrative file documenting the change.".

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect on January 1, 1996.

ABBREVIATED BILL SUMMARY FOR BRADLEY INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

The recommendations of the U.S. Commission on Interstate Child Support provide a framework for improvement in child support enforcement across state lines without dismantling the current state-based system.

PATERNITY ESTABLISHMENT

1. Mandates hospital-based paternity acknowledgment programs
2. Designs voluntary paternity establishment processes
3. Mandates state outreach programs

LOCATE NON-CUSTODIAL PARENTS

1. Changes the federal W-4 form to provide for a line on which new hires have to note whether or not they are the subjects of a support order, and if so, whether that order requires wage withholding.
2. Requires every employer to submit a copy of every new employee's W-4 form to his state's employment security agency.
3. Establishes a computer network and requires that the W-4 information be broadcast over this national network in order to match information against an abstract of outstanding support orders to identify non-custodial parents who are sought for parentage or child support.

SUPPORT ORDER ESTABLISHMENT

1. Expands long-arm statutes in every state to allow states to reach out and assert jurisdiction over non-resident parents.

ENFORCEMENT TECHNIQUES

1. Suspends driver's and professional licenses of parents who do not pay child support.
2. Increases the use of credit reporting, liens on tangible property, interception of lottery winnings, lawsuit settlements and other awards.
3. Uses more actively the fraudulent conveyance laws to invalidate transfers of assets that were made to avoid paying child support.
4. Requires all states to make it a state crime to willfully fail to pay child support.

STAFFING AND TRAINING

1. Encourages staffing studies and training assistance from the federal government to the states.

DETAILED SUMMARY OF THE INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

TITLE I—LOCATE AND CASE TRACKING

Sec. 101: Expansion of the Use of the Federal Parent Locator System.

Allows the Federal Parent Locator System to be used for the purposes of parentage establishment, child support establishment, modification and enforcement, and child visitation enforcement, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent.

Sec. 102: Expansion of Data Bases Accessed by Parent Locator Systems.

(1) Allows the Federal Parent Locator System access to the quarterly estimated Federal income tax returns filed by individuals with the IRS.

(2) Requires the states to have in place procedures under which the state agency responsible for child support enforcement shall have automated on-line or batch access to information regarding residential addresses, employers and employer addresses, income and assets, and medical insurance benefits of absent parents. Data bases to which the state child support agency shall have access include: (a) the state revenue or taxation department; (b) the state motor vehicle registration department; (c) the state employment security department; (d) the state crime information system; (e) the State bureau of corrections; (f) the state recreational, occupational, and professional licensing department; (g) the Secretary of State's office; (h) the State bureau of vital statistics; (i) state or local agencies administering public assistance; (j) state or local real and personal property record departments; (K) publicly regulated utility companies located in the state; (l) credit reporting agencies located in the state; and; (m) trade and labor unions located in the State.

(3) Requires the States to maintain child support order registries.

Sec. 103: Expansion of Access to National Network for Location of Parents.

(1) Requires the Department of Health and Human Services, through the Office of Child Support Enforcement to expand the Federal Parent Locator System to provide for a national network which allows states to: (i) access the records of other state agencies and federal sources to locate information directly from one computer to another; (ii) access the files of other states to determine whether there are other child support orders and obtain the details of those orders; (iii) process locate requests; and (iv) direct locate requests to individual states or Federal agencies, broadcast requests to selected states, or broadcast cases to all states when the source of needed information is not known.

(2) provides for a 90% FFP for expenses incurred by the states in developing the capacity to effectively take advantage of the network.

Sec. 104: Private Attorney Access to Locate and Enforcement Services.

(1) Requires that private attorneys and pro se obligees be allowed access to state locate resources, tax refund offsets and other public enforcement techniques for the limited purpose of locating individuals for parentage establishment, child support establishment, modification and enforcement of orders, and enforcement of visitation orders with appropriate privacy safeguards for the information provided.

Sec. 105: National Reporting of New Hires and Child Support Information.

(1) Requires the Secretary of the Treasury to modify the W-4 form completed by new employees to include a statement of whether: (a) a child support obligation is owed and, if so, to whom it is payable and the amount to be paid and (b) if payment is by income withholding; and (c) if the employee has health insurance available.

(2) Requires the Secretary of the Treasury to establish a system of reporting new em-

ployees by requiring all employers to provide a copy of every new employee's W-4 form to the employment security agency of the state in which the employer is located.

(3) Requires the states to confirm the information provided on the W-4 form or identify child support obligations that had not been reported through the use of the network established in the expanded Parent Locator System.

(4) Requires the states to notify the employer using a standard wage withholding notice developed by the Federal Office of Child Enforcement in cases where the employee has not correctly reported information regarding his or her child support obligations on the W-4 form and initiate immediate wage withholding of child support.

(5) Requires the states to broadcast and make available to other states over the network information based on the W-4 form that had been sent to the state employment security agency.

(6) Requires the states to notify a child support payee or payee's designee when there is a match between W-4 information broadcast over the network and the abstract of support orders on file in the state registry of child support centers.

(7) Requires the Secretary of Treasury to modify the federal income tax W-2 form to include a report of the amount of child support withheld for each employee by the employer.

(8) Makes it a federal crime for an employer to misappropriate a child support obligor's income that was purported to be withheld by the employer for the benefit of a child support obligee.

Sec. 106: Access to Law Enforcement Systems of Records.

Requires the heads of the National Criminal Information Center, the National Law Enforcement Telecommunications Network, and any other national or regional systems for tracking individuals to allow access to information held to federal, state and local child support agencies.

Sec. 107: State Networks for Broadcasting Warrants.

(1) Requires the states to broadcast on their local and state crime information systems failure-to-appear warrants, capiases, and bench warrants issued by courts in civil and criminal parentage and child support cases in their states.

(2) If a defendant posts security after being arrested, requires the states to remit any subsequent forfeiture to the child support obligee to the extent of any child support arrearage.

TITLE II—ESTABLISHMENT

Section 201: Long-arm Jurisdiction and Full Faith and Credit.

(1) Requires states to pass long-arm statutes which provide for jurisdiction over a non-resident in an action to establish, enforce or modify a child support order, or to determine parentage if one or more of the following conditions are met: (1) the non-resident was personally served with process in the State; (2) the non-resident submitted to the jurisdiction of the State by consent, by entering a general appearance, or by filing a pleading that effectively waived any contest to jurisdiction; (3) the non-resident resided in the state with the child during the child's lifetime; (4) the non-resident resided in the State and provided support for the child by paying prenatal expenses or support after the child's birth; (5) the child resides in the state as a result of the acts or directives of the non-resident; (6) the non-resident engaged in sexual intercourse in the State and the child may have been conceived by that intercourse; (7) the non-resident asserted parentage with a putative further registry maintained by the State; (8) there is any other basis consistent with the constitution of the State and the Constitution of the United States for the exercise of personal jurisdiction over the non-resident.

(2) Expresses the sense of the Congress that child-state jurisdiction is consistent with the Due Process clause of the Fifth and Fourteenth Amendments. Section 5 of the Fourteenth Amendment, the Commerce Clause, the General Welfare Clause, and the Full Faith and Credit Clause the U.S. Constitution.

(3) Requires the states to promulgate procedures under which the states shall treat out-of-state service of process in parentage and child support actions in the same manner as in-state service of process.

(4) Requires the states to provide for service of process outside a state by: (i) personal delivery according to the law relating to in-state service of process; (ii) personal delivery according to the law of the state in which the service is made; (iii) by mail, subject to the Rules of Civil Procedure of the state serving process; (iv) other means of notification which are consistent with state rules of civil procedure.

(5) Requires the states to recognize and enforce parentage and child support orders of other states where jurisdiction was properly asserted.

(6) Requires the states to maintain continuing, exclusive jurisdiction over the case for as long as the state remains the child's state or the resident of any contestant.

(7) Allows a state court to modify the parentage or child support order of a court of another state only: (1) if it has jurisdiction to make such order and (2) the court of the other state no longer has continuing, exclusive jurisdiction because (a) the other state no longer is the child's state or the resident of any contestant; (b) after notice and hearing, the court of the other state has declined in writing to exercise its jurisdiction to modify the order; or (c) all the parties consent to the exercise of jurisdiction by the forum court.

(8) Provides that a court in one state shall not exercise jurisdiction in a parentage or child support proceeding during the pendency of a proceeding in a court of another state which has jurisdiction unless: (1) the court considering the exercise of jurisdiction is the home state of the child; (2) the action was commenced in the home state before the expiration of time allowed in the other state for filing of the original responsive pleading challenging the exercise of jurisdiction by the other state; and (3) the contestant timely filed a challenge to jurisdiction in the other state.

(9) Requires courts of a state to apply the law of the forum state in an action to adjudicate parentage or to establish a child support order except when: (1) it is interpreting an order issued by a court of another state or (2) in permitting an action to collect child support arrearages to be maintained, when the statute of limitations of the forum state would preclude the action but the statute of limitations of the issuing state would permit the action.

SEC. 202: Service of Process on Federal Employees and Members of the Armed Forces Relating to Child Support and Alimony.

Requires the heads of each federal military agency to designate an agent for receipt of service of process of a child support action for any employee or member of the armed forces of such agencies.

SEC. 203: Presumed Address of Obligor and Obligee.

(1) Requires that parents' identification and locate information be left with the state court adjudicating parentage and child support actions.

(2) Requires the states to create a presumption that, for the purposes of providing sufficient notice in any child support-related action other than the initial notice in an action to adjudicate parentage or establish a child support order, the last residential address of the party given to the appropriate agency or court is the current address of the party.

Sec. 204: Notice to Custodial Parents

(1) Requires state child support agencies to notify custodial parents in a timely fashion of all hearings in which child support obligations might be established or modified.

(2) Requires state child support agencies to provide custodial parents with a copy of any order that establishes or modifies a child support obligation within 14 days of the issuance of such order.

Sec. 205: State Uniformity Regarding Determination of Parentage and Support, Jurisdiction and Venue, and Federal Employee Residential Status.

(1) Requires the states to allow parties seeking both parentage adjudication and child support establishment in a judicial proceeding to bring a joint action in a single cause of action.

(2) Requires the states to provide for venue for parentage adjudication in the county of residence of the child when the child and alleged parent who is the defendant reside in different counties within the state.

(3) Requires the states to mandate that a state court or agency that issues a parentage or child support order has continuing and exclusive jurisdiction over a child support case until that court or agency transfers jurisdiction to another court or agency that has jurisdiction in the county where the child resides, or the parties consent to be bound by the appropriate court or agency that has jurisdiction.

(4) Requires the states to provide for transfers of cases to the city, county, or district where the child resides for purposes of enforcement and modification, without the need for refiling by the plaintiff or re-serving the defendant.

(5) Requires the state child support agencies or state courts that hear child support claims to exert statewide jurisdiction over the parties and allow the child support orders to have statewide effect for enforcement purposes.

(6) Requires the states to make clear that visitation denial is not a defense to child support enforcement and the defense of nonsupport is not available as a defense when visitation is at issue.

Sec. 206: Fair Credit Reporting Act Amendments.

Allows state child support agencies to access and use credit reporting agencies for the purposes of obtaining information relevant to the setting of an initial or modified support order, without the necessity of obtaining a court order to authorize access.

Sec. 207: National Child Support Guideline Commission.

Creates a National Child Support Guidelines Commission no later than 1995, for the purpose of studying the desirability of national child support guidelines.

Sec. 208: Guideline Principles.

(1) Requires the states in promulgating their child support guidelines to make the application of the guidelines a sufficient rea-

son for modification of a child support obligation without the necessity of showing any other change in circumstances.

(2) Requires the states to establish by 1995 procedures for the automated calculation of the amount of child support to which a child is entitled based on the state's child support guideline for review purposes.

(3) Requires state guidelines to provide that any custodial parent who is not receiving AFDC must agree to the review of a child support order in IV–D cases. To ensure that IV–D agency resources are used effectively and that parents' rights are protected, the agency should notify the custodial parent of the time for a review and of the right to request an "opt-out."

(4) Requires that state child support guidelines take into account work-related or job-training related child care expenses of either parent or the children of these parents, health insurance and related uninsured health care expenses, the remarried parent's spouse's income and school expenses incurred on behalf of the child of these parents.

Sec. 209: Duration of Support.

(1) Requires the states to provide for a continuing support obligation by one or both parents until the date upon which a child reaches the age of 18 or graduates from or is no longer enrolled in secondary school or its equivalent, whichever is later. The support order would also cease when a child marries or is otherwise emancipated by a court of competent jurisdiction.

(2) Requires the states give their courts discretionary power to order: (1) child support payable at least up to the age of 22 for a child enrolled in an accredited post-secondary school or vocational school or college and who is a student in good standing; (ii) child support from either or both parents to pay post-secondary school support based on each parent's financial ability to pay.

(3) Requires the states to provide for the continuation of child support beyond the child's age of majority provided the child is disabled and unable to be self-supportive, and the disability arose during the child's minority.

(4) Requires the state courts to consider the effect of child support received on means-tested governmental benefits and whether to credit governmental benefits against a support award amount.

Sec. 210: Evidence.

(1) Requires the Office of Child Support Enforcement to draft and distribute to local and state child support agencies a national subpoena duces tecum with nation-wide reach to reach income information pertaining to all private, federal, state, and local government employees.

(2) Requires that the scope of the subpoena be limited to the prior 12 months of income.

(3) Provides that payors may honor the subpoena by timely mailing the information to a supplied address on the subpoena.

(4) Provides that the information provided pursuant to the subpoena shall be admitted once offered to prove the truth of the matter asserted.

(5) Requires the Office of Child Support Enforcement to establish a simplified certification process and admissibility procedure for out-of-state documents in parentage or child support cases.

(6) Requires the states to establish procedures under which certified copies of out-of-state orders, decrees, or judgments related to parentage or child support shall be admitted once offered in the courts of the stated if such orders, decrees, or judgments are regular on their face.

(7) Requires the states to establish procedures for the introduction of electronically transmitted information and faxed documents in child support or parentage proceedings.

(8) Requires the states to establish procedures under which out-of-state depositions, interrogatories, admissions of fact, and other discovery documents can be admitted once offered in a parentage or child support hearing to prove the truth of the matters asserted in the documents.

(9) Requires the states to promulgate procedures for the introduction of written, videotaped, or audiotaped evidence related to a parentage or child support proceeding.

Sec. 211: Nonresidential Telephonic Access to Forum.

Requires the states to develop procedures under which litigants in interstate parentage or child support cases can participate in those cases by telephonic means.

Sec. 212: Uniform Terms in Orders.

(1) Requires the Department of Health and Human Services to develop a uniform abstract of a child support order to be used by all states to record the facts of a child support order in a registry of child support orders.

(2) Requires that the uniform abstract of a child support order include: (a) the date that support payments are to commence; (b) the circumstances upon which support payments are to terminate; (c) the amount of current child support expressed as a sum certain as of a certain date, and any payback schedule for the arrearages; (d) whether the support award is in lump sum (nonallocated) or per child; (e) if the award is lump sum, the event causing a change in the support award and the amount of any change; (f) other expenses, such as those for child care and health care; (g) names of the parents; (h) social security numbers of the parents; (i) names of all children covered by the order; (j) dates of birth and social security numbers of children covered by the order; (k) court identification (FIPS code, name and address) of the court issuing the order; (l) health-care support information; and (m) the party to contact when additional information is obtained.

Sec. 213: Social Security Numbers on Marriage Licenses and Child Support Orders.

Requires the states to list on marriage licenses the social security numbers of persons applying for and receiving such marriage licenses.

Sec. 214: Administrative Subpoena Power.

Require the states to have and use laws that empower IV–D paternity and child support actions to produce and deliver documents to or to appear at a court or administrative agency on a certain date.

TITLE III—PARENTAGE

Sec. 301: Parentage.

(1) Requires the states to provide for hospital-based paternity establishment and the establishment of paternity outreach programs.

(2) Provides a 90% FFP for state paternity outreach programs.

(3) Requires the states to promulgate procedures under which the states may bring parentage actions without joinder of the named child.

(4) Requires the states to use civil, instead of criminal, procedures for parentage actions, including a preponderance of the evidence standard for finding parentage.

(5) Requires the states to determine a threshold percentage of probability of parentage or a threshold percentage of likelihood of exclusion of those wrongfully accused of parentage. Requires the states to create a rebuttable presumption if parentage of admitted and uncontroverted parentage testing results satisfy such thresholds.

(6) Requires the states to provide for a resolution of parentage against a noncooperative party who refuses to submit to an order by a court for parentage testing.

(7) Requires the states to provide for the use of temporary support orders were appropriate.

(8) Requires states to establish procedures by which a parentage finding is treated as res judicata to the same extent as any other civil judgment.

(9) Requires the states to establish procedures by which a signature by an individual on a signature line provided for a father on a state birth certificate shall create a rebuttable presumption of parentage of the signatory, and the birth certificate shall be admitted as evidence for the truth of the matter asserted.

(10) Requires the states to develop a simple civil consent procedure for persons who voluntarily acknowledge parentage.

(11) Requires the states to develop procedures that would allow the collection of information for support to be done concurrently with the parentage acknowledgment process, where such procedures would be consistent with state constitutional law.

(12) Requires the states to promulgate procedures which provide for the introduction and admission into evidence, without the need for third-party foundation testimony, of pre-natal and post-natal parentage-testing bills.

(13) Requires the states to establish procedures under which the state may enter a default order in parentage cases against the defendant upon a showing of evidence of parentage and service of process on the defendant, without the personal presence of the petitioner.

(14) Requires the states to establish procedures: (a) requiring that objection to parentage testing or its results be made in writing at least 21 days prior to trial; (b) specifying that if no objection is made, the test result will be admitted to prove the truth of the matter asserted, without the need for the attendance of a representative of the hospital, clinic, or parentage laboratory; (c) that make it possible for the parties in a parentage case to call on outside expert witnesses to refute or support the testing procedure or results, or the mathematical theory upon which the test results are based, if they so desire.

TITLE IV—ENFORCEMENT

Sec. 401: Anti-Assignment Clauses Amended.

Amends several anti-assignment provisions to make it possible for child support to be withheld from certain governmental sources, including veteran's disability, military disability, railroad workers disability and retirement, long shore and harbor workers benefits, black lung benefits, and federal health benefits.

Sec. 402: Direct Income Withholding.

(1) Requires states to mandate that any person or entity in commerce, as a condition of doing business in that state, honor income withholding notices issued by a child support tribunal of any state.

(2) Requires the Secretary of Health and Human Services to develop a uniform withholding notice to be used in all income withholding cases.

Sec. 403: Priority of Wage Withholding.

Requires the states to apply proceeds from income withholding in the following manner:

(1) payments on current support obligations; (2) payment of premiums for health insurance for the defendant's children; and (3) payments on past due child support obligations and unreimbursed health-care expenses.

Sec. 404: Definition of Income Subject to Withholding Including Workers' Compensation.

Allows worker's compensation income to be subject to income withholding.

Sec. 405: Consumer Credit Protection Act Amendments.

(1) Acknowledges that state and federal child support garnishment laws are not preempted by the Consumer Credit Protection Act.

(2) Prohibitions the country of child support garnishments against the more-than-one garnishment exception to the anti-discrimination section of the Consumer Credit Protection Act.

(3) Prohibits state discretion in setting garnishment limitations based on the obligor's disposable income.

(4) Requires that federal debts receive a lower priority than child support debts when the obligor's disposable income cannot satisfy both debts through withholding.

Sec. 406. Election of Remedies Prohibition.

Requires the states to provide that the election of remedies doctrine does not apply in child support cases, so that when mandatory wage withholding is expanded to most cases in 1944, alternative collection efforts, such as tax refund offset and contempt actions, are not prohibited.

Sec. 407. Occupational, Professional and Businesses Licenses.

(1) Requires the states to establish procedures under which the professional or occupational licenses of custodial parents who are the subjects of outstanding failure to appear warrants, capiases, and bench warrants related to child support cases may not be renewed.

(2) Requires the states to give pro se obligees, obligee's attorneys, state prosecutors, and courts authority to decide whether a professional or occupational license renewal request of a delinquent child support obligor should be approved.

(3) Requires the states to provide for the use of temporary occupational and professional licenses during a review of a delinquent child support obligor's request for a renewal of his or her license.

(4) Requires the federal government to withhold renewal of the professional, occupational, or business license of a delinquent child support obligor until the pro se obligee, obligee's attorney, or state prosecutor involved in the case against the obligor consents to renewal, a court responsible for the enforcement of the child support order the release of the hold on the license, or an expedited inquiry and review is completed while the obligor is granted a 30-day temporary license.

Sec. 408: Driver's License and Vehicle Registration.

(1) Requires the states to develop procedures under which motor vehicle departments may not issue or renew driver's licenses or car registrations of noncustodial parents who are the subject of outstanding failure to appear warrants, capiases or bench warrants related to a parentage or child support proceeding where such warrants, capiases or bench warrants appear on the state's crime information system, until removed from the state's crime information system, until removed from the system.

(2) Requires state motor vehicle departments, when receiving information that persons holding state driver's licenses are the subjects of in-state or out-of-state child support warrants, to issue show-cause orders to those persons asking them to demonstrate why their driver's licenses should not be suspended, until such warrants are removed by the states responsible for the warrants.

(3) Requires the states to provide for the use of temporary licenses or registration by the subjects of the warrants pending the show-cause hearing or the removal of the warrants pending the show-cause hearing or the removal of the warrants, whichever occurs first.

Sec. 409: Liens on Certificates of Vehicle Title.

(1) Requires the states to establish procedures to systematically place liens on vehicle title for child support arrearages.

(2) Requires the states to establish that such liens have precedence over all other encumbrances on the vehicle title other than purchase money security interests, and that the obligee may execute on, seize, and sell the property if warranted.

Sec. 410: Attachment of Bank Accounts.

Requires the states to authorize post-judgment seizure of bank accounts in child support cases without the need to obtain a separate court order for attachment.

Sec. 411: Lotteries, Settlements, Payments, and Awards.

Requires the states to establish procedures under which liens can be imposed against lottery winnings, gambler's winnings, insurance settlements or policy payouts, awards, judgments or settlements resulting from lawsuits, and property seized or forfeited to the state if the beneficiary owes past-due child support.

Sec. 412: Fraudulent Transfer Pursuit:

Requires the states to establish procedures that provide for indicia or badges of fraud that create a prima facie case that an obligor transferred income or property to avoid paying a child support creditor.

Sec. 413: Full IRS Collection.

(1) States that it is the sense of the Congress that the Commissioner of the IRS should instruct the field officers and agents of the IRS to give a high priority to requests for the use of IRS full collection of child support arrearages.

(2) Requires the Secretary of Treasury, in consultation with the Secretary of Health and Human Services, to simplify by regulation the full collection process and reduce the amount of child support needed before an individual may apply for full collection.

Sec. 414: Bonds.

Requires the states to develop procedures which allow the posting of a cash bond, security deposit or personal undertaking to provide for child support payments. This could prove helpful in cases where wage withholding is not optimal or appropriate.

Sec. 415: Tax Offset for Non-AFDC Post-Minor Child.

Makes it possible for a IV-D applicant with a child support arrearage who does not receive AFDC to use the federal and state tax refund procedures to collect the arrearage, regardless of the age of the child.

Sec. 416: Attachment of Public and Private Retirement Funds.

Requires the states to establish procedures under which a child support obligor may attach lump sum funds invested by the obligor or the employer of the obligor in public and private retirement funds. These funds include Keoghs, Simplified Employment Pensions (SEPs), and Individual Retirement Accounts (IRAs).

Sec. 417: Reporting to Credit Bureaus.

Requires the states to mandate reporting to credit bureaus of all child support obligations when the arrearages reach an amount equal to one month's payment of child support.

Sec. 418: Criminal Non-Support.

(1) Requires the states to have laws that provide for criminal penalties for non-support.

(2) Makes it a federal crime to willfully fail to pay child support to a child in another state.

Sec. 419: Statutes of Limitation.

Requires the states to permit the enforcement of any child support order until at least the child's 30th birthday.

Sec. 420: Interest.

Requires the states to have and use laws that assess interest on all child support judgments.

Sec. 421: Health Care Enforcement.

(1) Requires the states to establish laws which provide for a rebuttable presumption that the choice made by the child support obligee regarding health care insurance for the children is appropriate.

(2) Requires the states to provide that any insurance premium or sum-certain health care expense for which the obligor is responsible shall be included in the child support order.

(3) Requires the states to have and use laws that allow the obligee under a child support order to act in the place of the uninsured with respect to insurance claims relating to children who are beneficiaries of the child support order. The powers of the obligee would include the right to make direct application for insurance, the right to make claims, and the right to sign claim forms to the same extent as the obligor.

(4) Requires the states to mandate that the covered parent securing the insurance shall provide within 30 days of the health insurance order, written to the noncovered parent and/or the state IV-D agency, that insurance has been obtained or an application has been made for insurance, and the date the insurance is to take effect.

(5) Requires the states to require each welfare benefit plan operating under the laws of the state to include in the plan a commitment to: (i) releasing to the obligee or the state child enforcement agency, upon request, information on the dependent coverage, including the name of the insurer, (ii) providing all necessary reimbursement forms to the obligee; and (3) providing claim forms and enrollment cards to the obligee and honoring the signature of the obligee on the claim form.

(6) Requires the states to require employers located in the state to provide notice, using an address provided by the state child support agency, to the custodial parent of any termination or change in benefit of an insurance plan under which children in the parent's care are covered.

Sec. 422: Bankruptcy.

(1) Amends the U.S. Bankruptcy Code to allow parentage and child support case establishment, modification, and enforcement of child support to proceed without interruption after the filing of a bankruptcy petition.

(2) Treats the debt owed to child support creditors as debt outside the chapter 11, 12, or 13 plan, unless the child support creditor affirmatively acts to opt in as a creditor whose debt is part of the plan.

Sec. 423: Federal Government Cooperation in Enforcement of Support Obligations of Members of the Armed Forces and Other Persons Entitled to Payments by the Federal Government.

(1) Directs the U.S. military agencies to provide locate information on all military personnel that is updated within one month of a change in duty station or residential address.

(2) Directs the U.S. military agencies to provide for leave-granting procedures for use by service members facing parentage or support establishment hearings.

Sec. 424: UIFSA Endorsement.

Requires that each state adopt verbatim the officially approved version of the uniform Interstate Family Support Act, adopted by the National Conference of Commission on Uniform State Laws in August 1992.

TITLE V-COLLECTION AND DISTRIBUTION

Sec. 501: Priority of Distribution of Collections.

(1) Requires the states to, beginning on October 1, 1994, distribute child support collections in the following priority: (1) to a current month's child support obligation; (2) after the fulfillment of the current month's obligation, to debts owed the family; if any rights to child support were assigned to the state, then all arrearages that accrued after the child no longer received assistance are to be distributed to the family. States may include any pre-assignment family-debt arrearages at this priority level; (3) to reimburse the state making collection for any assistance payments made to the family (with appropriate reimbursement of the federal government to the extent of its participation in the financing); and (4) to reimburse other states for assistance payments they made to the family (in the order in which such payments were made).

(2) Authorizes the Comptroller General of the U.S. to analyze the existing child support distribution system and authorize, under certain circumstances, pilot projects for the distribution of arrearages in the following manner: (1) application of all support collected first to a current months' child support obligation; (2) application of funds collected in excess of the amount of the current month's obligation to debts owed the family; (3) using funds collected in excess of the amount of the current support obligation, to reimburse the state making the collection for any assistance payments made to the family (with appropriate reimbursement of the federal government to the extent of its participation in the financing); (4) using funds collected in excess of the current month's support obligation after the debt to the family and the collecting state have been satisfied, to reimburse other states for assistance payments to the family

(3) Precludes the counting of the $50 passthrough in AFDC cases for any means tested program.

Sec. 502: Relationship of AFDC to CSE—Limited Reimbursement Claims to Award Amount.

Requires the states to enact laws limiting any claims they may have against a noncustodial parent for reimbursement of the child's portion of the AFDC grant to the amount specified as child support under a court or administrative order.

Sec. 503: Fees for Non-AFDC Clients.

Allows the states to assess charges above the application fee for non-AFDC child support services against persons other than the custodial parent. Such fees are only to be collected after the current and past-due support and interest charges are collected.

Sec. 504: Collection and Disbursement Points for Child Support.

Requires the states to provide either one central state-wide collection, accounting, and disbursement point for child support cases, or regional collection and disbursement points throughout the state.

TITLE VI—FEDERAL ROLE

Sec. 601. Placement and Role of the Federal Child Support Agency.

(1) Changes the organizational structure of the Office of Child Support Enforcement so that it is headed by an assistant secretary who reports directly to the Secretary of Health and Human Services and is confirmed by the Senate.

(2) Allows the Office of Child Support Enforcement to have its own legal counsel.

Sec. 602. Training.

(1) Requires the states to provide training to child support personnel providing functions under the state plan.

(2) Requires the Department of Health and Human Services to provide training assistance to the states.

(3) Requires the Department of Health and Human Services to report annually to Congress on training activities.

Sec. 603: Staffing.

(1) Requires the Secretary of Health and Human Services to conduct staffing studies of each state's child support enforcement program.

(2) Requires the Secretary of Health and Human Services to report the results of such staffing studies to the Congress and the states.

Sec. 604: Funding and Incentives for Child Support Agencies.

Requires the Comptroller General to conduct a study of the incentive formula operating with respect to state child support agencies in the federal system. The study would investigate the feasibility, costs, and benefits of: (1) encouraging states to centralize functions at the state level; (2) abolishing minimum incentives to states, as well as the ramifications of imposing the requirement that incentive funds be passed to local child support enforcement agencies; (3) exploring incentive formula that are based on increases in FFP for states that exceed performance criteria, instead of the present percentage of collection formula; (4) promoting quality control; (5) providing financial incentives for the enforcement of health-care support; and (6) tying incentive amounts to performance criteria that include total collections as a denominator (not solely the amount of AFDC collections) which are not solely based on cost-benefit criteria.

Sec. 605: Child Support Definition.

Defines "child support" to include periodic and lump sum payments for current and past-due economic support, payments of premiums for health insurance for children, payments for or provisions of child care, and payments for educational services.

Sec. 606; Audits.

Requires the Secretary of Health and Human Services to commission a study of the audit process of the office of Child Support Enforcement to improve the criteria and methodology for auditing state child support enforcement agencies.

Sec. 607: Child Support Assurance Demonstration Projects.

(1) Requires the Department of Health and Human Services to fund 5-year demonstrations in selected states to determine the feasibility and utility of a child support assurance program. Projects would test alternative administrative procedures and agencies responsible for making payments and funding processes. The state agency administering the IV-D program would be an integral part of the planning and evaluation of the demonstration.

(2) Requires that the Secretary of Health and Human Services be satisfied of the following before approving applications for such demonstrations: (i) any child with a living noncustodial parent for whom a child support order has been sought or obtained and any child who meets "good cause" criteria for not seeking or enforcing a support order is eligible for the assured child support benefit; (ii) to be eligible for the assured child support benefit, the child's caretaker must apply for services under part D of title IV of the Social Security Act. (iii) Child support assurance is available to the extent that a child does not receive a specified minimum level of child support from the noncustodial parent; (iv) the state is at or above the national median paternity establishment rate and provides assurances it will continue to improve its performance in the number of cases in which paternity is established, the number of cases in which child support orders are collected, and the number of cases in which child support collections are made; (v) the receipt of child support assurance creates an assignment of support rights, such as created by receipt of public assistance, to the extent of the amount of child support assurance received; (vi) if the Federal Government does become subrogated to the rights of the caretaker to enforce and collect the support order up to the amount of child support assurance provided, federal regulations shall provide clear instructions regarding distribution of any support payments received from the obligor; (vii) the State will specify how receipt of child support assurance will affect the State's incentives and federal financial participation.

Sec. 608: Development of a Children's Trust Fund.

(1) Establishes a Children's Trust funded by voluntary contributions of taxpayers as indicated on their federal tax returns. This contribution would be in addition to the federal tax owed.

(2) Requires that the Children's Trust Fund be dedicated to programs aimed at the prevention of child poverty and limited to the federal programs of AFDC and child support.

TITLE VII—STATE ROLE

Sec. 701: Prohibition of Residency Requirement for IV-D Services.

Requires that the states not deny establishment, enforcement, or modification services to applicants because of their nonresidency in the state.

Sec. 702: Advocating for Children's Economic Security.

Clarifies that the mission of every IV-D agency is to promote the greatest economic security possible for children, within the obligor's ability to pay.

Sec. 703: Duties of IV-D Agencies.

Requires state IV-D agencies to provide all custodial parents with: (i) a written description of available services and a statement articulating the priority of distribution and the degree of confidentiality of information; (ii) a statement that before the agency consents to a dismissal with prejudice or a reduction of arrearages, the agency shall provide notice to the last known address at least 30 days before a dismissal; (iii) written quarterly reports on case status; (iv) a statement that services under the IV-D programs are mandatory to those who are eligible for such services; (v) a statement that while eligibility for services is being determined, an applicant is eligible for services under the program pending such determination.

Sec. 704: Broader access to Services.

Expresses the sense of the Congress that state and local child support enforcement agencies should provide: (i) offices in easily

accessible locations near public transportation; (ii) office hours that allow parents to visit with attorneys and caseworkers without taking time off from work; and (iii) office environments conductive to discussion of legal and personal matters in privacy.

Sec. 705: Process for Change of Payee in IV-D Cases.

Requires the states to develop procedures under which a change in child support payee does not require a court hearing or order to take effect and may be done administratively, as long as a statement by an official is included in the court or administrative file documenting the change.

SECTION VIII—EFFECTIVE DATE

Sec. 801: Effective Date.

Provides that, unless otherwise stated, the amendments made by this shall take effect on January 1, 1996.

Mr. DODD. Mr. President, I want to address an issue critically important to the 16 million children who are growing up in single-parent homes. That issue is child support—and our Nation's dismal record of enforcement that leaves most of those children without adequate economic support from their absent parents.

Today Senator BRADLEY is introducing a package of major proposals for reform, based on recommendations of the U.S. Commission in Interstate Child Support. I commend him for his outstanding work on the Commission and for his initiative in developing this bill, the Omnibus Interstate Child Support and Parentage Act. His proposal will be a valuable foundation for reforms that I hope will be considered and enacted next year.

Mr. President, what would the American people say if three-quarters of taxpayers were allowed to skip out on their taxes? There would be an outrage, a national furor. Nowhere else do we let three-quarters of debtors walk away from their responsibilities—not from their taxes or their rent or their credit card bills. Parents shouldn't be allowed to skip out on the tab when it comes to providing a secure and happy home for their children.

At some time in their lives, half of American children—32 million children—will be eligible for child support. But only one in four will receive full child support. Imagine what it is like in the millions of households where child support isn't paid at all or only occasionally. In the words of a young woman who testified earlier this year before the Subcommittee on Children, Family, Drugs, and Alcoholism, "Not only did we lose our father, we also lost our mother because she was forced to leave the home at times when we needed her."

Consider the situation in Connecticut alone. We are a small State, and our State has one of the strongest records of child support enforcement. Yet only 39 percent of families in Connecticut with child support orders received payments last year. Our known child support delinquencies total over $400 million. In the wealthiest State in the Nation, 41 percent of our female-headed households live below the poverty level.

In my view, we must address the deplorable failure of our current system with changes in three critical areas. First, we must strengthen enforcement—through tougher penalties on delinquent parents, through better tracking and information systems, and through simplification of judicial procedures. Second, we must put low-income parents in the best possible position to earn enough to support their children. In my view, the best social program is a job. Rebuilding our economy will help many absent parents fulfill their child support obligations. Third, as a society, we cannot stand by and let children suffer when their delinquent parents somehow escape our toughest enforcement. Thus, as a last resort, when an absent parent does not pay—even after enforcement—a child should be guaranteed a minimum level of support.

In June 1991, I introduced a proposal to toughen enforcement by providing States with Federal funds if they make measurable improvements in paternity establishment, rates of support orders, and collections. When tougher enforcement does not produce payments, the funds would be used to guarantee a minimum level of support. My proposal tests this child support assurance concept on a demonstration basis in six States. I am pleased that Senator BRADLEY's omnibus bill includes a provision along these lines.

Again, I commend my colleague from New Jersey for his contribution today—his omnibus proposal will help to focus work in the months before the next Congress convenes. As chairman of the Senate Subcommittee on Children, Family, Drugs and Alcoholism and as chairman of the Senate Democratic Task Force on Child Support Enforcement, I look forward to working with Senator BRADLEY and others to tackle the formidable problem of child support, to examine far-reaching solutions, and to build broad consensus.

In closing, Federal policy should do the utmost possible to promote family stability and to strengthen families—to give parents the tools they need to nurture their children. In an ideal world, perhaps every child would grow up with two parents right there, in the home. But that is not today's reality. We cannot guarantee that all children will receive the love and guidance they need from their parents. Nonetheless, we can ensure they receive the economic support they deserve.

By Mr. HATCH:

S. 3292. A bill to establish the death penalty for certain violent crimes and provide procedures for its imposition, provide for habeas corpus reform, and codify the "good faith" exception to the exclusionary rule; to the Committee on the Judiciary.

FEDERAL DEATH PENALTY ACT OF 1992

Mr. HATCH. Mr. President, today I am introducing the Crime Control Act of 1992. It is time to take the handcuffs off of our Nation's police forces and put them firmly on criminals. The foremost obligation of the Government is to guarantee the personal security of its citizens. Quite frankly, the ability of both the State and Federal governments to perform this essential task has been undermined in recent decades by some unfortunate Supreme Court decisions and by some equally unfortunate policy determinations made by Congress. I believe that the provisions of the bill I am introducing today would remove some of the larger obstacles to law enforcement in this country. And this bill provides for real crime control, not gun control.

Title 1 of my bill restores the procedures for implementing the Federal death penalty. I would remind my colleagues that there has always been a Federal death penalty. Title 1 would adopt procedures to allow the Federal death penalties already on the books to be constitutionally carried out. In addition, the bill authorizes the death penalty for certain heinous offenses not previously punishable by death—such as retaliatory murders of witnesses and jurors in Federal trials and the use of weapons of mass destruction against American nationals.

Title 2 of my bill would restore the death penalty in the District of Columbia, with its soaring murder rate, is a laboratory where the liberal experiment has miserably failed. The fact is, Mr. President, that there are some people in this society so irredeemably evil that they will wantonly murder their fellow citizens, as we are saw in the Los Angeles riots several weeks ago. Instead of treating these marauders and cutthroats as victims of society, we should deal with them sternly and with dispatch. And in my judgment, after the legal process has run its course, the death penalty is appropriate for first degree murder.

Title 3 of my bill reforms the much-abused statutory writ of habeas corpus. Regrettably, Americans have come to believe that interminable criminal appeals are the ordinary course of things in our justice system, rather than an aberration foisted on them by the Warren court a few decades ago in what are literally case-studies of judicial activism. Title 3 provides for the first time a one-year time limit on filing habeas petitions, a rule of deference to State court determinations of issues that were fully and fairly litigated, and a limitation of second and other successive habeas petitions in capital cases to claims raising doubt concerning the guilt of the prisoner.

Title IV of the bill I am introducing today addresses one of the impediments on the ability of courts to determine the truth in criminal proceedings:

the exclusionary rule. Under the exclusionary rule, which was created by the courts, completely credible and probative evidence critical to conviction is excluded from trial. This is done because a court, deliberating weeks or months later, rules that the evidence was unreasonably seized. The criminal goes free.

The Supreme Court has chipped away at the exclusionary rule, and properly so. Under the 1984 Supreme Court decision in United States versus Leon, evidence obtained based upon an objectively reasonable belief in a search warrant's validity is admissible in court. Title IV of the bill I am introducing today takes the logical, sensible anticrime step of extending this good-faith exception to warrantless searches.

Mr. President, I do not suggest that the bill I am introducing today is a panacea that will alone reclaim our streets and communities from the criminal element. What I do suggest is that it is an important first step, one of several that we will have to take if we are to fully discharge our obligation to protect the American people from criminal predators. And it stands in contrast to the Democratic crime bill which emerged from the conference. That bill took the most liberal, procriminal, provisions on the death penalty, habeas corpus, and the exclusionary rule passed by either the Senate or the House of Representatives.

Mr. President, we need to have a means to carry out the Federal death penalty, we need a death penalty in the District of Columbia for first degree murder, we need to limit interminable habeas appeals, and we need to reform the exclusionary rule to permit the introduction of probative evidence in cases where the evidence was obtained in good faith. And I might add, these reforms are long overdue.

By Mr. EXON (for himself, Mr. GORTON, and Mr. PRESSLER):

S. 3293. A bill to amend title 49, United States Code, to provide for certification of weights of loaded containers and trailers for intermodal transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERMODAL SAFE CONTAINER TRANSPORTATION ACT OF 1992

• Mr. EXON. Mr. President, as chairman of the Surface Transportation Subcommittee, I am pleased to introduce in the Senate the Intermodal Safe Container Transportation Act of 1992. This legislation addresses the problem of overweight shipping containers which has become acute for the Nation's trucking industry. The bill represents a consensus among the shipping community and the trucking, rail, and maritime industries, and I am pleased to have Senators GORTON and PRESSLER with me as original cosponsors.

For several years, the trucking, rail, maritime, and shipping industries have sought compromise legislation to address the problem of transporting containerized cargo safety when the hauling capacity of many containers exceeds the weights that can be legally transported over U.S. highways. Overweight containers raise key safety concerns for truckers and the motoring public through increased truck-stopping distances, decreased vehicle control, and increased mechanical stress on critical truck parts.

Although overweight intermodal shipments are illegal, trucking companies in particular have had no control over the weight and loading of containers and trailers and face fines and penalties when their loads are determined to be overweight. This problem has become more acute as intermodal transportation has grown through steady increases in international trade and containerization of both overseas and domestic freight.

The legislation I offer today builds on H.R. 3598, the Intermodal Safe Container Transportation Act, introduced on October 22, 1991, by Congresswoman HELEN BENTLEY. The House bill has 33 cosponsors and developed from negotiations on this issue by the motor carrier, railroad, steamship, and public port industries, as well as the shipping community. The legislation now before my colleagues in the Senate clarifies a number of ambiguities in H.R. 3598 and resolves the difficult issues posed by containers which may be overweight. In summary, the bill I have offered seeks to distribute equitably the responsibilities and liabilities of overweight intermodal shipments among all parties to an intermodal movement—shippers and carriers—and ensures that cargo weights and descriptions are provided by the tender of the load prior to highway transportation of the freight.

I urge my colleagues to join me in working to pass this important legislative initiative.•

By Mr. DECONCINI:

S. 3295. A bill to amend title 10, United States Code, to establish within the Office of the Secretary of Defense the position of Director of Criminal Investigations; and for other purposes; to the Committee on Armed Services.

ESTABLISHMENT OF POSITION OF DIRECTOR OF CRIMINAL INVESTIGATIONS IN THE OFFICE OF THE SECRETARY OF DEFENSE

Mr. DECONCINI. Mr. President, I want to speak for just a few moments on a very sensitive and important subject, and that is sex misconduct, and legislation I will introduce shortly.

Women in the U.S. Armed Forces are being subjected daily to sexual harassment ranging from verbal abuse to forcible rape. Who does the harassing? Men whom these women trust as fellow comrades-in-arms or—even worse—superiors who use their authority to sexually coerce lower echelon military women and then intimidate them into silence.

When victims of such abuse attempt to report it to higher military officials, they find their experience discounted as of minor importance, or as part of being in the military.

The Tailhook scandal is only one example of the military's efforts to cover up and discount the sexual abuse of military women. Hundreds of individual incidents occur every year. Both the incidents themselves and the subsequent cavalier treatment of the victims are unconscionable and cannot be tolerated.

At the present time, there is not sufficient reliable data on this problem of rape, other sexual assault, and sexual harassment against military personnel; however, I believe it is fair to say that military women are at least as likely to be victimized as civilian women.

With this in mind, consider that 13 percent of adult American women have experienced forcible rape. Forcible rape is defined as "* * * an event that occurred without the woman's consent, involved the use of force or threat of force, and involved sexual penetration. * * *"

A 1990 survey of 202 women Vietnam veterans indicated that 29 percent had experienced forcible rape during military service. This is more than double the experience of American women as a whole. Not one of these women was raped by the enemy. It is true that the survey was small, but I am afraid this survey accurately reflects what is going on in the military and we must put a stop to it. The fact that no other data exists highlights the shocking indifference to this problem.

The aftermath of rape may become even more disabling than the incident itself.

Fear, anxiety, and concern about personal safety are common immediately following an incident. Later, victims may become severely depressed, have suicidal thoughts, and experience social dysfunctions which affect not only personal quality of life, but also work performance.

Thirty-one percent of all rape victims develop rape-related posttraumatic stress disorder, known as RR-PTSD, similar to the post traumatic stress disorder experienced by Vietnam-era combat veterans. These women relive the trauma on an ongoing and intrusive basis. They are subject to daytime memories in performing their duties and nightmares accompanied by intense psychological distress. Many deliberately restrict contact with the outside world in order to avoid reminders of the trauma. Compared with women who have never been raped, those with RR-PTSD are *13.4 times* more likely to have major alcohol problems and 26 times more likely to have major drug abuse problems.

Trauma and other psychological disorders resulting from rape itself are compounded by an apparently permissive environment which encourages—or at least does not adequately discourage—the sexual mistreatment of military women.

On June 30, the Senate Committee on Veterans' Affairs, chaired by the distinguished Senator from California, Senator CRANSTON, held hearings which I attended. We heard testimony from three women veterans who, after being forcibly raped, were further brutalized by the indifference of higher echelon officers to whom they had turned for help. One, in fact, testified under oath that she was demoted while her abuser was promoted.

Another woman, a career military person, was raped by other military personnel on two separate occasions during her military service for her country.

Obviously, something must be done.

And something will be done.

Today I am introducing legislation to create an Office of Criminal Investigations at the Department of Defense. This new Office will have oversight and audit jurisdiction over all reports of sexual harassment, abuse, and assault, and other related offenses by active duty military personnel against other active duty personnel. The Secretary of Defense is also empowered to direct the new Office to investigate or assist in the investigation of cases being conducted by any military investigation service. Military victims of sexual assault will also be able to address their complaints directly to this office, rather than through the military chain of command. Most victims I have talked with simply do not believe that their allegations will be taken seriously today and that they will be pursued vigorously by their supervisors, particularly in a male-dominated profession. We need to assure victims that they will be seriously considered.

The Office of Criminal Investigations will have a separate investigation staff with, to the extent possible, professional expertise in sexual assault investigations. The unit will be totally independent, and will have absolute authority to collect evidence and compel testimony, to secure appropriate immediate medical treatment and psychological counseling for victims of sexual abuse. An important element of the Office will be the collection of data so that we can get a better handle on the extent of the problem including the number of cases that go to prosecution.

This legislation would also establish a new Federal crime for failure by any commanding officer to promptly notify this new Office of Investigations of any report of sexual misconduct. The failure to report shall be a felony punishable by imprisonment for up to 10 years.

Mr. President, a greater number of women choose to serve their country through careers in the military. American servicewomen should not be subject to humiliation. They should not be subjected to physical abuse or any abuse. They should not experience a sense of vulnerability engendered by the current, permissive military environment. They should not be subject to the terror and long-term incapacitation resulting from sexual assault. And they should not be subject to indifference from superiors who are responsible for their safety and well-being. We need to send a message to the military that such an environment and such behavior will not be tolerated. The military must be changed and will be changed. We can fix the problem by establishing an independent unit with jurisdiction over these offenses.

Mr. President, I ask unanimous consent that the full text of the bill and a summary of what the bill does be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIRECTOR OF CRIMINAL INVESTIGATIONS.

(a) ESTABLISHMENT.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 142. Director of Criminal Investigations

"(a) APPOINTMENT.—There is a Director of Criminal Investigations who is appointed by the Secretary of Defense from among civilians who have a significant level of experience in criminal investigations. The Director reports directly to the Secretary of Defense.

"(b) SENIOR EXECUTIVE SERVICE POSITION.—The position of Director of Criminal Investigations is a Senior Executive Service position. The Secretary shall designate the position as a career reserved position under section 3132(b) of title 5.

"(c) DUTIES.—Subject to the authority, direction, and control of the Secretary of Defense, the Director of Criminal Investigations shall perform the duties set forth in this section and such other related duties as the Secretary may prescribe.

"(d) DATA COMPILATION AND REPORTING.—(1) The Director shall obtain, compile, store, monitor, and (in accordance with this section) report information on each allegation of sexual misconduct of a member of the armed forces or of a dependent of a member of the armed forces against a member of the armed forces or against a dependent of a member of the armed forces that is received by a member of the armed forces or an officer or employee of the Department of Defense in the official capacity of that member, officer, or employee.

"(2) The information compiled pursuant to paragraph (1) shall include the following:

"(A) The number of complaints containing an allegation referred to in paragraph (1) that are received as described in that paragraph.

"(B) The number of such complaints that are investigated.

"(C) In the case of each complaint—

"(i) the organization that investigated the complaint (if investigated);

"(ii) the disposition of the complaint upon completion or other termination of the investigation; and

"(iii) the status or results of any judicial action, nonjudicial disciplinary action, or other adverse action taken.

"(D) The number of complaints that were disposed of by formal adjudication in a judicial proceeding, including—

"(i) the number disposed of in a court-martial;

"(ii) the number disposed of in a court of the United States;

"(iii) the number disposed of in a court of a State or territory of the United States or in a court of a political subdivision of a State or territory of the United States;

"(iv) the number disposed of by a plea of guilty;

"(v) the number disposed of by trial on a contested basis; and

"(vi) the number disposed of on any other basis.

"(E) The number of complaints that were disposed of by formal adjudication in an administrative proceeding.

"(3) The Director shall make the information obtained and compiled under this subsection available to the Secretary of Defense, the Secretaries of the military departments, Congress, any law enforcement agency concerned, and any court concerned.

"(e) DIRECT INVESTIGATIONS.—The Director shall investigate each allegation of sexual misconduct referred to in subsection (d) that—

"(1) is made directly, or referred, to the Director, including such an allegation that is made or referred to the Director by—

"(A) a commander of a member of the armed forces alleged to have engaged in the sexual misconduct or to have been the victim of the sexual misconduct;

"(B) an investigative organization of the Department of Defense; or

"(C) a victim of the alleged misconduct who is a member of the armed forces or a dependent of a member of the armed forces; or

"(2) the Secretary directs the Director to investigate.

"(f) OVERSIGHT AND QUALITY CONTROL OF OTHER INVESTIGATIONS.—(1) The Director shall monitor the conduct of investigations by units, offices, agencies, and other organizations within the Department of Defense regarding allegations of sexual misconduct.

"(2) In carrying out paragraph (1), the Director may inspect any investigation conducted or being conducted by any other organization within the Department of Defense, review the records of an investigation, and observe the conduct of an ongoing investigation.

"(3) The Director may report to the Secretary on any investigation monitored pursuant to in paragraph (1). The report may include the status of the investigation, an evaluation of the conduct of the investigation, and an evaluation of each investigator and the investigative organization involved in the investigation.

"(g) POWERS.—In the performance of the duties set forth or authorized in this section, the Director shall have the following powers:

"(1) To have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available in the Department of Defense which relate to the duties of the Director.

"(2) To request such information or assistance as may be necessary for carrying out the Director's duties from any Federal, State, or local governmental agency or unit thereof.

"(3) To require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other

data and documentary evidence necessary in the performance of the Director's duties, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

"(4) To serve subpoenas, summons, and any judicial process related to the performance of any of the Director's duties.

"(5) To administer to or take from any person an oath, affirmation, or affidavit whenever necessary in the performance of the Director's duties, which oath, affirmation, or affidavit when administered or taken by or before an employee designated by the Director shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(6) To have direct and prompt access to the Secretary of Defense, the Secretary of a military department, and any commander when necessary for any purpose pertaining to the performance of the Director's duties.

"(7) To obtain for any victim of sexual misconduct referred to in subsection (d)(1), from any facility of the uniformed services or any other health care facility of the Federal Government or, by contract, from any other source, medical services and counseling and other mental health services appropriate for treating or investigating—

"(A) injuries resulting from the sexual misconduct; and

"(B) other mental and physiological results of the sexual misconduct.

"(h) REFERRALS FOR PROSECUTION.—(1) The Director may refer any case of sexual misconduct described in subsection (d)(1) to—

"(A) a United States Attorney, or another appropriate official in the Department of Justice, for prosecution; or

"(B) to an appropriate commander within the armed forces for action under chapter 47 of this title (the Uniform Code of Military Justice) or other appropriate action.

"(2) The Director shall report each such referral to the Secretary of Defense.

"(i) STAFF.—(1) The Director shall have—

"(A) a staff of investigators who have extensive experience in criminal investigations;

"(B) a staff of attorneys sufficient to provide the Director, the criminal investigators, and the Director's other staff personnel with legal counsel necessary for the performance of the duties of the Director;

"(C) a staff of counseling referral specialists; and

"(D) such other staff as is necessary for the performance of the Director's duties.

"(2) To the maximum extent practicable, the staff of the Director shall be generally representative of the population of the United States with regard to race, gender, and cultural diversity.

"(j) REPORTS TO DIRECTOR.—Each member of the armed forces and each officer or employee of the Department of Defense who, in the official capacity of that member, officer, or employee, receives an allegation of sexual misconduct shall submit to the Director a notification of that allegation together with such information as the Director may require for the purpose of carrying out the Director's duties.

"(k) ANNUAL REPORT ON SEXUAL MISCONDUCT.—The Secretary of Defense shall submit to Congress an annual report on the number and disposition of cases of sexual misconduct by members of the armed forces and officers and employees of the Department of Defense.

"(l) DEFINITIONS.—In this section:

"(1) The term 'sexual misconduct' includes the following:

"(A) Sexual harassment, including any conduct involving sexual harassment that—

"(i) in the case of conduct of a person who is subject to the provisions of chapter 47 of this title (the Uniform Code of Military Justice), comprises a violation of a provision of subchapter X of such chapter (relating to the punitive articles of such Code) or an applicable regulation, directive, or guideline regarding sexual harassment that is prescribed by the Secretary of Defense or the Secretary of a military department; and

"(ii) in the case of an employee of the Department of Defense or a dependent subject to the jurisdiction of the Secretary of Defense or of the Secretary of a military department, comprises a violation of a regulation, directive, or guideline referred to in clause (i) that is applicable to such employee or dependent.

"(B) Rape.

"(C) Sexual assault.

"(D) Sexual battery.

"(2) The term 'complaint', with respect to an allegation of sexual misconduct, includes a report of such allegation.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following:

"142. Director of Special Investigations.".

SEC. 2. CRIMINAL FAILURE TO REPORT SEXUAL MISCONDUCT.

(a) OFFENSES.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246;

(2) by inserting after section 2244 the following new section:

"§ 2245. Failure to report sexual misconduct

"(a) FAILURE TO ACT ON ALLEGATION OF CRIMINAL SEXUAL MISCONDUCT.—An officer or employee of the Department of Defense or a member of the Armed Forces of the United States who, in the official capacity of the officer, employee, or member—

"(1) receives an allegation of criminal sexual misconduct of a member of the Armed Forces of the United States or of a dependent of a member of the Armed Forces of the United States against a member of the Armed Forces of the United States or against a dependent of a member of the Armed Forces of the United States;

"(2) is required by law to initiate an investigation of, or to determine whether to take disciplinary action in the case of, the allegation; and

"(3) fails to submit a notification of the allegation to the Director of Criminal Investigations of the Department of Defense and to the immediate employment supervisor or immediate commander, as the case may be, of the alleged offender,

shall be imprisoned not more than 10 years, fined under this title, or both.

"(b) FAILURE TO ACT ON ALLEGATION OF CIVIL SEXUAL MISCONDUCT.—An officer or employee of the Department of Defense or a member of the Armed Forces of the United States who, in the official capacity of the officer, employee, or member—

"(1) receives an allegation of civil sexual misconduct of a member of the Armed Forces of the United States or of a dependent of a member of the Armed Forces of the United States against a member of the Armed Forces of the United States or against a dependent of a member of the Armed Forces of the United States;

"(2) is required by law to initiate an investigation of, or to determine whether to take disciplinary action in the case of, the allegation; and

"(3) fails to submit a notification of the allegation to the Director of Criminal Investigations of the Department of Defense and to the immediate employment supervisor or immediate commander, as the case may be, of the alleged offender,

shall be imprisoned not more than 1 year, fined under this title, or both."; and

(3) in section 2246, as redesignated by paragraph (1)—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(6) the term 'criminal sexual misconduct' means engaging in a sexual act or sexual contact in circumstances such that the act or conduct constitutes a criminal offense under this chapter, other Federal law, or State law; and

"(7) the term 'civil sexual misconduct' means engaging in a sexual act, sexual conduct, or other activity of a sexual nature in violation of a statute, rule, order, or other lawful authority that prohibits the activity but does not authorize imposition of a sentence of imprisonment for a violation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 2245 and inserting the following:

"2245. Failure to report sexual misconduct.
"2246. Definitions for chapter.".

SEC. 3. PERSONNEL ADMINISTRATION MATTERS.

(a) PERFORMANCE EVALUATIONS AND BENEFITS.—(1) The Secretary of Defense shall prescribe in regulations a requirement that the commitment of an officer or employee of the Department of Defense and a member of the Armed Forces of the United States to the elimination of sexual harassment in the officer's, employee's, or member's place of work or duty and at installations and other facilities of the Department of Defense be one of the factors considered in—

(A) the preparation of the evaluations of the officer's, employee's, or member's performance of work or duties;

(B) the determination of the appropriateness of a promotion of the officer, employee, or member; and

(C) the determination of the appropriateness of selecting the officer, employee, or member to receive a financial award for performance of work or duties.

(2) The Secretary shall submit to Congress an annual report on the implementation of the regulations required by paragraph (1). The report shall contain an assessment of the effects of the implementation of such regulations on the number, extent, and seriousness of the cases of sexual harassment in the Department of Defense. The annual report under this paragraph shall be separate from the annual report required by section 142(k) of title 10, United States Code, as added by section 1.

(b) ELIGIBILITY FOR PROMOTIONS AND AWARDS.—The Secretary of Defense and the Secretary of the military department concerned may not approve for presentation of a financial award for performance of work or duties or for promotion any officer or employee of the Department of Defense or any member of the Armed Forces of the United States who—

(1) has been convicted of a criminal offense involving sexual misconduct; or

(2) has received any other disciplinary action or adverse personnel action on the basis of having engaged in sexual misconduct.

SEC. 4. PROTECTION OF PERSONS REPORTING SEXUAL HARASSMENT.

(a) REGULATIONS OF THE SECRETARY OF DEFENSE.—The Secretary of Defense shall prescribe regulations that prohibit officers and employees of the Department of Defense from retaliating or taking any adverse personnel action against any other officer or employee of the Department of Defense or any member of the Armed Forces of the United States for reporting sexual misconduct by an officer or employee of the Department of Defense or a member of the Armed Forces or for providing information in an investigation, disciplinary action, or adverse personnel action in the case of an allegation of sexual misconduct by any other such officer, employee, or member. The regulations shall include sanctions for violation of the regulations.

(b) REGULATIONS OF A SECRETARY OF A MILITARY DEPARTMENT.—(1) The Secretary of each military department shall prescribe regulations that prohibit members of the Armed Forces of the United States under the jurisdiction of that Secretary from retaliating or taking any adverse personnel action against any officer or employee of the Department of Defense or any member of the Armed Forces of the United States for reporting sexual misconduct by any other officer or employee of the Department of Defense or any other member of the Armed Forces or for providing information in an investigation, disciplinary action, or adverse personnel action in the case of an allegation of sexual misconduct by any other such officer, employee, or member.

(2) A violation of the regulations prescribed pursuant to paragraph (1) shall be punishable under section 892 of title 10, United States Code (article 92 of the Uniform Code of Military Justice).

SEC. 5. SEXUAL MISCONDUCT DEFINED.

In this Act, the term "sexual misconduct" has the meaning given that term in section 142(1) of title 10, United States Code, as added by section 1.

LEGISLATION OFFERED BY SENATOR DENNIS DECONCINI TO ELIMINATE SEXUAL MISCONDUCT IN THE U.S. ARMED FORCES

WHAT DOES THE LEGISLATION DO?

New Office of Criminal Investigations

A special investigative office of professional staff is to be established within the Department of Defense and responsible directly to the Secretary of Defense.

Professional Staff and Direction

Investigators in this unit will possess full federal law enforcement authority and will be authorized to refer any matters which constitute violations of federal law to the Department of Justice or the appropriate United States Attorney for prosecution as well as to utilize all remedial functions available within the Department of Defense or military services.

Direction and control of the office will be through a Director selected from the career Senior Executive Service. The Director must also have background and experience in law enforcement and prosecution issues. The office will be staffed by an appropriate mixture of professional federal law enforcement officers, attorneys, administrative support personnel, and counseling referral personnel. The federal investigators will be experienced senior criminal investigators. Staffing of this office will be required to be generally and appropriately representative of the population of the nation with regard to race, gender and cultural diversity.

Office Functions

A principal responsibility of the Office will be to gather, compile, store, track and report comprehensive data on investigations and prosecutions which involve allegations of conduct which has sexual overtones, including rape, sexual assault and battery and sexual harassment, and which involve military personnel or dependents as either victim or alleged perpetrator.

This office will be mandated to provide access to that data to all appropriate law enforcement and judicial authorities, medical and counselling personnel, military and Department of Defense managers, and to Congress to ensure that the problem of sexual abuse and harassment within the military is corrected.

A function of the Office will be oversight and quality control of all ongoing sexual misconduct investigations conducted by any agency or office of the military services.

The Office shall have authority to enter at any stage into any investigation into these subject matters conducted by any investigative arm of the military services under the jurisdiction of the Secretary of Defense and to observe and report to the Secretary upon the status, conduct and performance of any investigation, investigator or investigative office with respect to the allegations which are the responsibility of the office.

A special function of the Office will be the authority to conduct direct investigations into allegations of criminal activity involving sexual misconduct.

Direct investigation will occur at the direction of the Secretary of Defense or the Office Director following a request from a military commander, any criminal investigations office of military service branch investigating allegations of sexual misconduct or harassment, or from a victim.

Criminalize Coverups or Concealment

Defines a new federal criminal offense punishable as a Class D felony with potential penalties of 10 years in prison in addition to a fine for the willful and knowing conduct by any civilian or military person whose responsibility it is to take action upon reports of criminal sexual misconduct, including sexual harassment, who fails to report the allegations to the new investigative office and to that person's supervisors.

Also defines a separate federal offense punishable as a Class A misdemeanor for failing to report to the new investigative office and to the person's supervisor any allegation of sexual harassment.

Personal Responsibility for All Officers and Managers

Requires the Secretary of Defense immediately to place requirements in the personnel performance standards and to evaluate all Department of Defense personnel for their annual performance and for all military personnel before any promotion in rank or award related to consideration of each person's success in meeting the challenge of combatting sexual harassment.

Prohibits the Secretary of Defense from advancing in rank or for making any financial award for annual performance to any person convicted of criminal sexual misconduct or who has a civil or administrative finding of sexual harassment or who has retaliated against a reporting victim or witness in these types of cases.

Secretarial Accountability Through Annual Reports to Congress

Requires the Secretary of Defense to make an annual report to Congress on sexually-related violations and the status of prosecutions based upon information from the new investigative office's data compilation and investigative tracking functions.

Requires the Secretary of Defense to make a second and separate annual report to Congress concerning the Department of Defense's success in eliminating a climate favorable to sexual abuse and harassment and the status of the requirements that personnel evaluations and promotions be linked to individual success in eradication of this behavior.

Institutionalize Personal Accountability for Wrongful Acts

Requires the Secretary of Defense to issue regulations which insulate and protect any person from retaliation, disciplinary action or from separation from the military service as a result of reporting and/or providing information on sexual misconduct.

Requires the Secretary to make it a punishable offense under regulations of the respective military services for any military person to retaliate against any person for reporting a violation of criminal, civil or administrative requirements related to appropriate sexual conduct of service personnel.

Authority to Provide Outside Counseling and Medical Assistance

Provides the new Office with separate contracting authority to provide necessary support activities related to its data compilation function and for any necessary assistance to victims reporting criminal activity including, but not limited to, rape counseling, medical assistance and support, stress or trauma counseling services.

Office and Its Functions are Permanent

Permanently authorizes the new special investigation Office. No budget estimate has yet been prepared. Preliminary rough cost estimates range from $10 million to $20 million per year.

By Mr. WOFFORD:

S. 3296. A bill to direct the Secretary of Commerce to provide grants to States to provide technical and financial assistance to small and medium-sized manufacturers; to the Committee on Commerce, Science, and Transportation.

INDUSTRIAL INNOVATION ACT OF 1992

• Mr. WOFFORD. Mr. President, today I introduce legislation to help small- and medium-sized manufacturers boost their productivity and competitiveness. The Industrial Innovation Act of 1992 would provide technical and financial assistance to these businesses, allowing them to invest in modernization, market expansion, and new product development. This assistance would be provided to States in the form of block grants with the intention of leveraging existing efforts to upgrade our industrial base.

Pennsylvania offers a good example of how State programs can make a real difference for manufacturers. The Commonwealth's Industrial Resource Centers program has provided substantive services to over 1,000 Pennsylvania firms through the program's eight regionally-based IRCs. Federal support would allow the program to expand and assist even more of our State's 18,000 manufacturing firms, an investment that would pay off in better product

quality, improved technology, and more jobs in the manufacturing sector.

The Commonwealth has also implemented a successful government-industry-university program, the Ben Franklin Partnership, which is uniquely positioned to commercialize state-of-the-art research—an area in which the United States must do better if we are to retain our technological leadership. Pennsylvania has already invested over $200 million in this innovative program.

Mr. President, our small- and medium-sized industrial companies—the same companies that helped us to become a superpower both economically and militarily—are suffering. As a member of the Senate Democratic task force on defense and economic conversion, I know that there are a lot of good ideas in Washington. But as a former Secretary of Labor and Industry for Pennsylvania, I know first-hand that there are a lot of good ideas outside the Beltway as well. I heard testimony on some of these ideas during a series of field hearings I recently held in the Commonwealth. This legislation will allow Pennsylvania and other innovative States to take these good ideas and test them, and I commend it to my colleagues.

I ask unanimous consent that the text of my bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Industrial Innovation Act of 1992".

(b) STATEMENT OF PURPOSE.—The purposes of this Act are to help small and medium-sized businesses to utilize the best practices in quality processes, productivity, and marketing programs and to utilize such practices in human resource management.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) SMALL AND MEDIUM-SIZED MANUFACTURER.—The term "small and medium-sized manufacturers" shall have such meaning as the Secretary, by regulation, shall prescribe.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for fiscal years 1993, 1994, and 1995 not more than $1,000,000,000 to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization provided by subsection (a) shall remain available until expended.

SEC. 4. APPLICATION.

(a) GRANTS.—The Secretary is authorized to make grants to the States to enable the States to provide technical and financial assistance to small and medium-sized manufacturers in accordance with this Act.

(b) IN GENERAL.—To receive a grant under this Act, a State shall submit to the Secretary an application at such time and in such form and containing such information as the Secretary may require, including, but not limited to—

(1) the certifications required under subsection (c);

(2) identification of the impact of industrial job loss on the State, regions within the State, and particular communities;

(3) the need for services among manufacturing firms;

(4) the State and local efforts to address such needs;

(5) assurances satisfactory to the Secretary that the State will use amounts from a grant only for the eligible activities under section 5;

(6) identification, through a strategic plan, of how grant will leverage coordination of existing business service, financial assistance, and educational programs in support of objectives of the grant; and

(7) assurances satisfactory to the Secretary that the State will not provide technical and financial assistance under this Act to any small or medium-sized manufacturer who does not have a committee, comprised of management and employees other than management, advising on planning and new technology, and making recommendations concerning training needs and health and safety issues.

(c) CERTIFICATIONS.—The State shall certify to the satisfaction of the Secretary that—

(1) the State will provide funds from its revenues in an amount equal to $1 for every $10 of Federal funds from such grant for the purpose of providing technical and financial assistance to small and medium-sized manufacturers;

(2) the State will maintain its aggregate expenditures from all other sources for programs which provide technical and financial assistance to small and medium-sized manufacturers at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act;

(3) the State will require each small and medium-sized manufacturer receiving financial assistance under section 5 to provide funds in an amount equal to and not less than $1 for every $1 of funds provided to the manufacturer in those cases where the State provides direct financial assistance under such section for the purpose of supplementing such funds; and

(4) the State will submit to the Secretary a report describing the use of such grant, including—

(A) the number of small and medium-sized manufacturers which received technical or financial assistance from such grant;

(B) oversight of the grant; and

(C) any other information the Secretary determines to be appropriate.

SEC. 5. ELIGIBLE ACTIVITIES.

(a) IN GENERAL.—A State shall use amounts from a grant under this Act only to provide technical and financial assistance to small and medium-sized manufacturers doing businesses in such State in accordance with the allocation requirements under subsection (b).

(b) STATE ALLOCATION.—The State will allocate amounts received from a grant under this Act in accordance with the following requirements:

(1) 50 percent of amounts received from the grant will be reserved by the State to provide technical and financial assistance to small and medium-sized manufacturers to make quality and productivity improvements and expand markets through various activities, including—

(A) developing and carrying out strategic planning for innovation and industrial modernization;

(B) developing and carrying out advanced manufacturing processes, practices and techniques, and best commercial practices;

(C) transferring advanced manufacturing technologies and best commercial practices;

(D) assessing export potential and undertaking export marketing programs;

(E) supporting manufacturing extension services;

(F) fostering supplier networks and other forms of collaboration among businesses to improve competitiveness;

(G) assistance in developing new products and technologies;

(H) market expansion assistance, including support for export trade, and procurement assistance centers that are recognized by the Small Business Administration;

(I) strategic financing assistance for export, new product development and the commercialization of new technologies; and

(J) planning development and design of projects for new commercial uses in critical technology areas such as high speed transportation technology, digital communications, and optical electronics; and

(2) 50 percent of amounts received from the grant will be reserved by the State to provide technical and financial assistance to small and medium-sized manufacturers to undertake human resource development initiatives essential for industrial modernization and the fulfillment of improved competitiveness strategies, including—

(A) developing and carrying out high performance workplace systems and employee involvement and Labor-Management Committees to—

(i) reduce overspecialization;

(ii) foster flexible work organization;

(iii) increase teamwork among workers across functional work units; and

(iv) expand employees' roles as partners with management in planning and managing change;

(B) developing and carrying out company and industry-specific training for workers required for the introduction of advanced manufacturing technologies and other industrial modernization initiatives;

(C) developing and carrying out work force literacy programs for industrial modernization; and

(D) developing and carrying out programs to encourage employee ownership.

(c) COORDINATION.—The Secretary of Commerce shall coordinate as necessary with the Secretary of Labor and States' employment services and Service Delivery Areas (as described in section 101 of the Job Training Partnership Act) and other pertinent State agencies to carry out the provisions of this Act.

SEC. 6. REPORT.

Not later than January 1, 1995, the Secretary shall submit to the Congress a report containing—

(1) a compilation of the information contained in the State reports received by the Secretary pursuant to section 4(c)(4); and

(2) an evaluation of the effectiveness of the grant program.●

By Mr. KOHL:

S. 3297. A bill to strengthen the security of Federal computer systems, and

for other purposes; to the Committee on Governmental Affairs.

COMPUTER SECURITY ACT AMENDMENTS OF 1992

• Mr. KOHL. Mr. President, today I am introducing legislation which will strengthen the security of sensitive information stored on Government computer systems.

Last year testimony, before my Subcommittee of Government Information and Regulation showed that, despite the Computer Security Act of 1987, foreign hackers routinely broke into military computer systems that held sensitive information during Desert Storm and Desert Shield.

Teenage hackers from the Netherlands accessed sensitive information such as personnel records and weapon systems development data. Personnel records can be used to coerce employees to reveal even more sensitive information. Information on weapon systems development can identify weaknesses of weapons in the field. Fortunately, these hackers had no interest in using the information against us. But we shouldn't be relying on good fortune to protect our sensitive information.

It was clear from the testimony at my hearing that the problem lies with the implementation of the Computer Security Act, rather than with the act itself. While most agencies developed the security plans called for in the Computer Security Act, few moved to implement those plans.

These amendments are intended to augment the Computer Security Act by providing specific guidance for implementing computer security on Government computer systems.

These amendments call for first, the development of a report which documents the incidents where computer security has failed. Second, they require each agency to develop a system of audits to assure that their security plans are being implemented. Third, these amendments give OMB the responsibility to certify that agencies are in compliance with the Computer Security Act, and allow OMB to revoke an agency's authority to purchase computer equipment if the agency is not in compliance.

Some argue that computer security will improve slowly as more and more employees are educated about the problem. Others see it as a management failure, and what is needed is to make senior administrators aware of the problem. Unfortunately, there has been little change since the Computer Security Act was passed 5 years ago, and even in times of national crisis little attention is paid to computer security.

We cannot sit idly by and wait for things to improve. We have an obligation to the public to assure them that Government information is adequately protected. This legislation will force the Government to live up to that obligation.

I ask unanimous consent that a copy of the legislation and a section-by-section description of the legislation be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Security Act Amendments of 1992".

SEC. 2. COMPUTER SECURITY OF FEDERAL COMPUTER SYSTEMS.

The Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724 et seq.; 40 U.S.C. 759 note) is amended by redesignating sections 7 and 8 as sections 8 and 9, respectively, and inserting after section 6 the following new section:

"SEC. 7. SECURITY AND REPORTING REQUIREMENTS.

"(a) ANNUAL REPORT OF UNAUTHORIZED ACCESS.—(1) No later than the second Monday in January of each year, the head of each Federal department and agency shall submit to the Senate Committee on Governmental Affairs and the House of Representatives Committee on Science, Space, and Technology a report on—

"(A) the number of attempts by unauthorized users to access any computer which—

"(i) is capable of being remotely accessed by telephone link; and

"(ii) is part of a Federal computer system in which such department or agency, or a person under contract with such department or agency, is the operator of such Federal computer system;

"(B) the number of attempts described under subparagraph (A) that were successful;

"(C) with regard to the successful attempts described under subparagraph (A)—

"(i) the way in which unauthorized access was accomplished; and

"(ii) whether information was disclosed, copied, altered, or destroyed; and

"(D) the actions taken to identify and apprehend any person who makes a successful or unsuccessful attempt described under subparagraph (A).

"(2) Beginning with the second Monday in May in the year in which the second annual reports are required to be submitted under subsection (a), and no later than the second Monday in May in each year thereafter, the Office of Management and Budget shall submit to the Senate Committee on Governmental Affairs and the House of Representatives Committee on Science, Space, and Technology a report that—

"(A) summarizes all department and agency reports submitted under subsection (a) for the prior year;

"(B) assesses the improvement or deterioration of computer security for the prior year; and

"(C) describes plans of the Office of Management and Budget to improve computer security in the upcoming year.

"(b) AUDITING REQUIREMENTS.—(1) No later than 3 years after the date of the enactment of this subsection, each department and agency shall implement a plan which shall provide for an audit of each multiuser system by a system manager not assigned to such system to be conducted every 3 years. Each audit shall determine—

"(A) the number of multiuser systems audited;

"(B) the percent of all multiuser systems audited (both by side of system as measured by the number of users);

"(C) the number and percent of systems with one or more vulnerable passwords;

"(D) the number and percent of systems with one or more default software passwords unchanged; and

"(E) the number and percent of systems that experienced one or more security breaches since the previous audit.

"(2) The results of each audit shall be included in the annual report submitted by each department and agency under subsection (a).

"(c) SECURITY REQUIREMENTS.—(1) Each department and agency shall designate a system manager for each multiuser system of the department or agency. Such system manager shall—

"(A) receive sufficient training to establish a level of security for that system appropriate to the mission and sensitivity of that system, and to detect computer security problems in the system;

"(B) inspect the security state of the system and report any evidence of computer security infractions or other adverse events to the appropriate computer security officer no less than once a week;

"(C) file such reports for use in preparing the annual reports required under subsection (a); and

"(D) in cooperation with the appropriate computer security personnel of the department or agency, ensure that—

"(i) the multiuser system is checked for security of user and system passwords no less than once each month;

"(ii) vulnerable passwords in the multiuser system are disabled and secure passwords adopted;

"(iii) accounts that show no activity for any period of 6 months or more are disabled;

"(iv) each user of the multiuser system shall sign a statement describing the user's responsibilities and the usage privileges that are permitted or prohibited;

"(v) a message is installed in the system to any person when first accessing the system that shall inform such person that—

"(I) the system and the information contained therein are the property of the United States Government;

"(II) unauthorized use or access is subject to prosecution under United States law; and

"(III) if the system is monitored, their interactions are subject to monitoring; and

"(vi) each user account on the multiuser system shall be terminated when employment of the user is terminated, unless the system manager and his supervisor authorize in writing the continued use of that account and specifies the reasons for continuation of the account.

"(2) The department or agency may establish a full-time position for an employee to perform the duties of a system manager. An employee who is not performing the duties of system manager on a full-time basis, shall spend no less than 50 percent of each work week performing the duties of system manager.

"(d) ENFORCEMENT.—The Office of Management and Budget shall promulgate regulations establishing standards using the reports submitted under subsection (a) and the audits conducted under subsection (a) and the audits conducted under subsection (b) for determining whether a department or agency is in compliance with—

"(A) the provisions of this Act;

"(B) sections 20 and 21 of the Act of March 3, 1901 (15 U.S.C. 278g-3 and 278g-4); and

"(C) section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)).

"(2) If the Office of Management and Budget determines that a department or agency, or an administrative unit of a department or agency, is not in compliance with the provisions of law referred to under paragraph (1)(A), (B), and (C), the Office shall prohibit such department, agency, or administrative unit, from entering any contract for the procurement by lease or purchase of any computer equipment until the Office certifies to the head of such department or agency that the department or agency is in compliance with such provisions of law. Before making such certification, the Office shall conduct a series of unannounced audits of no less than 5 percent of all multiuser systems of the department or agency.

"(e) DEFINITION.—For purposes of this section the term 'multiuser system' means any Federal computer system which is capable of supporting 2 or more users simultaneously, or any Federal computer system which links 2 or more single user computers.".

SECTION-BY-SECTION ANALYSIS OF THE COMPUTER SECURITY ACT AMENDMENTS OF 1992

SECTION 1. SHORT TITLE

This Act may be cited as the "Computer Security Act Amendments of 1992".

SECTION 2. COMPUTER SECURITY OF FEDERAL COMPUTER SYSTEMS

The Computer Security Act of 1987 (P.L. 100-235; 101 Stat. 1724 et seq.; 40 R.S.C. 759 note) is amended by redesignating sections 7 and 8 as sections 8 and 9, respectively, and inserting after section 6 the following new section:

SECTION 7. SECURITY AND REPORTING REQUIREMENTS

(a) Annual Report of Unauthorized Access.

This section requires the head of each Federal department and agency to submit to the Senate Committee on Governmental Affairs and the House of Representatives Committee on Science, Space, and Technology a report on:

The number of attempts by unauthorized users to access any computer capable of being remotely accessed by telephone and is part of a Federal computer system;

The number of attempts that were successful;

The way in which successful attempts were accomplished;

Whether information was disclosed, copied, altered, or destroyed;

The actions taken to identify and apprehend any person who makes a successful or unsuccessful attempt;

And, requires OMB to submit a report which summarizes the agency reports, assesses improvement or deterioration of computer security, and describes the plans of OMB to improve computer security in the upcoming year.

(b) Auditing Requirements.

No later than three years after the date of enactment each department and agency shall implement a plan which shall provide for an audit of each multiuser system by a system manager not assigned to such system to be conducted each 3 years. Each audit shall determine:

The number of multiuser systems audited;

The percent of all multiuser systems audited;

The number and percent of systems with one or more vulnerable passwords;

The number and percent of systems that experienced one or more security breaches since the previous audit.

(c) Security Requirements.

Each department and agency shall designate a system manager for each multiuser system. Such system manager shall:

Receive sufficient training to establish an appropriate level of security for that system;

Inspect the security state of the system and report any evidence of security infractions to the appropriate computer security officer no less than once a week;

File such reports for use in preparing the annual reports required under subsection (a);

Ensure that the system is checked for security of user and system passwords no less than once a month;

Ensure that vulnerable passwords are disabled and secure passwords adopted;

Ensure that accounts that show no activity for any period of 6 months or more are disabled;

Ensure that each user of the system shall sign a statement describing the user's responsibilities and privileges that are permitted or prohibited;

Ensure that a message is installed in the system to any person when first accessing the system that shall inform such person that:

The system and information contained therein are the property of the United States Government;

Unauthorized access is subject to prosecution under U.S. law; and

If the system is monitored, that their interactions are subject to monitoring;

Ensure that each user account shall be terminated when employment of the user is terminated.

The department or agency may establish a full-time position for an employee to perform the duties of a system manager. An employee who is not performing the duties of system manager on a full-time basis, shall spend no less than 50 percent of each work week performing the duties of system manager.

(d) Enforcement.

The Office of Management and Budget shall promulgate regulations establishing standards using the reports submitted under subsection (a) and the audits conducted under subsection (b) for determining whether a department or agency is in compliance with:

The provisions of this Act;

Sections 20 and 21 of the Act of March 3, 1901 (15 U.S.C. 278g-3 and 278g-4) (These sections establish the computer security mission for the National Institute of Standards and Technology and establish the Computer System Security and Privacy Advisory Board); and

Section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)) (This section charges the Secretary of Commerce, on the bases of standards and guidelines developed by the National Institute of Standards and Technology, with promulgating standards and guidelines pertaining to the security and privacy of Federal computer systems.)

If the Office of Management and Budget determines that a department or agency, or an administrative unit of a department or agency, is not in compliance with the provisions of law, OMB shall prohibit such department, agency, or administrative unit from entering any contract for the procurement by lease or purchase of any computer equipment until the Office certifies that the department or agency is in compliance with such provisions of law.

(e) Definition.

For purposes of this section the term "multiuser system" means any Federal computer system which is capable of supporting 2 or more users simultaneously, or any Federal computer system which links 2 or more single user computers.●

By Mr. BOREN (for himself and Mr. BREAUX):

S. 3299. A bill to contain health care costs and improve access to health care through accountable health plans and managed competition; to the Committee on the Finance.

MANAGED COMPETITION ACT OF 1992

● Mr. BOREN. Mr. President I rise today, with my good friend from Louisiana, Mr. BREAUX, to introduce a bill which I believe is a solid blueprint for comprehensive health care reform.

This bill, the Managed Competition Act of 1992, is a companion to H.R. 5936, which was introduced by Congressman JIM COOPER and others. It is designed—unlike any other major reform bill—to contain costs the old-fashioned way: through competition. This bill also ensures access to coverage by allowing individuals and small businesses to join together in health insurance purchasing cooperatives.

I would note, Mr. President, that Senator BREAUX and I decided literally within hours of each other to support this legislation. We share a commitment to comprehensive, market-oriented solutions to the health care crisis. And we are committed to working closely together, and with other Members of the Senate, so that we may craft a consensus-based reform plan next year that will become law.

Managed competition is an exciting concept, Mr. President. It will achieve the goal that liberals and conservatives share—affordable, accessible, high-quality health care—in a way that will bring people together across the ideological spectrum.

Under this legislation, providers and insurance companies will be encouraged through changes in the Tax Code to form improved and expanded versions of health maintenance organizations, called accountable health plans.

These health plans will compete to provide high-quality, low-cost care. The AHP's will operate under a variety of insurance reforms for which there is bipartisan support, including community rating, and a prohibition on exclusions for preexisting conditions. Additionally, under this bill, a national health board will be established to determine the contents of the standard benefits package which AHP's will compete to offer, and to provide information to consumers on the performance of the AHP's so that the can make informed and meaningful choices about their health coverage.

Unlike many other reform proposals, Mr. President, this bill can pay for itself. The major sources of financing will be the elimination of the limit on income which is subject to certain Medicare taxes, a cap on deductibility of health plan expenses at the price of the most cost-effective AHP, and a fold-in of Federal Medicaid spending.

Now, in introducing this companion to the H.R. 5936, I will say that this is

only a first step. The bill itself can be improved and the concept fine-tuned. In particular, I intend to look closely at how managed competition can be made to work in rural, medically unreserved areas. But there should be no doubt that when the Congress reconvenes next year, the managed competition concept will be at the forefront of what is likely to be an energized, fast-moving, and substantive debate about the health care crisis. And it is primarily for that reason that we have introduced this bill today.

This bill will preserve the most rational elements of our current health care system, while also encouraging far greater efficiency and better access. Managed competition is an idea whose time has arrived, Mr. President, and I hope that the Senate will give this concept, as incorporated in our bill, the serious consideration which it deserves. The American people will expect prompt action from us when we return next year, and this bill—in combination with related proposals by Senators KASSEBAUM, BINGAMAN, DURENBERGER, and others—will lay a solid and fair foundation for that action.●

Mr. BREAUX. Mr. President, I rise today to introduce the Managed Competition Act of 1992. This legislation is a companion to H.R. 5936 as introduced in the House of Representatives on September 15 by Congressmen JIM COOPER, MIKE ANDREWS, CHARLIE STENHOLM, and a number of others. Its introduction in the Senate is a joint effort between Senator BOREN and myself.

The concept of managed competition as embodied in this legislation will serve as the foundation for real bipartisan action to reform the U.S. health care system during the upcoming 103rd Congress. It is my hope that all Members of the House and Senate and other interested parties will work with Senator BOREN and I and with the House sponsors of this legislation to make any needed changes and improvements in the bill over the coming months.

I will describe the basic contents of the bill in a moment, but what is every bit as important about the managed competition concept are the problem areas that it avoids. It does not impose a costly and inflexible burden on employers as would a pay-or-play system and it does not impose federally mandated budgets and price-setting on the provision of medical service. It also avoids the intrusive model of a nationalized health insurance system under which the Federal Government would act as the sole insurer. Instead, managed competition depends on market forces and competition generated by well-informed and well-positioned purchasers of health care services to accomplish the twin goals of reduced costs and increased access to health care.

The United States currently spends about $800 billion on health care and the costs are continuing to grow at an unsustainable rate. Health care costs already eat up 14% of our GNP and threaten to overwhelm the economy if this proportional growth continues. At the same time, more and more Americans find themselves either without any insurance at all or underinsured to the extent that a single major illness or accident in their family could mean destitution.

The so-called health care system in the United States is not a well-thought-out system. It is the product of what one policy expert has called chronic incrementalism. What has resulted is a system of well-intended but perverse incentives that have given us run-away inflation in the health care sector.

Fee-for-service insurance as we know it does not contain adequate incentives for providers or patients to pay attention to the costs of their care. Small groups and individuals do not have leverage in the market to purchase health insurance coverage efficiently. Risk-based skimming practices and experience rating by insurers make small group purchasing even less economically efficient. The current unlimited Federal tax deductibility of employer-provided health insurance benefits carries with it a disincentive for individuals or employers to choose the most price-competitive plans.

The legislation that we are introducing today would reform existing tax incentives to encourage providers and insurance companies to form health plan purchasing cooperatives and to give individuals and small employers the same buying power and negotiating leverage that is now available only to the largest groups and employers. It would also limit the deductibility of employers' health insurance costs to a level comparable to the costs of a competitively priced basic benefit plan.

At the same time, this legislation would introduce stability into the health insurance market and eliminate insurance companies' counterproductive risk-based skimming practices. Health plans would be prohibited from excluding individuals on the basis of preexisting medical conditions and from using experience rating to charge higher rates to individuals who have a history of higher medical expenses.

The bill contains provisions that will provide access to health care for millions of low-income Americans who currently do not have insurance. Individuals and families with incomes of up to 100 percent of poverty would be eligible for fully subsidized coverage. Those with incomes between 100 percent and 200 percent of poverty would receive subsidies on a sliding scale.

The Managed Competition Act addresses the needs of millions of Americans for basic access to care and will help to eliminate cost shifting, which is one of the single largest factors in health care cost inflation. Cost shifting occurs when individuals who have private insurance pay higher health care fees to health care providers to make up for the unreimbursed costs of treating indigent patients.

The bill also contains important provisions to encourage individuals to take advantage of preventive care, to reduce the amount of administrative paperwork in the health care system through the development of standardized claims forms and to address medical malpractice costs.

Mr. President, most of the credit for this legislation belongs to the House sponsors of the bill; Representatives COOPER, ANDREWS, STENHOLM, and others, who have brought it to its current form. We are introducing it today because the Managed Competition Act contains a number of important concepts that I strongly believe need to be a part of the debate on health care reform in the next Congress. I invite my Senate colleagues to join us in this important step toward realistic health care reform.

By Mr. BINGAMAN:

S. 3300. A bill to provide universal access to health care and contain health care costs through accountable health plans and managed competition, and for other purposes; to the Committee on Labor and Human Resources.

21ST CENTURY HEALTH CARE ACT

● Mr. BINGAMAN. Mr. President, as the 102d Congress draws to a close, I want to commend several of my colleagues for their efforts to reform our health care system.

A number of our distinguished colleagues have helped us grapple with the complex issues confronting our health care system. Senators MITCHELL, KENNEDY, KERREY, RIEGLE, DASCHLE, CHAFEE, DURENBERGER, ROCKEFELLER, LEAHY, and PRYOR have introduced bills that have moved the debate to a higher level.

We have not made the progress many of us hoped to achieve during this Congress, but we have taken some important steps. Our colleagues have helped us clarify and begin to reach consensus on the issues fundamental to health care reform. We are much closer to consensus than we were a year ago, or even 6 months ago. But we have not found all the answers. We need to continue searching for innovative solutions.

Earlier in this session, Senator DURENBERGER and I introduced S. 3165, the Health Insurance Purchasing Cooperatives Act. S. 3165 creates inventive solutions for the small employer health insurance market. Today, I am taking the next step: I am introducing the 21st Century Health Care Act, a comprehensive strategy built on the ideas in our earlier legislation.

The 21st Century Health Care Act is a prescription for innovative, com-

prehensive reform of the U.S. health care system. The 21st Century Health Care Act provides a unified policy that will result in efficient, equitable health care for all Americans.

Mr. President, for more than 150 years, the United States has avoided establishing a coherent national health policy. Instead, we have created a system, largely based on one's employment status, that is fragmented and inequitable. We have created—and perpetuated—a system doomed to failure.

It is time for a change. It is time, as we begin the global race toward leadership in the 21st century, that we reassess our Nation's potential economic weaknesses and recognize the competitive edge won by nations that have already embraced a national health care policy.

It is time that we adopt a national health care policy. To be effective, I believe our policy should be based on three fundamental principles:

First, every American has a right to affordable, competent health care;

Second, health care costs should not bankrupt our Nation or burden our next generation; and

Third, access to health care services should not be based on a person's employer or health history.

Our current system embodies none of these principles. It is best described, I believe, as an amalgamation of special interest, business enterprise, and often reluctant charity. Our health care system, like our judicial and education systems, reflects the pluralism and social stratification of our society, and it leaves almost 20 percent of our population out in the cold.

My prescription for change will not be embraced by everyone—some will argue that we should continue to patch our current employer-based system. These individuals will argue that the cost of restructuring our system is too high. I believe, however, that we must take the difficult step we have avoided for too long. We must establish a health care system that provides access to health care to all Americans. Access must not be based on the generosity of one's employer; access must be determined by citizenship in a caring, humane Nation.

My decision to seek comprehensive change was not reached lightly. I came to this point only after extensive deliberation, and four key facts have convinced me that this is the right thing to do:

First, 36 million Americans lack health benefits;

Second, as many as 15 percent of all working Americans are locked in their current jobs because they fear losing health benefits if they change positions;

Third, risk rating as a basis for health insurance is wrong, but it is the current practice; and

Fourth, our current system has failed to control costs.

With regard to the first point, access, the Employee Benefits Resource Institute estimates that 36 million Americans lack health insurance benefits. Of the Americans lacking health insurance, 55.7 percent are employed, mostly in small firms. According to EBRI, 28 percent of the workers in firms with less than 25 employees have health coverage, while 71 percent of workers in firms with more than 1,000 employees have coverage.

Most unconscionable to me is that 15 million children in the United States are without health benefits. At a time when political rhetoric about family values assaults us each day, we allow 15 million of our children to be deprived of health coverage. There is no greater testimony to the failings of our health care system than our failure to protect those who cannot protect themselves.

Evidence that our employer-based health system is unraveling is also apparent in the number of Americans trapped in their current job by the need to maintain health insurance benefits. This phenomenon, called job lock, is caused by imposition of preexisting health clauses in health insurance policies and is related to the practice of risk rating. Job lock is one consequence of allowing insurance companies to competitively risk rate insurance. Competitive risk rating leads to discrimination against those most likely to need health services, the very individuals needing to insure themselves. It allows insurers to red line entire occupations, such as aviation, auto sales, hair stylists, construction, and restaurants, which are thought to be at higher risk for use of health services.

Risk rating burdens those most in need of help, and it cannot be defended on economic grounds; risk rating increases costs to those most needing services, thereby delaying access to services until a problem becomes an emergency, and through cost shifting, individuals with insurance are charged higher rates to cover the costs of the uninsured.

Warren Greenberg, an economist at George Washington University, estimates that 15 percent of the adult work force is locked into their current employment position. Greenberg argues that the productivity of these individuals is compromised by their inability to pursue promotions or additional education. According to Professor Greenberg, this lack of productivity costs the American economy $13.6 billion each year.

It is clear to me that we need to put an end to the practice of risk rating. I believe we should establish a practice of modified community rating, which recognizes the principle that every American, at some time during his or her life, will undoubtedly participate in the health care system.

Finally, I believe the escalation of health care costs demands that we reform the system. This issue has been widely discussed, so I will only point out that per capita spending has increased from $204 per person in 1965 to more than $2,500 per person in 1990. Indeed, the cost of health care in the United States, at the rate sustained over the last 10 years, will double every 7 years, and by the year 2000, we will spend more than 16 percent of our gross domestic product on health care.

The consequences of increasing health costs are becoming apparent in all aspects of our lives. Individual out-of-pocket expenses totaled $136 billion in 1990. Business spending on health over the same period grew from 2.2 percent to 8.3 percent of wages and salaries. Employer spending on health insurance has grown steadily since employer-based insurance was instituted in the late 1940's and now comprises 3.8 percent of the GNP and 6.3 percent of total employee compensation.

During the past 12 years, health care expenditures have grown much faster than the cost of other commodities. In 1965, spending on health—5.9 percent; education, 6.2 percent; and defense, 7.5 percent—were roughly comparable in terms of the gross national product. In 1990, the military's share fell to less than 6.0 percent, education rose slightly to 7.2 percent, and health care spending rose substantially to 13 percent. Federal spending on health services increased from 24 percent of all health spending to 29 percent. Spending on entitlements, including health programs, now comprises more than half the budget.

Mr. President, I have described the underlying flaws in our health care system—flaws in the mechanisms that control costs, finance health benefits, and ensure access to health care. I believe that only through substantial change can we eliminate these flaws.

It is a tremendous task: We are talking about restructuring a $800 billion system. In fact, modifying our health care system is akin to changing the entire economy of most nations. Comprehensive reform models like the one I am proposing must be viewed as strategies or templates for change, rather than specific recipes. We must create a model for comprehensive reform that is parsimonious, yet progressive and innovative. The program must effectively control costs, while minimizing regulation. We must recognize that markets, in the long run, are the most effective mechanisms of regulation. If we can successfully structure competition to focus the needs of the consumer, markets should effectively regulate cost.

Paul Starr, a noted sociologist and medical historian, states in his forthcoming book, "The Logic of Health-Care Reform":

Managed competition, the design for reform introduced in 1977 by economist Alain Enthoven, is one of several models for using

market forces to control health costs and improve the system's performance. The basic idea is to get groups of providers to compete with each other in a framework that allows consumers to choose intelligently among them and that encourages cost-conscious decision making. Unlike some other market approaches, managed competition does not depend for its success on the implausible possibility that consumers will shop around for care when they are sick. Nor does it call for higher deductibles and copayments as a way of creating greater patient sensitivity to costs. In this approach, the key decision point is the annual choice of a health plan, a choice made at a time when consumers are not under the pressure of illness and can evaluate alternative plans at varying prices.

Some of my colleagues may think that it is impossible to combine managed competition with a budgeting process. I believe that it is impossible not to combine a national health program with a budgeting process. We must control Federal health expenditures and influence private health spending.

Any financing plan that raises revenue and then channels all payments to providers and hospitals through a single spigot creates a mechanism for public regulation of health care spending. We must use this opportunity to control health costs.

The bill I am introducing today reforms the American health care system and revolutionizes the health delivery system. Using a single spigot system, the 21st Century Health Care Act offers all Americans access to health care. Competition will be fostered by Health Insurance Purchasing Cooperatives [HIPC's], which will act as benefits managers, in each State. Health care will be delivered through Accountable Health Partnerships [AHP's] organized health systems designed to deliver health care in an efficient, effective manner.

All Americans, including those currently covered through private insurance, the Federal Employees Health Benefit Program, and Medicaid, will be automatically enrolled in this State-based program.

NATIONAL HEALTH BOARD

To oversee the program nationally, my bill establishes a National Health Board, an 11-member board appointed by the President, representing the spectrum of participants in our health care system. The Board will develop effective uniform benefit package and periodically review the benefits packages; establish data collection requirements for quality monitors, expense reporting, and health outcome and efficacy data; and establish a program for low-income assistance that includes requirements of eligibility, premium assistance, cost sharing, and assistance for items and services.

The National Health Board also will establish a Federal budget for financing the uniform health package, based on projected State expenditures and expenses incurred by efficient benefit plans. The Board will set a target budget for each State by adjusting the national average per capita costs to reflect differences among the States in wages, prices, and the need for health services. The Federal financial allocation to each State's target budget for uniform health benefits will consider: First, an amount to be financed by individual premiums and copayments, determined by applying nationally uniform standards, and second, the State's ability to finance remaining health costs. The Federal contribution will not be less than 50 percent, or exceed 85 percent of each State's target budget, less amounts paid by individual premiums and copayments. State governments will be responsible for financing overbudget expenditures.

Over time, the Board may refine its budget making by setting budget targets that reflect risk adjustors for specific medical conditions, advances in medical technology, outcomes research, changing health priorities, and professional practice guidelines and other measures.

In many areas of our rural and inner-city areas, health care competition is only a hope. To address this problem, the National Health Board will authorize the State HIPC's to establish reimbursement benchmarks derived from appropriate measures in areas with ineffective competition. These benchmarks may be used to establish capitation rates until effective competition develops.

The National Health Board will be assisted by four advisory boards:

First, the Health Outcomes Management Standards Board will make recommendations on the national data system and standards for collection of information from AHP's;

Second, the Health Benefits Standards Board will make recommendations on the uniform set of benefits; evaluate effective services to be used for uniform benefits; and assess medical technology, practice variations, and effectiveness of drug therapies as evidenced in the research literature;

Third, the Health Insurance Standards Board will make recommendations on standards for operation of AHP's and HIPC's, including financial reporting requirements for HIPC's and the treatment of uniform effective benefits and expenses in excess of AHP costs; and

Fourth, the Medicare Transition Board will make recommendations on the integration of Medicare with the programs established under the bill.

HEALTH INSURANCE PURCHASING COOPERATIVES

The 21st Century Health Care Act implements Health Insurance Purchasing Cooperatives [HIPC's] as health benefit purchasing agents. HIPC's will be established by States in districts, based on population and geography to achieve economy of scale. Each HIPC will act as the exclusive purchasing agents for all individuals within a district, soliciting bids for specific benefits packages and purchasing large blocks of insurance, thus motivating providers and carriers to provide high quality, cost-effective services, and coverage. HIPC's will inform individuals about their benefits and operate biannual open enrollment seasons for individuals.

ACCOUNTABLE HEALTH PARTNERSHIPS

Accountable Health Partnerships [AHP's] are another important feature of the 21st Century Health Care Act. AHP's are health plans capable of providing the uniform benefits, monitoring and reporting outcome information, and operating an effective grievance procedure. Under my proposal, AHP's will submit bids on standardized benefit plans to HIPC's using community ratings to determine premiums. Exclusion of coverage for preexisting conditions will be limited to no more than 6 months. AHP's may not duplicate coverage of the uniform benefits package but may provide other benefits.

NATIONAL DATA BASE

Finally, my bill establishes a comprehensive national data base for health information, based on the recommendations of the National Health Board. All HIPC carriers will issue standardized magnetic cards to their beneficiaries, which will contain information on billing, eligibility, and health outcomes. Using the card, providers will enter information into a patient's file on treatment, health outcomes, and billing. This data, provided in a standard format, will be conveyed electronically to regional data collection centers.

ANTITRUST EXEMPTIONS

An irony of our current system is that health care organizations wishing to join together to efficiently offer health services are prevented from doing so by current antitrust laws. Under this bill, two or more hospitals may petition for a waiver of antitrust laws to share expenses in the purchase of expensive technology or medical services as specified by the National Health Board.

Mr. President, I believe the comprehensive health program I am proposing incorporates the best features of the health care plans introduced in the 102d Congress, and it embodies a vision for the future. My plan combines the discipline of a single fiscal spigot with the power of markets to provide incentives for cost-effective delivery of health care. My proposal recognizes the needs of rural and inner-city areas, while encouraging the most powerful aspects of our current system in areas with many providers. Most important, the 21st Century Health Care Act creates a unified national policy that can guide health care in the United States.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY: 21ST CENTURY HEALTH CARE ACT

THE NEED

Our employer-based health care system is floundering:

Every seven years the cost of our health care system DOUBLES; Every 35 months an additional 1 percent of our GNP is consumed by health expenditures;

For every $1.00 we spend on education we spend more than $2.00 on health care;

Despite this spending, 2 million Americans lost health benefits between 1990 and 1991—as many as 36 million Americans, including 10 million children, do not have health benefits. The health of Americans is not better than the citizens of other industrialized countries.

The employer basis for our system is shrinking; employers spent 7.4 percent of payroll on health benefits in 1990, more than one in four Americans (26%) lacked health benefits at some point during a 28 month period between 1987 to 1989;

Since 1980, the share of health premiums paid by employers has dropped from 80 percent to 69 percent;

Up to 15 percent of working Americans are trapped in their job by their need to maintain health benefits;

THE SOLUTION

We need a health care system that provides affordable health care to all Americans, that is based on quality and economy, and that has the ability to control sky-rocketing costs.

OVERVIEW

The 21st Century Health Care Act reforms the American health care system and revolutionizes health delivery. Using a "single spigot" financing approach, the Act fosters competition and establishes Health Insurance Purchasing Cooperatives (HIPCs) in each state. HIPCs will act as benefit managers for consumers. Health care will be delivered through Accountable Health Partnerships (AHPs), organized health systems designed to deliver health care in an efficient, effective manner.

The Act also establishes the National Health Board and charges the Board with developing a package of health benefits that have been demonstrated to be effective. The National Health Board will be advised by four additional boards: the Outcome Management Board, the Health Benefits Standards Board, the Health Insurance Standards Board, and the Medicare Transition Board.

ELIGIBILITY AND ENROLLMENT

All Americans, currently covered through private insurance, self-insured health benefits programs, the Federal Employee's Benefit Program, and Medicaid will be automatically enrolled in the program. States must provide continuous coverage to all participants including brief absences from the state. The Medicare Transition Board will determine how Medicare can be incorporated into this program.

BUDGET AND FINANCING

The Board will establish a federal budget calculated to cover the expenses incurred by efficient benefit plans in providing the uniform effective benefit package. The Board shall determine a target budget for each state by adjusting the national average per capita costs to reflect differences among the states in wages and prices and the need for health services. The federal financial allocation to each state's target budget for uniform health benefits will consider: (1) an amount to be financed by individual premiums and copayments, determined by applying nationally uniform standards, and (2) the state's ability to finance remaining health costs. The federal contribution will not be less than 50, or exceed 85 percent of each state's target budget, minus amounts paid by individual premiums and copayments. State governments will be responsible for financing over-budget expenditures.

Over time, the Board may refine its budget-making by setting budget targets that reflect risk adjustors for specific medical conditions, advances in medical technology, outcomes research, changing health priorities, and professional practice guidelines and other measures.

The plan will be financed by premiums paid by all Americans. Premiums for individuals with low income will be subsidized. The National Health Board will develop a federal budget based on projected state expenditures. Cost of the uniform benefit package will be determined through competitive bids from AHPs in each state.

KEY FEATURES

HIPCs—

Established by states in districts, based on population and geography to achieve economy of scale;

Act as the exclusive purchasing agents for all individuals within a district, soliciting bids for specific benefits packages and purchasing large blocks of insurance, thus motivating providers and carriers to provide high quality, cost-effective services and coverage;

Act as a health benefits office for residents in the district providing comprehensive health services' purchasing, informing individuals about their benefits, and operating biannual "open enrollment seasons" for individuals.

AHP's—

Health plans capable of providing the uniform benefits, monitoring and reporting outcome information, and operating an effective grievance procedure;

Submit bids on standardized benefit plans to HIPCs;

Use adjusted community ratings to determine premiums; hold biannual open enrollment periods; and limit exclusion of coverage for preexisting conditions to no more than six months;

AHP's may not duplicate coverage of the uniform benefits package but may provide other benefits;

National Health Board.—The President will appoint an 11-member "National Health Board" (NHB), representing the spectrum of participants in our health care system. The Board will:

Develop an effective uniform benefit package and periodically review these packages;

Establish data collection requirements for quality monitors, expense reporting, and health outcome and efficacy data;

Establish a program for low-income assistance that includes requirements of eligibility, premium assistance, cost-sharing, and assistance for items and services;

Advisory Boards.—The National Health Board be assisted by four advisory boards:

1. Health Outcomes Management Standards Board shall make recommendations on the national data system and standards for collection of information from AHPs.

2. Health Benefits Standards Board shall make recommendations on the uniform set of effective benefits and effective services to be used for these benefits; and it will assess medical technology and practice variations, and effectiveness of drug therapies as evidenced in the research literature.

3. Health Insurance Standards Board shall make recommendations on standards for operation of AHPs and HIPCs, (including financial reporting requirements for HIPCs), and the treatment of uniform effective benefits and expenses in excess of AHP costs.

4. Medicare Transition Board shall make recommendation on the integration of Medicare with programs established in this act.

National Data System.—The Act establishes a comprehensive national data base for health information, based on NHB recommendations:

(a) All HIPC carriers will issue standardized magnetic cards to their beneficiaries. The card will contain information on billing, eligibility, and health outcomes, which will be conveyed electronically to Regional data centers. The regional centers will, in turn, pass the information on to the Secretary, governments, and communities.

(b) Using the card, providers will enter information into a patient's file on treatment, health outcomes, and billing. Data will be provided in a standard format, to be established by the NHB.

Antitrust Waivers.—Two or more hospitals may petition for a waiver of antitrust laws to share expenses in the purchase of expensive technology or medical services as specified by the National Health Board.

Areas with Ineffective Competition.—If the National Health Board determines there is ineffective competition in an area, the Board may authorize the state HIPC to establish reimbursement benchmarks derived from appropriate measures in areas with effective competition. These benchmarks may be used to establish capitation rates until effective competition develops.●

By Mr. CRANSTON:

S. 3301. A bill to permit certain disabled former Peace Corps volunteers to enroll in a Federal employees health benefit plan, and for other purposes; to the Committee on Governmental Affairs.

HEALTH BENEFITS FOR DISABLED FORMER PEACE CORPS VOLUNTEERS

● Mr. CRANSTON. Mr. President, as a longstanding, enthusiastic supporter of the Peace Corps, I today introduce S. 3301, legislation that would ensure that former Peace Corps volunteers who become disabled during their Peace Corps service will have access to affordable health insurance. The legislation would allow former Peace Corps volunteers to participate in the Federal Employees Health Benefits Program (FEHBP) if they sustain certain serious service-related disabilities and are unable to purchase health insurance at standard premium rates.

Mr. President, as the Peace Corps has carried out its simple yet noble mission over the past 31 years, the American people have formed many positive images and even romantic notions of Peace Corps service. The risks of serious injury, disease, disability, and even death are not among the things commonly associated with Peace Corps service. However, such risks are often present during the volunteer's service. Tragically, 217 Peace Corps volunteers have died during service since the agency was established in 1961, and there are currently over 200 former vol-

unteers who are totally disabled from service-related causes.

Under existing law and current Federal programs, individuals who suffer health problems related to their Peace Corps service are provided certain health benefits through the Department of Labor [DOL] and, if they are unable to work due to health problems that arose during their service, they may receive Federal workers' compensation benefits. However, no program exists within either DOL or the Peace Corps to provide comprehensive health insurance coverage for conditions and illnesses not related to Peace Corps service. Consequently, former volunteers with serious service-related health conditions often face great difficulties securing health insurance to cover non-service-related conditions.

Mr. President, the legislation I am introducing today would provide former Peace Corps volunteers who become disabled during service with an opportunity to purchase health insurance at reasonable cost through the Federal Employees Health Benefits Plan, the federally sponsored voluntary contributory insurance program open to almost all Federal employees. This is a sound and equitable way to address the problems former volunteers with service-related conditions experience in attempting to secure health insurance coverage in the extremely restrictive insurance climate that currently exists.

SUMMARY OF PROVISIONS

Mr. President, the bill contains provisions that would:

First, permit a former Peace Corps volunteer to enroll in the Federal Employees' Health Benefits Program [FEHBP] established pursuant to chapter 89 of title 5, United States Code, if the individual is receiving either compensation for a total or partial disability pursuant to section 8105 of title 5, United States Code, or medical benefits under section 8103 of that title.

Second, require that former volunteers receiving medical benefits who wish to enroll in FEHBP certify to the Office of Personnel Management that they were unable to contract for health insurance coverage at standard rates by two insurers in order to be eligible and, if enrolled, to resubmit their certification every 2 years unless OPM determines that resubmission is unnecessary.

Third, require the Director of OPM, after consultation with the Director of the Peace Corps, to promulgate regulations to carry out these provisions.

Fourth, require the Peace Corps to make applicable Government premium contributions for any former volunteer covered under this section.

Fifth, require a former volunteer enrolled in the FEHBP under these provisions to make the applicable premium contribution to the FEHBP and authorize the contribution of a former volunteer receiving compensation under the FECA to be deducted from his or her FECA payments.

Sixth, require the Peace Corps, within 30 days after a volunteer or former volunteer is determined to be eligible to receive FECA compensation or medical benefits, to inform the individual of the availability of enrollment in the FEHBP pursuant to the provisions of this legislation.

Seventh, require the Director of OPM, within 30 days after enactment, to designate a period of open enrollment for former volunteers to enroll in the FEHBP under this section.

Eighth, require that the Government contributions required to be made on behalf of former volunteers participating in the FEHBP under this legislation be paid from the Peace Corps' annual appropriation.

Ninth, authorize the appropriation of funds necessary to carry out this bill.

BACKGROUND

Mr. President, as I noted earlier, if a Peace Corps volunteer contracts a disease or becomes disabled in the performance of duty, he or she is eligible for FECA assistance administered by DOL's Office of Workers' Compensation Programs. FECA applies generally to civilian employees of the United States and, under section 8142 of title 5, United States Code, to Peace Corps volunteers and provides, among other benefits, medical and compensation benefits for health problems and injuries sustained in the performance of duty. Pursuant to the FECA, the Federal Government assumes responsibility for the costs of medical services required because of service-related injuries or illnesses and provides monetary compensation for lost wages if the individual is unable to work due to a service-related injury. In recognition of the unusual nature of Peace Corps volunteer service, a volunteer is considered to be in the performance of duty—and thus covered by the FECA in the event of injury—at all times during overseas service. Although DOL administers the FECA, the costs of providing FECA benefits to former volunteers are borne by the Peace Corps out of its annual appropriation.

The Peace Corps' Office of workers' Compensation advises that, every year, approximately one-third of all Peace Corps volunteers completing their service, or about 2,000 individuals, file FECA claims with DOL.

In 1991, the Peace Corps paid $9.4 million for 1294 active FECA claims. Currently, 234 former volunteers are receiving benefits for temporary or permanent total disabilities.

NEED FOR LEGISLATION

Mr. President, despite FECA's coverage of medical costs for treatment of service-related conditions, the inability to purchase adequate health insurance coverage remains a problem remain for individuals who suffer from service-related medical conditions. This problem arises because FECA provides medical coverage for only service-related health conditions. For all other health problems, former volunteers with service-related health problems are on their own to secure health insurance—an effort that is made more difficult because of their health problems.

The experiences of former volunteers Ed George and Dan Anisman are illustrative of this problem. Both suffer from seriously disabling conditions that arose during their Peace Corps service, and, within the limits of FECA's schedule of maximum allowable medical charges, the costs of medical treatment for their service-related health conditions are covered. However, both individuals advised me that, when they attempted to obtain health insurance for conditions not covered by the FECA, they experienced repeated rejections from private health insurance companies because of their service-related disabilities. At present, Mr. George has no health insurance coverage, and Mr. Anisman depends on Medicare. These individuals have also advised that their inability to secure health insurance coverage has placed significant strain on their lives.

In July, I received a letter from another returned volunteer, Claudia Wieland of Florida, who developed health problems during her Peace Corps service and experienced similar difficulties obtaining private health insurance despite the fact that her service-related health condition was covered under the FECA. Ms. Wieland, who developed a pituitary gland condition during her volunteer service in 1989 to 1991, wrote that her condition "caused [her] to be denied by several major medical insurers." She noted that one insurer had agreed to sell her insurance with terms that would have excluded treatment for anything related to her service-related condition and which would have required a higher deductible than is normally imposed and an additional $1,200 per year in premiums. She also enclosed copies of three rejection letters from private health insurers, all of which cited her service-related condition as the basis of their rejection. Ms. Weiland wrote,

> If I had not volunteered for Peace Corps service, this condition would have occurred under major medical coverage [of employer-provided insurance] and not be the economic and health problem that it is today." Peace Corps suggests that volunteers continue major medical coverage during the twenty-seven months of service. This is unrealistic advice. A PCV would have to have saved several thousand dollars to maintain a policy overseas; possibly in addition to other financial obligations.

I would add, Mr. President, that volunteers' efforts to maintain major medical insurance coverage while overseas, as the Peace Corps suggests, might be further complicated because

Peace Corps service is, from an insurer's standpoint, a high-risk job, and insurers would likely demand higher premiums—if they offered insurance at all—in light of the heightened health risks associated with living and traveling overseas and what would likely be incompatible billing practices if treatment were received in a foreign country.

Mr. President, the experiences of Ms. Wieland, Mr. George, and Mr. Anisman are not unusual. I have received reports of similar experiences of several former volunteers who attended the 1992 Annual Conference of Returned Peace Corps Volunteers and were disabled during their Peace Corps service and are now unable to purchase health insurance at standard rates, if at all. These individuals, as is anyone with a pre-existing health condition who attempts to purchase health insurance in today's market, are in an untenable situation. The difference is that the pre-existing conditions which affect their ability to secure insurance are attributable to their service in the Peace Corps.

Former volunteers unable to purchase health insurance due to pre-existing, service-related conditions are victims of the private health insurance industry practice of risk rating, or setting premiums and other terms of policies for groups and individuals according to the age, sex, occupation, health status, and health risks of the policyholders or applicants. Spiraling healthcare costs have led insurance companies to adopt practices designed to avoid providing health coverage to individuals who they believe may require expensive care. Insurers routinely use an individual's existing medical problems or potential problems to charge higher premiums, reduce coverage, exclude certain conditions from coverage, or deny coverage altogether. An article in the May 15, 1991, edition of "Journal of the American Medical Association" (JAMA) describes this practice and lists health conditions used by insurers to set premium levels and limit or deny coverage. The article notes that higher premiums are charged for, among other things, backstrain, allergies, and obesity. Coverage is denied for, among other things, ulcerative colitis, diabetes, AIDS, and epilepsy.

A 1988 Congressional Research Service publication, entitled "Health Insurance and the Uninsured: Background Data and Analysis," described the practice of risk-rating as an insurance industry attempt to keep premiums low in a time of rising health-care costs.

The JAMA article reported that denial of coverage for medical conditions is so routine that letters of rejection are not necessary to prove uninsurability for acceptance into Illinois' comprehensive health insurance program and that the program keeps a list of about 20 conditions, such as cancer, diabetes, and AIDS for which rejection is routine. The services coordinator of that program quoted in the article noted that Illinois could probably add to the list.

Mr. President, the bottom line is that, in today's marketplace, if an individual with a preexisting condition is not denied health insurance coverage outright, he or she might be charged an exorbitant price for coverage or experience steady cost increases over time. Such individuals also face the possibility of having their policies canceled at a moment's notice. Inability to secure or afford adequate health insurance can result in the threat of catastrophic health-care costs and extreme financial hardship. I believe former Peace Corps volunteers—who find themselves in such a situation as a result of service-related conditions—deserve better than this.

Mr. President, this legislation would ensure that former volunteers with service-related disabilities are provided the opportunity to purchase health insurance through the Federal Employees Health Benefits Program [FEHBP] at standard premium rates without regard to preexisting conditions.

The FEHBP, established under chapter 89 of title 5, United States Code, is a voluntary contributory program administered by OPM and open to almost all Federal employees. The FEHBP offers over 20 different health insurance plans including Blue Cross and Blue Shield and a number of health maintenance organizations [HMO's]. The Federal employing agency generally pays a portion of the cost of the plan, with employees paying their share through payroll deductions. In most cases, an individual eligible for FEHBP coverage is employed by the Federal Government. However, the program has been expanded over its 32-year history to allow, among other groups, certain former spouses of employees, survivors of former Federal employees, temporary and part-time Federal employees, and certain hostages and their families to enroll in the FEHBP. In addition, former Federal employees are allowed to remain enrolled in the FEHBP for 18 months following the termination of their Federal service but are responsible for the full premium cost if they elect to remain in the program. In light of the difficulty that individuals with Peace Corps service-related health problems experience in obtaining insurance, I believe it would be appropriate to allow such individuals to participate in this program.

ELIGIBILITY FOR FEHBP

Mr. President, the intent of this legislation is to allow only those former volunteers whose Peace Corps-related conditions prevent their obtaining adequate health insurance to participate in the FEHBP—not to establish an insurance program for all former volunteers. The two categories of individuals who would be eligible are (1) former volunteers who have a service-related condition so severe that they receive FECA compensation—which is payable to those who cannot work, and (2) former volunteers who receive medical benefits under the FECA for a service-related condition and who can demonstrate that they cannot obtain health insurance for premium rates. The distinction made by the bill—allowing individuals receiving FECA compensation to participate without any further documentation while requiring individuals receiving medical benefits to demonstrate that they have been denied insurance at standard rates from two insurance companies—is made in recognition of the fact that individuals receiving FECA compensation have necessarily demonstrated that their service-related condition is of a level of severity that prevents employment. In that situation, the Government's determination provides sufficient evidence of a seriously disabling condition that would obviously affect the individual's ability to obtain insurance. However, medical benefits under the FECA can, and often do, involve minor conditions that might not affect an individual's ability to obtain insurance. Thus, former volunteers receiving only FECA medical benefits would be required to certify to the OPM that they are not able to obtain private health insurance at standard rates, and would be required to make such certification every 2 years unless the Director of OPM determines that such recertification is unnecessary. In this way, a former volunteer receiving FECA benefits for a minor condition that does not affect his or her insurability would not be eligible for enrollment in the FEHBP.

AGENCY CONTRIBUTIONS

Mr. President, the bill would require the Director of the Peace Corps to make applicable agency contributions for former volunteers enrolled in the FEHBP under this legislation. As I mentioned earlier, almost all FEHBP enrollees contribute a portion of the cost of their FEHBP coverage through payroll deductions and their employing agencies pay the remainder according to a standard scale developed annually by OPM. This provision would require the Peace Corps to make standard agency contributions for each former volunteer enrolled in the program just as the Peace Corps does for its Washington-based and American overseas staff, who are currently allowed to participate in the FEHBP. I believe that the Peace Corps, by contributing to the cost of a former volunteer's FEHBP, would help fulfill the Government's obligation to assist volunteers who suffer from service-related conditions. By making standard contributions, the agency can provide former volunteers

with an affordable and comprehensive health insurance coverage that they may not otherwise be eligible for or able to afford.

Mr. President, with respect to the funding of the program that would be established by this bill, the Government contribution on behalf of former volunteers enrolled in the FEHBP would be paid from the general appropriation made to the Peace Corps. This provision would require that, of the amount appropriated to the Peace Corps in a fiscal year, the Peace Corps make the applicable contributions out of those funds. It would also ensure that the pay-as-you-go procedures of the Omnibus Budget Reconciliation Act do not apply, because any direct spending required by the authorities established in the bill would be subject to the availability of appropriated funds.

Finally, Mr. President, I note that the National Council of Returned Peace Corps Volunteers has stated its strong support for this legislation and at their annual conference in Fayetteville, AR, unanimously adopted a resolution supporting it.

CONCLUSION

Mr. President, we often hear of individuals or families that have been devastated by astronomical medical bills because they do not have health insurance coverage. It is tragic that this situation befalls any American, but the situation is particularly unfortunate when it occurs to a person who cannot obtain insurance due to health problems which occurred during Peace Corps volunteer service. This legislation is directed at those individuals who freely gave years of their lives to work for peace throughout the world on behalf of our country and sacrificed their good health in doing so. As volunteers, they went overseas to assist others, often in the area of health care, and are now seeking our assistance with health care needs of their own.

I urge all my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL EMPLOYER HEALTH BENEFITS FOR DISABLED FORMER PEACE CORPS VOLUNTEERS.

(a) HEALTH BENEFITS.—Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) is amended by inserting "(1)" after "(e)" and by adding at the end thereof the following new paragraph:

"(2)(A) An individual described under subparagraph (B) may enroll as an individual or for self and family in any health benefits plan that is available under chapter 89 of title 5, United States Code, to an employee as defined in section 8901 of such title.

"(B) The provisions of subparagraph (A) shall apply to an individual who served as a volunteer (as defined in section 8142 of such title), who—

"(i) is receiving compensation for a total disability under section 8105 of such title, or for a partial disability under section 8106 of such title, resulting from an injury or disease sustained while in the performance of duty as such a volunteer; or

"(ii)(I) is receiving medical benefits under section 8103 of such title resulting from an injury or disease sustained while in the performance of duty as such a volunteer; and

"(II) certifies to the Office of Personnel Management that such individual is unable to contract for health insurance coverage at standard rates.

"(C) The certification under subparagraph (B)(ii)(II) shall—

"(i) include a statement that the individual was denied such coverage by no less than two insurers; and

"(ii) be resubmitted every 2 yeas to the Director of the Office of Personnel Management unless the Director determines that such resubmission is unnecessary.".

(b) ADMINISTRATIVE PROVISIONS.—(1) The Director of the Office of Personnel Management, after consultation with the Director of the Peace Corps, shall promulgate regulations to carry out the provisions of this section and the amendments made by this section. Such regulations shall apply, to the greatest extent practicable, the provisions of chapter 89 of title 5, United States Code, to former Peace Corps volunteers (as made applicable under section 5(e)(2) of the Peace Corps Act) in the same manner as Federal employees.

(2) The Director of the Peace Corps shall make the applicable Government contributions under section 8906 of title 5, United States Code, for any person covered under a health benefits plan pursuant to section 5(e)(2) of the Peace Corps Act (as added by subsection (a) of this section).

(3) An individual's contributions required under section 8906 of title 5, United States Code, for a former Peace Corps volunteer (as made applicable by section 5(e)(2) of the Peace Corps Act)—

(A) may be deducted from any payment made to the former volunteer under section 8105 or 8106 of such title; and

(B) may not be deducted from any payment made to the former volunteer under section 8103 of such title.

(4) The provisions of this section and amendments made by this section shall apply notwithstanding section 8914 of title 5, United States Code.

(5) No later than 30 days after a Peace Corps volunteer or former volunteer is determined eligible to receive compensation under section 8105 or 8106 of title 5, United States Code, or medical benefits under section 8103 of such title, the Director of the Peace Corps shall notify the volunteer or former volunteer of the availability of enrollment in a health benefits plan pursuant to the provisions of and amendments made by this section.

(6) Within 30 days after the date of enactment of this section, the Director of the Office of Personnel Management shall designate a period of open enrollment for eligible former Peace Corps volunteers to enroll in a health benefits plan pursuant to the provisions of and amendments made by this section.

(7)(A) The authority provided by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

(B) The Government contributions for health benefits for an individual described in paragraph (2)(B) of section 5(e) of the Peace Corps Act (as added by subsection (a)) shall be paid from the general appropriation made to the Peace Corps.

(C) There are authorized to be appropriated such sums as may be necessary to carry out this section.●

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. KASTEN, Mr. GARN, Mr. SEYMOUR, Mr. CRAIG, Mr. COCHRAN, Mr. DURENBERGER, Mr. COATS, Mr. CHAFEE, Mr. BURNS, Mr. PRESSLER, Mr. DOMENICI, Mr. AKAKA, Mr. GRAHAM, Mr. DECONCINI, Mr. REID, Mr. DIXON, Mr. GLENN, Mr. LIEBERMAN, Mr. HOLLINGS, Mr. SPECTER, Mr. BUMPERS, Mr. FOWLER, and Mr. METZENBAUM):

S.J. Res. 343. Joint resolution to designate the period commencing on October 24, 1992, and ending on November 1, 1992, as "National Red Ribbon Week for a Drug-Free America"; to the Committee on the Judiciary.

NATIONAL RED RIBBON WEEK FOR A DRUG FREE AMERICA

● Mr. MURKOWSKI. Mr. President, on behalf of myself and Alaska's senior Senator, Senator STEVENS, and 24 of our colleagues—Messrs. KASTEN, GARN, SEYMOUR, CRAIG, COCHRAN, DURENBERGER, COATS, CHAFEE, BURNS, PRESSLER, DOMENICI, AKAKA, GRAHAM, DECONCINI, REID, DIXON, GLENN, LIEBERMAN, LAUTENBERG, HOLLINGS, SPECTER, BUMPERS, FOWLER, and METZENBAUM—who are original cosponsors, I rise today to introduce a Senate joint resolution to designate the period of October 24–November 1, 1992, as "National Red Ribbon Week for a Drug-Free America." I invite all my colleagues to support this important resolution, and I am proud to be the Senate's original sponsor of this annual recognition.

Illegal and addictive drugs, Mr. President, are a scourge on our society and, if not stemmed, could virtually destroy our American way of life. Addictive drugs and the human misery and violence that surrounds the so-called drug culture are among the most dangerous threats to a free society. I cannot—and I know we will not—stand by and allow the career of drug addiction to imperil the future.

An important organization fighting drug abuse in our country is the National Federation of Parents for a Drug-Free Youth. This is a voluntary group that is dedicated to freeing our Nation from dependence on illegal drugs. The Federation coordinates activities of thousands of communities and millions of people in raising broad public awareness that educates our citizens on the perils of drug addiction. The Parents Federation especially fo-

cuses its work on school-age children—those most vulnerable to the dangers of drugs. Red Ribbon Week is as much a celebration of the success and effectiveness of the Parents Federation as it is a collective statement about drug abuse.

Mr. President, a Senate joint resolution on this vital topic lends credence and seriousness to the purposes of Red Ribbon Week, a true national grassroots initiative. The measure I introduce today is identical to a resolution already approved by the House of Representatives, House Joint Resolution 467, originally sponsored in the House by our colleague, Representative JOAN KELLY HORN of Missouri.

Mr. President, I urge all my colleagues to join both Senators from Alaska and 24 of our colleagues in cosponsoring and swiftly passing this Senate joint resolution to commemorate Red Ribbon Week for a Drug-Free America.●

By Mr. WELLSTONE:

S.J. Res. 344. Joint resolution to prohibit the proposed sale to Saudi Arabia of F–15 aircraft; to the Committee on Foreign Relations.

PROHIBITING THE SALE OF F–15 AIRCRAFT TO SAUDI ARABIA

● Mr. WELLSTONE. Mr. President, today I am introducing a joint resolution to delay the proposed sale of 72 sophisticated F–15 aircraft by the Bush administration to the Kingdom of Saudi Arabia.

I believe that the administration's failure to provide sufficient notice, or to consult in a timely manner with the Senate Foreign Relations or House Foreign Affairs Committees, contrary to both tradition and legal requirements, should prompt a serious effort by the Congress to prohibit the sale under the timetable proposed by the administration. Failing that, I believe the committee should act upon this legislation before we adjourn which would delay final action on the sale until we return early next year and until we have been given an opportunity to thoughtfully consider the important foreign policy and national security implications of the sale.

The administration's decision to bypass the traditional 20-day prenotification period, and even to fudge the legal 30-day notification period, must not be allowed to stand without some sort of congressional response.

Let me be clear. I oppose this sale because I believe it would represent a major escalation of the arms race in the Middle East. Contrary to the assertions of the administration, I do not believe the sale would advance the interests of the United States, nor would it do anything to protect the long-term job security of American aerospace workers.

I am astounded that the administration has decided to move forward on this sale in the wake of its arms control pronouncements during the Persian Gulf war. This is particularly troubling because shortly after the war, President Bush loudly proclaimed his support for multinational efforts to limit arms sales to the Middle East. At the height of the war, then Secretary of State Baker told the House Foreign Affairs Committee, "The time has come to try to change the destructive pattern of military competition and proliferation in the Middle East and to reduce the arms flow into an area that is already overmilitarized."

Instead, since the gulf war, the United States has sold over $16 billion of new weapons to buyers in the region. Instead of pursuing a nonproliferation policy in this region, we have became a major contributor to the Middle East arms race.

I believe the sale will only provide an added impetus to other Middle Eastern Nations to acquire more weapons to counter what they would view as a new Saudi threat. Unless we slow and then stop this arms race, United States troops could soon face the troops of Libya, Iran, Syria, or another Middle East nation armed with the deadliest and most destructive high-tech weaponry available in international arms markets, bent on achieving their own territorial ambitions by force.

How can we argue with a straight face to other countries that they ought to limit their dangerous arms transfers while we are a leader in arms sales? How can we tell the cash-strapped nations of Russia and China to restrain their sales under such conditions? And how can we expect our close allies, including Britain and France, to work with us in developing a responsible arms control regime if we proceed with unrestrained sales? The answer, obviously, lies in the question.

I had expected a full and vigorous debate on this issue in the Senate, and have been deeply disappointed that this debate has not happened. Last November, nearly two-thirds of the Members of the Senate expressed concern about the sale, and noted their profound anxiety that such a sale was being contemplated while the Middle East peace talks continued.

In fact, after waiting to see if members of the committee who might be concerned about the sale would act, I considered introducing a resolution of disapproval myself on the sale. But I recognize that with the time constraints imposed upon us by the administration, and considering the situation in the House, there is virtually no chance that such a resolution would be acted upon by the committee or by the full Senate—much less of its being enacted into law.

Since we only have a few days left before we will adjourn, I believe the only responsible alternative available to us is to delay the sale until the appropriate committees of the Congress are able to consider it fully in the next Congress. Since I understand the first planes are not scheduled to be delivered for almost 2 years, there is absolutely no reason not to delay the sale until at least March 1, 1993, while the appropriate Senate and House committees are given an opportunity to consider it.

I ask unanimous consent to include for the RECORD the executive summary of a report published earlier this month by the Congressional Budget Office titled "Limiting Conventional Arms Exports to the Middle East." The report provides an extensive analysis of the issues involving limitation of arms exports to the region, especially of the benefits of developing a comprehensive arms supplier regime. I commend it to the attention of my colleagues.

I hope the Foreign Relations Committee will act to delay this ill-conceived arms sale until a more thorough analysis can be made of its destructive implications for future Middle East conventional arms control efforts. I urge my colleagues to join me as cosponsors of the resolution, and ask unanimous consent that a full copy of the resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 344

Resolved, by the Senate and House of Representatives in Congress Assembled,

SECTION 1. PROHIBITION OF SALE

(a) EFFECTIVE DATE OF SALE.—The Sale described in subsection (B) may not take effect before March 1, 1993.

(b) DESCRIPTION OF SALE.—The sale referred to in subsection (A) is the proposed sale to Saudi Arabia of 72 F–15XP aircraft, and related defense articles, defense services, and design and construction services, that is described in the certification submitted to the Congress pursuant to section 36(b) of the Arms Export Control Act on September 14, 1992 (transmittal number 92–142).

[From CBO Study: "Limiting Conventional Arms Exports to the Middle East," September 1992]

SUMMARY

For perhaps the first time in its history, the United States is determining the size of its military forces largely in reference to the size and capabilities of the military forces of developing countries. Yet the United States and other major industrialized powers are also the main sources of modern weapon systems for those countries. The 1991 Gulf War provides a vivid demonstration of that paradox: the United States and its coalition allies undertook a major combined-arms operation to defeat a country that the coalition itself had armed.

Despite a recent decline in the volume of the arms trade with the Middle East, ongoing tension and conflict in the region could spark a new arms race there—especially when coupled with excess weapons inventories and production facilities in the chief supplier countries.

But there are reasons to believe that the dynamics of the Mideast arms trade can now

be changed. The major powers—who are also the major weapons suppliers—have strategic interests in the Middle East that are not fundamentally incompatible. If the major powers are prepared to take the lead in ushering in new patterns of international relations in the post-Cold War world, the Middle East may provide fertile ground for fresh ideas and new policy. Judging by its efforts in behalf of peace in the region, the Administration appears to feel that way as well.

Should the trade in arms with the Middle East be limited? If so, how? What would be the military and economic effects of such limits, both in the United States and in other countries? This study discusses efforts by the Administration to apply certain nonbinding guidelines to the international arms trade with the Middle East. But it concentrates on the design and effects of several options based on multilateral, binding constraints. The study focuses on conventional arms, which exclude nuclear, biological, and chemical weapons.

TRENDS IN THE ARMS TRADE

The international arms trade increased about threefold between the beginning of the 1970s and the mid-1980s. By the 1980s, as much as $74 billion worth of defense goods was being transferred internationally each year. In the last two decades, countries in the Middle East, which together contain about 3 percent of the world's population, have imported over 30 percent of all weapons transferred among exporters and importers. That relatively high level of imports, coupled with the volatile nature of the area, accounts for the Mideast focus of this study.

In recent years, arms transfers to the Middle East have dropped off to less than half of their peak level in the 1980s. Lack of cash in some Mideast nations, fewer arms sales on favorable terms by nations of the former Soviet Union, and the international embargo on Iraq all helped produce the decline. It is possible that this downturn in arms transfers will prove durable.

But there are also good reasons it may not. Mideast tensions remain high, creating continued pressure to buy weapons. Pressures to sell them also remain high. In view of reduced domestic purchases, the survival of some defense firms—and the jobs of the people they employ—may depend on foreign sales. It is therefore not clear that, in the absence of effective limits, arms transfers to the Middle East will remain at their recent lower levels.

THE ADMINISTRATION'S APPROACH

In the spring of 1991, President Bush proposed multilateral efforts to control the transfer of weapons to the Middle East. Much of the initiative restated existing Administration policies regarding limits on nuclear, biological, and chemical weapons. In the realm of conventional weapons, the Administration proposed that the five permanent members of the U.N. Security Council (the "Perm-5" countries) share information confidentially and early in the sales process about agreements to transfer major weapon systems to the Middle East. The proposal came in the wake of Congressional actions aimed at imposing various limits on sales. The Perm-5 are still discussing U.S. initiatives. Some progress appears to have been made, but the outcome of the talks remains unclear.

The Administration argues that early sharing of information might discourage transfers that could contribute to a destabilizing build-up of military capability in the Middle East. At the same time, under this approach the United States could still provide arms and related services wherever it deemed it appropriate to do so. Only with such transfers, the Administration argues, can the United States help friendly regional powers improve their security.

Although the Administration's approach may constitute a reasonable first step toward curtailing the arms trade, it could have only a limited effect. Military and political analysts frequently disagree about which weapons are intrinsically destabilizing and which Mideast countries are intrinsically more trustworthy than others. Suppliers no doubt will frequently disagree about whether a particular sale would contribute to a dangerous arms race. In many cases, destabilization results not from one sale but from the cumulative effect of numerous transactions over a period of time. Those problems and ambiguities, coupled with strong economic pressure to sell arms, could undermine any nonbinding guidelines intended to limit sales.

Indeed, Administration officials may have acknowledged as much. In recent months, the Central Intelligence Agency has stated that Iraq is likely to rearm to pre-Gulf War levels by the end of the decade—which could only happen if major suppliers send large arms shipments to the Middle East. Not surprisingly, Administration officials have concluded that, no matter how many arms are sold to Saudi Arabia and other friendly countries in the region, the United States will have to remain the guarantor of Gulf security into the indefinite future.

BINDING LIMITS ON SUPPLY

Rather than rely on broad, nonbinding guidelines, supplier countries could band together and agree to impose mandatory, quantitative limits on the transfer of arms to the Middle East. Many questions would have to be answered in designing such limits.

PARTICIPANTS

Which countries must participate in supplier-imposed limits? To be workable and fair, the limits would have to cover the vast majority of weapons produced worldwide. That criterion, though stringent, could be met with an agreement involving relatively few supplier countries. In recent years, the Perm-5 countries produced about 86 percent of all major weapons traded internationally, as measured in dollar value (see Summary Table 1 for more detail). Even without China, whose willingness to abide by supplier-imposed limits is questionable, the four remaining countries—the United States, the United Kingdom, France, and Russia—accounted for about 80 percent of all exports.

Moreover, the United States might not find it any more difficult to gain the cooperation of several other key European countries, such as Germany, Italy, and Spain. It might also be able to persuade other supplier countries with which it has good relations at least to avoid expanding their arms shipments to the Middle East. Most sources of supply to the region might thereby be controlled.

Because it already frequently consults with major suppliers regarding arms transfers, the United States may be able to gauge the prospects for achieving binding limits before it announces any initiative publicly. In addition, it might be able to use its informal security relationships with several Mideast countries—such as Israel, Egypt, and Saudi Arabia—to solicit their advice and seek their understanding of its policy goals.

Summary Table 1.—Global Arms Transfers by the Five Permanent Members of the U.N. Security Council in the 1980s (as a percentage of Total Shipments by all Countries)

	Combined share of Perm-5 countries
Tanks	84
Armored Personnel Carriers	79
Supersonic Combat Aircraft	94
Subsonic Combat Aircraft	99
Field Artillery	73
Helicopters	87

Source: Congressional Budget Office based on data from the Arms Control and Disarmament Agency.

Note.—The five permanent members of the U.N. Security Council (Perm-5) during this period were the United States, the Soviet Union, the United Kingdom, France, and the People's Republic of China.

This is not to suggest, however, that negotiating binding limits would be easy or problem-free. The United States would need to ask the governments of the supplier nations to take positions that would sometimes be unpopular at home. Political relations with some Mideast importers could also become more strained.

HOW LIMITS MIGHT BE SET

Should quantitative limits apply to exports or imports? Limits imposed on aggregate exports to the Middle East might seem less of an affront to the sovereignty of importing countries. An across-the-board, regionwide limit on exports would not, however, prevent a Mideast country from garnering more than its traditional share of weapons and building up a large arsenal. Export limits also might "lock in" each supplier's share of the market in a way inconsistent with free economic competition. Limits on total imports by each Mideast country suffer from neither of these disadvantages but might be more difficult to design and implement.

Should quantitative limits apply to numbers of weapons or to their value, and at what level might limits be set? Limiting the numbers of weapons is a simple approach and has been used previously in arms control (for example, in the Conventional Forces in Europe Treaty). Dollar ceilings, although they involve difficult pricing issues, have the advantage of reflecting differences in the quality of weapons.

Establishing the level of any limit would certainly be difficult. The debate might be guided by the suggestion of experts that many developing countries reduce their military expenditures by about half and apply the resources to improving their economies. There is no guarantee that countries would simply accept externally imposed limits; they might try to expand domestic production or increase purchases of arms from suppliers not respecting limits. But reductions of 50 percent would not be so severe as to allow smaller suppliers outside the cartel to dominate the future Mideast market.

Limits might not apply to domestic production of arms. This exception would be of limited military significance because most Mideast countries cannot produce sophisticated arms on their own. But, to be effective limits probably should apply to coproduction, in which an exporter supplies key components and technologies and assists a Mideast country in manufacturing weapons. And limits probably should attempt to encompass the contributions to final weapon systems made by external suppliers—such as U.S. tank engines imported by Israel for its Merkava tank.

VERIFICATION AND ENFORCEMENT

Could limits on the arms trade be verified and enforced? Some Mideast countries probably would not allow on-site monitoring; after all, they are not assumed to be parties to the accord limiting arms sales. As a consequence, most verification would have to be done by the supplier countries, principally through use of satellites and other means of intelligence gathering and supplemented by detailed data bases on sales agreements and deliveries that the suppliers would share with each other.

Even with those tools, verifying transfers of smaller weapons and weapons components would probably be difficult. Monitoring the transfer of major weapons probably is feasible, however. Factories that are coproducing major weapons should also be detectable—even if their output rates could not be ascertained with complete precision. For these reasons, limits applying to major weapons probably would be effectively verifiable.

In the event that violations occurred and were detected, responses would be necessary. Significant violations, for example, could be redressed through a proportionate decrease in the offending country's allotment of weapons for the next year.

ILLUSTRATIVE APPROACHES

Supplier countries could choose one of three broad types of options: a limit on exports, a limit on imports, or a limit on both. Summary Box 1 provides more details about each of these approaches. The second, with a limit of $700 million a year on the imports of major weapons by any Mideast nation, serves as an illustrative example in much of the analysis in this study.

SOME ADVERSE ECONOMIC EFFECTS

The import limit used as an illustrative example in this study would have only slight macroeconomic effects on most countries. Under the example, sales of major weapons to the Middle East would be reduced by about 50 percent relative to levels typical of the 1980s; the total value of annual arms exports to the region might decline by 35 percent to 40 percent, or $7 billion to $8 billion. Even if the United States absorbed a disproportionate share of these cutbacks, U.S. exports probably would fall by no more than $3 billion a year—some 20 percent of the country's total annual arms exports. As sales to the Middle East fell, U.S. gross domestic product (GDP) would be reduced by only about 0.02 percent (assuming that all other arms sales were unaffected)—and even this very slight loss in GDP would be only temporary.

Reductions would also be tiny in most other supplier nations. However, the former Soviet republics—and especially Russia—could feel more significant effects because their arms sales are principal sources of hard currency.

If U.S. exports were reduced by $3 billion a year, forgone sales would represent 1 percent or more of 1990 output levels in only a few of the 420 major U.S. industrial sectors. By the mid-1990s, the percentage effects of reductions in exports would be modestly higher as domestic production falls.

In the specific case of the tank industry, however, effects could be more severe. Forgone exports under this study's illustrative example might reduce production by perhaps 15 percent to 20 percent of the potential total, if reductions in tank export orders were proportional to overall reductions in exports. It is possible that a small number of other defense industrial sectors could be significantly affected as well.

As many as 75,000 jobs might be lost in the U.S. defense sector if U.S. arms sales were reduced by $3 billion a year. This potential loss represents less than 0.1 percent of the nation's total employment and less than 2 percent of all defense-related employment. New nondefense employment opportunities generally would develop fairly quickly—although many of the individuals who lost their positions might not be quickly reemployed in jobs of comparable skill and wage levels.

Effects on European defense industries probably would be modestly greater than those in the United States because exports constitute a somewhat larger part of the European arms business. Still, most large European defense firms are more diversified than their U.S. counterparts, so civilian markets should provide a cushion against losses in defense orders.

Limits on the arms trade would harm only a handful of specific companies. But the effects on those companies could be substantial. In the 1990s, a few U.S. defense firms will depend heavily on foreign sales to sustain production of certain weapons. Limits on exports could in effect close some of their production lines, with adverse effects on employees and on the economies of the local areas where the companies are located. Most local areas would eventually recover fully—many quite quickly—from the economic setbacks. But there would be acute pain in certain areas.

Closing lines would also reduce or even eliminate the ability of the United States to manufacture certain military weapons; several years could be required to restart the lines if they again became needed. But the United States may not need to maintain the capability to produce all types of weapons on a continuous basis. Some weapons would be needed only in the distant future or in the event of a major war—which in the post-Cold War era presumably would occur only after several years' warning. For those weapons, it may be acceptable to close down lines and plan to restart production as needed. Alternatively, the government could pay to maintain low-rate production, or it could upgrade existing weapons to retain productive capability.

POTENTIAL IMPROVEMENT IN MILITARY OUTLOOK

Although there would be some short-term adverse effects in supplier countries, binding limits on the arms trade might improve the military outlook in the Middle East. Binding limits could prevent huge military buildups of the sort that have occurred in the region in recent years. Between 1981 and 1991, for example, the weapons potential of Iraq's ground forces more than doubled, and the weapons potential of its tactical air force roughly doubled. Buildups of that magnitude would be impossible if, in accordance with the illustrative example used in this study, that country's imports of major weapons were limited to $700 million a year. That amount equals roughly one-fifth of Iraq's average annual imports of major weapons during the 1980s.

Avoiding large military buildups, and generally slowing growth in military capability, could benefit key Mideast nations that are friendly to the United States. An import limit might benefit Israel, which historically has depended less on arms imports than have its Arab neighbors. Limits could be constructed that would tend to preserve the current balances of military forces between Israel and other countries in the region—balances that at present appear to favor Israel. Limits also might enhance Saudi Arabia's military capability, especially because they could be phased in and thereby allow existing agreements to be honored before becoming fully binding. If the imports of potential adversaries were restricted, Saudi Arabia's manpower limitations—which prevent that nation from maintaining large ground forces—might not be as serious a handicap.

With or without arms limits, however, it is unlikely that Saudi Arabia will be able to achieve a sufficiently strong military posture to be able to defend itself. Thus, the United States probably will have to remain the guarantor of Saudi Arabia's security.

The illustrative limit might also leave roughly unchanged the balance of military forces among a number of other Mideast countries. For example, the balance between Iraq and Iran probably would not shift substantially.

Binding limits may not be necessary to realize these benefits. Arms sales have recently declined below levels typical of the 1980s and, because of shortages of cash and fewer concessionary sales, may remain low. Mideast tensions and domestic pressures to export in the supplier countries, however, remain high. Without effective limits on the arms trade, therefore, imports could climb again. It may thus behoove the United States and other countries at least to consider how binding limits might be designed and implemented in case they seem necessary in the future.

ECONOMIC BENEFITS POSSIBLE FOR MIDEAST COUNTRIES

If limits on the arms trade can maintain or improve Mideast military security while also reducing defense expenditures, the countries of that region could obtain significant economic benefits. Mideast countries generally have been spending well over 10 percent of their annual gross domestic product on military forces. Of that amount, some 4 percent of GDP generally has financed arms imports. Under the illustrative example, arms imports would be reduced by at least one-third—probably freeing up significant resources in the majority of countries.

If devoted to consumption, the newly available resources could be used to raise living standards in the Middle East. Alternatively, some or all of the extra resources could be invested in that region. Doing that could increase the level of real GDP in major Mideast countries by 2.5 percent or more on average.

If either of these routes—consumption or investment—is chosen, increases in domestic aggregate demand in the Mideast countries in all likelihood would be accompanied by big increases in their nonmilitary imports. Such increases in nonmilitary imports would largely offset reductions in Mideast arms imports and thereby stimulate nonmilitary production in the developed countries.

EVENTUAL REDUCTIONS IN U.S. DEFENSE SPENDING

Limits on the arms trade also might eventually permit reductions in defense spending in the United States. According to the Joint Chiefs of Staff, the U.S. military is now being designed for sufficient capability to engage in two major regional wars simultaneously. The most demanding potential war probably would occur in the Middle East. So if Mideast countries were less well armed, the United States itself eventually might need less in the way of modern forces.

How much might the U.S. defense budget be reduced? A precise estimate cannot be made, but the potential magnitude can be il-

lustrated. As noted earlier, the Central Intelligence Agency has estimated that, in the absence of limits on arms transfers, Iraq might—by the end of this decade—return to the force levels it maintained in 1990. Under the study's illustrative limits, however, Iraq's capabilities would be held to lower levels—particularly in ground forces.

If the weapons potentials of other countries in the region also are controlled and if the security environment in Europe further stabilizes, the United States might be able to reduce its forces by several ground divisions and tactical air wings, as well as by some naval units. The related savings in operations costs could amount to about $10 billion a year. Total savings could be larger still if the abatement of regional threats persuaded U.S. policymakers to scale back plans to modernize forces with new and expensive weapons.

However, such savings would not be guaranteed. Depending on one's assumptions, U.S. defense needs may or may not be strongly tied to Mideast force levels. Morever, even if limits on arms transfers did permit budgetary reductions, they might not be realized for many years.

One should not assume that additional cuts in the U.S. defense budget—beyond those the Administration has proposed—must necessarily await limitations on Mideast threats. Congressional leaders have proposed additional cuts that are not contingent on developments in the Middle East. But because the Middle East is an important factor in determining U.S. military needs, effective limits on the arms trade might lead to smaller U.S. defense budgets that would otherwise be likely to emerge from the budget process.

OBSTACLES REMAIN CONSIDERABLE—BUT SO DOES PROMISE

For reasons given above, achieving and sustaining a system of binding limits on arms transfers would not be easy. Any agreement would have to be negotiated at a high level of the U.S. government, requiring the time and attention of the Secretary of State and the President. Efforts to negotiate and implement limits could strain relations with some allies and would probably be viewed by some Mideast countries as politically offensive. Monitoring also would be challenging—and very important to the success of the limits. Most important of all, the major supplier countries would have to be willing to forgo some of the near term economic benefits of arms exports in hopes of eventually achieving improvements in security and reductions in their defense budgets.

The challenges, although considerable, may not be insuperable. The end of the Cold War may permit substantial cooperation between the United States and the former Soviet republics on issues such as limiting the arms trade—especially in the aftermath of the Gulf War. Washington retains close relations with most other major supplier countries, and for the most part they appear sensitive to the need for reshaping international security policy in the post-Cold War world.

The benefits of limiting the arms trade may justify the costs. A system of limits—if it can be made effective—could usher in a safer and more prosperous period in Mideast history while perhaps also easing the burden military spending imposes on the U.S. economy.

SUMMARY BOX 1—ILLUSTRATIVE OPTIONS FOR SUPPLIER-IMPOSED LIMITS ON ARMS SALES TO THE MIDDLE EAST

LIMIT EXPORTS

Each major supplier could be restricted in selling weapons beyond a certain number or a certain dollar value. For example, exports to the region by each supplier might be limited to a level equaling about one-half of past sales—perhaps somewhat less for the former Soviet republics.

LIMIT IMPORTS

Suppliers could restrict the number or the dollar value of weapons that any one Mideast country would be permitted to import. Domestic production would not be limited, but suppliers' contributions to coproduced major weapons would be.

LIMIT EXPORTS AND IMPORTS

Suppliers could initially impose modest limits on their own aggregate exports to the Middle East, showing self-restraint in an effort to minimize the affront that limits might cause to importing nations. More restrictive checks on imports could gradually be imposed to ensure that no country could amass a large stock of weapons.●

ADDITIONAL COSPONSORS

S. 1100

At the request of Mr. KERRY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1100, a bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families.

S. 1372

At the request of Mr. GORE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 2665

At the request of Mr. BINGAMAN, the names of the Senator from California [Mr. SEYMOUR] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 2665, a bill to establish a program to increase the level of science and technology cooperation between the United States and Latin America.

S. 2696

At the request of Mr. DOMENICI, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 2696, a bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes.

S. 2922

At the request of Mr. COHEN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 2922, a bill to assist the States in the enactment of legislation to address the criminal act of stalking other persons.

S. 3134

At the request of Mr. KENNEDY, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Alaska [Mr. STEVENS], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 3134, a bill to expand the production and distribution of educational and instructional video programming and supporting educational materials for preschool and elementary school children as a tool to improve school readiness, to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children, to expand services provided by Head Start programs, and for other purposes.

S. 3183

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 3183, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes.

S. 3189

At the request of Mr. KERRY, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 3189, a bill to implement the Protocol on Environmental Protection to the Antarctic Treaty, and for other purposes.

S. 3195

At the request of Mr. GLENN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 3195, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the U.S. involvement in World War II.

S. 3228

At the request of Mr. BOREN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 3228, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 to strengthen the protection of native biodiversity and to place restraints on clearcutting and certain other cutting practices on the forests of the United States, and for other purposes.

S. 3273

At the request of Mr. HOLLINGS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 3273, a bill to establish a wind engineering program within the National Institute of Standards and Technology.

SENATE JOINT RESOLUTION 311

At the request of Mr. SEYMOUR, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Idaho [Mr. SYMMS], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution

311, a joint resolution designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week", and for other purposes.

SENATE JOINT RESOLUTION 315

At the request of Mr. SEYMOUR, the names of the Senator from Washington [Mr. ADAMS], the Senator from Louisiana [Mr. BREAUX], the Senator from North Dakota [Mr. CONRAD], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Wisconsin [Mr. KOHL], the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], the Senator from Maryland [Mr. SARBANES], the Senator from Alabama [Mr. SHELBY], the Senator from Colorado [Mr. BROWN], the Senator from Indiana [Mr. COATS], the Senator from Maine [Mr. COHEN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 315, a joint resolution to designate September 16, 1992, as "National Occupational Therapy Day."

SENATE JOINT RESOLUTION 325

At the request of Mr. BIDEN, the name of the senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Joint resolution 325, a joint resolution entitled the "Collective Security Participation Resolution."

SENATE JOINT RESOLUTION 327

At the request of Mr. BRYAN, the names of the Senator from Louisiana [Mr. BREAUX], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 327, a joint resolution to designate October 8, 1992, as "National Firefighters Day."

SENATE JOINT RESOLUTION 338

At the request of Mr. GORE, the names of the Senator from new Jersey [Mr. LAUTENBERG], the Senator from Arkansas [Mr. PRYOR], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 338, a joint resolution designating the week beginning October 24, 1992 as "World Population Awareness Week."

SENATE CONCURRENT RESOLUTION 138—AUTHORIZING CORRECTIONS IN THE ENROLLMENT OF S. 2042

Mr. DOLE (for Mr. JEFFORDS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 138

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (H.R. 2042) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes, the Clerk of the House of Representatives shall make the following corrections: With respect to section 209—

(1) strike out paragraph (A) of subsection (d)(1) and insert in lieu thereof the following new subparagraph:

"(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed with regard to employee transported releases of hazardous materials, and"; and

(2) strike out paragraph (2) of subsection (d) and insert in lieu thereof the following new paragraph:

"(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate, pursuant to the Secretary's authority under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), such regulations or standards as determined to be appropriate not later than 3 years after such determination".

SENATE CONCURRENT RESOLUTION 139—AUTHORIZING CORRECTIONS IN THE ENROLLMENT OF H.R. 1628

Mr. DOLE (for Mr. SYMMS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 138

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (H.R. 1628) to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes, the Clerk of the House of Representatives shall make the following corrections. In section 1(a) and section 3, strike "U.S.A. Memorial Foundation".

AMENDMENTS SUBMITTED

LEGISLATIVE BRANCH APPROPRIATIONS ACT, FISCAL YEAR 1993

SEYMOUR (AND OTHERS) AMENDMENT NO. 3357

Mr. SEYMOUR (for himself, Mr. BROWN, and Mr. MCCAIN) proposed an amendment to the bill (H.R. 5427) making appropriations for the legislative branch for the fiscal year ending September 30, 1993, and for other purposes, as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of law total obligations for the accounts covered by this Act shall not exceed 95% in FY 1993, 90% in FY 1994, and 85% in 1995 of the amounts obligated in FY 1992. No unobligated funds for any year may be expended in any subsequent fiscal year, and any such funds shall be returned to the Treasury in order to reduce the deficit. An independent firm jointly selected by the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate, shall conduct a study of the staff needs of the Congress, to be funded out the contingency funds of the House and Senate.

DANFORTH AMENDMENT NO. 3358

Mr. DANFORTH proposed an amendment to the bill H.R. 5427, supra, as follows:

On page 5, line 23, strike all that follows through page 6, line 2 and insert:

"For miscellaneous items, $7,748,000: *Provided,* That funds appropriated under this heading for fiscal years 1991 and 1992 pursuant to S. Res. 239 (102d Congress, agreed to November 27, 1991), shall remain available until September 30, 1993: *Provided further,* That there is established within this account a line item entitled 'Legal Counsel for Presidential Nominees' and not to exceed $1,000,000 of the funds appropriated under this heading shall be available to the Secretary of the Senate out of such line item to pay reasonable attorney's fees and expenses for legal counsel rendered to a nominee of the President to a Federal office in the context of the consideration by the Senate of the nomination: *Provided further,* That payment of attorney's fees and expenses out of the line item referred to in the preceding proviso shall be made at the request of a nominee for legal counsel if the chairman or ranking minority member of the Senate committee of jurisdiction finds that such payment is reasonably necessary to protect the interests of the nominee.".

MITCHELL (AND OTHERS) AMENDMENT NO. 3359

Mr. REID (for himself, Mr. MITCHELL, Mr. DOLE, Mr. PACKWOOD, and Mr. GRASSLEY) proposed an amendment to the bill H.R. 5427, supra, as follows:

At the appropriate place, insert the following:

SEC. . (a) There is established in the Senate a Bipartisan Task Force on Senate Coverage (referred to in section as the "Task Force") which shall consist of—

(1) the Majority Leader and the Minority Leader, as ex officio members;

(2) 3 Senators appointed by the Majority Leader;

(3) 3 Senators appointed by the Minority Leader;

(4) 4 representatives appointed jointly by the Majority Leader and the Minority Leader, who are drawn from the administrative offices of the Senate, including—

(A) the Office of Secretary of the Senate;

(B) the Office of the Sergeant at Arms; and

(C) the Office of the Architect of the Capitol.

(b) The Task Force is authorized to consult with the Senate committees with jurisdiction over the statutes referred to in subsection (c)(2).

(c)(1) The Task Force shall—

(A) review all existing statutes under which the Senate is covered;

(B) review Senate rules to determine whether the Senate is effectively complying with other statutes that could be applied to the Senate such as those listed in paragraph (2); and

(C) recommend the extent to which, and the way in which, these statutes should be applied to the Senate.

(2) The statutes referred to in paragraph (1) are—

(A) conflict statutes;

(B) the Freedom of Information Act;
(C) the Privacy Act; and
(D) labor laws such as the Fair Labor Standards Act of 1938 and the Occupational Safety and Health Act.

(d) The Task Force shall use existing Senate staff to carry out its responsibilities under this section.

(e) The Task Force shall report its findings and recommendations to the Majority Leader and the Minority Leader not later than September 1, 1993.

BYRD (AND OTHERS) AMENDMENT NO. 3360

Mr. REID (for Mr. BYRD, for himself, Mr. MITCHELL, and Mr. DOLE) proposed an amendment to the bill H.R. 5427, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Section 309(a) of Public Law 102-166 (2 U.S.C. 1209) is amended by striking "or any Member of the Senate" through "a Member of the Senate' and" and inserting "and".

(b) Section 323 of such Act is repealed.

GRASSLEY AMENDMENT NO. 3361

Mr. GORTON (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 5427, supra, as follows:

On page 55, between lines 11 and 12, insert the following:

SEC. . (a) No part of the funds appropriated in this Act shall be used for congressional foreign travel unless such travel is in accordance with this section.

(b) Such congressional foreign travel shall be—

(1) approved in advance by recorded vote of the committee involved, or approved in advance by the appropriate authority, as the case may be;

(2) accomplished by the most economical means conveniently possible;

(3) accomplished by United States commercial carrier, unless, as determined by the committee involved or appropriate authority, an alternative means is more economical; and

(4) in accordance with committee guidelines established pursuant to subsection (c) or established by an appropriate authority pursuant to subsection (e).

(c)(1) Each committee of the house of Representatives and each committee of the Senate shall—

(A) in order to prevent duplicative and unnecessary trips, establish guidelines for congressional foreign travel by members and employees of the committee; and

(B) not later than the end of each calendar quarter, file a report with respect to congressional foreign travel by members and employees of the committee during the preceding calendar quarter.

(2) Each report filed pursuant to paragraph (1) shall with respect to each trip—

(A) specify the purpose and agenda of the trip;

(B) identify each member and employee of the committee and any other person who accompanies the member or employee at Government expense;

(C) in the case of travel by other than United States commercial carrier, describe any determination under subsection (b)(3);

(D) state the accomplishments of the trip; and

(E) categorize all expenses incurred for the trip.

(3) Each report under this section—

(A) in the case of the House of Representatives, shall be filed with the Clerk of the House of Representatives; and

(B) in the case of the Senate, shall be filed with the Secretary of the Senate.

(d) Not later than 15 days after a report is filed under this section, the Clerk of the House of Representatives, or the Secretary of the Senate, as applicable, shall—

(1) make the report available for public inspection; and

(2) provide copies of the report to any person, either upon payment of a fee sufficient to cover the expense of reproduction and mailing (other than any salary expense) or at a lesser fee if, as determined by the Clerk, or Secretary, as applicable, such lesser fee is in the public interest.

At the end of the 6-year period after the date of filing, each report shall be destroyed unless such report is required in an ongoing investigation.

(e) In the case of any Member of the Senate or House of Representatives, including a Delegate and Resident Commissioner, or other officer or employee of the Senate or the House of Representatives, including an officer or employee of Congress or of an agency of the legislative branch, not otherwise subject to subsection (c), the appropriate authority shall issue guidelines and reports comparable to those required by subsections (c) and (d).

(f) Guidelines and reports implementing subsection (e) shall be issued—

(1) by the Majority Leader and Minority Leader of the Senate, or their designee, with regard to each office of the Senate;

(2) by the Speaker of the House of Representatives, or his designee, with regard to each office of the House of Representatives;

(3) by the Majority Leader and Minority Leader of the Senate and the Speaker of the House of Representatives, or their designee, with regard to any joint committee of the Congress;

(4) by the Architect of the Capitol with regard to officers and employees of the Office of the Architect of the Capitol; and

(5) by the Comptroller General of the United States, or his designee, with regard to each agency of the legislative branch not covered by paragraphs (1) through (4).

(g) As used in this section—

(1) the term "congressional foreign travel" means official foreign travel by a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress, by an employee (including an elected officer) of the Senate or the House of Representatives, by an employee of a committee of the Senate or the House of Representatives, or by an employee of a joint committee of Congress, or an officer or employee of an agency of the legislative branch;

(2) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and any other entity in the legislative branch;

(3) the term "foreign travel" means travel outside the United States;

(4) the term "United States", where used in a geographical sense, means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(5) the term "appropriate authority" means the appropriate authority providing guidelines and reports implementing subsection (e) and specified in subsection (f).

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

CRANSTON AMENDMENT NO. 3362

Mr. BUMPERS (for Mr. CRANSTON) proposed an amendment to the bill (S. 1095) to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, as follows:

On page 44, line 13, strike out "1991" and insert in lieu thereof "1992".

On page 58, line 11, strike out "(3) An" and insert in lieu thereof "(3)(A) Except as provided in subparagraph (B), an".

On page 58, below line 23, insert the following:

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4327(a)(2)(A) of this title.".

On page 59, beginning on line 7, strike out "In the case of a person who is not disabled and" and insert in lieu thereof "Except as provided in paragraph (3), in the case of a person".

On page 59, beginning on line 22, strike out "In the case of a person who is not disabled and" and insert in lieu thereof "Except as provided in paragraph (3), in the case of a person".

On page 60, line 13, strike out "who is disabled," and insert in lieu thereof "whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position,".

On page 63, line 3, strike out "In the case of a person who is not disabled," and insert in lieu thereof "Except as provided in subparagraph (B),".

On page 63, line 10, strike out "who is disabled," and insert in lieu thereof "whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position,".

On page 65, strike out line 3 and all that follows through page 65, line 15.

On page 65, line 16, strike out "(d)" and insert in lieu thereof "(c)".

On page 67, strike out line 19 and all that follows through page 68, line 4, and insert in lieu thereof the following:

"(b)(1)(A) Subject to paragraphs (2) through (7), a person shall be deemed to be on furlough or leave of absence while serving in the uniformed services and shall be entitled to such rights and benefits (including, upon request of the person, health-plan benefits, life insurance, and accidental death and disability benefits) as are generally provided to employees of the employer who are on furlough or leave of absence under a plan, contract, policy, or practice which is in force at the beginning of the person's period of service in the uniformed services or which becomes effective during such period.

"(B) The seniority rights and benefits of a person deemed to be on furlough or leave of absence under this paragraph shall be determined under subsection (a).

"(C) A person provided with rights or benefits under this paragraph may be required to pay the cost, if any, of any benefit continued pursuant to such plan, contract, policy, or practice.

"(2) A person is entitled under this subsection to any right or benefit that is provided by the employer of the person to employees of the employer who are on furlough or leave of absence (other than the rights or benefits provided to employees on furlough or leave of absence by reason of special circumstances such as maternity or paternity leave (including leave for adoption of a child), disability leave, sick leave, or other leave as a result of the occurrence of an event affecting the employee's health or the health of a family member). A person on leave of absence while serving in the uniformed services shall not be entitled under this section to any benefits to which the person would not otherwise be entitled if the person were not on a leave of absence.

"(3) A person is not entitled under this subsection to coverage under a health plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(4) A person is not entitled under this subsection to coverage, under a life insurance policy, of a death incurred by the person as a result of the person's participation in, or assignment to an area of, armed conflict to the extent that such coverage is excluded or limited by a provision of such policy.

"(5) A person is not entitled under this subsection to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that such coverage is excluded or limited by a provision of such policy.

"(6) A person is not entitled under this subsection to a right or benefit provided under an employee pension benefit plan.

"(7)(A) Except as provided in subparagraph (B), the requirement that an employer provide rights or benefits under paragraph (1) to a person deemed to be on furlough or leave of absence shall expire on the earlier of—

"(i) the date of the end of the 18-month period that begins on the date on which the person commences the service referred to in paragraph (1); or

"(ii) the date on which the person completes the performance of such service.

"(B) To the extent provided in a plan, contract, policy, or other practice referred to in paragraph (1)(A), the period of coverage described in subparagraph (A) for a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) shall be—

"(i) 18 months,

"(ii) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(iii) the period of the person's employment with the person's employer immediately before the person's entrance into such services,

whichever is shortest, but not less than 31 days.

On page 68, strike out line 5 and all that follows through page 68, line 13.

On page 68, line 14, strike out "(2) If a" and insert in lieu thereof "(c)(1)(A) Subject to subparagraphs (B) through (D), if a".

On page 68, beginning on line 21, strike out "Such continuation" and all that follows through "State." on page 69, line 5.

On page 69, line 7, insert "(determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)(4))" after "full premium".

On page 69, between line 12 and line 13, insert the following:

"(B) A person who elects to continue health-plan coverage under this paragraph shall not be entitled to coverage under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(C)(i) Except as provided in clause (ii), the period of coverage of a person and the person's dependents under a continuation of health-plan coverage elected by the person under this paragraph shall be the lesser of—

"(I) 18 months; or

"(II) the period of the person's service in the uniformed services.

"(ii) In the case of a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) the period of coverage referred to in clause (i) shall be—

"(I) 18 months,

"(II) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(III) the period of the person's employment with the person's employer immediately prior to the person's entrance into such service,

whichever is shortest, but not less than 31 days.

"(D) A person described in subparagraph (C)(ii) shall not be entitled to elect to continue health-plan coverage under this paragraph if the employer of the person at the time of the person's commencement of service in the uniformed services employs fewer than 20 persons".

On page 69, line 13, strike out "(3)(A)" and insert in lieu thereof "(2)(A)".

On page 69, beginning on line 17, strike out "in connection with coverage of such person upon reemployment" and insert in lieu thereof "by any person in connection with coverage of the person who served in the uniformed services upon reemployment".

On page 71, line 16, strike out "A person" and insert in lieu thereof "Except as provided in section 4322(e)(3)(B) of this title, a person".

On page 72, after the period at the end of line 15, insert the following: "In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period described in subsection (a)(2)(B))."

On page 72, line 19, insert "or elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986)" after "contributions".

On page 72, line 20, insert "or deferrals" after "contributions".

On page 72, line 21, insert "or employer" after "person".

On page 72, after the period at the end of line 24, insert the following: "Any payment to the plan described in this paragraph shall be made during any continuous period (beginning with the date of reemployment) as the employer and the person may agree, except that such period shall not end before the earlier of the date which is—

"(A) 5 years from the date of reemployment; or

"(B) the last day of the first 1-year break in employment beginning after such date.

"(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the same rate as the employee received from the employer immediately before such period; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(4) Unless the plan provides otherwise—

"(A) no earnings shall be credited to an employee with respect to any contribution prior to such contribution being made; and

"(B) any elective employer contributions, or any forfeitures, during the period described in subsection (a)(2)(B) shall not be allocated to persons reemployed under this chapter".

On page 73, between lines 9 and 10, insert:

"(d) No provision of this section shall apply to the extent it—

"(1) requires any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986; or

"(2) requires contributions to be returned, or additional contributions to be made, with respect to employees not reemployed under this chapter".

On page 74, line 9, strike out "or".

On page 74, line 13, strike out "title." and insert in lieu thereof "title; or".

On page 74, between line 13 and line 14, insert the following:

"(C) a failure of the Executive Director of the Federal Retirement Thrift Investment Board to issue regulations in accordance with section 4327 of this title or the failure of an employing agency to take any action required by such regulations.

On page 74, line 17, insert "(other than a wrongful personnel action described in section 4331(2)(C) of this title)" after "action".

On page 75, line 19, insert "(other than a complaint arising out of a wrongful personnel action referred to in section 4331(2)(C) of this title)" after "a complaint".

On page 77, line 7, insert "(other than a wrongful personnel action described in section 4331(2)(C) of this title)" after "action".

On page 79, between line 9 and line 10, insert the following:

"(f) A person who claims to have been subject to a wrongful personnel action referred to in section 4331(2)(C) of this title is entitled to file an action with respect to such claim pursuant to section 8477 of title 5."

On page 83, line 13, insert after the comma at the end of the line the following: "or, in the case of a wrongful personnel action referred to in section 4331(2)(C) of this title, the Executive Director of the Federal Retirement Thrift Investment Board referred to in that section,".

On page 85, between line 18 and line 19, insert the following:

"(d) The Executive Director of the Federal Retirement Thrift Investment Board shall issue regulations applying the provisions of section 4327 of this title to the Thrift Savings Plan (described in subchapters III and VII of chapter 84 of title 5). The regulations

shall include provisions for the investigation and resolution of allegations of the occurrence of wrongful personnel actions referred to in section 4331(2)(C) of this title. The regulations may specify the period of time after reemployment within which a person may elect to make payment, the total amount the person may contribute, and the period of time over which the person may make contributions under section 4327 of this title."

On page 88, strike out line 16 and all that follows through page 89, line 12, and insert in lieu thereof the following:

(2) WITHIN 90 DAYS AFTER SUCH DATE.—Any person who commences the performance of a period of service in the uniformed services during the 90-day period referred to in paragraph (1) shall be covered during such 90-day period by the provisions of chapter 43 of title 38, United States Code, in effect on the day before the date of the enactment of this Act.

On page 89, strike out line 13 and all that follows through page 89, line 21, and insert in lieu thereof the following:

(b) APPLICABILITY OF CHAPTER 43 TO PERSONS PERFORMING ACTIVE DUTY ON DATE OF ENACTMENT.—

(1) IN GENERAL.—Any person who is performing service in the uniformed services on the date of the enactment of this Act shall be covered during the 90-day period beginning on such date by the provisions of chapter 43 of title 38, United States Code, in effect on the day before such date.

(2) CONTINUING SERVICE.—(A) Any person whose service in the uniformed services described under paragraph (1) continues after the 90-day period referred to in that paragraph shall be covered during the period of such service after that 90-day period by the provisions of chapter 43 of title 38, United States Code, as amended by section 2(a) of this Act, and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act).

On page 90, strike out line 3 and all that follows through page 90, line 11, and insert in lieu thereof the following:

(ii) Any person referred to in subparagraph (A) who was subject to the requirement under section 2024(d) of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), of requesting a leave of absence with respect to the service described in that subparagraph from the person's employer shall be deemed to have met the requirement of notifying the person's employer under such section 4322(a)(1) if the person requested the leave of absence.

On page 90, line 18, strike out "(2)" and insert in lieu thereof "(3)".

On page 90, line 19, strike out "Notwithstanding paragraph (1), a person referred to in subparagraph (A) of such paragraph" and inserting in lieu thereof "A person referred to in paragraph (1)".

On page 90, beginning on line 25, strike out "(a)(2)(B) and (b)(1)," and insert in lieu thereof "(a)(2) and (b)(2),".

On page 92, between line 4 and line 5, insert the following:

(f) EMPLOYEE PENSION BENEFIT PLAN.—Section 4327 of title 38, United States Code (as amended by section 2(a) of this Act), shall apply to reemployment initiated on or after August 1, 1990.

On page 92, line 5, strike out "(f)" and insert in lieu thereof "(g)".

On page 92, line 11, strike out "(g)" and insert in lieu thereof "(h)".

On page 93, below line 11, add the following new sections:

SEC. 9. IMPROVEMENT OF PROGRAM OF FEDERAL EMPLOYMENT OF VIETNAM ERA VETERANS.

Section 4214(b)(2)(A) of title 38, United States Code, is amended—

(1) at the end of clause (i), by striking out "or";

(2) at the end of clause (ii), by striking out "and" and inserting in lieu thereof "or"; and

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

"(iii) was discharged or released from active duty after December 31, 1979, under conditions other than dishonorable; and".

SEC. 10. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) REVISION IN CONTRIBUTIONS RELATING TO MILITARY SERVICE.—Subsection (e)(1) of section 8422 of title 5, United States Code, is amended by inserting after the first sentence the following new sentence: "The amount of payment of an employee or Member under this paragraph for a period of military service may not exceed the amount that would have been deducted or withheld for a period of civilian service, if any, under subsection (a)(1) if the employee or Member had not performed the period of military service.".

(b) TECHNICAL AMENDMENT.—Subsection (a)(2)(A)(ii) of such section is amended by striking out "1954" and inserting in lieu thereof "1986".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 1990 and shall apply to periods of military service that begin on or after that date.

SEC. 11. REDUCTION IN PENSION FOR VETERANS AND VETERANS' SURVIVORS WHO ARE RECEIVING MEDICAID-COVERED NURSING HOME CARE.

(a) REDUCTION IN PENSION.—Paragraph (2) of section 5503(f) of title 38, United States Code, is amended to read as follows:

"(2)(A) Not more than $90 per month may be paid under chapter 15 of this title to or for any person described in subparagraph (B) for any period that a nursing facility furnishes such person with services covered by a Medicaid plan. The restriction in the preceding sentence applies to periods after the month of the person's admission to the nursing facility.

"(B) A person referred to in subparagraph (A) is a person—

"(i) who is covered by a Medicaid plan for services furnished such person by a nursing facility; and

"(ii) who is (I) a veteran who has neither spouse nor child, or (II) a surviving spouse who has no child.".

(b) CONFORMING AMENDMENTS.—Section 5503(f) of such title is amended as follows—

(1) In paragraph (3)—

(A) by striking out "a veteran" and inserting in lieu thereof "a person referred to in paragraph (2)(A)"; and

(B) by striking out "such veteran under paragraph (2) of this subsection" and inserting in lieu thereof "such person under such paragraph".

(2) In paragraph (4)—

(A) by striking out "A veteran" and inserting in lieu thereof "A person referred to in paragraph (2)(A)";

(B) by striking out "the veteran" both places it appears and inserting in lieu thereof "the person"; and

(C) by striking out "the veteran's" and inserting in lieu thereof "the person's".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 1992, and apply with respect to months after June 1992.

(d) DELETION OF EXPIRATION DATE.—Section 5503(f) of such title is amended by striking out paragraph (6).

READY TO LEARN ACT

COCHRAN AMENDMENT NO. 3363

Mr. SIMPSON (for Mr. COCHRAN) proposed an amendment to the bill (H.R. 3134) to expand the production and distribution of educational and instructional video programming and supporting educational materials for preschool and elementary school children as a tool to improve school readiness, to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children, to expand services provided by Head Start programs, and for other purposes, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready to Learn Act".

SEC. 2. FINDINGS ON DISTANCE LEARNING.

The Congress finds that—

(1) the rapid development of telecommunications technology has resulted in distance learning systems that are powerful, flexible and increasingly affordable;

(2) distance learning technology can increase contributions to the goals of "America 2000", as established by the President, including school readiness;

(3) distance learning expands the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(4) distance learning expands the availability of educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) expand the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(2) to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. READY TO LEARN PROGRAMS.

The General Education Provisions Act is amended by inserting after section 405 (20 U.S.C. 1221e) the following new section:

"READY TO LEARN TELEVISION

"SEC. 405A. (a) IN GENERAL.—The Secretary is authorized to implement programs to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children in order to facilitate the achievement of the national education goals. In administering such programs, the Secretary shall ensure that such programming is made widely available to young children, their parents, child care workers and Head Start providers with support materials as appropriate to increase the effective use of such programming.

"(b) DUTIES OF THE SECRETARY.—In administering the programs under subsection "(a), the Secretary shall—

"(1) set priorities regarding the educational needs of preschool and elementary school children that can be addressed through video technologies including distance learning networks;

"(2) award grants for the development and dissemination of educational and instructional programming, in accordance with the priorities established under paragraph (1), for preschool children, children in transition programs from early childhood education to elementary school grades, and elementary school children;

"(3) award grants for the development and dissemination of training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2);

among parents, Head Start providers, in-home and center based, day care providers, early childhood development personnel and elementary school teachers, and after school program personnel caring for preschool and elementary school children;

"(4) establish and administer a Special Projects of National Significance program to award grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State education agency, local education agency, local school, institution of higher learning, or community based organization of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

"(5) establish within the Department a clearinghouse to compile and provide information, referrals and model program materials obtained or developed under this section to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this section; and

"(6) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to the grantees of those Federal programs that have major training components for early childhood development, including Head Start and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

"(c) DEVELOPMENT AND DISTRIBUTION OF EDUCATIONAL PROGRAMMING FOR CHILDREN.—

"(1) GRANTS.—To carry out the provisions of subsection (b)(2), the Secretary shall award grants to eligible applicant entities to—

"(A) facilitate the development or acquisition, directly or through contracts with producers, of children's television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(B) contract with entities experienced in the distribution of such programming, such as public broadcasting entities and those funded under the Star Schools Assistance Act, for the dissemination of programs developed under this paragraph to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) be a nonprofit, nongovernmental entity with a demonstrated record of facilitating the development and distribution of educational and instructional television programming for preschool and elementary school children; and

"(B) have a demonstrated record of contracting with the producers of children's television programming for the purpose of developing or acquiring educational television programming for preschool and elementary school children.

"(3) CULTURAL EXPERIENCES.—Programming developed or acquired under this subsection shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"(d) DEVELOPMENT AND DISTRIBUTION OF TRAINING MATERIALS.—To carry out the provisions of subsection (b)(3), the Secretary may award grants to public or private nonprofit entities with demonstrated expertise and experience in the development of video or other educational materials regarding child development and early childhood education for parents and child care providers, to—

"(1) develop, directly or through contracts, training and support materials for the purpose of informing and training parents and personnel in accordance with subsection (b)(3); and

"(2) produce such materials for distribution to the broadest audience appropriate to be served, including parents, day care providers, public libraries, Head Start centers, and distance learning networks.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) SPECIAL RULE.—Each eligible entity desiring a grant under subsection (b)(2) shall include in the application submitted pursuant to paragraph (1) documentation of such entity's eligibility in accordance with subsection (c)(2).

"(f) REPORTS AND EVALUATION.—

"(1) ANNUAL REPORT TO THE SECRETARY.—The entity receiving funds under subsection (c) shall prepare and submit to the Secretary an annual report that shall contain such information as the Secretary may require. At a minimum the report shall contain a description of the program activities undertaken with funds received under this section, including—

"(A) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(B) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(C) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(D) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report to include the following information—

"(A) a summary of the information made available under subsection (d)(1);

"(B) a description of the training materials made available under subsection (b)(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997. Not less than 60 percent of the amounts appropriated under this paragraph for each fiscal year shall be used to carry out subsection (c).

"(2) SPECIAL PROJECTS.—Of the amount appropriated under paragraph (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under subsection (b)(4)(C).

"(h) ADMINISTRATIVE COSTS.—With respect to the implementation of subsection (c), entities receiving a grant from the Secretary may use up to 5 percent of the amounts received under a grant under such subsection for the normal and customary expenses of administering the grant.

"(i) DEFINITION.—For the purposes of this section, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.".

TECHNICAL AMENDMENTS TO CERTAIN FEDERAL INDIAN STATUTES

McCAIN AMENDMENT NOS. 3364 AND 3365

Mr. SIMPSON (for Mr. McCAIN) proposed an amendment to the bill (H.R. 5686) to make technical amendments to

certain Federal Indian statutes, as follows:

AMENDMENT NO. 3364

At the end of the bill, add the following new section:

"SEC. . TECHNICAL AMENDMENTS TO AK-CHIN WATER USE ACT OF 1984.

(a) SHORT TITLE.—This Act may be cited as the 'Ak-Chin Water Use Amendments Act of 1992'.

(b) AUTHORIZATION OF USE OF WATER.—Section 2(j) of the Act of October 19, 1984 (Public Law 98-530; 98 Stat. 2698) is amended to read as follows:

'(j) The Ak-Chin Indian Community (hereafter in this Act referred to as the "Community") shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational or other beneficial use, in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into an option to lease, extend leases, exchange or temporarily dispose of water to which it is entitled for beneficial use in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1: Provided, That the term of any such lease shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, extends leases, exchanges or temporarily disposes of water, such action shall be pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.'"

AMENDMENT NO. 3365

At the end of the bill, add the following:

SEC. —. AMENDMENT.

The Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes", approved October 15, 1977 (91 Stat. 1159), is amended by adding at the end thereof the following:

"SEC. 502. GENERAL ASSISTANCE PROGRAM.

"(a) SHORT TITLE.—This section may be cited as the "Indian Environmental General Assistance Program Act of 1992".

"(b) PURPOSES.—The purposes of this section are to—

"(1) provide general assistance grants to Indian tribal governments and intertribal consortia to build capacity to administer environment regulatory programs that may be delegated by the Environmental Protection Agency on Indian lands; and

"(2) provide technical assistance from the Environmental Protection Agency to Indian tribal governments and intertribal consortia in the development of multimedia programs to address environmental issues on Indian lands.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term 'Indian tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(2) The term 'intertribal consortia' or 'intertribal consortium' means a partnership between two or more Indian tribal governments authorized by the governing bodies of those tribes to apply for and receive assistance pursuant to this section.

"(3) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(d) GENERAL ASSISTANCE PROGRAM.—(1) The Administrator of the Environmental Protection Agency shall establish an Indian Environmental General Assistance Program that provides grants to eligible Indian tribal governments or intertribal consortia to cover the costs of planning, developing, and establishing environmental protection programs on Indian lands.

"(2) Each grant awarded for general assistance under this subsection for a fiscal year shall be no less than $75,000, and no single grant may be awarded to an Indian tribal government or intertribal consortium for more than 10 percent of the funds appropriated under subsection (h) of this section.

"(3) The term of any general assistance award made under this subsection may exceed one year. Any awards made pursuant to this section shall remain available until expended. An Indian tribal government or intertribal consortium may receive a general assistance grant for a period of up to four years in each specific media area.

"(e) NO REDUCTION IN AMOUNTS.—In no case shall the award of a general assistance grant to an Indian tribal government or intertribal consortium under this section result in a reduction of Environmental Protection Agency grants for environmental programs to that tribal government or consortium. Nothing in this section shall preclude an Indian tribal government or intertribal consortium from receiving individual media grants or cooperative agreements. Funds provided by the Environmental Protection Agency through the general assistance program shall be used by an Indian tribal government or intertribal consortium to supplement other funds provided by the Environmental Protection Agency through individual media grants or cooperation agreements.

"(f) EXPENDITURE OF GENERAL ASSISTANCE.—Any general assistance under this section shall be expended for the purpose of planning, developing, and establishing the capability to implement programs administered by the Environmental Protection Agency and specified in the assistance agreement. Purposes and programs authorized under this section shall include the development and implementation of solid and hazardous waste programs for Indian lands. An Indian tribal government or intertribal consortium receiving general assistance pursuant to this section shall utilize such funds for programs and purposes to be carried out in accordance with the terms of the assistance agreement.

"(g) PROCEDURES.—(1) Within 12 months following the date of the enactment of this section, the Administrator shall promulgate regulations establishing procedures under which an Indian tribal government or intertribal consortium may apply for general assistance grants under this section.

"(2) The Administrator shall publish regulations issued pursuant to this section in the Federal Register.

"(3) The Administrator shall establish procedures for accounting, auditing, evaluating, and reviewing any programs or activities funded in whole or in part for a general assistance grant under this section.

"(h) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for each of the fiscal years 1993 and 1994.".

STEVENS AMENDMENT NO. 3366

Mr. SIMPSON (for Mr. STEVENS) proposed an amendment to the bill H.R. 5686, supra, as follows:

At the appropriate place, insert a new section as follows:

SEC. . Notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to enroll the following-named individuals as Natives under the Alaska Native Claims Settlement Act (Public Law 92-203): Yvonne LeCornu Salazar and Andres Manuel Salazar. Each individual is entitled to receive 100 shares of stock in Shaan-Seet, Inc. and such other benefits as the board of directors of that corporation may approve. No individual enrolled pursuant to this Act shall be entitled to share in any dividends or Alaska Native Claims Settlement Act distributions made by the United States or Shaan-Seet, Inc. prior to the individual's enrollment. Nor shall this Act alter said individual's rights to receive dividends or Alaska Native Claims Settlement Act distributions made by Sealaska Corporation prior to the individual's enrollment in Shaan-Seet. Enrollment of these individuals shall not alter the entitlement to or distribution of land to any corporation under the terms of the Alaska Native Claims Settlement Act.

MURKOWSKI AMENDMENT NO. 3367

Mr. SIMPSON (for Mr. MURKOWSKI) proposed an amendment to the bill H.R. 5686, supra, as follows:

At the end of the bill, add the following new section:

SEC. . TRANSFER OF BUREAU OF INDIAN AFFAIRS' ADMINISTRATIVE SITE IN BETHEL, ALASKA TO THE YUKON KUSKOKWIM HEALTH CORPORATION.

(a) CONVEYANCE.—To the extent consistent with this section and applicable Federal and State environmental laws, the Secretary of the Interior, notwithstanding section 1302(h) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)), shall convey, in fee, the buildings of the former Bureau of Indian Affairs Bethel Agency, Bethel, Alaska, and lands necessary for the use of these buildings, but not to exceed 27 acres of the Agency site, to the Yukon Kuskokwim Health Corporation (hereafter referred to as the "Corporation"). Such conveyance shall be made on terms mutually agreed on between the Secretary of the Interior and the Corporation. The Secretary may require that the Corporation, as exclusive consideration for this conveyance, enter into an agreement under which the Corporation agrees to indemnify the United States Fish and Wildlife Service and the Bureau of Indian Affairs for any liability arising out of the operation and maintenance of any response at the property concerning asbestos. The conveyance required by this section shall be made, subject to subsection (b)(2), prior to September 30, 1993.

(b) ENVIRONMENTAL RESPONSE.—Prior to the conveyance of the property to the Corporation pursuant to subsection (a), for responses that are necessary under applicable Federal and State laws to protect human health and the environment with respect to any hazardous substance or hazardous waste

remaining on the property, the Secretary of the Interior and the Secretary of the Air Force shall—

(1) complete and equally share the cost of such response, or

(2) grant and equally share the cost of such grant to the Corporation an amount equal to the cost of such response, except that such grant shall be used to complete such response prior to the conveyance of the property.

(c) Notwithstanding any other Federal law, except with respect to liability arising from the operation and maintenance of the property, the United States Fish and Wildlife Service and the Bureau of Indian Affairs shall not be liable under any Federal law for any additional response necessary for asbestos at the property following its conveyance to the Corporation pursuant to the authority of subsection (a). Nothing in this section shall affect any liability of any person other than the United States Fish and Wildlife Service and the Bureau of Indian Affairs.

(d) EASEMENT.—The conveyance under this section shall reserve an easement for access to adjacent areas of the Yukon Delta National Wildlife Refuge, if determined necessary by the Secretary.

(e) DEFINITIONS.—As used in this section:

(1) The terms "response", "hazardous substance", "person", and "environment" as used herein shall have the meaning of such terms as provided in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.).

(2) The term "hazardous waste" shall have the meaning of such term as provided in the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

INOUYE AMENDMENT NO. 3368

Mr. BUMPERS (for Mr. INOUYE) proposed an amendment to the bill H.R. 5686, supra, as follows:

"In section 5, after 'the Colville Reservation,' insert 'lands held in trust for the Cahuilla Band of Indians of California,'."

BAUCUS (AND BURNS) AMENDMENT NO. 3369

Mr. BUMPERS (for Mr. BAUCUS, for himself and Mr. BURNS) proposed an amendment to the bill H.R. 5686, supra, as follows:

At the end of the bill, add the following:

SEC. . REGULATION OF CLASS III GAMING.

(a) IN GENERAL.—Notwithstanding section 11(d)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(1), during the six-month period beginning on the date of the enactment of this Act, any class III gaming activity conducted on Indian lands in the State of Montana shall be lawful if such gaming activity—

(1) is conducted in accordance with State law made applicable by the Indian Gaming Regulatory Act; and

(2) was owned or being conducted on May 1, 1988.

(b) INAPPLICABILITY OF ACT OF JANUARY 2, 1951.—During the six-month period specified in subsection (a), the provisions of section 5 of the Act of January 2, 1951 (15 U.S.C. 1175), shall not apply to any gaming activity described in such subsection which meets the requirements of paragraphs (1) and (2) of such subsection.

SEC. 2. DEFINITIONS.

For purposes of this section, the terms "Indians lands" and "class III gaming" have the meaning given such terms in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

SEC. 3. CONFORMING AMENDMENT.

Section 4(7)(E) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(7)(E)) is amended by striking "or Montana".

DASCHLE AMENDMENT NO. 3370

Mr. BUMPERS (for Mr. DASCHLE) proposed an amendment to the bill H.R. 5686, supra, as follows:

At the end of the bill, add the following new section:

SEC. . The Act of October 25, 1972 (86 Stat. 1168), is amended by adding at the end thereof the following new section:

"SEC. 306. AUTHORITY TO SETTLE ACTION.

"Notwithstanding any provision of this Act or any other provision of law, the Attorney General is authorized to negotiate and settle any action that may be or has been brought to contest the constitutionality or validity under law of the distribution to all other Sisseton and Whapeton Sioux provided for in section 202 of this Act."

DEPARTMENT OF VETERANS AFFAIRS NURSE PAY AMENDMENTS OF 1992

CRANSTON AMENDMENT NO. 3371

Mr. KERREY (for Mr. CRANSTON) proposed an amendment to the bill S. 2575 to amend chapter 74 of title 38, United States Code, to revise certain pay authorities that apply to nurses and other health care professionals, and for other purposes, as follows:

On page 43, strike lines 15 through 23 and insert in lieu thereof the following:

"(6) The term 'non-Federal average manufacturer price', with respect to a covered drug or biological and a specified period of time, means—

"(A) in the case of a covered drug or biological for which the majority of units were distributed to the retail class of trade during that period, the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any prompt payment discounts, cash discounts, rebates, or similar price reductions, during that period in the United States by wholesalers for distribution to the retail class of trade; or

"(B) in the case of a covered drug or biological for which the majority of units were not distributed to the retail class of trade during that period, the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any prompt payment discounts, cash discounts, rebates, or similar price reductions, during that period in the United States by wholesalers (other than a price paid by the Federal Government).

On page 43, line 24, strike "(6) The term 'Federal'" and insert in lieu thereof "(7) The term 'non-Federal'".

On page 45, line 9, strike "(7)" and insert in lieu thereof "(5)" and move that paragraph to page 43, between lines 14 and 15.

On page 45, beginning on line 20, strike out "the Producer Price Index—Finished Goods" and insert in lieu thereof "the Consumer Price Index for all urban consumers (U.S. city average)".

On page 46, line 6, strike out "at that average price" and insert in lieu thereof "of each package quantity".

On page 55, strike out line 23 and all that follows through page 56, line 8, and insert in lieu thereof the following:

"(1) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(A) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(i) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(ii) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(B) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

On page 66, strike line 17 and insert the following:

SEC. 606. DEMONSTRATION PROJECT ON UNIFIED PHARMACEUTICAL AWARD CONTRACTS.

On page 66, between lines 21 and 22, insert the following:

"(a) The Secretary shall conduct a demonstration project to evaluate the cost and effectiveness of a unified contracting process for procuring pharmaceuticals on behalf of the entities referred to in subsection (d).

On page 66, line 22, strike "(a)" and insert "(b)".

On page 66, line 23, strike "(b)" and insert "(c)".

On page 67, line 4, strike "(b)" and insert "(c)".

On page 67, line 6, after "that", insert "directly furnishes health-care services and".

On page 67, line 12, strike out "department, agency, other division" and all that follows through the period on line 14 and insert in lieu thereof "State home.".

On page 67, line 15, strike "A Public Health Service clinic" and insert in lieu thereof "An entity".

On page 68, line 15, strike "(c)" and insert "(d)".

On page 69, line 10, strike the quotation marks and the second period.

On page 69, between lines 10 and 11, insert the following:

"(e) The authority of the Secretary to enter into unified pharmaceutical award contracts under this section shall terminate on December 31, 1997.

"(f) Not later than March 31, 1997, the Secretary shall transmit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the use of the authority under this section.".

On page 77, strike out line 24 and all that follows through page 78, line 9, and insert in lieu thereof the following:

"(A) During the 1-year period beginning on the effective date of the agreement, the price of the drug or biological shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(II) the additional price discount amount (as determined under subsection (h)(1)(A)); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

On page 85, strike out line 21 and all that follows through page 86, line 4, and insert in lieu thereof the following:

"(6) The term 'non-Federal average manufacturer price', with respect to a covered drug or biological and a specified period of time, means—

"(A) in the case of a covered drug or biological for which the majority of units were distributed to the retail class of trade during that period, the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any prompt payment discounts, cash discounts, rebates, or similar price reductions, during that period in the United States by wholesalers for distribution to the retail class of trade; or

"(B) in the case of a covered drug or biological for which the majority of units were not distributed to the retail class of trade during that period, the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any prompt payment discounts, cash discounts, rebates, or similar price reductions, during that period in the United States by wholesalers (other than a price paid by the Federal Government).

On page 86, line 5, strike "(6) The term 'Federal'" and insert in lieu thereof "(7) The term 'non-Federal'".

On page 87, line 16, strike "(7)" and insert in lieu thereof "(5)" and move that paragraph to page 85, between lines 20 and 21.

On page 88, beginning on line 3, strike out "the Producer Price Index—Finished Goods" and insert in lieu thereof "the Consumer Price Index for all urban consumers (U.S. city average)".

On page 88, line 14, strike out "at that average price" and insert in lieu thereof "of each package quantity".

On page 88, below the matter below line 21, insert the following:

TITLE VII—SEXUAL TRAUMA SERVICES

SEC. 701. CARE AND SERVICES FOR WOMEN VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) REQUIREMENT TO FURNISH CARE AND SERVICES.—Chapter 17 is amended by adding at the end of subchapter II the following new section:

"§ 1720D. Counseling and treatment of women veterans for sexual trauma

"(a) A woman veteran who is diagnosed by a Department health professional designated by the Chief Medical Director (following an examination of the veteran by such professional) to be in need of counseling or treatment for sexual trauma resulting from events that occurred during the period of the woman veteran's service on active duty, shall be furnished care and services with respect to such trauma pursuant to sections 1710(a)(1)(A) and 1712(a)(1)(A) of this title, even though such trauma has not been determined to be service-connected.

"(b)(1) The Secretary may enter into contracts with appropriate non-Department facilities (as determined by the Secretary) in order to furnish women veterans with the care and services (including any diagnostic services) referred to in subsection (a).

"(2) Not later than March 31, 1994, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the use made of the authority provided under paragraph (1) before the date of the report. The report shall (A) describe the extent of the use of that authority and the types of care and services furnished to women veterans under contracts entered into under that authority, and (B) contain such recommendations regarding the extension or modification of that authority as the Secretary considers appropriate.

"(3) The Secretary may not enter into contracts under this subsection after September 30, 1994. Any contract entered into under this subsection shall expire not later than 90 days after that date.

"(c) For the purposes of this section, the term 'sexual trauma' means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, sexual harassment, or other act of sexual violence.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1720C the following new item:

"1720D. Counseling and treatment of women veterans for sexual trauma."

SEC. 702. INFORMATION AND REFERRALS FOR WOMEN VETERANS.

(a) INFORMATION SYSTEM.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence the provision of information and referrals relating to the care and services referred to in paragraph (2) by means of a telephone information system utilizing a toll-free telephone number (commonly referred to as an 800 number).

(2) The care and services referred to in paragraph (1) are the care and services relating to sexual trauma that are available to women veterans in the communities in which such veterans reside, including care and services available under programs of the Department of Veterans Affairs (including the care and services available under section 1720D of title 38, United States Code (as added by section 701 of this Act)) and from non-Department agencies or organizations.

(b) SYSTEM REQUIREMENTS.—In providing information and referrals under subsection (a), the Secretary shall ensure that the telephone information system described in that subsection—

(1) is operated by Department personnel who are trained in the provision of the information and referrals described in that subsection to persons who have experienced sexual trauma;

(2) is operated in a manner that protects the confidentiality of persons who place telephone calls to the system; and

(3) operates at all times.

SEC. 703. REPORT ON NEED FOR CARE AND SERVICES OF VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) REPORT.—Not later than December 31, 1993, the Secretary of Veterans Affairs shall submit to Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study carried out by the Secretary under subsection (b).

(b) STUDY.—(1) The Secretary, in consultation with and with the assistance of the Secretary of Defense, shall carry out a study of the needs of women veterans for counseling, medical care, and other services for sexual trauma.

(2) In carrying out the study, the Secretary of Veterans Affairs shall, to the extent feasible and to the extent that data are available, determine the following:

(A) The extent to which women have experienced rape, sexual assault, sexual harassment, or other acts of sexual violence while on active military, naval, or air service.

(B) The extent of any under-reporting of incidents of rape, sexual assault, sexual harassment, or other acts of sexual violence among the population of women members of the Armed Forces, and the extent to which the rate of such under-reporting differs from the rate of under-reporting of such incidents among the general population of women in the United States.

(C) The extent to which women members of the Armed Forces and women veterans who have experienced sexual trauma have utilized counseling, medical care, and other services furnished by the Department of Defense and the Department of Veterans Affairs in order to respond to such experiences.

(D) The same types of information with respect to men who are members of the Armed Forces and men who are veterans as is required under subparagraphs (A), (B), and (C) with respect to women members and veterans.

SEC. 704. REPORT RELATING TO SERVICES AVAILABLE TO VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

Not later than March 1, 1993, and December 31 of each of calendar years 1993 through 1997, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a comprehensive report on the care and services furnished by the Department of Veterans Affairs to veterans who have experienced sexual trauma. The report shall include the following:

(1) A detailed description and review of the medical care, counseling, outreach, and other services available under programs of the Department to veterans who have experienced sexual trauma resulting from events that occurred during the period of such veterans' service in the active military, naval, or air service, including the number of male and female counselors employed by the Department who have been provided specialized training in the counseling of persons who have experienced sexual trauma.

(2) An assessment by the Secretary of any quantitative or qualitative deficiencies in such programs in meeting the needs of such veterans for counseling, medical care, and other services in response to such experiences.

(3) A detailed description of the plans of the Secretary to eliminate such deficiencies and a schedule for implementation of such plans.

SEC. 705. PROVISION OF INFORMATION ON SERVICES TO WOMEN WHO ARE SEPARATING FROM THE ARMED FORCES.

The Secretary of Veterans Affairs and the Secretary of Defense shall jointly carry out a program to ensure that women who are being separated from active military, naval, or air service are provided information on (1) the counseling, medical care, and other serv-

ices and assistance relating to sexual trauma that are available to women veterans under programs carried out by the Department of Veterans Affairs, and (2) the requirements of eligibility for or entitlement to, and the procedures for applying for, such counseling, medical care, and other services and assistance. The Secretaries shall ensure that such information is provided through an in-person interview conducted with the woman being separated.

SEC. 706. REPORT RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA.

(a) Not later than December 31, 1992, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the Secretary's assessment of—

(A) the difficulties that women veterans encounter in obtaining from the Department of Veterans Affairs determinations that disabilities relating to sexual trauma that are the results of events that occurred during active duty are service-connected disabilities; and

(B) the extent to which Department personnel fail to make determinations that such disabilities are service-connected disabilities; and

(2) the Secretary's recommendation of actions to be undertaken to respond in a fair manner to such difficulties and to eliminate such failures.

SEC. 707. DEFINITIONS.

For the purposes of this title—

(1) The terms "Armed Forces", "service-connected", and "active military, naval, or air service" have the meanings given such terms in paragraphs (10), (16), and (24) of section 101 of title 38, United States Code, respectively.

(2) The term "sexual trauma" means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, sexual harassment, or other act of sexual violence.

TITLE VIII—HEALTH CARE FOR WOMEN VETERANS

SEC. 801. WELL-WOMEN CARE SERVICES.

(a) WELL-WOMEN CARE SERVICES.—Section 1701 is amended—

(1) in paragraph (6)(A)(i), by inserting "well-women care services," after "section 1762 of this title,"; and

(2) by adding at the end the following new paragraph:

"(9)(A) The term 'well-women care services' means health care services provided to women outside the maternity cycle, including counseling and services relating to the following:

"(i) Papanicolaou tests (pap smear).

"(ii) Breast examinations and mammography.

"(iii) General reproductive health care.

"(iv) The management of infertility.

"(v) Menopause.

"(vi) Physical or psychological conditions arising out of acts of sexual violence.

"(B) The term does not include the following services:

"(i) Pregnancy care (including prenatal and delivery care), except care relating to a pregnancy that is complicated, or in which the risks of complication are increased, by a service-connected condition.

"(ii) Abortion.".

(b) CONTRACTS FOR WELL-WOMEN CARE SERVICES.—Section 1703(a) is amended by adding at the end the following new paragraph:

"(9) Well-women care services for veterans on an ambulatory or outpatient basis, but only under contracts that expire not later than December 31, 1994.".

(c) REPORT ON THE PROVISION OF HEALTH CARE TO WOMEN.—(1) Not later than January 1 of each of 1993 through 1997, the Secretary shall submit to Congress a report on the provision of health care services to women veterans.

(2) The report shall contain the following with respect to the most recent fiscal year before the date of the report:

(A) A description of the personnel of the Department who provided health-care services to women veterans, including the number of employees (including both the number of individual employees and the number of full-time employee equivalents) and the professional qualifications or specialty training of such employees and the Department facilities to which such personnel were assigned.

(B) A description of any actions taken by the Secretary to ensure the retention of the personnel described in subparagraph (A), and any actions undertaken to recruit additional personnel or personnel to replace such personnel.

(C) A description of the type and amount of well-women care services provided by such personnel, including information on—

(i) the type and amount of such services provided at each Department facility;

(ii) the number of women provided such services at each Department facility; and

(iii) the numbers of inpatient stays and the number of outpatient visits through which such services were provided.

(D) A description of the type and amount of well-women care services provided under contracts with non-Department facilities, including information on—

(i) the type and amount of such services provided under each contract;

(ii) the number of women provided such services through each non-Department facility under each contract; and

(iii) the numbers of inpatient stays and the number of outpatient visits through which such services were provided.

(E) An assessment by the Secretary of any difficulties experienced by the Secretary in the furnishing of such services and the actions taken by the Secretary to resolve such difficulties.

(F) A description of the actions taken by the Secretary to foster and encourage the expansion of research relating to health care issues of concern to women veterans.

(3) In this subsection, the term "well-women care services" has the meaning given such term in section 1701(8) of title 38, United States Code (as added by subsection (a)).

SEC. 802. EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS.

(a) EXPANSION OF MEDICAL RESEARCH PROGRAM.—(1) Subject to paragraph (3), in carrying out the medical research program of the Department under section 7303 of title 38, United States Code, the Secretary, in consultation with the Chief Medical Director (who shall consult with the Director of Nursing Service, officials of the Central Office assigned responsibility for women's programs and the program carried out under such section 7303, members of the Advisory Committee on Women Veterans established under section 542 of such title, and members of appropriate task forces within the Department of Veterans Affairs (such as the Task Force on Treatment of Women Who Suffer Sexual Abuse)), shall foster and encourage the initiation and expansion of research into the health consequences for women veterans of the matters referred to in paragraph (2).

(2) The Secretary shall foster and encourage the initiation and expansion of research under paragraph (1) on the following matters as they relate to women:

(A) Breast Cancer.

(B) Gynecological and hormonal matters.

(C) Cancer of the organs of the reproductive system.

(D) Alzheimer's Disease.

(E) Osteoporosis.

(F) Post-traumatic stress disorder.

(G) Substance abuse.

(H) Sexual violence.

(b) STUDY OF ADMITTANCE OF VETERANS TO DEPARTMENT MEDICAL CARE FACILITIES.—The Comptroller General of the United States shall carry out a study to determine—

(1) the percentage of all admissions of women veterans to Department facilities that are based on a diagnosis of psychotic illness;

(2) the percentage of all admissions of men veterans to such facilities that are based on a diagnosis of psychotic illness;

(3) an explanation of the difference, if any, in the percentages referred to in paragraphs (1) and (2), including an assessment of—

(A) the extent, if any, to which psychotic illness is more prevalent among women veterans who seek care at Department facilities than among men veterans who seek such care;

(B) the extent to which gender-related factors impede or complicate diagnoses made by Department personnel; and

(C) the extent to which, among veterans with psychotic illness, women and men seek and receive Department health-care services in different proportions.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) Funds are authorized to be appropriated for the Department of Veterans Affairs to carry out subsections (a) and (b) as follows:

(A) For fiscal year 1993, $1,500,000.

(B) For fiscal year 1994, $2,000,000.

(C) For fiscal year 1995, $2,500,000.

(2) Funds appropriated pursuant to the authorization of appropriations under paragraph (1) are in addition to other funds appropriated or otherwise made available to the Department of Veterans Affairs for research.

SEC. 803. RESEARCH OF THE DEPARTMENT OF VETERANS AFFAIRS RELATING TO WOMENS' HEALTH-CARE ISSUES.

Section 7303 is amended by adding at the end the following new subsection:

"(d)(1) To the extent that the Secretary determines that the quantity and nature of information available to Department personnel with respect to issues relating to health care for women veterans is inadequate to permit such personnel to carry out research relevant to the health-care needs of women veterans, the Secretary shall take actions to ensure that medical research carried out by the Secretary gives consideration to issues relating to the health of the general population of adult women in the United States, with particular emphasis on health conditions that affect large numbers of such women and therefore are likely to be prevalent to a significant degree among women veterans and health conditions for which the risk factors, treatment responses, and other factors determined relevant by the Secretary of women veterans may differ from those of the general population of adult women in the United States.

"(2) To the maximum extent practicable, the Secretary shall ensure that the personnel engaged in research pursuant to the research program described under paragraph (1)—

"(A) include—

"(i) personnel of the Department in facilities of the Department, including personnel of the geriatric research, education, and clinical centers designated pursuant to section 7314 of title 38, United States Code; and

"(ii) personnel of the National Center for Post-Traumatic Stress Disorder established pursuant to section 110(c) of the Veterans Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2692); and

"(B) are informed of the existence and progress of other research relating to women veterans conducted by or under the jurisdiction of the Secretary.".

SEC. 804. POPULATION STUDY OF THE NEED OF WOMEN VETERANS FOR HEALTH-CARE SERVICES.

(a) STUDY.—(1) The Secretary shall conduct an on-going study to determine the needs of women veterans for health-care services.

(2) Before carrying out the study, the Secretary shall—

(A) request the advice of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code; and

(B) in consultation with the Secretary of Defense, request the advice of the Advisory Committee on Women in the Services.

(3)(A) In carrying out the study, the Secretary (with the assistance of the Secretary of Defense) shall—

(i) examine the medical, biopsychosocial, and demographic histories of an appropriate sample of women veterans and women members of the Armed Forces who are serving on active duty;

(ii) to the extent feasible, use data from the most recent decennial census and official census statistics; and

(iii) to the extent feasible, use information contained in the report submitted to the Secretary under section 102(b) of the Veterans' Health Care Amendments of 1983 (Public Law 98-160; 38 U.S.C. 1712A note).

(B) The sample referred to in subparagraph (A)(i) shall include women veterans and women members of the Armed Forces who are serving on active duty and shall, to the extent feasible, provide a representative sampling (as determined by the Secretary) of the ages, the ethnic, social, and economic backgrounds, the enlisted and officer grades, and the branches of service of all women veterans and women members of the Armed Forces.

(C) The protocol for the study shall meet standards for scientific merit prescribed by the Secretary.

(b) REPORTS.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives reports relating to the results of the study as follows:

(1) Not later than 6 months after the date of the enactment of this Act, an interim report on the study describing—

(A) the status of the study on the date of the report; and

(B) the information and advice obtained by the Secretary from the Advisory Committees referred to in paragraph (2)(A).

(2) Not later than April 1, 1994, a report describing the results of the report as of that date.

(3) Not later than April 1 of each of 1996, 1998, 2000, 2002, and 2004, a report describing the results of the study as of the date of such report.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Veterans Affairs $1,500,000 to carry out the purposes of this section. Amounts appropriated pursuant to this authorization of appropriations shall be available for obligation until expended without fiscal year limitation.

SEC. 805. REPORT ON RESEARCH RELATING TO WOMEN VETERANS.

Not later than July 1 of each of 1993, 1994, 1995, and 1996, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) a description (as of May 31 of the year in which the report is submitted) of the status of any research relating to women veterans being carried out by or under the jurisdiction of the Secretary (including the research carried out under section 7303(d) of title 38, United States Code (as added by section 803 of this Act)); and

(2) recommendations of the Secretary as to future research (including a proposal for any legislation relating to such research) relating to women veterans.

SEC. 806. SUPPORT FOR WOMEN VETERANS COORDINATORS.

The Secretary shall take appropriate actions to ensure that—

(1) sufficient funding is provided to each Department facility in order to permit the women veterans coordinator to carry out the functions of the coordinator at the facility;

(2) sufficient clerical and communications support is provided to each such coordinator for that purpose; and

(3) each such coordinator has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

SEC. 807. REGIONAL WOMEN VETERANS COORDINATORS.

(a) REQUIREMENT OF APPOINTMENT.—The Secretary shall appoint a regional women veterans coordinator to serve in each regional office of the Veterans Health Administration. A person appointed as a coordinator under this section shall serve in the position on a full-time basis.

(b) RESPONSIBILITIES.—Each regional women veterans coordinator shall—

(1) coordinate the training of women veterans coordinators who are assigned to Department facilities in the region under the jurisdiction of such regional coordinator; and

(2) provide appropriate technical support and guidance to Department facilities in that region with respect to outreach activities to women veterans.

SEC. 808. FUNDING FOR CERTAIN ACTIVITIES OF THE ADVISORY COMMITTEE ON WOMEN VETERANS.

From funds available to the Department of Veterans Affairs, the Secretary shall provide funds to be used for the members of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code, for the following purposes:

(1) For travel in connection with a reasonable number of visits to Department facilities in order to permit such members to carry out the responsibilities of the Advisory Committee.

(2) For the conduct of meetings of the Advisory Committee.

SEC. 809. DEFINITIONS.

For the purposes of this title—

(1) The term "Secretary" means the Secretary of Veterans Affairs.

(2) The term "Department" means the Department of Veterans Affairs.

(3) The term "Department facilities" means the following facilities at which the Secretary furnishes medical services:

(A) Facilities over which the Secretary has direct jurisdiction.

(B) Government facilities for which the Secretary contracts.

(4) The term "medical services" has the meaning given such term in section 1701(6) of title 38, United States Code (as amended by section 801(a) of this Act).

(5) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

On page 89, strike out "**TITLE VII—MISCELLANEOUS**" and insert in lieu thereof "**TITLE IX—MISCELLANEOUS**".

On page 89, line 2, strike out "**701.**" and insert in lieu thereof "**901.**".

On page 89, line 6, strike out "**702.**" and insert in lieu thereof "**902.**".

On page 89, line 13, strike out "**703.**" and insert in lieu thereof "**903.**".

On page 89, line 18, strike out "**704.**" and insert in lieu thereof "**904.**".

On page 90, line 1, strike out "**705.**" and insert in lieu thereof "**905.**".

On page 90, below line 5, add the following:

SEC. 906. MEDICAL CARE COST RECOVERY.

(a) RECOVERY OF CARE FURNISHED CHAMPVA BENEFICIARIES.—(1) Section 1729 is amended—

(A) by striking out "veteran" and "veteran's" each place they appear and inserting in lieu thereof "VA beneficiary" and "VA beneficiary's", respectively;

(B) by striking out "veterans" in subsection (h)(1)(B) and inserting in lieu thereof "VA beneficiary"; and

(C) by adding at the end of subsection (i) the following new paragraph:

"(4) The term 'VA beneficiary' means a veteran or a person eligible for care under section 1713 of this title.".

(2) The amendments made by paragraph (1) shall apply with respect to care and services furnished under section 1713 of title 38, United States Code, after the date of the enactment of this Act.

(b) INCLUSION OF MEDICARE SUPPLEMENTAL INSURANCE IN CLASS OF THIRD-PARTY PAYORS.—(1) Subsection (i)(1)(A) of section 1729 is amended by inserting ", including a medicare supplemental insurance policy," after "arrangement".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) COST RECOVERY FROM ISSUERS OF MEDICARE SUPPLEMENTAL INSURANCE.—(1) Subsection (c) of section 1729 is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary shall collect or recover the cost of care or services furnished to VA beneficiaries under subsection (a)(1) from third party issuers of medicare supplemental insurance policies to such VA beneficiaries in accordance with the provisions of this paragraph.

"(B) The Secretary, in consultation with the Secretary of Health and Human Services, shall establish procedures for the treatment of claims of the Department for the recovery of the cost of care or services under this paragraph.

"(C) In establishing procedures under subparagraph (B), the Secretary shall provide for—

"(i) the review of such claims by persons or entities jointly designated by the Secretary and the Secretary of Health and Human Services, for the purpose of determining the extent, if any, to which the cost of such care or services would be covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) if provided by a participating provider; and

"(ii) the transmittal to third party issuers of the results of such reviews and any additional information that may be necessary to determine the liability of such third party issuers for the cost of the care or services.

"(D) The results and information referred to in subparagraph (C)(ii) shall be transmitted to issuers of medicare supplemental insurance policies not later than the later of—

"(i) the expiration of the period provided for under title XVIII of such Act for the timely filing of claims; or

"(ii) the expiration of the period provided for in the medicare supplemental insurance policy for such filing.

"(E) The Secretary of Health and Human Services shall establish a fee for each claim reviewed by the persons or entities designated under subparagraph (C)(i) under the procedures established under that subparagraph. The amount of the fee (i) shall reflect the estimated cost of processing the claim for which the fee is collected, (ii) shall be paid to such persons or entities, and (iii) shall reduce the amount recovered by the Secretary of Veterans Affairs under this paragraph.".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to the recovery of costs for care and services furnished after that date.

KENNEDY AMENDMENT NO. 3372

Mr. KERREY (for Mr. KENNEDY) proposed an amendment to amendment No. 3175 proposed by Mr. CRANSTON to the bill S. 2575, supra, as follows:

At the appropriate place, insert the following new section:

SEC. ____. DISCOUNTS FOR THE PURCHASE OF CERTAIN DRUGS.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) is amended—

(1) in the title heading by adding at the end thereof the following: "**AND CERTAIN DRUG PURCHASES**"; and

(2) by adding at the end thereof the following new part:

"Part E—Prices For The Purchase of Certain Drugs

"Subpart 1—General Provisions

"SEC. 2141. DEFINITIONS.

"As used in this part:

"(1) ADDITIONAL PRICE DISCOUNT AMOUNT.—The term 'additional price discount amount', in the case of the price of a drug or biological whose price is established under an agreement under this section, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (8)(A)); and

"(ii) the amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period ending on the date that is 12 months before the last day of the last month before the effective date of the agreement for which price data and price index data for the drug or biological are available, multiplied by

"(II) the percentage increase in the price index during that 12-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (8)(B)); and

"(ii) an amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period beginning on the first day of the month next following the month in which marketing of the drug or biological begins, multiplied by

"(II) the percentage increase in the price index during the period beginning on such day and ending on the last day of the last month before the effective date of the agreement for which price index data are available.

"(2) COVERED DRUG OR BIOLOGICAL.—The term 'covered drug or biological' means—

"(A) for the purposes of section 2142—

"(i) any drug marketed under a new drug application approved by the Secretary of Health and Human Services under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

"(ii) any biological marketed under a product licensing application approved by the Administrator of the Food and Drug Administration pursuant to section 351 of the Public Health Service Act (42 U.S.C. 262); or

"(B) for the purposes of section 2145, the meaning given such term in subsection (a) of such section 2145.

"(3) COVERED ENTITY.—The term 'covered entity' means an entity described in any of paragraphs (1) through (13), and the matter immediately following such paragraphs, of section 2145(a).

"(4) DEPARTMENT.—The term 'Department' means the Department of Health and Human Services.

"(5) DEPOT.—The term 'depot' means a centralized commodity management system operated by the Department through which drugs and biologicals procured for the use of entities of the Department are—

"(A) received, stored, and delivered through—

"(i) a warehouse system under the jurisdiction and operation of the Department; or

"(ii) a commercial entity operating under contract with the Department; or

"(B) delivered directly from the manufacturer to the entity using the drugs or biologicals.

"(6) DEPOT PRICE.—The term 'depot price' means the price of a drug or biological under an agreement between the Secretary and the manufacturer of the drug or biological to determine the price of the drug or biological for purchase through depots.

"(7) FEDERAL AVERAGE MANUFACTURER'S PRICE.—The term 'Federal average manufacturer price', with respect to a covered drug or biological and a specified period of time, means the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any cash discounts or similar price reductions, during that period in the United States by wholesalers (other than a price paid by the Federal Government).

"(8) FEDERAL AVERAGE PRICE DIFFERENTIAL.—The term 'Federal average price differential', with respect to a covered drug or biological whose price is established under an agreement under this section, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before the effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the date that is 1 year before the ending of such 3-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period beginning on the first day of the first month next following the month in which marketing of the drug or biological begins.

"(9) MANUFACTURER.—The term 'manufacturer', with respect to a drug or biological, means—

"(A) an entity that both manufactures and distributes the drug or biological; or

"(B) if no such entity exists, an entity that distributes the drug or biological.

Such term does not include a wholesale distributor of drugs or biologicals or a retail pharmacy licensed under State law and authorized to dispense drugs and biologicals.

"(10) OVER THE COUNTER DRUG.—The term 'over the counter drug' means a drug that may be sold without a prescription and which is prescribed by a physician (or other persons authorized to prescribe such drug under State law). Such drugs shall be subject to a discount equal to the percentage provided under section 1927(c)(4) of the Social Security Act (as such section existed on the date of the enactment of this Act).

"(11) PRICE INDEX.—The term 'price index' means the Consumer Price Index for all urban consumers (United States city average) published monthly by the Bureau of Labor Statistics.

"(12) WEIGHTED AVERAGE.—The term 'weighted average price', with respect to a covered drug or biological and a specified period of time, means—

"(A) the sum of the products of—

"(i) the average price per unit of each package quantity of the drug or biological sold during the period, and

"(ii) the number of units of the drug or biological sold of each package quantity; divided by

"(B) the total number of units of the drug or biological sold during the period.

"SEC. 2142. PROCUREMENT OF DRUGS AND BIOLOGICALS THROUGH DEPARTMENT DEPOTS.

"(a) IN GENERAL.—The Secretary shall enter into agreements with manufacturers of drugs or biologicals that enter into a master agreement with the Administrator of the General Services Administration with respect to such drugs or biologicals under section 1001 of the Federal Property and Administrative Services Act of 1949, under which agreements the Secretary and such manufacturers shall determine the prices of drugs and biologicals manufactured by such manufacturers and available for purchase through depots of the Department.

"(b) PROCUREMENT.—The Secretary may procure for any Department health-care facilities any drug or biological that is subject to an agreement under this section.

"(c) PRICES.—

"(1) PRICE OF COVERED DRUGS AND BIOLOGICALS SUBJECT TO DEPOT CONTRACTS ON SEPTEMBER 1, 1990.—Subject to subsection (d), the price under an agreement under this section of a covered drug or biological that was the subject of a contract for procure-

ment by the Department through a depot on September 1, 1990, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than an amount equal to .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(II) the additional price discount amount (as determined under section 2141(1)(A)); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(2) PRICE OF COVERED DRUGS AND BIOLOGICALS NOT SUBJECT TO SUCH CONTRACTS BUT APPROVED BEFORE DATE OF ENACTMENT.—Subject to subsection (d), the price under an agreement under subsection (a) of a covered drug or biological that was not the subject of a contract referred to in paragraph (1) on September 1, 1990, but was approved by the Administrator of the Food and Drug Administration on or before the date of the enactment of this Act, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement—

"(i) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(bb) the additional price discount amount (as determined under section 2141(1)(A)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(ii) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(B)) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based), minus

"(bb) the additional price discount amount (as determined under section 2141(1)(B)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(B)) is not positive, the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during such the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(3) PRICES OF COVERED DRUGS AND BIOLOGICALS APPROVED AFTER DATE OF ENACTMENT.—Subject to subsection (d), the price under an agreement under this section of a covered drug or biological that is approved by the Administrator of the Food and Drug Administration after the date of the enactment of this Act, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement—

"(i) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A)) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(bb) the additional price discount amount (as determined under section 2141(1)(A)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(ii) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to the Federal average manufacturer price of the drug or biological (as so based) for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before such effective date for which such data are available.

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during such the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(4) PRICES UNDER EXPIRING AGREEMENTS.—Subject to subsection (d), the price under an agreement under this section of a covered drug or biological whose price was determined under paragraph (1), (2), or (3), or under this paragraph, pursuant to an agreement that is expiring, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount not greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A)) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer); minus

"(II) the additional price discount amount (as determined under section 2141(1)(A)); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(5) PRICES OF NON-COVERED DRUGS AND BIOLOGICALS.—The price under an agreement under this section of a drug or biological (other than a covered drug or biological) shall be jointly determined by the Secretary and the manufacturer of the drug or biological.

"(d) PRICE IN BEST INTERESTS.—

"(1) IN GENERAL.—In entering into an agreement under paragraph (1), (2), (3), or (4) of subsection (c) for the price of a covered drug or biological, the Secretary may provide for a price of a drug or biological during the 1-year period beginning on the effective date of the agreement that is nominally in excess (as determined by the Secretary) of the price that would be determined for the drug or biological during that period under that paragraph if the Secretary determines that such excess price is in the best interests of the Department.

"(2) EXCESS PRICE.—If the Secretary exercises the authority under this section to establish an excess price with respect to the price of a drug or biological during a 1-year period, the determination of the amount of the increase in the price of the drug or biological for the succeeding 1-year period, if any, shall be based upon such excess price.

"(e) TIME FOR ENTERING INTO AGREEMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall enter into agreements with manufacturers under this section not later than the later of—

"(A) 6 months after the date of the enactment of this section; or

"(B) 30 days after the Secretary notifies the manufacturers of the Secretary's intention to enter into such agreements.

"(2) EXCEPTION.—In the case of a drug or biological that is first marketed after the date that is 5 months after the date of the enactment of this section, the Secretary shall enter into an agreement referred to in paragraph (1) not later than the later of—

"(A) 3 months after the date such marketing begins; or

"(B) 30 days after the Secretary notifies the manufacturer of the Secretary's intention to enter into such an agreement.

"(f) REPORTING AND AUDIT REQUIREMENTS FOR FEDERAL AVERAGE MANUFACTURER PRICES.—

"(1) REPORTING.—

"(A) QUARTERLY REPORT.—The manufacturer of a drug or biological whose price is determined by an agreement under paragraph (1), (2), (3), or (4) of subsection (c) shall report to the Secretary the Federal average manufacturers price of the drug or biological during each calendar quarter in which the agreement is in force. The manufacturer shall report such price not more than 30 days after the expiration of a covered quarter.

"(B) SPECIAL REPORTING REQUIREMENT.—The reports required under subparagraph (A) shall be in addition to the reports required under subclauses (I)(aa) and (II) of subsection (c)(1)(A)(ii), subclauses (I)(aa) and (II) of subsection (c)(2)(A)(i), subclauses (I)(aa) and (II) of subsection (c)(2)(A)(ii), and subclauses (I)(aa) and (II) of subsection (c)(3)(A)(i). The reports required under such subparagraphs shall be submitted upon the request of the Secretary.

"(2) PENALTIES.—

"(A) FAILURE TO REPORT.—The Secretary may impose a civil monetary penalty in an amount equal to $10,000 on any manufacturer that fails to report the information required under paragraph (1)(A) on a timely basis. Such amount shall be paid to the Treasury. The amount of the penalty may be increased by $10,000 for each day in which such information has not been reported, and such amount shall be paid to the Treasury. If such information is not reported within 90 days of the deadline imposed, the Secretary may prohibit purchase of the drug or biological through Public Health Service depots after the end of such 90-day period and until the date such information is reported but in no case shall such prohibition be for a period of less than 30 days.

"(B) FALSE INFORMATION.—Any manufacturer that knowingly reports false information to the Secretary under subparagraph (A) of paragraph (1) and the provisions of law referred to in subparagraph (B) of that paragraph is subject to a civil monetary penalty in an amount not to exceed $100,000 for each item of false information reported. Such amount shall be paid to the Treasury.

"(C) CIVIL MONEY PENALTIES.—Such civil money penalties imposed pursuant to subparagraph (A) or (B) are in addition to other penalties as may be prescribed by law.

"(3) AUDITS.—In order to determine the accuracy of the price of the drug or biological that is reported to the Secretary under paragraph (1), the Secretary may audit—

"(A) the relevant records of any manufacturer of a covered drug or biological that is the subject of an agreement under this section; and

"(B) any wholesaler that distributes such a drug or biological.

"(g) TERM OF AGREEMENT.—The Secretary shall determine the term of any agreement entered into by the Secretary and a manufacturer under this section.

"Subpart 2—Discounts for the Purchase of Certain Drugs

"SEC. 2143. PURPOSE.

"It is the purpose of this subpart to ensure that certain entities funded under this Act receive a discount on prices for prescription drugs comparable to the Medicaid rebate amount without creating a new best price for purposes of calculating the Medicaid rebate, and with a minimum of administrative costs and burdens.

"SEC. 2144. REQUIREMENT.

"(a) IN GENERAL.—An entity that receives funds under this Act may not purchase any drug or biological described in this subpart that is produced by a manufacturer unless the manufacturer has entered into the agreements described in section 1107 of title 10, United States Code, section 8172 of title 38, United States Code, section 1001 of title 40, United States Code, and section 2142(a) of this Act, if appropriate, and an agreement under this subpart that requires the manufacturer to provide a discount price, as determined under section 2145(b), to a covered entity for the purchase of drugs as described in section 2145(a) or the manufacturer enters into a negotiated agreement under subsection (b) of such section.

"(b) PHARMACEUTICAL PRICING AGREEMENTS.—Pharmaceutical pricing agreements with the Department of Health and Human Services, as described in section 1001(c) of the Federal Property and Administrative Services Act of 1949, shall be subject to the provisions of this part.

"SEC. 2145. DISCOUNTS.

"(a) COVERED ENTITIES.—A drug of the type described in section 2144 shall be a drug as defined in section 1927(k)(2) of the Social Security Act (as such section existed on the date of the enactment of this Act), and any over the counter drug, birth control device, or vaccine that is purchased and dispensed by, or under a contract entered into for onsite pharmaceutical services with—

"(1) a migrant health center receiving assistance under section 329;

"(2) a community health center receiving assistance under section 330;

"(3) an entity receiving assistance under section 340;

"(4) an alcohol or drug treatment entity or mental health entity receiving assistance under title V or title XIX;

"(5) a family planning project described in section 1001;

"(6) an entity receiving assistance under title XXVI;

"(7) a black lung clinic authorized under this Act;

"(8) a clinic that treats sexually transmitted diseases and is authorized under section 318;

"(9) an entity receiving funds to provide primary health services to residents of public housing under section 340A;

"(10) a non-Federal entity authorized under the Indian Self-Determination Act;

"(11) a tuberculosis clinic receiving assistance under section 317(j)(2) or 317(k)(2);

"(12) a Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act); and

"(13) a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act as such section existed on the date of enactment of this section) that the Secretary certifies—

"(A) is owned or operated by a unit of State or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of State or local government, or is a private non-profit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan under title XIX of such Act;

"(B) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined under section 1886(d)(5)(F) of the Social Security Act) greater than 11.75 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act; and

"(C) does not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement; or purchased or dispensed by any satellite entity of any of the entities described in paragraphs (1) through (12), and used for the purpose for which funding is provided for such entities pursuant to this section as specified in paragraphs (1) through (12). This section shall apply to entities described in paragraphs (1) through (12) only if such entities are principally engaged in the purpose for which funding is provided under this Act. An entity with respect to which funds are provided under this Act and which is a distinct part of a larger organization (whether or not it is legally distinct) shall be treated as a separate entity for purposes of this section.

"(b) AMOUNT.—

"(1) IN GENERAL.—The discount price described in section 2144 shall not exceed an amount equal to the average manufacturer price for covered drugs and biologicals (as defined in section 1927 of the Social Security Act as such section exited on the date of enactment of this section) in the preceding calendar quarter, reduced by the rebate percentage described in paragraph (2).

"(2) REBATE PERCENTAGE DEFINED.—For a covered drug or biological procured in a calendar quarter, the 'rebate percentage' is the amount (expressed as a percentage) equal to—

"(A)(i) the average total rebate required under section 1927 of the Social Security Act (as such section existed on the date of enactment of this section) with respect to the covered drug or biological (for a unit of the dosage form and strength involved) during the preceding calendar quarter; divided by

"(ii) the average manufacturer price for such a unit of the drug during such quarter; except that vaccines and birth control devices shall be subject to such rebate percentage as if they were included under such section 1927 (as such section existed on the date of the enactment of this Act); or

"(B) the price negotiated with or on behalf of the covered entity making the purchase; whichever is lowest.

"(3) NO PROHIBITION ON LARGER DISCOUNTS.—Nothing in this section shall prohibit a manufacturer from providing a discount that is greater than the discount required under this section.

"(c) CERTIFICATION OF ELIGIBLE ENTITIES.—

"(1) DEVELOPMENT OF PROCESS.—Not later than 60 days after the date of enactment of this section, the Secretary shall develop and implement a process for the certification of entities that are eligible to receive the discounts provided for under this section.

"(2) INCLUSION OF PURCHASE INFORMATION.—The process developed under paragraph (1) shall include a requirement that an entity applying for certification under such paragraph submit information to the Secretary concerning the amount such entity expended for drugs and biologicals in the preceding year so as to assist the Secretary and drug manufacturers in evaluating the validity of the entity's subsequent purchases of drugs and biologicals at discounted prices.

"(3) CRITERIA.—The Secretary shall submit to all drug and biological manufacturers a description of the criteria for eligibility for discounts under this section and the certification process developed under paragraph (1).

"(4) LIST OF PURCHASERS AND DISPENSERS.—The certification process developed by the Secretary under paragraph (1) shall include procedures under which each State shall, not later than 30 days after the submission of the descriptions under paragraph (3), prepare and submit a report to the Secretary that contains a list of those entities in the State that purchase and dispense drugs and biologicals and are provided with assistance under part B of title XIX.

"(5) RECERTIFICATION.—The Secretary shall require the recertification of eligible entities on a not more frequent than annual basis, and shall require that such entities submit information to the Secretary to permit the Secretary to evaluate the validity of subsequent purchases by such entities in the same manner as that required under paragraph (2).

"(d) BID PROCESS.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Veterans Affairs, shall develop and implement a bid process to establish a prime vendor program under which covered entities compensate wholesalers for distribution and related services to facilitate drug purchases to which discounts will apply under this section. In order to receive discounts under this section, distribution with respect to drug purchases must be made through wholesalers. If a manufacturer distributes drugs or biologicals to which this section applies directly to a covered entity, such manufacturer shall be responsible for the distribution costs incurred.

"(e) RELATION TO REBATES.—The Secretary shall establish a mechanism to ensure that a manufacturer is not required to pay both a discount under this section and a rebate under title XIX of the Social Security Act with respect to a covered outpatient drug (as defined in section 1927(k)(2) of the Social Security Act (as such section existed on the date of the enactment of this Act)) dispensed to an individual entitled to benefits under a State plan approved under such title XIX.

"(f) REPORT.—Not later than 18 months after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall contain—

"(1) a description of the drugs or biologicals purchased under agreements entered into under this section and the amounts of such purchases;

"(2) an assessment of the effectiveness of the discount program under this section, including the savings achieved and the administrative costs associated with such program;

"(3) recommendations for legislation that would improve such program, including the desirability of excluding from the coverage of an agreement under this section any product of a manufacturer that the Secretary determines is purchased in such small quantities by covered entities so as to make the savings achieved in applying this section to such purchases insignificant when compared to the administrative burden; and

"(4) any other information determined appropriate by the Secretary.

"(g) PROHIBITION ON RESALE.—A covered entity that receives a discount under this section for the purchase of a drug or biological may not—

"(1) resell or otherwise transfer such drug or biological to a person other than a patient of the covered entity;

"(2) purchase such drug or biological on behalf of an entity that is considered a separate entity under subsection (a) or on behalf of any person other than the covered entity; or

"(3) dispense or administer, directly or through a contract, such drug or biological to an individual who is not receiving the drug or biological as a patient of the covered entity.

A covered entity found to have sold a drug in violation of this subsection shall be subject to a civil penalty in the amount of $25,000 for each such violation.

"(h) DISPUTE RESOLUTION.—

"(1) APPLICATION.—This subsection shall apply when a manufacturer that is subject to an agreement under this section, or when a covered entity, believes that—

"(A) information utilized under this section with respect to such manufacturer or covered entity is inaccurate, incomplete, or discrepant in a material respect; or

"(B) the Secretary has breached the discount agreement with respect to such manufacturer or covered entity in any material respect.

"(2) NOTICE.—If a manufacturer determines that a dispute may exist with respect to any of the matters described in paragraph (1), such manufacturer shall provide prompt notice of the disputed item to the Secretary. Such notice shall describe the disputed item in sufficient detail to permit the Secretary to understand the issue, prepare a response, and participate in negotiations with the manufacturer concerning such dispute.

"(3) BEST EFFORTS AT RESOLUTION.—The Secretary and a manufacturer submitting a notice described in paragraph (2) shall utilize their best efforts to resolve the dispute informally within 60 days of the Secretary's receipt of such notification.

"(4) FAILURE TO RESOLVE.—If the Secretary and a manufacturer submitting a notice under paragraph (2) are unable to resolve the dispute through the informal process undertaken under paragraph (3) within the period specified in such paragraph, the Secretary shall appoint a hearing officer to conduct a hearing concerning the dispute, either on the record or through the presentation of testimony.

"(5) HEARING.—

"(A) CONDUCT.—A hearing shall be conducted not earlier than 30 days after notice of such hearing is provided to the parties by the hearing officer appointed under paragraph (4).

"(B) RECOMMENDATION.—Not later than 10 days after the close of a hearing conducted under this paragraph, the hearing officer shall issue a recommended decision.

"(C) DECISIONS.—The decision of a hearing officer under subparagraph (B) shall be based upon the evidence presented at the hearing or otherwise included in the hearing record. Such decision shall be made in writing and shall contain findings of fact and statement of reasons. A copy of such decision shall be mailed to each party to the hearing.

"(D) SUBMISSIONS.—Not later than 30 days after receiving a copy of the hearing officer's recommendation under subparagraph (C), a party to the hearing may file a written submission in support of the position of such party.

"(E) FINAL DECISION.—Not later than 60 days after the issuance of a recommendation under subparagraph (B), the Secretary shall issue a final decision with respect to the dispute involved. If such decision is adverse to the manufacturer, the manufacturer may seek such any judicial review available under Federal law.

"(F) SUSPENSION OF DISCOUNT.—A manufacturer's obligation to provide a discount with respect to that quantity of a covered drug that is the subject of a dispute under this paragraph shall be suspended until the Secretary has made a final decision under subparagraph (E). Once the Secretary issues a final decision with respect to such dispute that is adverse to the manufacturer, the discount price determined by the Secretary under such decision shall apply retroactively to the date on which such dispute arose.

"(i) AUDITS.—The Secretary and the manufacturer of a covered drug to which a discount has been applied under this section may perform audits under this section. The Secretary, covered entities, wholesalers, and such manufacturers shall make available the statements and information utilized in making determination under such subsection and such underlying records as may exist. Adjustments to discounts shall be made to the extent that information indicates that the number of units of a covered drug purchased by such covered entities or the prices provided by the manufacturer were greater or lesser than previously specified. The manufacturer may only audit those records relating to their products.

"(j) CONFIDENTIALITY.—All information contained in any statements, information or records provided or made available by a manufacturer or a wholesaler to the Secretary or a hearing officer under this section shall remain confidential.".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1 at 9 a.m. to continue hearings to review international economic and security cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1, at 2:30 p.m. to hold a hearings on the proposed sale of F–15 aircraft to Saudi Arabia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the

Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1, at 3 p.m. to hold a hearings on U.N. peacekeeping in Africa: the Western Sahara and Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, October 1, at 9:30 a.m. for a hearing on the subject: New research on the potential health risks of carpet.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, October 1, 1992, at 9 a.m., for a hearing on "A Student's View of Education."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, October 1, 1992, at 10 a.m., to conduct a hearing on consolidation of the professional liability section of the Resolution Trust Corporation's Legal Division.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, October 1, 1992, at 2 p.m., to hold a hearing on "Children Carrying Weapons: Why the Recent Increase?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1, at 10:30 a.m., to continue hearings to review international economic and security cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1, at 9:30 a.m., to consider and vote on pending business items.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ROBERTS FAMILY REUNION

• Mr. BOREN. Mr. President, I am pleased to note that the second annual family reunion of the Roberts family in the city of Ada located in Pontotoc County, OK, took place on Saturday, September 5. More than 100 members of the Roberts family gathered to renew family ties and friendships, to share stories about the Roberts family pioneers, and to celebrate the heritage of a family whose roots go deep into American history.

These fine people are all descendants of Amos Pleasant Roberts and Mary Jane Anders, of North Carolina and Mississippi. Most of their children, born in Alabama and Arkansas, migrated in the 1890's to Indian Territory in and around what became Pontotoc and Hughes Counties. Many of these descendants of Amos and Mary Roberts still live in Oklahoma. Dozens converged on Ada to celebrate their family ties. Others came from Texas, Arkansas, Missouri, Iowa, and as far away as Virginia. One who was there was Eric Newsom who works on the Foreign Operations subcommittee of the Senate Appropriations Committee for my good friend and colleague, Mr. LEAHY of Vermont. Eric is a valued member of the Senate staff with whom I have worked many years, particularly on the Intelligence Committee. I also know many members of his family, the Roberts, who live near my home in Seminole, OK.

Mr. President, I congratulate this fine Oklahoma family on the occasion of its second annual reunion which continues the important beginning of the tradition of passing on the history and culture of the Roberts family to new generations.•

COMMENDING CLEATUS S. "CLEAT" STANFILL

• Mr. BOND. Mr. President, I rise today to pay tribute to Mr. Cleatus S. "Cleat" Stanfill of Caruthersville, MO. He has devoted 34 years of service to the people of southeast Missouri.

Mr. Stanfill has been general manager of KCRV Radio in Caruthersville, MO, since 1959. A typical day for Cleat begins at 3 a.m., gathering news for five daily newscasts. He makes 10 news calls per day, which estimates to 124,100 calls. Cleat meets 10 times a month for board and committee meetings, which is an average of 4,216 meetings. He is still hard at work reporting and meeting on a variety of issues that affect Caruthersville. It is estimated that he has reported on 182,535 news stories.

Even though his day is busy, he still finds time to maintain a family. He has been married to Mary JoAnn Beis for 32 years. They have four children and three lovely grandchildren.

Mr. President, I would like to extend my congratulations and best wishes to Mr. Cleatus S. "Cleat" Stanfill for his service and commitment to KCRV Radio and the community, and hopes for continued success in the future.•

OUTSTANDING COMMUNITY INVESTMENT AWARDS

• Mr. D'AMATO. Mr. President, the Social Compact, a consortium of 200 financial institutions—commercial banks, thrifts, and insurance companies—recognized the activities of 10 financial institutions last week by awarding these institutions Outstanding Community Investment Awards.

The Social Compact pledge is to encourage companies to step up to the plate and serve this country's low- and moderate-income neighborhoods by facilitating home ownership.

I am pleased to report that 1 of the 10 companies honored by the Social Compact is a New York institution—the Dime Savings Bank of New York, FSB. For over a decade, the Dime Savings Bank has prided itself for recognizing that providing affordable capital to potential homeowners results in sound community investment.

Over the years, the Dime has provided more than $95 million through its specialized community reinvestment department for loans, investments, grants for affordable housing, residential renovations, and the development of thousands of dwelling units.

In spite of the Northeast's regional economic difficulties, the Dime committed over $35 million in financing in 1991 alone for affordable housing. The $35 million included funds earmarked for home ownership projects, low-interest home improvement loans, shelter for homeless families, low-income rental housing, and limited equity housing cooperatives.

The Dime works with both governmental agencies and nonprofit organizations to offer assistance to people in need, to supply quality affordable housing, and to improve the quality of life in New York neighborhoods.

The Social Compact also recognized the Dime as a financial institution honoree by inviting it to nominate a nonprofit organization to receive a $5,000 neighborhood nonprofit partnership grant. The Dime nominated the Cypress Hills Local Development Corp. in Brooklyn as their candidate for this grant.

I urge my colleagues to join me in congratulating the Dime, its board,

management, and most importantly, the more than 2,400 Dime employees who have demonstrated their commitment to serving America's neighborhoods.●

WHERE IS THE CONSCIENCE OF TELEVISION?

● Mr. COATS. Mr. President, many families in America feel under siege. They try their best to create a moral environment in the home and instruct their children in strong values. But it often seems that our pervasive popular culture—particularly television and movies—has declared war against all standards. It continually tests the limits of violence and sex in an attempt to shock, titilate—and profit. Even parents who try their best to control the influence of television in their homes find it difficult to fight against a powerful industry that has purposely targeted their children.

This television season, the entertainment industry seems to have reached new lows. At every stage of this downward spiral, many Americans have asked, "How could it get any worse?" But movies and television have always been up to the task—pushing a destructive combination of sex and violence past limits of decency. It warps young people's view of real love and commitment, and dulls their outrage over violence. It not only attracts viewers, it makes victims.

Where is the conscience of television? It encourages sex when teen pregnancy has risen 621 percent since 1940—when more than 1 million teenage girls get pregnant each year. It glorifies violence when homicide is the leading cause of death among 15- to 19-year-old minority youth—when teenagers have killed each other to steal tennis shoes.

I want today to introduce into the RECORD a letter from Dr. Jim Dobson of Focus on Family. It outlines what he calls the "most wicked and dangerous season of programming in history." That may seem like an overstatement, but just read further. The content of programs and the attitudes of the industry are truly shocking. It is time for Americans to recreate a moral environment for our children.

I ask to introduce the following letter by Jim Dobson into the RECORD. I hope my colleagues will take the time to read it.

The letter follows:

COLORDO SPRINGS, CO, September 1992.

Dear friends of Focus on the Family. My letter this month is too long. But honestly, I can't bring myself to cut a single paragraph. It concerns a subject of vital importance to your family and especially to your children, I'm hereby asking the husbands and fathers in our audience, particularly, to read this statement to the end. You need to know what will be coming into your home this fall. Thank you—James Dobson.

We come again to that warm and wonderful time of the year when the television networks unveil their array of new programs for our entertainment and edification. I can hardly wait! For many months a small group of producers and directors has been sequestered in the hallowed halls of Hollywood, dreaming up new and more shocking ways to depict infidelity, homosexuality, adolescent promiscuity, profanity, nudity, racial hatred and gut-wrenching violence. Now their big day approaches. I wonder which network will go the farthest to offend our sensibilities this year? What historic taboos will they ridicule? (Are there any left?) What new and creative methods have been found to attack our faith and weaken the institution of the family? We will soon know. May I have the envelope, please?

A credible nomination for the worst new show of the season comes from those friendly folks at NBC. They worked hard to match the evil of previous programs, and I believe they pulled it off. Their fall lineup includes a series called "I Witness Video." It features actual footage of incredibly violent and bloody events—not re-enactments—that were captured on home camcorder equipment. One episode shows a cop being kicked, stabbed and shot to death. Another depicts a Texas police officer killing a suspected drug dealer. Yet another shows a video shot from a helicopter of a speeding truck in which the driver, in an attempt to escape from police, hits a pedestrian. The effect, says *Newsweek*, is "sickening." Later in that episode, police pour bullets into the cab of the truck, killing the fugitive. In the final scene, he is shown hanging out of the window with blood gushing from his head.

Other upcoming segments include a pregnant woman suspended from the window of a burning building, photographs of mutilated murder victims, an airplane crashing into a crowd, and a man preparing to kill himself on television. What could be the motive for spewing such violence into our homes during the family hour? NBC News Vice President Jeffrey Gaspin laid out his case. "We look for jolts," he said, Indeed!

The *Newsweek* review of "I Witness Video" concluded that nothing excuses a network for shooting so low. "NBC's exercise in necro-shock comes from the pits of the porn trade. The word is snuff—and that rhymes with enough."

I should not leave the impression that this program stands alone in its disgraceful exploitation. There are dozens of other new shows that assault common decency and tear at the fabric of our culture. We are told that this will be the worst year on record for sheer sleaze. As the networks continue to lose viewers to cable programming and other forms of entertainment, they are depending increasingly on sex and violence to compete. Before we grieve over their lost fortunes, however, it should be noted that the big four (ABC, NBC, CBS and Fox) earned $2.4 billion during this year's first quarter alone! What we have here is a full-blown case of greed!

CBS has prepared a new sitcom from Diane English, the creator of "Murphy Brown." It's called "Love and War." In an early episode, the lead male character asks his female counterpart, "Your condom or mine? that opens the dialogue. This is what follows:

"So, have you had a lot of partners?"

"Well, it depends on how you define 'a lot.'"

"Average, I would say. More than the Pope. Less than Jimmy Swaggart."

"Obviously, we need protection. So, do you have any condoms?"

"Yeah. Right. Those."

"I do."

"Good. Because if you didn't, I have some in my purse."

It was their *first* date. That is the general theme to be repeated ad nauseam this fall. *US* magazine devoted its cover story in August to the subject "SEX in Entertainment: How Far Can It Go?" Their lead story featured this headline: "Welcome to the New Sexual Revolution—the One Waged by the Entertainment Industry." Brace yourself! The tube is going to sizzle as never before this season! It will also echo with politically correct ideology, including a regular dose of radical feminist and homosexual rhetoric. What is most disturbing is that these programs are deliberately aimed at the most vulnerable and easily influenced among us—our kids.

"Melrose Place" (from Fox) features beautiful young professionals in an endless variety of bedroom scenes. It has been described as "the hottest hour on prime time." Fox stays with its theme of liberated teenagers in "The Class of '96," a libidinal series about college freshmen, and "The Heights," about a rock band in search of interesting women. NBC, not to be outdone, has countered with "Round Table," also majoring in sex without guilt. Nothing that appeals to one's base nature has been overlooked.

In the season opener of ABC's "Doogie Howser," the star goes skinny-dipping with an older woman who turns out to be his mom's boss. The main subplot of Fox Network's "Key West" features the town's gay mayor as the hero who is hounded by right-wing fanatics. Guess who they have in mind? Just a few years ago it was not possible to show a homosexual "couple" on television without a storm of protest. Now they are predominantly written into most series, typically in a propagandistic manner. It is amazing just how rapidly we have forgotten our moral underpinnings.

Another character in the "Key West" program is described as "a no-nonsense prostitute" who is seen making love to a paraplegic's husband as the handicapped woman watches. Great stuff! The executive producer, David Beaird said, "We will very definitely make Dan Quayle hate us." And a few million others, I hope!

Tom Shales of the *Washington Post* described the new CBS program "Freshman Dorm" with these excerpts from a longer statement: "The dorm of the title is co-ed—men and women even share the same bathrooms—and located at fictitious Western Pacific University. In the premiere, we meet three young roommates who arrive for their first year. Molly reveals to her two roomies that she's, gasp, a virgin. That doesn't last even as long as the first episode. Sex, naturally, is high on everyone's curriculum. The welcome basket presented to new arrivals includes a condom" (August 11, 1992). On and on it goes.

These are just a few of the disturbing offerings coming this fall. The larger picture is even worse. If evil abounds on network television, then cable TV has literally slid into the sewer! "In the Life" is the first nationally broadcast, regularly scheduled homosexual program. It began airing on the PTV satellite on June 25 to coincide with gay and lesbian pride week. There will soon be others. "Dream On" is an HBO production that features one "R-rated" scene after another—usually including total or near-total nudity. It has been a smashing success. And MTV, according to some authorities, is judged to be the most violent and sexually explicit network on television.

Of greatest concern are the programs that combine these twin evils of sex and violence in a format designed for teenagers and young

adults. Let me explain why. During the early teen years, the object of sexual interest is not well established in most males. It can be influenced or reordered rather easily during that period of development. For example, it is typical for a boy in early adolescence to be attracted to a "cheerleader" image of femininity. Unfortunately, exposure at this time to sadistic behavior can lead him to associate sexual arousal instead with females (or males) in pain or peril. Thereafter, his most exciting thought may focus on killing, raping or torturing those within his power. Does this happen to every boy who watches violent television? No. Does it happen to some? Yes, and the damage they can do in a lifetime is alarming. This is why *the* most dangerous subject matter for drama is that which infuses torture and murder with nudity and other sexual stimulation. It is an irresistible combination for some young men.[1]

Take a look at your TV listings for the coming week. You'll see how common are the programs that present this interweaving of sex and violence. A terrible example was USA's feature move "Ladykiller," aired August 19.[2] That subject is also a favorite of the film industry. The recent release "Basic Instinct" reeked with sex and violence—and grossed $100 million so far! Rock videos carry the theme to the ultimate extreme, focusing on the degradation and exploitation of women. Quoting *US* magazine again, "Mix up some sex and violence, throw in a psycho killer and you've got yourself a hit."

I believe this wicked theme is having a profound impact on society—especially on the more unstable individuals who emerge from childhood with a predisposition to perverse behavior. Alas, there are approximately 500 serial killers now at work in the United States and many others in Canada. They derive the greatest pleasure from sadistic murder.

These demented murderers were relatively rare until the latter third of the 20th century. What forces are producing them now? What is the process by which young children grow up to be such monsters? Some psychologists and psychiatrists believe, and I am among them, that the violent fantasies generated by television movies and hard-core pornography have helped to transform some people into warped and heartless killers. This is the hypothesis of Dr. Park Elliot Dietz, noted psychiatrist and former member of the Attorney General's Commission on Poronograpy. He examined many serial murders and sadistic killers, concluding that sexually oriented violence depicted in the media can provide a "script" for those who are predisposed to sadistic murder.[3]

Ted Bundy is the classic case in point; he admitted to killing 28 women and girls in real-life enactments of what he had seen in pornographic images. He urged me to warn society that sexually explicit violence possesses great power over individuals who are vulnerable to it. He was one of them! (By the way, if you have not seen the dramatic interview taped 17 hours before Bundy's execution, it is still available from Focus on the Family. More than 50,000 copies of this important video have been distributed worldwide.)

There is another consequence to televised violence that should cause us concern. Behavioral scientists are worrying about the sudden upswing in murder and mayhem occurring among today's adolescents. An alarming number of youthful criminals seem to have no conscience about killing and brutalizing innocent people. They drive through neighborhoods firing automatic weapons at anything that moves. Innocent bystanders are the most tragic victims.

Amanda Simpson was a 12-year-old girl described by *Fortune* magazine as "an animal lover, a saxophone player, a computer buff, and a volunteer at a local nursing home. One year she sold more than 1,000 boxes of Girl Scout cookies, enough to win a week at summer camp to which her mother, a single parent, could not afford to send her."

But Amanda did not live to become a teenager. On April 28, 1991, a group of juveniles broke into her house and poured gasoline throughout the kitchen. The ring leader knew he was about to incinerate members of the little family. "F....'em," he said. "Let'em burn." The torch was lit, and Amanda was horribly burned. She died five hours later. This girl was only one victim of an epidemic of violence by children that is sweeping the nation. Quoting *Fortune* again, "You have heard and read a great deal about guns and gangs and ghettos. But this onslaught of childhood violence knows no boundaries of race, geography, or class" (August 10, 1992).

Why is this happening? What is propelling this senseless bloodshed? Among many other explanations, it is obvious that we have systematically numbed our kids to human suffering! That process of desensitization is very well-known historically. We must go back 51 years to examine the most dramatic example of it. In the spring of 1941, some 3,000 men from various walks of life were recruited by the Nazis for a ghastly assignment. They were organized into four teams called *Einsatzgruppen* and were sent on a mission of murder across Eastern Europe. They were ordered by Hitler's henchmen to kill Jews, Gypsies and political commissars indiscriminately in town after town along the march. Within a few months, these teams had murdered 1.5 million people with surprising ease. Every day they shot thousands of terrified men, women and children. Incredibly, few of the killers seemed to suffer from guilt or remorse. New recruits were sickened at first, but they soon adapted to it.

After the war, hundreds of these men and other Nazi murderers were examined by behavioral scientists in the West. It was anticipated that the majority would have psychopathic tendencies or other illnesses. Surprisingly, very few examples of mental derangement were found. Instead, most of those who had

After the war, hundreds of these men and other Nazi murderers were examined by behavioral scientists in the West. It was anticipated that the majority would have psychopathic tendencies or other illnesses. Surprisingly, very few examples of mental derangement were found. Instead, most of those who had mercilessly brutalized unarmed and pleading victims turned out to be ordinary people like you and me—with one exception: they had learned not to feel compassion for the suffering of others. That part of their emotional apparatus had been sealed off and rationalized. The examiners concluded that the human mind is easily capable of such adaptation when exposed habitually to the most horrible acts. Desensitization is the process by which violence becomes commonplace.[4]

That, in effect, is what we are doing to millions of viewers—especially our children—by exposing them to rape and murder incessantly on television and in the movies. This is precisely what was found in a 22-year investigation conducted at the University of Illinois at Chicago. According to psychologist Leonard Eron, 875 subjects from a semirural New York county were accepted for study when they were 8 years old. By the time they were 30, those who had watched the most television violence had been convicted of a significantly larger number of serious crimes.

Eron, who heads the American Psychological Association's Commission on Violence and Youth, concluded, "Television violence affects youngsters of all ages, of both genders, at all socioeconomic levels and all levels of intelligence, and the effect is not limited to children who are already disposed to being aggressive and is not restricted to this country."[5]

Other studies have validated these findings. Yet the beat goes on. Recently, however, we are beginning to get support from unexpected sources. Some corporate executives are recognizing that something must be done. John Damoose, Chrysler Corporation's vice president of marketing, is one of them.

"We are seriously questioning whether we want to continue advertising on primetime," he said in a speech at a conference in Chicago. "We're questioning whether those dollars aren't being frittered away. It's apparent that with the decline in ratings, the networks have chosen to increase the content of sex and violence, which we absolutely will not support."

This statement by Mr. Damoose was reported in Advertising Age, along with an address where readers could send their (negative?) comments. If you would like to compliment Chrysler for this courageous stance, write to Chrm. Lee Ioccoca, 1200 Chrysler Dr., Highland Park, MI 48288, or phone (313) 956-5741.

Wouldn't it be wonderful if hundreds of other corporate heads would recognize their responsibility to sponsor only clean and wholesome entertainment? I believe that goal is within reach if we will let our voices be heard. It is useless to write program producers or network executives. They are so warped by sin and greed that they no longer listen to reason (Romans 1:21-22, 28). But the companies that pay for television programming do care what we think. It makes no sense for them to spend precious dollars to offend their customers. They need to know that we are watching what they advertise, and that we will not patronize those companies that flood our living rooms with filth.

No one has done more to convey that unsettling message to the corporate world than Don Wildmon of the American Family Association. This good man, who had a heart attack in June, has willingly taken the heat for the rest of us. Hollywood moguls have subjected him to ridicule and intimidation. The ACLU has brought suit against him. Others hate him with passion. But he just hangs in there, like a bulldog fighting a grizzly. I thank God for Don and his entire team!

In his recent general letter, Wildmon listed the most frequent sponsors of sex, violence and profanity on television during the spring of 1992. The top five offenders were:

1. Thompson Medical Company—Chrm. S. Daniel Abraham, 919 Third Ave., New York, NY 10022, Phone (212) 688-4420, FAX (212) 415-7171, TOLL FREE: (800) 521-8757. PRODUCTS: Aspercreme analgesic creme rub, Cortizone 5 itch medicine, Dexatrim diet capsule, Fiber Full tablet, Slimfast diet aid, Sportscreme ointment.

2. Helene Curtis Industries Inc.—Chrm. Gerald Gidwitz, 325 N. Wells Street, Chicago, IL 60610, Phone (312) 661-0222. PRODUCTS: Atune hair conditioner and hairspray, Degree deodorant, Finesse hair conditioner, Salon Selectives, Suave products, Vibrance shampoo.

3. Time-Warner Inc.—Chrm. Steven J. Ross, 75 Rockefeller Plaza, New York, NY 10019, Phone (212) 522-1212, FAX (212) 522-0907. PRODUCTS: Chaps cologne, Cinemax pay cable service, Discover magazine, Fortune magazine, Home Box Office, Gloria Vanderbilt jeans, Gloria Vanderbilt perfume, People magazine, Sports Illustrated Magazine, Time Life books, Time magazine, Warner Communications products.

4. Anheuser-Busch Companies—Chrm. August A. Busch III, One Busch Place, St. Louis, MO 63118, Phone 314-577-2000, FAX (314) 577-2900, TOLL FREE: (800) 325-1488. PRODUCTS: Break Cake snack cakes, Budweiser beer, Busch beer, Busch Gardens, Colonial bread, Eagle Brand roasted nuts, Iron Kids bread, Michelob beer, Natural Light beer, O'Doul's beer, Sea World parks.

5. Little Caesars Inc.—Chrm. Michael Llitch, 24120 Haggerty, Farmington Hills, MI 48024, Phone (313) 478-6200, TOLL FREE: (800) 438-4785. PRODUCTS: Little Caesars pizza.

Perhaps you would like to drop a note or make a call to these companies. Perhaps the word will reach the ears of their stockholders. If a few million of us would take five minutes to express our dissatisfaction to the offending executives—and then refuse to buy their products, it would hasten the day when the entertainment gurus would run out of money. Their assault on decency would fizzle like the last belch of a Roman candle. Wouldn't that be a blessing? Until that moment comes, we must oppose them tooth and nail. Focus on the Family will continue doing all it can to reinforce moral values throughout society. With your continued financial help, we will work tirelessly to preserve the highest and most noble ideals of the Christian ethic.

For now, let me leave you with this: a member of our executive team told me about an incident that occurred when he was watching television with his 13-year old daughter. In attempting to accommodate her, they selected a drama that was popular with teenagers. The dad was shocked by what he saw and heard, but he tried hard not to turn their time of "togetherness" into a parental lecture. Finally, he could take it no more.

"Honey," he said, "I just can't sit here and let this trash come into our home. This is awful. We're going to have to watch something else."

To his shock, his daughter said, "I wondered when you would finally turn it off, Dad. That program is terrible."

Our children may resist our efforts to screen out the filth and violence that now permeates the world of television, but they know it's right to do so. They will respect us for saying, "God gave us this home, and we're not going to insult Him by polluting it with foul programming." Then you might share this Scripture with the family: "Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things" (Phil. 4:8).

And if the little box simply can't be subdued, you might try unplugging it, selling it, moving it into the garage, hacking it with an axe or sticking a shoe in its flickering blue eye. Then gather the family around and read a great book together!

If you have a video tape machine, Focus on the Family can provide a wide variety of wholesome entertainment alternatives that will delight your children. But by all means, shield your family from the most wicked and dangerous season of programming in history.

Your friend in Christ.

JAMES C. DOBSON, PH.D.
President

FOOTNOTES

[1]Wendy Melillo, "Can Pornography Lead to Violence?" Washington Post, 21 July 1992, Health: 11-12.

[2]Jon Burlingame, "Strong Cast Lifts 'Ladykiller' Above USA's Usual B-movie Fare," Gazette Telegraph, 19 August 1992, Television:E6.

[3]James C. Coleman, Abnormal Psychology and Modern Life, Ninth Edition. (Illinois: Scott, Foresman, and Company, 1992) 475.

[4]L. Dawidowicz, The War Against the Jews. (New York: Holt, Rinehart, Winston, 1975).

[5]Leonard Eron and L. Rowell Huesmann, eds., Television and the Aggressive Child. (New Jersey: L. Erlbaum, 1986).●

RECOGNITION OF ST. ADALBERT'S AID SOCIETY GRAND RAPIDS, MI

● Mr. RIEGLE. Mr. President, I rise today to honor the 120th anniversary of the St. Adalbert's Aid Society which serves the needs of the Polish community in Grand Rapids, MI. This year also marks the 100th anniversary of the society's building, the Fifth Street Hall, which serves as a landmark in the city and a symbol of the society's enduring good works.

Established on November 2, 1872, by Polish immigrants, St. Adalbert's Aid Society remains the oldest Polish society serving a Michigan community. Founded before the existence of a Polish Catholic Church in Grand Rapids, the society's membership helped construct the city's first Polish parish—Church of St. Adalbert. Two other Polish churches in Grand Rapids—St. Isidore and Sacred Heart—also received the active support of the society's members. It has been such untiring dedication to God and community which has so distinguished the society through the years.

Founded on the commitment of helping fellow Polish immigrants, St. Adalbert's continues to serve all those who are in need of a helping hand. Various charitable causes throughout the entire city have benefited greatly from the society's generosity.

During the 20th century the members of the St. Adalbert's Aid Society have also been united in providing support to their brothers and sisters in their homeland of Poland. With the end of the dark years of communist rule, we can all share in their joy that Poland is now a free and independent country.●

CELEBRATING 175 YEARS

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the town of Campbellsville in Taylor County.

This year, the town of Campbellsville is celebrating its 175th birthday. This remarkable accomplishment can be attributed to dedication, hard work, and continual progress and growth. All of these factors have resulted in Campbellsville becoming one of Kentucky's finest towns.

Campbellsville was founded in 1817, only a short 25 years after the Commonwealth of Kentucky was established. Though many things have changed since those humble beginnings, Campbellsville has made every effort to preserve its historic charm. Many of the town's structures date back to about 1850. The residents are committed to preserving and restoring these historic buildings, as well as maintaining their heritage. This has resulted in an increase in tourism in the region, which further helps Campbellsville's economy, increasing growth, and stimulating continued progress.

I applaud Campbellsville's efforts to maintain its historic charm, but at the same time its move forward.

Mr. President, I am sure my colleagues will agree that the occasion of Campbellsville's 175th birthday is a remarkable milestone. I ask that we honor this milestone by submitting this tribute in today's RECORD.●

SPRINGFIELD BUSINESS AND PROFESSIONAL WOMEN'S CLUB

● Mr. KERRY. Mr. President, I request today that my colleagues join me in recognizing the Springfield Business and Professional Women's Club of Springfield, MA, which is celebrating its 75th anniversary on October 18, 1992.

In 1917, a group of 16 women formed a group with the specific purpose of bringing businesswomen together to help raise the standard of working women. This national trend was a bold initiative because women at the time did not even have the right to vote, much less actively participate in corporate and professional businesses.

The Springfield Women's Club quickly moved from a primarily local association to a national one from which came all the presidents of the New England Federation of Business and Professional Women and which sent delegates to Europe to help establish the International Federation of Business and Professional Women's Clubs.

Yet what deserves the most appreciation are the numerous community activities supported by this organization. The Springfield Women's Club sponsored the founding of four other clubs, began the Jessie M. Bourne scholarship fund for nontraditional women students, and created the Harris-Bullman fund for civic philanthropy.

Today, the Springfield Women's Club is actively involved not only in civic work but also in advocating passage of State and Federal legislation benefiting women in business and the professions.

I congratulate the Springfield Business and Professional Women's Club and I commend them for their service not only to the women of Massachusetts, but also to women worldwide.●

SALUTE TO VITO BASILE

• Mr. GRAHAM. Today I rise to salute Mr. Vito Basile, the 1992 recipient of the Peter J. Salmon Award for National Blind Worker of the Year. For 27 years, the U.S. Customs Department was proud to have Mr. Vito Basile as an integral part of their operations to seize illegal drugs and apprehend drug smugglers. Four years ago, Mr. Basile was the Director of U.S. Customs at the Port of Palm Beach. In this position, he was responsible for the seizure of the largest cocaine bust outside the territorial United States.

In 1988, Mr. Basile underwent bypass surgery. During postoperative complications, he suffered a stroke and was found to have cortical blindness, substantial hearing loss, and impaired motor and cognitive skills. Mr. Basile's life, as he knew it, had irreversibly changed.

On the road to rebuilding himself, Mr. Basile was referred to The Lighthouse for the Blind of the Palm Beaches for work evaluation. Mr. Basile progressed from mobility and job skills training to supervised placement in a full-time textile packaging position. Since then, Mr. Basile has become a leading employee, representing fellow workers to management.

Mr. Basile met his challenges head-on and is an inspiration to others. This month, Mr. Basile will officially be honored at the Annual Conference of National Industries for the Blind and the General Council of Workshops for the Blind. Please join me in applauding Mr. Vito Basile, an individual who continues to live life to its fullest.•

F/A–18E/F

• Mr. D'AMATO. Mr. President, in justifying the F/A–18E/F, the Navy has hammered home its multimission virtues. Yet, out of the same mouths have come rationalizations for a single mission replacement for the A–6 optimized for deep strikes better left to the Air Force at the expense of legitimate Navy requirements like air superiority and close air support. An article that appeared in the September 28, 1992, issue of Aviation Week & Space Technology entitled "Consensus Emerging for AX Strike-Fighter", indicates that Navy thinking about the AX may finally be evolving beyond "Son of A–12."

I commend this story to my colleagues, and ask that the full text of the article be printed in the RECORD immediately after my remarks.

The article follows:

CONSENSUS EMERGING FOR AX STRIKE-FIGHTER

(JOHN D. MORROCCO)

As the Navy moves closer to setting its requirements for the AX, a consensus is emerging for a multimission strike-fighter aircraft with an increased emphasis on endurance rather than range.

Rear Adm. Riley Mixson, Navy director of air warfare, said the Air Force and Navy are "coming to closure" on requirements. Although the Navy has the lead on the program, the AX also is being designed to replace Air Force F–111s, F–15Es and F–117s.

Mixson told Aviation Week & Space Technology that the two services "are seeing very much eye-to-eye on the roles and missions and performance capabilities that we would want to expect from an aircraft of this type. . . . We envision it as more of a multimission type of aircraft than perhaps was originally intended, certainly more than was intended with the A–12 program."

Because of the current budgetary climate, the Navy is paring down to two combat airplanes—"a low-end and high-end mix," Mixson said. The F/A–18E/F represents the low-end of the mix. "The high-end is going to be the AX, which is taking on more and more of the flavor of a multirole strike-fighter," he said. "The Navy cannot afford a single-purpose aircraft."

AX requirements are not only being shaped by economic necessity, but also by the debate over roles and missions. The Navy has reexamined the AX program in the context of an increased emphasis in the future on coastal and amphibious operations, to meet regional threats.

Mixson said the Navy and Air Force hope to finish defining their AX requirements by the end of the month or early October. That will coincide with the results of cost and effectiveness analyses now being conducted by both services, based on trade studies submitted last June by the five competing contractor teams. "If this airplane coincides with what we see as the future roles and missions of the Navy/Marine Corps team, then a request for proposals would be coming some time after that," Mixson said.

Contractors expect to receive an operational requirements document in late October. They will then work on updating their designs to meet the final requirements. The Pentagon's Defense Acquisition Board is scheduled to review the program in early November. Requests for proposals for the demonstration/validation phase are expected to be issued to contractors in early December.

The Timetable could change, however. Navy officials indicate there is no need to rush to judgment. "With today's threat we have time to make sure the AX is exactly what we want it to be," Mixson said. If the cost and effectiveness analyses indicate "we should look in another area or we should study this a little bit more, we do not feel we are on a constrained time line by any stretch of the imagination."

The Navy's tentative requirement, which contractors based their trade studies on, included levels of speed, signature and payload that did not necessarily reflect a multimission strike-fighter. Subsequent Navy studies are now "showing us you need both" on air-to-ground and air-to-air capability, Mixson said. "If you are going to put an investment in stealth, then you want to be able to send that aircraft and have it defend itself against any potential air-to-air threat."

The move to more of a strike-fighter does not necessarily require a supersonic aircraft, Mixson said. "There is a lot of engine technology out there today that enables you to do things without being in an afterburner mode to get the speed that you require." Industry officials said they did not expect there would be a requirement for a supercruise capability like that of the Air Force's F–22.

Mixson said the level of stealth needed in the AX has not changed and will probably reflect current-generation technology. "Stealth brings you an added dimension in the air-to-air role as well as the air-to-ground role," he said. "Without air superiority, you don't move troops very well on the ground."

The increased emphasis on determining what will be required in an AX aircraft to support ground operations has been largely spurred by the roles and missions review. With the demise of the Soviet threat, the Navy is now shifting its focus toward power projection from the sea in regional conflicts.

Navy Secretary Sean O'Keefe said that while the Navy required an aircraft that could accomplish the missions now carried out by the A–6, the future emphasis will be on "littoral" conflicts, involving coastal and amphibious operations. That means "a shorter range, bring-an-awful-lot-of-ordnance-to-bear capability that could be provided for Marine landings," he said. "That doesn't mean you have to go incredible distances."

Mixson said that while range is an important consideration, he was more concerned with endurance, which is an important factor in flexibility for carrier operations.

"What I want is an airplane that I can send out on a mission and have it come back and land aboard ship without refueling on a nominal carrier cycle of about 1 hr. 45 min.," he said. "That translates to an endurance of a little over 2 hr."

Along with that comes a certain amount of range, roughly 600 naut. mi. "With a 600-naut.-mi. range and that endurance I've got a lot of flexibility," he said.

"That doesn't mean we are out of the strike role," Mixson said. "That's still an important part of our mission. But I think we are focusing a little bit more on support of troops ashore than we might have in the past with our 'Open Water' maritime strategy."•

ITALIAN-AMERICAN HERITAGE AND CULTURE DAY

• Mr. DECONCINI. Mr. President, This year in honor of the Columbus Quincentenary, October 1 is being celebrated nationally as Italian-American Heritage and Culture Day. I am pleased to be joined in launching this day's celebration by my distinguished colleague from the House, Mr. GUARINI. Being an American of Italian descent, I am particularly proud to participate in this national celebration.

Several hundred Italian-American organizations are hosting public events around the country precisely at 1 p.m. today to highlight Italian culture. These events range from holding a re-enactment of the singing of the Salve Regina aboard the *Santa Maria* in downtown Columbus, OH, to sponsoring a conference entitled, "Columbus People: 500 Years of Italian Immigration to the Americans and Australia," in Staten Island, NY.

There is tremendous pride among our Nation's 15 million Italian-Americans on this day that begins the final month of the Columbus Quincentenary. The Italian-American community has long celebrated Christopher Columbus as a symbol of courage, determination, and achievement. With commemorations

dating back to 1866, Italian-Americans have honored Columbus and thousands of immigrants who embodied his spirit in their journey to the new world.

The renowned Columbus scholar Paolo Emilio Taviani of Italy wrote, "The Columbus discovery was of greater magnitude than any other discovery or invention in human history." It is this legacy that we salute today.

It should also be noted that Italian-American heritage and Culture Day occurs on the eve of another important national celebration involving Italian-Americans. I refer to the 17th annual convention and dinner sponsored by the national Italian-American Foundation in Washington, DC. This year's convention and dinner theme is a salute to the Columbus Quincentennial. More than 3,000 Italian-Americans and another 250–300 Italians will be in attendance.

America has been called the great mosaic. As a Nation, we celebrate our unity in diversity. Today is a day when we give special attention to one important group in that mosaic—the Italian-Americans.●

TRIBUTE TO LARRY WEINBERG

● Mr. BAUCUS. Mr. President, I rise today to pay tribute to, Larry Weinberg, an American whose commitment to his community and to improving the lives of others is unparalleled in selflessness and dedication. Larry Weinberg is a good friend, and I am honored to bring him to the attention of my colleagues.

On Sunday, October 4, 1992, Larry is being honored by the American Public Affairs Committee for his achievements. I am unable to join him as he is recognized by his friends and colleagues at AIPAC as work here in the Senate keeps me in Washington. However, I want to add my heartfelt congratulations.

For more than 40 years, Larry Weinberg has fought to preserve and strengthen the viability of the American Jewish community and to foster the unique relationship that exists between the United States and Israel. In a changing and often turbulent world, it is important to the security of this Nation that we maintain our close ties with Israel, our most dependable friend in the Middle East.

But the question of a strong Israel is more than a question of policy for Larry. He brings to the debate, insight and personal knowledge. For him, the phrase "never to forget" bears special significance. During this experience as an American soldier who helped to liberate the death camps in World War II he bore witness, first-hand, to the harvest of misery that hatred reaped.

I will not ever forget learning of Larry's encounter in France, during that time when he was a young soldier, with a hermit hiding in the mountains. When he and a group of fellow soldiers found the man, he asked, in German, whether any of the group was Jewish. Larry stepped forward, and responded that he was a Jew. The hermit's response, spoken in Yiddish, that Larry had arrived too late forever changed his life. From that point on, Larry Weinberg has worked tirelessly to ensure that the world would never again to be too late.

For his deep, personal commitment to Jewish life and his positive influence on the world around him, Larry has served for many years as an inspiration to us all. He continues to believe in the inherent goodness of people and has made it his life's work to be a catalyst for understanding in an often intolerant world.

I offer Larry my congratulations and my thanks for his life of good works. Anyone who knows Larry Weinberg knows that he is a man who believes in democracy and takes seriously the obligations that come with it. He understands that we as individuals share a common bond, and a common responsibility, with one another. I can think of no one more deserving of this recognition.

I am honored and proud to call Larry Weinberg a friend.●

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes business today it stand in recess until 9:30 a.m., Friday, October 2; that following the prayer, the Journal of proceedings be approved to date; that the time for the two leaders be reserved for their use later in the day; that the time until 10:30 a.m. be for debate on the motion to invoke cloture on the conference report accompanying S. 2, with the time equally divided and controlled in the usual form; that the mandatory quorum required under rule XXII be waived in relation to this cloture motion and the one in relation to the crime conference report; that whenever the cloture vote on the conference report accompanying H.R. 3371, the crime bill, occurs there be 1 hour of debate prior to the vote, with the time equally divided and controlled in the usual form.

Further, when the cloture vote occurs on the motion to proceed to S. 2899, the NIH reauthorization, there be 1 hour for debate prior to that vote with the time equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 TOMORROW

Mr. KERREY. Mr. President, if there is no further business to come before the Senate today I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 10:24 p.m., recessed until Friday, October 2, 1992, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 1, 1992:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CAPT. WILLIAM L. STUBBLEFIELD FOR APPOINTMENT IN THE GRADE OF REAR ADMIRAL (LOWER HALF), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DEPUTY DIRECTOR, OFFICE OF NOAA CORPS OPERATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U.

REAR ADM. JOHN C. ALBRIGHT FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, PACIFIC MARINE CENTER, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. WILFRED HESSERT, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

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

The House met at 10 a.m.

PRAYER

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

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

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mrs. ROUKEMA led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

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

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

CONFERENCE REPORT (H. REPT. 102-963)

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

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

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

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

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

TITLE IV—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

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

TITLE V—FEDERAL BUREAU OF INVESTIGATION ADMINISTRATIVE PROVISIONS

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

TITLE VI—CENTRAL INTELLIGENCE AGENCY

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

TITLE VII—INTELLIGENCE ORGANIZATION

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

TITLE VIII—RESTATEMENT OF CIARDS STATUTE

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

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

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

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

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

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

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

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

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

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

SEC. 104. COMMUNITY MANAGEMENT STAFF.

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

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

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

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

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE III—GENERAL PROVISIONS

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

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

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

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

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

SEC. 304. TECHNICAL AMENDMENTS.

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

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

SEC. 305. AIRBORNE RECONNAISSANCE.

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

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

TITLE IV—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 401. POSTEMPLOYMENT ASSISTANCE FOR CERTAIN DIA EMPLOYEES.

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

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

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

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

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

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

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

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

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

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

(1) in subsection (a)(1)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE V—FEDERAL BUREAU OF INVESTIGATION ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

TITLE VI—CENTRAL INTELLIGENCE AGENCY

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

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

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

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

TITLE VII—INTELLIGENCE ORGANIZATION

SEC. 701. SHORT TITLE.

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

SEC. 702. DEFINITIONS.

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

"DEFINITIONS

"SEC. 3. As used in this Act:

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

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

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

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

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

"(B) the Central Intelligence Agency;

"(C) the National Security Agency;

"(D) the Defense Intelligence Agency;

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

"(F) the National Reconnaissance Office;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) by striking out section 102a;

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

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

"RESPONSIBILITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

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

"(A) to the President;

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

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

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

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

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

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

"(2) The Council shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"AUTHORITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"ADMINISTRATIVE PROVISIONS PERTAINING TO DEFENSE ELEMENTS WITHIN THE INTELLIGENCE COMMUNITY

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

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

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

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

TITLE VIII—RESTATEMENT OF CIARDS STATUTE

SEC. 801. SHORT TITLE.

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

SEC. 802. RESTATEMENT OF ACT.

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

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

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

"TITLE I—DEFINITIONS

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

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

"PART A—ESTABLISHMENT OF SYSTEM

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

"PART B—CONTRIBUTIONS

"Sec. 211. Contributions to fund.

"PART C—COMPUTATION OF ANNUITIES

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

"PART D—BENEFITS ACCRUING TO CERTAIN PARTICIPANTS

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

"PART E—LUMP-SUM PAYMENTS

"Sec. 241. Lump-sum payments.

"PART F—PERIOD OF SERVICE FOR ANNUITIES

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

"PART G—MONEYS

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

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

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

"PART I—VOLUNTARY CONTRIBUTIONS

"Sec. 281. Voluntary contributions.

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

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

"PART K—CONFORMITY WITH CIVIL SERVICE RETIREMENT SYSTEM

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

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

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

"TITLE I—DEFINITIONS

"SEC. 101. DEFINITIONS RELATING TO THE SYSTEM.

"When used in this Act:

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

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

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

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

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

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

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

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

"(B) the sum of—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(3) SURVIVING SPOUSE.—

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

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

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

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

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

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

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

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

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

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

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

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

"(C) has been authenticated by the Director.

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

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

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

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

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

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

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

"(i) an adopted child;

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

"(iii) a recognized natural child; and

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

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

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

"(2) SPECIAL RULES FOR STUDENTS.—

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

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

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

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

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

"Part A—Establishment of System

"SEC. 201. THE CIARDS SYSTEM.

"(a) IN GENERAL.—

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

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

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

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

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

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

"SEC. 203. PARTICIPANTS IN THE CIARDS SYSTEM.

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

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

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

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

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

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

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

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

"SEC. 204. ANNUITANTS.

"Persons who are annuitants under the system are—

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

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

"Part B—Contributions

"SEC. 211. CONTRIBUTIONS TO FUND.

"(a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

"(d) OFFSET FOR SOCIAL SECURITY TAXES.—

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

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

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

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

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

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

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

"Part C—Computation of Annuities

"SEC. 221. COMPUTATION OF ANNUITIES.

"(a) ANNUITY OF PARTICIPANT.—

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

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

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

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

"(3) CREDITING OF PART-TIME SERVICE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(3) AMOUNT OF SURVIVING SPOUSE ANNUITY.—

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

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

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

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

"(1) SURVIVOR ANNUITY ELECTIONS.—

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

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

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

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

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

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

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

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

"(2) DEPOSIT REQUIRED.—

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

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

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

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

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

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

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

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

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

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

"(d) ANNUITIES FOR SURVIVING CHILDREN.—

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

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

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

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

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

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

"(3) AMOUNT OF ANNUITY.—

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

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

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

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

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

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

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

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

"(4) RECOMPUTATION OF CHILD ANNUITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

"(g) EFFECT OF DIVORCE AFTER RETIREMENT.—

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

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

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

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

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

"(ii) DEPOSIT REQUIRED.—

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

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

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

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

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

"(h) COORDINATION OF ANNUITIES.—

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

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

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

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

"(i) SUPPLEMENTAL SURVIVOR ANNUITIES.—

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

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

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

"(k) INFORMATION FROM OTHER AGENCIES.—

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

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

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

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

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

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

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

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

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

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

"SEC. 222. ANNUITIES FOR FORMER SPOUSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(b) FORMER SPOUSE SURVIVOR ANNUITY.—

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

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

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

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

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

"(4) SURVIVOR ANNUITY AMOUNT.—

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

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

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

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

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

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

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

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

"(A) such participant may elect, or

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

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

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

"(3) CONTRIBUTION FOR ADDITIONAL ANNUITIES.—

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

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

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

"(iii) by any combination thereof.

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

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

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

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

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

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

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

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

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

"(b) TIME FOR MAKING ELECTION.—

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

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

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

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

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

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

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

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

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

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

"(a) SURVIVOR ANNUITY.—

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

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

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

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

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

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

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

"(c) COMMENCEMENT AND TERMINATION OF ANNUITY.—

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

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

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

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

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

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

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

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

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

"(d) APPLICATION.—

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

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

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

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

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

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

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

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

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

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

"(c) COMMENCEMENT AND TERMINATION.—

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

"(A) shall commence on the later of—

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

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

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

"(B) shall terminate on the earlier of—

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

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

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

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

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

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

"(4) APPLICATION.—

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

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

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

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

"SEC. 226. SURVIVOR ANNUITIES FOR PREVIOUS SPOUSES.

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

"Part D—Benefits Accruing to Certain Participants

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

"(a) DISABILITY RETIREMENT.—

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

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

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

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

"(3) TIME LIMIT FOR APPLICATION.—

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

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

"(b) COMPUTATION OF DISABILITY ANNUITY.—

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

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

"(c) MEDICAL EXAMINATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

"(e) COORDINATION OF BENEFITS.—

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

"(A) an annuity under this title, and

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

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

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

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

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

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

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

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

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

"SEC. 232. DEATH IN SERVICE.

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

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

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

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

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

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

"(c) ANNUITIES FOR SURVIVING CHILDREN.—

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

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

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

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

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

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

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

"SEC. 233. VOLUNTARY RETIREMENT.

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

"SEC. 234. DISCONTINUED SERVICE BENEFITS.

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

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

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

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

"SEC. 235. MANDATORY RETIREMENT.

"(a) INVOLUNTARY RETIREMENT.—

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

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

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

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

"(b) MANDATORY RETIREMENT FOR AGE.—

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

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

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

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

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

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

"SEC. 236. ELIGIBILITY FOR ANNUITY.

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

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

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

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

"Part E—Lump Sum Payments

"SEC. 241. LUMP-SUM PAYMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Part F—Period of Service for Annuities

"SEC. 251. COMPUTATION OF LENGTH OF SERVICE.

"(a) IN GENERAL.—

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

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

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

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

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

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

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

"SEC. 252. PRIOR SERVICE CREDIT.

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

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

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

"(b) LIMITATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(e) PRIOR MILITARY SERVICE CREDIT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(A) October 1, 1983, or

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

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

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

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

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

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

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

"Part G—Moneys

"SEC. 261. ESTIMATE OF APPROPRIATIONS NEEDED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"SEC. 263. PAYMENT OF BENEFITS.

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

"(b) COMMENCEMENT OF ANNUITY.—

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

"(2) EXCEPTIONS.—The annuity of—

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

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

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

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

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

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

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

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

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

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

"(f) LIMITATIONS.—

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

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

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

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

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

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

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

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

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

"SEC. 264. ATTACHMENT OF MONEYS.

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

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

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

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

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

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

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

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

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

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

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

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

"SEC. 265. RECOVERY OF PAYMENTS.

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

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

"SEC. 271. RECALL.

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

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

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

"SEC. 272. REEMPLOYMENT.

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

"SEC. 273. REEMPLOYMENT COMPENSATION.

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

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

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

"Part I—Voluntary Contributions

"SEC. 281. VOLUNTARY CONTRIBUTIONS.

"(a) AUTHORITY FOR VOLUNTARY CONTRIBUTIONS.—

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

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

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

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

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

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

"(1) returned in a lump sum;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(i) beginning on the date on which the annuity commenced (or, in the case of a survivor of the retired participant, the date on which the participant's annuity commenced), and

"(ii) ending on the effective date of the adjustment under this section.

"(2) PAY DEFINED.—For purposes of paragraph (1), the term 'pay' means the rate of salary or basic pay as payable under any provision of law, including any provision of law limiting the expenditure of appropriated funds.

"Part K—Conformity With Civil Service Retirement System

"SEC. 292. AUTHORITY TO MAINTAIN EXISTING AREAS OF CONFORMITY BETWEEN CIVIL SERVICE AND CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEMS.

"(a) PRESIDENTIAL AUTHORITY.—

"(1) CONFORMITY TO CSRS BY EXECUTIVE ORDER.—Whenever the President determines that it would be appropriate for the purpose of maintaining existing conformity between the Civil Service Retirement and Disability System and the Central Intelligence Agency Retirement and Disability System with respect to substantially identical provisions, the President may, by Executive order, extend to current or former participants in the Central Intelligence Agency Retirement and Disability System, or to their survivors, a provision of law enacted after January 1, 1975, which—

"(A) amends subchapter III of chapter 83 of title 5, United States Code, and is applicable to civil service employees generally; or

"(B) otherwise affects current or former participants in the Civil Service Retirement and Disability System, or their survivors.

"(2) EXTENSION TO CIARDS.—Any such order shall extend such provision of law so that it applies in like manner with respect to such Central Intelligence Agency Retirement and Disability System participants, former participants, or survivors.

"(3) LEGAL STATUS.—Any such order shall have the force and effect of law.

"(4) EFFECTIVE DATE.—Any such order may be given retroactive effect to a date not earlier than the effective date of the corresponding provision of law applicable to employees under the Civil Service Retirement System.

"(b) EFFECT OF EXECUTIVE ORDER.—Provisions of an Executive order issued pursuant to this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) provisions of law enacted before the effective date of the Executive order; and

"(2) any prior provision of an Executive order issued under this section.

"SEC. 293. THRIFT SAVINGS PLAN PARTICIPATION.

"(a) ELIGIBILITY FOR THRIFT SAVINGS PLAN.—Participants in the system shall be deemed to be employees for the purposes of section 8351 of title 5, United States Code.

"(b) MANAGEMENT OF THRIFT SAVINGS PLAN ACCOUNTS BY DIRECTOR.—Subsections (k) and (m) of section 8461 of title 5, United States Code, shall apply with respect to contributions made by participants to the Thrift Savings Fund under section 8351 of such title and to earnings attributable to the investment of such contributions.

"SEC. 294. ALTERNATIVE FORMS OF ANNUITIES.

"(a) AUTHORITY FOR ALTERNATIVE FORM OF ANNUITY.—The Director shall prescribe regulations under which a participant may, at the time of retiring under this title (other than under section 231), elect annuity benefits under this section instead of any other benefits under this title (including any survivor benefits under this title) based on the service of the participant creditable under this title.

"(b) BASIS FOR ALTERNATIVE FORMS OF ANNUITY.—The regulations and alternative forms of annuity shall, to the maximum extent practicable, meet the requirements prescribed in section 8343a of title 5, United States Code.

"(c) LUMP-SUM CREDIT.—Any lump-sum credit provided pursuant to an election under subsection (a) shall not preclude an individual from receiving other benefits provided under that subsection.

"(d) SUBMISSION OF REGULATIONS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director shall submit the regulations prescribed under subsection (a) to the congressional intelligence committees before the regulations take effect.

"SEC. 295. PAYMENTS FROM CIARDS FUND FOR PORTIONS OF CERTAIN CIVIL SERVICE RETIREMENT SYSTEM ANNUITIES.

"The amount of the increase in any annuity that results from the application of section 18 of the Central Intelligence Agency Act of 1949, if and when such increase is based on an individual's overseas service as an employee of the Central Intelligence Agency, shall be paid from the fund.

"TITLE III—PARTICIPATION IN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM

"SEC. 301. APPLICATION OF FEDERAL EMPLOYEES' RETIREMENT SYSTEM TO AGENCY EMPLOYEES.

"(a) GENERAL RULE.—Except as provided in subsections (b) and (c), all employees of the Agency, any of whose service after December 31, 1983, is employment for the purpose of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, shall be subject to chapter 84 of title 5, United States Code.

"(b) EXCEPTION FOR PRE-1984 EMPLOYEES.—Participants in the Central Intelligence Agency Retirement and Disability System who were participants in such system on or before December 31, 1983, and who have not had a break in service in excess of one year since that date, are not subject to chapter 84 of title 5, United States Code, without regard to whether they are subject to title II of the Social Security Act.

"(c) NONAPPLICABILITY OF FERS TO CERTAIN EMPLOYEES.—

"(1) The provisions of chapter 84 of title 5, United States Code, shall not apply with respect to—

"(A) any individual who separates, or who has separated, from Federal Government service after having been an employee of the Agency subject to title II of this Act; and

"(B) any employee of the Agency having at least 5 years of civilian service which was performed before January 1, 1987, and is creditable under title II of this Act (determined without regard to any deposit or redeposit requirement under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act, or any requirement that the individual become subject to such subchapter or to title II of this Act after performing the service involved).

"(2) Paragraph (1) shall not apply with respect to an individual who has elected under regulations prescribed under section 307 to become subject to chapter 84 of title 5, United States Code, to the extent provided in such regulations.

"(3) An individual described in paragraph (1) shall be deemed to be an individual excluded under section 8402(b)(2) of title 5, United States Code.

"(d) ELECTION TO BECOME SUBJECT TO FERS.—An employee who is designated as a participant in the Central Intelligence Agency Retirement and Disability System after December 31, 1987, pursuant to section 203 may elect to become subject to chapter 84 of title 5, United States Code. Such election—

"(1) shall not be effective unless it is made during the six-month period beginning on the date on which the employee is so designated;

"(2) shall take effect beginning with the first pay period beginning after the date of the election; and

"(3) shall be irrevocable.

"(e) SPECIAL RULES.—The application of the provisions of chapter 84 of title 5, United States Code, to an employee referred to in subsection (a) shall be subject to the exceptions and special rules provided in this title. Any provision of that chapter which is inconsistent with a special rule provided in this title shall not apply to such employees.

"SEC. 302. SPECIAL RULES RELATING TO SECTION 203 CRITERIA EMPLOYEES.

"(a) IN GENERAL.—Except as otherwise provided in this section, in the application of chapter 84 of title 5, United States Code, to an employee of the Agency who is subject to such chapter and is designated by the Director under the criteria prescribed in section 203, such employee shall be treated for purposes of determining such employee's retirement benefits and obligations under such chapter as if the employee were a law enforcement officer (as defined in section 8401(17) of title 5, United States Code).

"(b) VOLUNTARY AND MANDATORY RETIREMENT.—The provisions of sections 233 and 235 shall apply to employees referred to in subsection (a), except that the retirement benefits shall be determined under chapter 84 of title 5, United States Code.

"(c) RECALL.—

"(1) Except as provided in paragraph (2), section 271 shall apply to an employee referred to in subsection (a).

"(2) Contributions during recall service shall be made as provided in section 8422 of title 5, United States Code.

"(3) When an employee recalled under this subsection reverts to a retired status, the annuity of such employee shall be redetermined under the provisions of chapter 84 of title 5, United States Code.

"SEC. 303. SPECIAL RULES FOR OTHER EMPLOYEES FOR SERVICE ABROAD.

"(a) SPECIAL COMPUTATION RULE.—Notwithstanding any provision of chapter 84 of title 5, United States Code, the annuity under subchapter II of such chapter of a retired employee of the Agency who is not designated under section 302(a) and who has served abroad as an employee of the Agency after December 31, 1986, shall be computed as provided in subsection (b).

"(b) COMPUTATION.—

"(1) SERVICE ABROAD.—The portion of the annuity relating to such service abroad shall be computed as provided in section 8415(d) of title 5, United States Code.

"(2) OTHER SERVICE.—The portions of the annuity relating to other creditable service shall be computed as provided in section 8415 of such title that is applicable to such service under the conditions prescribed in chapter 84 of such title.

"SEC. 304. SPECIAL RULES FOR FORMER SPOUSES.

"(a) GENERAL RULE.—Except as otherwise specifically provided in this section, the provisions of chapter 84 of title 5, United States Code, shall apply in the case of an employee of the Agency who is subject to chapter 84 of title 5, United States Code, and who has a former spouse (as defined in section 8401(12) of title 5, United States Code) or a qualified former spouse.

"(b) DEFINITIONS.—For purposes of this section:

"(1) EMPLOYEE.—The term 'employee' means an employee of the Agency who is subject to chapter 84 of title 5, United States Code, including an employee referred to in section 302(a).

"(2) QUALIFIED FORMER SPOUSE.—The term 'qualified former spouse' means a former spouse of an employee or retired employee who—

"(A) in the case of a former spouse whose divorce from such employee became final on or before December 4, 1991, was married to such employee for not less than 10 years during periods of the employee's service which are creditable under section 8411 of title 5, United States Code, at least 5 years of which were spent outside the United States by both the employee and the former spouse during the employee's service with the Agency; and

"(B) in the case of a former spouse whose divorce from such employee becomes final after December 4, 1991, was married to such employee for not less than 10 years during periods of the employee's service which are creditable under section 8411 of title 5, United States Code, at least 5 years of which were spent by the employee outside the United States during the employee's service with the Agency or otherwise in a position the duties of which qualified the employee for designation by the Director under the criteria prescribed in section 203.

"(3) PRO RATA SHARE.—The term 'pro rata share' means the percentage that is equal to (A) the number of days of the marriage of the qualified former spouse to the employee during the employee's periods of creditable service under chapter 84 of title 5, United States Code, divided by (B) the total number of days of the employee's creditable service.

"(4) SPOUSAL AGREEMENT.—The term 'spousal agreement' means an agreement between an employee, former employee, or retired employee and such employee's spouse or qualified former spouse that—

"(A) is in writing, is signed by the parties, and is notarized;

"(B) has not been modified by court order; and

"(C) has been authenticated by the Director.

"(5) COURT ORDER.—The term 'court order' means any court decree of divorce, annulment or legal separation, or any court order or court-approved property settlement agreement incident to such court decree of divorce, annulment, or legal separation.

"(c) ENTITLEMENT OF QUALIFIED FORMER SPOUSE TO RETIREMENT BENEFITS.—

"(1) ENTITLEMENT.—

"(A) IN GENERAL.—Unless otherwise expressly provided by a spousal agreement or court order governing disposition of benefits payable under subchapter II or V of chapter 84 of title 5, United States Code, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of all benefits otherwise payable to such employee under subchapter II or V of chapter 84 of title 5, United States Code.

"(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals—

"(i) 50 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 50, United States Code; or

"(ii) a pro rata share of 50 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

"(2) ANNUITY SUPPLEMENT.—The benefits payable to an employee under subchapter II of chapter 84 of title 5, United States Code, shall include, for purposes of this subsection, any annuity supplement payable to such employee under sections 8421 and 8421a of such title.

"(3) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A qualified former spouse shall not be entitled to any benefit under this subsection if, before the commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4) COMMENCEMENT AND TERMINATION.—

"(A) COMMENCEMENT.—The benefits of a qualified former spouse under this subsection commence on the later of—

"(i) the day on which the employee upon whose service the benefits are based becomes entitled to the benefits; or

"(ii) the first day of the second month beginning after the date on which the Director receives written notice of the court order or spousal agreement, together with such additional information or documentation as the Director may prescribe.

"(B) TERMINATION.—The benefits of the qualified former spouse and the right thereto terminate on—

"(i) the last day of the month before the qualified former spouse remarries before 55 years of age or dies; or

"(ii) the date on which the retired employee's benefits terminate (except in the case of benefits subject to paragraph (5)(B)).

"(5) PAYMENTS TO RETIRED EMPLOYEES.—

"(A) CALCULATION OF SURVIVOR ANNUITY.—Any reduction in payments to a retired employee as a result of payments to a qualified former spouse under this subsection shall be disregarded in calculating—

"(i) the survivor annuity for any spouse, former spouse (qualified or otherwise), or other survivor under chapter 84 of title 5, United States Code, and

"(ii) any reduction in the annuity of the retired employee to provide survivor benefits under subsection (d) of this section or under sections 8442 or 8445 of title 5, United States Code.

"(B) REDUCTION IN BASIC PAY UPON RECALL TO SERVICE.—If a retired employee whose annuity is reduced under paragraph (1) is recalled to service under section 302(c), the basic pay of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(6) SPECIAL RULES FOR DISABILITY ANNUITANTS.—Notwithstanding paragraphs (1) and (4), in the case of any qualified former spouse of a disability annuitant—

"(A) the annuity of such former spouse shall commence on the date on which the employee would qualify, on the basis of the employee's creditable service, for benefits under subchapter II of chapter 84 of title 5, United States Code, or on the date on which the disability annuity begins, whichever is later; and

"(B) the amount of the annuity of the qualified former spouse shall be calculated on the basis of the benefits for which the employee would otherwise qualify under subchapter II of chapter 84 of such title.

"(7) PRO RATA SHARE IN CASE OF EMPLOYEES TRANSFERRED TO FERS.—Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable, 50 percent of the employee's benefits under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(8) TREATMENT OF PRO RATA SHARE UNDER INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, payments to a qualified former spouse under this subsection shall be treated as income to the qualified former spouse and not to the employee.

"(d) QUALIFIED FORMER SPOUSE SURVIVOR BENEFITS.—

"(1) ENTITLEMENT.—

"(A) IN GENERAL.—Subject to an election under section 8416(a) of title 5, United States Code, and unless otherwise expressly provided by any spousal agreement or court order governing survivor benefits payable under this subsection to a qualified former spouse, such former spouse is entitled to a share, determined under subparagraph (B), of all survivor benefits that would otherwise be payable under subchapter IV of chapter 84 of title 5, United States Code, to an eligible surviving spouse of the employee.

"(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals—

"(i) 100 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 5, United States Code; or

"(ii) a pro rata share of 100 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

"(2) SURVIVOR BENEFITS.—

"(A) The survivor benefits payable under this subsection to a qualified former spouse shall in-

clude the amount payable under section 8442(b)(1)(A) of title 5, United States Code, and any supplementary annuity under section 8442(f) of such title that would be payable if such former spouse were a widow or widower entitled to an annuity under such section.

"(B) Any calculation under section 8442(f) of title 5, United States Code, of the supplementary annuity payable to a widow or widower of an employee referred to in section 302(a) shall be based on an 'assumed CIARDS annuity' rather than an 'assumed CSRS annuity' as stated in section 8442(f) of such title. For the purpose of this subparagraph, the term 'assumed CIARDS annuity' means the amount of the survivor annuity to which the widow or widower would be entitled under title II of this Act based on the service of the deceased annuitant determined under section 8442(f)(5) of such title.

"(3) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A qualified former spouse shall not be entitled to any benefit under this subsection if, before commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4) RESTORATION.—If the survivor annuity payable under this subsection to a surviving qualified former spouse is terminated because of remarriage before becoming age 55, the annuity shall be restored at the same rate commencing on the date such remarriage is dissolved by death, divorce, or annulment, if—

"(A) such former spouse elects to receive this survivor annuity instead of any other survivor benefit to which such former spouse may be entitled under subchapter IV of chapter 84 of title 5, United States Code, or under another retirement system for Government employees by reason of the remarriage; and

"(B) any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

"(5) MODIFICATION OF COURT ORDER OR SPOUSAL AGREEMENT.—A modification in a court order or spousal agreement to adjust a qualified former spouse's share of the survivor benefits shall not be effective if issued after the retirement or death of the employee, former employee, or annuitant, whichever occurs first.

"(6) EFFECT OF TERMINATION OF QUALIFIED FORMER SPOUSE'S ENTITLEMENT.—After a qualified former spouse of a retired employee remarries before becoming age 55 or dies, the reduction in the retired employee's annuity for the purpose of providing a survivor annuity for such former spouse shall be terminated. The annuitant may elect, in a signed writing received by the Director within 2 years after the qualified former spouse's remarriage or death, to continue the reduction in order to provide or increase the survivor annuity for such annuitant's spouse. The annuitant making such election shall pay a deposit in accordance with the provisions of section 8418 of title 5, United States Code.

"(7) PRO RATA SHARE IN CASE OF EMPLOYEES TRANSFERRED TO FERS.—Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse to survivor benefits shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable—

"(i) 50 percent of the employee's annuity under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), plus

"(ii) the survivor benefits referred to in subsection (d)(2)(A),

multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(e) QUALIFIED FORMER SPOUSE THRIFT SAVINGS PLAN BENEFIT.—

"(1) ENTITLEMENT.—

"(A) IN GENERAL.—Unless otherwise expressly provided by a spousal agreement or court order governing disposition of the balance of an account in the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of the balance in the employee's account in the Thrift Savings Fund on the date the divorce of the qualified former spouse and employee becomes final.

"(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals 50 percent of the employee's account balance in the Thrift Savings Fund that accrued during the period of marriage. For purposes of this subsection, the employee's account balance shall not include the amount of any outstanding loan.

"(2) PAYMENT OF BENEFIT.—

"(A) TIME OF PAYMENT.—The entitlement of a qualified former spouse under paragraph (1) shall be effective on the date the divorce of the qualified former spouse and employee becomes final. The qualified former spouse's benefit shall be payable after the date on which the Director receives the divorce decree or any applicable court order or spousal agreement, together with such additional information or documentation as the Director may require.

"(B) METHOD OF PAYMENT.—The qualified former spouse's benefit under this subsection shall be paid in a lump sum.

"(C) LIMITATION.—A spousal agreement or court order may not provide for payment to a qualified former spouse under this subsection of an amount that exceeds the employee's account balance in the Thrift Savings Fund.

"(D) DEATH OF QUALIFIED FORMER SPOUSE.—If the qualified former spouse dies before payment of the benefit provided under this subsection, such payment shall be made to the estate of the qualified former spouse.

"(E) BAR TO RECOVERY.—Any payment under this subsection to an individual bars recovery by any other individual.

"(3) CLOSED ACCOUNT.—No payment under this subsection may be made by the Director if the date on which the divorce becomes final is after the date on which the total amount of the employee's account balance has been withdrawn or transferred, or the date on which an annuity contract has been purchased, in accordance with section 8433 of title 5, United States Code.

"(f) PRESERVATION OF RIGHTS OF QUALIFIED FORMER SPOUSES.—An employee may not make an election or modification of election under section 8417 or 8418 of title 5, United States Code, or other section relating to the employee's annuity under subchapter II of chapter 84 of title 5, United States Code, that would diminish the entitlement of a qualified former spouse to any benefit granted to such former spouse by this section or by court order or spousal agreement.

"(g) PAYMENT OF SHARE OF LUMP-SUM CREDIT.—Whenever an employee or former employee becomes entitled to receive the lump-sum credit under section 8424(a) of title 5, United States Code, a share (determined under subsection (c)(1)(B) of this section) of that lump-sum credit shall be paid to any qualified former spouse of such employee, unless otherwise expressly provided by any spousal agreement or court order governing disposition of the lump-sum credit involved.

"(h) PAYMENT TO QUALIFIED FORMER SPOUSES UNDER COURT ORDER OR SPOUSAL AGREEMENT.—In the case of any employee or retired employee who has a qualified former spouse who is covered by a court order or who is a party to a spousal agreement—

"(1) any right of the qualified former spouse to any retirement benefits under subsection (c) and to any survivor benefits under subsection (d), and the amount of any such benefits;

"(2) any right of the qualified former spouse to any Thrift Savings Plan benefit under subsection (e), and the amount of any such benefit; and

"(3) any right of the qualified former spouse to any payment of a lump-sum credit under subsection (g), and the amount of any such payment;

shall be determined in accordance with that spousal agreement or court order, if and to the extent expressly provided for in the terms of the spousal agreement or court order that are not inconsistent with the requirements of this section.

"(i) APPLICABILITY OF CIARDS FORMER SPOUSE BENEFITS.—

"(1) Except as provided in paragraph (2), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the provisions of sections 224 and 225 shall apply to such employee's former spouse (as defined in section 102(a)(3)) who would otherwise be eligible for benefits under sections 224 and 225 but for the employee having elected to become subject to such chapter.

"(2) For the purposes of computing such former spouse's benefits under sections 224 and 225—

"(A) the retirement benefits shall be equal to the amount determined under subsection (c)(7)(A); and

"(B) the survivor benefits shall be equal to 55 percent of the full amount of the employee's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or regulations prescribed under section 307 of this Act.

"(3) Benefits provided pursuant to this subsection shall be payable from the Central Intelligence Agency Retirement and Disability Fund.

"SEC. 305. ADMINISTRATIVE PROVISIONS.

"(a) FINALITY OF DECISIONS OF DIRECTOR.—Section 201(c) of this Act shall apply in the administration of chapter 84 of title 5, United States Code, with respect to employees of the Agency.

"(b) EXCEPTION.—Notwithstanding subsection (a), section 8461(e) of title 5, United States Code, shall apply with respect to employees of the Agency who are not participants in the Central Intelligence Agency Retirement and Disability System and are not designated under section 302(a).

"SEC. 306. REGULATIONS.

"(a) REQUIREMENT.—The Director shall prescribe in regulations appropriate procedures to carry out this title. Such regulations shall be prescribed in consultation with the Director of the Office of Personnel Management and the Executive Director of the Federal Retirement Thrift Investment Board.

"(b) CONGRESSIONAL REVIEW.—The Director shall submit regulations prescribed under subsection (a) to the congressional intelligence committees before they take effect.

"SEC. 307. TRANSITION REGULATIONS.

"(a) REGULATIONS.—The Director shall prescribe regulations providing for the transition from the Central Intelligence Agency Retirement and Disability System to the Federal Employees' Retirement System provided in chapter 84 of title 5, United States Code, in a manner consistent with sections 301 through 304 of the Federal Employees' Retirement System Act of 1986.

"(b) CONGRESSIONAL REVIEW.—The Director shall submit regulations prescribed under subsection (a) to the congressional intelligence committees before they take effect.".

SEC. 803. CONFORMING AMENDMENTS.

(a) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) SECTION 14.—Section 14(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403n(a)) is amended by striking out "sections 204, 221(b)(1)–(3), 221(f), 221(g)(2), 221(l), 221(m), 221(n), 221(o), 222, 223, 224, 225, 232(b), 234(c), 234(d), 234(e), and 263(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "sections 102, 221(b)(1)–(3), 221(f), 221(g), 221(h)(2), 221(i), 221(l), 222, 223, 224, 225, 232(b), 241(b), 241(d), and 264(b) of the Central Intelligence Agency Retirement Act".

(2) SECTION 18.—Section 18(a) of such Act (50 U.S.C. 403r(a)) is amended by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act".

(3) SECTION 19.—Section 19 of such Act (50 U.S.C. 403s) is amended—

(A) in subsection (a)—

(i) by inserting "OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 231 RULES APPLY.—" after "(a)";

(ii) by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended" in clause (ii) and inserting in lieu thereof "the Central Intelligence Agency Retirement Act";

(iii) by inserting "such" in clause (iii) before "section 203";

(iv) by striking out "such section 231" in the matter after clause (iv) and inserting in lieu thereof "section 231 of such Act"; and

(v) by redesignating clauses (i) through (iv) as paragraphs (1) through (4), respectively;

(B) in subsection (b)—

(i) by inserting "SURVIVORS OF OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 231 RULES APPLY.—" after "(b)";

(ii) by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended" in clause (ii) and inserting in lieu thereof "the Central Intelligence Agency Retirement Act";

(iii) by striking out "widow or widower, former spouse, and/or child or children as defined in section 204 and section 232 of such the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" in clause (iv) and inserting in lieu thereof "surviving spouse, former spouse, or child as defined in section 102 of the Central Intelligence Agency Retirement Act";

(iv) by striking out "widow or widower, former spouse, and/or child or children" in the matter after clause (iv) and inserting in lieu thereof "surviving spouse, former spouse, or child";

(v) by striking out "such section 232" in the matter after clause (iv) and inserting in lieu thereof "section 231 of such Act"; and

(vi) by redesignating clauses (i) through (iv) as paragraphs (1) through (4), respectively;

(C) by striking out subsections (c) and (d); and

(D) by redesignating subsection (e) as subsection (c) and in that subsection—

(i) by striking out "(1)" and inserting in lieu thereof "ANNUITIES UNDER THIS SECTION DEEMED ANNUITIES UNDER CSRS.—";

(ii) by striking out "established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "maintained pursuant to section 202 of the Central Intelligence Agency Retirement Act"; and

(iii) by striking out paragraph (2).

(b) NATIONAL SECURITY AGENCY ACT OF 1959.—Section 9(b)(3) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act".

(c) TITLE 5, UNITED STATES CODE.—Sections 8347(n)(4)(A) and 8423(a)(1)(B)(i) of title 5, United States Code, are amended by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act".

(d) TITLE 10, UNITED STATES CODE.—Section 1605(a) of title 10, United States Code, is amended in the second sentence—

(1) striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act"; and

(2) by inserting "(50 U.S.C. 403r)" after "the Central Intelligence Agency Act of 1949".

SEC. 804. SAVINGS PROVISIONS.

(a) PRIOR ELECTIONS.—Any election made under the Central Intelligence Agency Retirement Act of 1964 for Certain Employees before the effective date specified in section 805 shall not be affected by the amendment made by section 802 and shall be deemed to have been made under the corresponding provision of that Act as restated by section 802 as the Central Intelligence Agency Retirement Act.

(b) REFERENCES.—Any reference in any other Act, or in any Executive order, rule, or regulation, to the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, or to a provision of that Act, shall be deemed to refer to that Act and to the corresponding provision of that Act, as restated by section 802 as the Central Intelligence Agency Retirement Act.

SEC. 805. EFFECTIVE DATE.

The amendments made by sections 802 and 803 shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act.

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence:

DAVE MCCURDY,
CHARLES WILSON,
BARBARA KENNELLY,
DAN GLICKMAN,
NICHOLAS MAVROULES,
BILL RICHARDSON,
STEPHEN SOLARZ,
NORM DICKS,
RONALD K. DELLUMS,
DAVID E. BONIOR,
MARTIN OLAV SABO,
WAYNE OWENS,
BUD SHUSTER
(except for subsection 404(f)),
LARRY COMBEST
(except for subsection 404(f)),
DOUG BEREUTER
(except for subsection 404(f)),
R.K. DORNAN
(except for subsection 404(f)),
BILL YOUNG
(except for subsection 404(f)),
DAVID O'B. MARTIN
(except for subsection 404(f)),
GEORGE W. GEKAS
(except for subsection 404(f)),

From the Committee on Armed Services (for the consideration of Department of Defense tactical intelligence and related activities):

LES ASPIN,
IKE SKELTON,
Managers on the Part of the House.

DAVID L. BOREN,
FRITZ HOLLINGS,
BILL BRADLEY,
ALAN CRANSTON,
DENNIS DECONCINI,
JOHN GLENN,
BOB KERREY,
FRANK H. MURKOWSKI,
JOHN WARNER,
ALFONSE D'AMATO,
JACK DANFORTH,
WARREN B. RUDMAN,
SLADE GORTON,
JOHN CHAFEE,

From the Committee on Armed Services:

SAM NUNN,
STROM THURMOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for the intelligence and intelligence-related activities of the United States Government, the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DoD intelligence related activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions of the intel-

ligence committees of the House and the Senate, and consisted of members of the House and Senate Committees on Armed Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the National Defense Authorization Act for Fiscal Year 1993. In addition, the TIARA conferees have agreed on the authorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex, for TIARA programs which fall into the appropriation category of Military Pay.

SECTIONS 101 AND 102

Sections 101 and 102 of the conference report authorize appropriations for the intelligence and intelligence-related activities of the United States Government for fiscal year 1993 and establish personnel ceilings applicable to such activities.

SECTION 103

Section 103 of the conference report authorizes the Director of Central Intelligence to make adjustments in personnel ceilings in certain circumstances.

The conferees emphasize that the authority conveyed by section 103 is not intended to permit the wholesale raising of personnel strength in each or any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees from retirement, resignation, and so forth. The conferees do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed personnel levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this Act.

SECTION 104

Section 104 of the conference report authorizes appropriations and personnel end-strengths for fiscal year 1993 for the Community Management Staff and provides for administration of the staff during fiscal year 1993 in the same manner as the Central Intelligence Agency. The conference report authorizes $86.9 million and 161 personnel.

The Community Management Staff will perform some of the tasks associated with the responsibilities the Director of Central Intelligence (DCI) has for the management of the intelligence community. These tasks were previously performed by the Intelligence Community Staff. At the time the House considered the budget request for the Community Management Staff, it was the position of the DCI that these funding and personnel levels should not be made public. As a result of a disagreement with this position, no funds for the Community Management Staff were included in the House bill.

The conferees note that the position of the DCI on this matter changed prior to the drafting of the Senate amendment. The inclusion of Section 104 in the conference report reflects this change.

The levels recommended by the conferees for funding and personnel in section 104 exceed those necessary for the core responsibilities of the Community Management Staff as envisioned by the DCI. As detailed more fully in the classified annex to this Joint Explanatory Statement, the additional funds and personnel recommended in section 104 will be used for such community-wide activities as a measurements and signatures intelligence (MASINT) committee, a Foreign Language Committee, an Open Source Coordinator's Office, and an Advanced Research and Development Committee.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SECTION 201

Section 201 of the conference report authorizes appropriations for fiscal year 1993 of $168,900,000 for the Central Intelligence Agency Retirement and Disability Fund. Section 201 is identical to section 201 of the House bill and section 201 of the Senate amendment.

TITLE III—GENERAL PROVISIONS

SECTION 301

Section 301 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law. Section 301 is identical to section 301 of the House bill and to section 601 of the Senate amendment.

SECTION 302

Section 302 of the conference report provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States. Section 302 is identical to section 302 of the House bill and section 602 of the Senate amendment.

SECTION 303

Section 303 of the conference report expresses the "sense of Congress" that beginning in 1993, and in each year thereafter, the aggregate amount requested and authorized for, and the amount spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner. Section 303 is identical to section 603 of the Senate amendment and section 701 of the Intelligence Authorization Act for Fiscal Year 1992. The House bill did not contain a similar provision.

In adopting section 303 the conferees reiterate their hope that the intelligence committees, working with the President, will, in 1993, be able to make available to the American people, in a manner that does not jeopardize U.S. national security interests, the total amounts of funding for intelligence and intelligence-related activities.

SECTION 304

Section 304 of the conference report corrects technical drafting errors in the National Security Agency Act of 1959 and the Intelligence Authorization Act, Fiscal Year 1991. Section 304 is identical to section 306 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 305

Section 305 of the conference report authorizes funds for an advanced airborne reconnaissance system. Section 305 is identical to section 307 of the House bill and is consistent with action taken by the Senate on this matter as reflected in the classified Schedule of Authorizations which accompanies the Senate amendment.

TITLE IV—DEPARTMENT OF DEFENSE

SECTION 401

Section 401 of the conference report provides discretionary authority to the Secretary of Defense to utilize appropriated funds to provide assistance to certain former Defense Intelligence Agency employees for up to five years after leaving such employment. The assistance may be provided if the Secretary determines it is essential to avoid circumstances that might lead to the unlawful disclosure of classified information to which the employee to be assisted had access. The Secretary must report annually to the congressional appropriations and intelligence committees any expenditures made pursuant to this authority, beginning not later than 12 months after the date of enactment.

Section 401 is identical, except for technical drafting changes, to section 301 of the Senate amendment. A similar provision, section 305, was contained in the House bill.

SECTION 402

Section 402 of the conference report authorizes the Secretary of Defense to include senior executive service positions within the existing Civilian Intelligence Personnel Management System (CIPMS) of the military departments. The Secretary is also authorized to establish, by regulation, the requirements for such positions, to provide for pay and benefits, and to provide for the appointment to and removal from such positions, consistent with the statutory requirements for the Senior Executive Service generally. Senior Executive Service positions within CIPMS may not exceed 0.5 percent of the total CIPMS work force.

Section 402 is identical to section 302 of the Senate amendment. The House bill did not contain a similar provision.

SECTION 403

Section 403 of the conference report requires that reports regularly sent to the congressional armed services committees concerning certain Department of Defense real property transactions and construction projects shall be provided as well to the congressional intelligence committees when such reports involve transactions or projects affecting intelligence components of the Department of Defense.

Section 403 is identical to section 304 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 404

Section 404 of the conference report contains minor amendments to the National Security Education Act of 1991 (title VIII of the Intelligence Authorization Act, Fiscal Year 1992). Subsections (a), (c), (d), and (e) are substantively identical to subsections 304(a) (1), (2), (3), (5), (6), and section 604 of the Senate amendment. Subsection 404(b) is a revision of subsection 304(a) (4) of the Senate amendment. The House bill did not contain similar provisions.

The National Security Education Act (NSEA) amendments in section 404 will produce the following results:

the minimum period in which an undergraduate student receiving NSEA assistance must participate in a foreign study program will be one academic semester or equivalent term, rather than one academic semester;

graduate students receiving NSEA assistance will be able to study abroad if that study is part of a graduate degree program of a United States institution of higher learning;

the Secretary of Defense may enter into not more than ten personal service contracts, for periods of up to one year, in order to assist in the administration of the NSEA program;

the requirement in existing law for the Secretary of Defense to administer the pro-

gram through the Defense Intelligence College is eliminated. In eliminating this requirement, which has proven to be impractical, the conferees note that pursuant to section 803 of the Act, the National Security Education Board established by the Act retains authority to establish policy governing the program and retains the responsibility for reviewing its administration. Thus, while the Secretary of Defense is given overall responsibility for carrying out the program, under the Act, the Secretary is obliged to do so in accordance with policies approved by the Board, regardless of the instrumentalities used for the purpose;

the size of the National Security Education Board will be increased from ten to thirteen by adding the chairperson of the National Endowment for the Humanities and two additional education experts who are not federal employees;

the Secretary of the Treasury shall invest in full the amount in the National Security Education Trust Fund that is not immediately necessary for expenditure, rather than for obligation as in current law;

the National Security Education Act of 1991 is redesignated the "David L. Boren National Security Education Act of 1991" in recognition of Senator Boren's role in the development and enactment of this legislation; and

the authorization of appropriations for fiscal year 1993 to the National Security Education Trust Fund is $30 million.

SECTION 405

Section 405 of the conference report provides compensation authority to the Secretary of Defense sufficient to ensure that the National Security Agency (NSA) is able to recruit and retain the skilled personnel needed to carry out its mission. Section 405 makes clear that civil service level employees of the NSA may not receive basic pay at a rate which is above the rate paid to employees at Executive Level IV. In addition, section 405 authorizes the Secretary of Defense (or the Secretary's designee) to provide to NSA's officers and employees, compensation, benefits, incentives, and allowances at levels which do not exceed those authorized by title 5, United States Code.

Section 405 is identical to section 305 of the Senate amendment. The House bill did not contain a similar provision.

SECTION 406

Section 406 is similar to subsection 106(c) as contained in section 731 of the Senate amendment. It provides that nothing in this Act or any other provision of law shall be construed to require the disclosure of the names, titles, salaries, or number of persons employed by, or assigned or detailed to, the National Reconnaissance Office (NRO).

The conferees, in consultation with the NRO, have determined that a somewhat narrower provision than that in the Senate amendment is appropriate, given that the functions and activities of the NRO, beyond those which have recently been acknowledged publicly, remain classified and are thus potentially subject to exemption from public disclosure under the (b)(1) exemption to the Freedom of Information Act. The conferees also believed it desirable to clarify that the authority to withhold information does not apply to requests from the Congress.

TITLE V—FEDERAL BUREAU OF INVESTIGATION

SECTION 501

Section 501 of the conference report authorizes the Director of the Federal Bureau of Investigation, during fiscal year 1993, to accept on behalf of the FBI bequests of personal property or devises of real property under certain conditions.

Section 501 is identical to section 401 of the Senate amendment. The House bill did not contain a similar provision.

TITLE VI—CENTRAL INTELLIGENCE AGENCY

SECTION 601

Section 601 amends section 17(e)(3) of the Central Intelligence Agency Act of 1949 to make clear that the Inspector General may receive and investigate complaints or information from any person relating to the CIA's programs, operations and activities.

Section 601 is identical to section 303 of the House bill and, except for a technical drafting difference, to section 501 of the Senate amendment.

TITLE VII—INTELLIGENCE ORGANIZATION ACT OF 1992

Title VII amends the National Security Act of 1947 by providing for: the participation of the Director of Central Intelligence (DCI) in the National Security Council; the appointment of the Director and Deputy Director of Central Intelligence; the responsibilities and authorities of the Director of Central Intelligence; the responsibilities of the Secretary of Defense pertaining to the National Foreign Intelligence Program; and certain administrative arrangements pertaining to elements of the Department of Defense within the intelligence community.

Except for technical drafting differences and modifications described below, title VII is similar to title VII of the Senate amendment. The House bill contained no similar provisions.

The conferees take note of the general concern raised by the Administration that title VII might be viewed as creating legislative "charters" for the elements of the intelligence community, and thereby limit the flexibility of the President in carrying out intelligence activities. It is not the intent of the conferees to establish legislative charters, and, in fact, title VII does not limit presidential flexibility. Thus, the President is authorized to shape the composition of the intelligence community as he or she sees fit. The responsibilities of the DCI, set forth in this title, are made subject to the direction of the President or the National Security Council. Finally, the Secretary of Defense is explicitly provided discretion to utilize any element of the Department of Defense to carry out intelligence functions. While it is true that specific elements of the Department of Defense intelligence community are mentioned in title VII as carrying out certain responsibilities of the Secretary, the conference report does not preclude either the President or the Secretary of Defense from assigning such other functions to these elements as they may choose. The conference report also does not prevent the President or Secretary of Defense from assigning these functions to other elements of the Department of Defense as may be appropriate, subject to the possible need for congressional authorization of the funding required to execute such functions. In short, the conferees have made every effort to preserve the flexibility necessary for the President, DCI, and Secretary of Defense to carry out their crucial responsibilities in intelligence without the need to return to the Congress for new legislation. The conferees believe it is important to have in place a statutory framework that accurately reflects, and provides a clear foundation for, the relationships between various elements of the U.S. intelligence community. Existing law, which is now 44 years old, simply does not achieve this result.

SECTION 701

Section 701 contains the short title of title VII, the Intelligence Organization Act of 1992.

SECTION 702

Section 702 amends the National Security Act of 1947 to add a new section 3 containing definitions of terms used in the Act.

In subsection 3(2), the definition of "foreign intelligence" has been changed by substituting for the term "foreign powers" the term "foreign governments or elements thereof." This conforms the definition to changes in the definitions of other terms described below.

In subsection 3(3), the definition of "counterintelligence" has been changed by substituting for the term "foreign powers" the term "foreign governments or elements thereof."

In subsection 3(4)(F), the element identified as the "Office of Reconnaissance Support" has been changed to "National Reconnaissance Office," the name of the existing organization. This action was made possible by the recent declassification of the name of this organization.

Subsection 3(5), the definition of "national intelligence" and "intelligence related to national security," is identical to subsection 3(7) as contained in the Senate amendment.

Subsection 3(6), the definition of "National Foreign Intelligence Program," is identical to subsection 3(8) as contained in the Senate amendment.

Subsection 3(6) as contained in the Senate amendment, the definition of "foreign power," has been deleted as unnecessary.

SECTION 703

Section 703, concerning the participation of the DCI in the National Security Council, is identical to section 711 of the Senate amendment except for technical drafting differences.

SECTION 704

Section 704 is identical to section 721(a) of the Senate amendment except for technical drafting differences. Subsection 721(b) of the Senate amendment, establishing the Director of Central Intelligence at Level I of the Executive Schedule, has been deleted because of Administration objection.

The conferees take particular note of subsection 102(d) as contained in section 704 which makes clear that the Office of the Director of Central Intelligence, while constituting a separate element of the intelligence community, remains, for administrative purposes, within the Central Intelligence Agency.

Accordingly, the Office of the Director of Central Intelligence and the entities contained therein, e.g. the National Intelligence Council, remain governed by, and subject to, the provisions of the National Security Act of 1947, as amended, the Central Intelligence Agency Act of 1949, as amended, and other applicable laws, orders, directives and regulations to the extent they apply to the Central Intelligence Agency.

The conferees intend that the entities within the Office of the Director of Central Intelligence which support the Director in the execution of the DCI's responsibilities for the intelligence community, as well as the National Intelligence Council, remain independent of the CIA in terms of the performance of their respective substantive functions. It is nonetheless the intent of the conferees that these entities be considered

administratively a part of CIA for purposes of receiving logistical and other administrative support, and that the personnel and activities of these entities be subject to the same laws and regulations as the personnel and activities of the Central Intelligence Agency, to include those laws and regulations which provide special authority to CIA for the conduct of intelligence activities. This is consistent with existing law and practice.

The conferees want to make clear, however, that in making the Office of the DCI part of the CIA for administrative purposes, it is not their intent that those elements of that office which provide support in the execution of the DCI's responsibilities as head of the intelligence community, nor the National Intelligence Council which performs functions for the DCI which transcend those of the CIA, be subject, in the execution of substantive responsibilities, to the management, supervision, or control of CIA officials except for responding to the direction of the DCI or DDCI. In short, in providing that the Office of the DCI be considered, for administrative purposes, as part of the CIA, the conferees do not intend to impair the ability of the DCI to act as the impartial head of the intelligence community.

SECTION 705

Section 705 adds two new sections to the National Security Act of 1947: section 103, setting forth the responsibilities of the Director of Central Intelligence, and section 104, setting forth the authorities of the Director of Central Intelligence.

Section 103 as contained in section 705 is identical to section 722 of the Senate amendment except for technical drafting differences and the following modifications:

Subsection 103(a) as contained in section 722 of the Senate amendment directed that the DCI "shall be responsible for providing timely, objective national intelligence, independent of political considerations, and based upon all sources available to the intelligence community" to the President, executive branch agencies, and, where appropriate, to Congress. The Administration objected to this provision on the ground that it might, in situations where the objectivity of such intelligence was challenged, subject the DCI to charges (and perhaps even criminal liability) that he or she had "violated the law." The conferees believed this objection to be unfounded, since this provision was not a criminal statute and was not intended to provide any basis for criminal liability to attach to the DCI, or any other official.

Nevertheless, the Administration remained concerned with the wording of the provision. To accommodate this concern, section 103(a) as contained in section 705 was modified to require that the DCI shall be responsible for providing national intelligence to appropriate consumers, and that such intelligence "should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community" (emphasis added). The conferees believed that providing "objective national intelligence, independent of political considerations" is fundamental to the reason for the existence of the Director of Central Intelligence as head of the CIA and the intelligence community, and that it is appropriate to make this responsibility clear in the law.

Section 103(b) as contained in section 705 establishes within the Office of the DCI the National Intelligence Council (NIC). The Senate amendment provided that the NIC "be headed by a Chairman with two deputy chairmen, at least one of whom shall be from the private sector." The Administration objected to this provision on the grounds that it restricted the flexibility of the DCI to organize the NIC as future circumstances might dictate. The conferees agreed to delete this language from the conference report in deference to this concern. The conferees do, however, wish to make clear their strong support for prominent representation on the NIC of individuals from the private sector. The presence of such individuals in senior leadership roles in the NIC structure will be among the factors considered in determining the authorization of future funding for the NIC. The conferees believe that effective use of individuals from outside of government in the NIC is absolutely essential to creating and maintaining the expertise, objectivity, and independence so critical to the production of national intelligence estimates.

Subsection 103(d)(5) as contained in section 705 has been modified to eliminate the concluding phrase pertaining to covert actions as may be authorized pursuant to title V of the National Security Act of 1947. While the conferees agreed that covert actions which may be authorized pursuant to title V of this Act would constitute an example of a function or duty which may be assigned by the President to the DCI as head of the CIA, the conferees believe it unnecessary to provide solely for this one function within the text of the statute. At the same time, the conferees believe it would be disingenuous for Congress not to acknowledge its awareness that covert actions remain an instrument of U.S. policy and a function which may be assigned to the CIA pursuant to this title.

Finally, the conferees wish to make clear that by including within the responsibilities of the Director of Central Intelligence the responsibility to protect intelligence sources and methods from unauthorized disclosure, the conferees take no position with respect to the interpretation of similar language in existing law in *CIA* v. *Sims*, 471 U.S. 159 (1985). In *Sims*, the U.S. Supreme Court held that existing law permits the DCI to withhold information concerning intelligence sources and methods under the (b)(3) exemption to the Freedom of Information Act (FOIA) (5 U.S.C. 522(b)(3)), where the information is specifically exempted by other law from disclosure, without having to show that the information in question was properly classified, and thus exempt under the FOIA national security (b)(1) exemption.

Whether there is justification to permit the DCI to withhold information concerning intelligence sources and methods which is not classified in response to requests made under the FOIA is a matter which deserves closer, more systematic review by the committees of jurisdiction prior to taking further legislative action. The conferees believe that this conference report, which addresses organizational structure, is not the appropriate vehicle to address this issue. Thus, in enacting subsection 103(c)(5) as contained in section 705, the conferees do not intend their action to constitute an endorsement of the holding in *Sims*.

Section 104 as contained in section 705 is similar to section 104 as contained in section 722 of the Senate amendment. The lead-in clause of subsection (a) has been modified, at the Administration's request, to read "To the extent recommended by the National Security Council and approved by the President . . .". This revised phrasing is used in existing law, and was believed desirable by the conferees to make clear that the practice under existing law is maintained.

In addition paragraph 104(d)(3) has been modified to make clear that funds transferred pursuant to the authority provided by subsection 104(d) shall remain available for the same period as governs the appropriations account to which transferred.

SECTION 706

Section 706 amends the National Security Act of 1947 by adding two new sections: section 105, pertaining to the responsibilities of the Secretary of Defense for the National Foreign Intelligence Program; and section 106, providing for certain administrative requirements for elements of the Department of Defense within the intelligence community.

Section 105 as contained in section 706 is identical to section 105 as contained in section 731 of the Senate amendment except for technical drafting differences and the following modifications:

In subsections (b)(2) through (b)(5), the phrase "except as otherwise directed by the President or the National Security Council" has been inserted in parentheses after the identification of the instrumentality concerned. The conferees agreed to these changes at the request of the Administration to make clear that the President or National Security Council could direct the utilization of instrumentalities within the intelligence community, other than those identified, to carry out the functions specified in the affected subsections. The conferees do not intend by these changes to suggest that the President or National Security Council could direct that the functions themselves not be executed, nor by this action do the conferees provide authority to abolish the DoD entities specifically identified. Such actions, should they be desired by a particular Administration, should be undertaken in consultation with the Congress and in accordance with applicable law.

The last phrase in paragraph 105(b) (5) has been deleted. The functions identified in subsection 105(b) for particular elements of the Department of Defense are not intended to be exclusive of other functions which may be assigned to such elements by the Secretary. As this is not made explicit at any other point in the text of the conference report itself, the conferees agreed the last phrase of paragraph 105(b) (5) was unnecessary.

The conferees note that subsection 105(b) (3) as contained in section 706 will recognize in law for the first time the National Reconnaissance Office (NRO) of the Department of Defense, and that the subsection briefly sets forth the functions of that organization. As currently constituted, the Director of the NRO reports to the Secretary of Defense, and the Secretary has ultimate responsibility, which is exercised in concert with the Director of Central Intelligence, for the management and operation of the NRO. The Director of the NRO executes the NRO's responsibilities through the Department of Defense and the Central Intelligence Agency. It is not the intention of this subsection to alter or limit the existing roles and responsibilities of the Secretary of Defense or the DCI with respect to the management and operation of the NRO. Instead, the statutory language serves to recognize in law the existence of this Office and the vital role which it plays within the intelligence community.

The conferees applaud the Administration's recent decision to publicly acknowledge the existence and mission of the NRO. The conferees hope that this decision will lead to an expanded role for the NRO in the development of a more realistic United States policy on the sale of reconnaissance technology and systems in foreign markets.

The conferees also note subsection 105(c) as contained in section 706 which authorizes the Secretary of Defense to utilize elements of the Department of Defense as may be appropriate to carry out the functions described in the section, in addition to, or in lieu of, the elements expressly identified. In adopting this subsection, the conferees intend to permit the Secretary sufficient flexibility to utilize elements of the Department of Defense to carry out intelligence activities as may be appropriate, without returning to Congress for new legislation. Obviously, however, if funding had not been previously authorized and appropriated by the Congress to permit the component concerned to undertake the function in question, it would remain incumbent upon the Department to undertake appropriate consultations with the Congress. Thus, a decision by the Secretary to utilize an element of the Department of Defense other than the National Security Agency to form a unified signals intelligence organization would necessitate the authorization and appropriation of funds by the Congress to be used for this purpose.

Section 106 as contained in section 706 is identical to the corresponding section of the Senate amendment, except for technical drafting differences and a change of the reference to the Office of Reconnaissance Support to the National Reconnaissance Office, to conform to the changes made elsewhere in this title.

TITLE VIII—CIARDS TECHNICAL CORRECTIONS ACT OF 1992

Title VIII restates and revises the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note). It is identical to Subtitle B of Title II of the House bill except for modifications described below. The Senate amendment did not include a similar provision.

Section 221(g)(2)(B)(i) of the restatement is identical to Section 221(g)(2)(B)(i) of the restatement in the House bill except for technical drafting differences. Section 221(g)(2)(B)(ii) of the restatement is modified to specify the deposit required when a retired participant elects to provide a survivor annuity for a new spouse upon remarriage. This modification follows the provisions of section 8339(j)(5)(c) of title 5, United States Code. Section 252(g) of the restatement is modified to reflect the modification in section 221(g)(2)(B)(ii).

Section 252(b)(4) of the restatement in the House bill, which would have been superfluous under the CIA Retirement and Disability System, is deleted. Section 264(a) of the restatement is modified to conform more closely to section 263(a) of current law. Case law is considered settled on the interpretation of the phrase "moneys mentioned in this title" and the restatement is not intended to change this interpretation. The heading of section 281(c) of the restatement, which was "Actuarial Equivalence" in the House bill, is changed to "Value of Benefits."

Section 304 of the restatement is modified to include a new subsection (e) to spell out the treatment of the qualified former spouse thrift savings plan benefit. Unless otherwise expressly provided by a spousal agreement or court order, a qualified former spouse of an employee covered under the Federal Employees' Retirement System is entitled to a share of the balance in the employee's account in the Thrift Savings Fund on the date of divorce equal to 50 percent of the account balance that accrued during the period of the marriage.

The qualified former spouse's benefit is to be paid in a lump sum upon receipt by the Director of Central Intelligence of the divorce decree or any applicable court order or spousal agreement, together with any additional information or documentation the Director may require. If the qualified former spouse dies before payment of the benefit to which he or she is entitled, then payment is to be made to the estate of the qualified former spouse. No payment may be made by the Director if the date on which the divorce becomes final occurs after the date the account has been closed or an annuity contract has been purchased. Payment to one individual bars recovery by any other individual.

Section 304 of the restatement also includes technical changes in conformance with the new subsection (e).

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

Defense Intelligence College

Section 303 of the Senate amendment authorized the Defense Intelligence College to grant a degree of Bachelor of Science in Intelligence. The House bill did not contain a similar provision. The conferees noted that the United States Department of Education had not determined that the proposed degree program was consistent with its own internal policies. The conferees believe it desirable that such a determination be reached prior to the enactment of legislation providing degree-granting authority. Accordingly, the conferees agreed to exclude the provision from the conference report with the intention of reviewing this matter when Department of Education validation of the program is obtained.

Transfer of Joint Intelligence Center (JIC) Billets

The House committee report on H.R. 5095 endorsed the future focus of tailored intelligence production in the Joint Intelligence Center (JIC) concept proposed by the Administration. In the wake of changing world circumstances, it is understood that the missions of the ten Unified and Specified Commands would undergo some change, and some corresponding changes in the size of the intelligence components of those commands could occur. Therefore, the House bill recommended a shift of a number of intelligence personnel billets believed to be unmanned from what is now the Strategic Command (STRATCOM) to the Contingency Command. In its report on the bill, the House committee indicated its intention to further consider that recommendation after the completion and evaluation of a JIC study then being conducted by the Administration. The Senate believed transfers were unwarranted at this time and consequently recommended no adjustment to the Administration's proposed request.

The conferees agreed that the proposed transfer would severely restrict the flexibility of the Director of the Defense Intelligence Agency to shift resources according to changes in the threat, force structure, and budget. Accordingly, the House recedes.

From the Permanent Select Committee on Intelligence:

DAVE MCCURDY,
CHARLES WILSON,
BARBARA KENNELLY,
DAN GLICKMAN,
NICHOLAS MAVROULES,
BILL RICHARDSON,
STEPHEN SOLARZ,
NORM DICKS,
RONALD K. DELLUMS,
DAVID E. BONIOR,
MARTIN OLAV SABO,
WAYNE OWENS,
BUD SHUSTER
(except for subsection 404(f)),
LARY COMBEST
(except for subsection 404(f)),
DOUG BEREUTER
(except for subsection 404(f)),
R.K. DORNAN
(except for subsection 404(f)),
BILL YOUNG
(except for subsection 404(f)),
DAVID O'B. MARTIN
(except for subsection 404(f)),
GEORGE W. GEKAS
(except for subsection 404(f)),

From the Committee on Armed Services (for the consideration of Department of Defense tactical intelligence and related activities):

LES ASPIN,
IKE SKELTON,
Managers on the Part of the House.

DAVID L. BOREN,
FRITZ HOLLINGS,
BILL BRADLEY,
ALAN CRANSTON,
DENNIS DECONCINI,
JOHN GLENN,
BOB KERREY,
FRANK H. MURKOWSKI,
JOHN WARNER,
ALFONSE D'AMATO,
JACK DANFORTH,
WARREN B. RUDMAN,
SLADE GORTON,
JOHN CHAFEE,

From the Committee on Armed Services:

SAM NUNN,
STROM THURMOND,
Managers on the Part of the Senate.

DISPATCHING U.S. JOBS OVERSEAS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, when it comes to international trade, President Bush sees a new order—one world, one market. "Why protect U.S. jobs when world competition controls the marketplace, says the first free trader?"

When it comes to the U.S. worker, there is no such thing as free trade.

George Bush has presided over an economy in freefall. The President has insulted American workers by vetoing: one textile bill, one unemployment bill, and one family and medical leave bill.

Meanwhile, news accounts have revealed that the Bush administration used millions of U.S. tax dollars to relocate American jobs overseas.

This foreign policy initiative—through the Agency for International Development—may have crippled our domestic industry while dispatching American workers to the unemployment lines.

That is why I have joined five other colleagues in requesting a full account-

ing of these accusations by President Bush.

Mr. Speaker, three vetoes later the President has demonstrated he is no friend to the American worker. Let us hope the facts show the Bush administration did not use U.S. tax dollars to send our jobs abroad.

CLINTON'S TAX GAP

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, there is a tax gap in Mr. Clinton's economic plan.

Bill Clinton has promised repeatedly to raise taxes by $150 billion. He says he will do this by raising taxes on those making over $200,000 a year, by increasing the tax on foreign corporations, and through other means.

But Mr. Speaker, these numbers do not add up. His tax on the rich will raise $30 billion less than Clinton has promised, according to the Treasury Department. The foreign corporation tax will fall $44 billion short.

This means Bill Clinton will have to find $74 billion from another source.

Mr. Speaker, this other source is the middle-class taxpayer.

In fact, to reach his goal, Bill Clinton will be forced to raise taxes on almost all Americans.

That doesn't sound like the rich to me.

Mr. Speaker, Bill Clinton needs to explain this tax gap. The American people deserve to know the truth. Level with us, Bill—we're tired of the flimflam.

JOB CREATION UNDER BUSH TAKES PLACE OVERSEAS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, as a candidate, George Bush promised to create 30 million new jobs. As President, he did create over 700,000 jobs—in Central America and the Caribbean.

According to a just-released report, the Bush and Reagan administrations spent over 1 billion tax dollars through the U.S. Agency for International Development to move American jobs overseas. AID provided incentives for U.S. companies to relocate their operations offshore.

AID has been so successful that there are more than 200 so-called export processing zones located in the Caribbean Basin and Mexico. These zones house 3,000 manufacturing plants and employ 735,000 workers producing $14 billion in annual exports to the United States.

As a result, thousands of American workers have lost their jobs. Those American workers lucky enough to still have jobs, have watched their wage rate and standard of living decline under the withering economic attack of the President.

Mr. Speaker, during the past decade, American workers were told to vote with their feet. Now George Bush wants them to pick up a passport on the way.

This travesty must end. I will do everything within my power to ensure that not another dime of taxpayer money is spent to export our jobs.

THE OMNIBUS INTERSTATE CHILD SUPPORT AND PARENTAGE ACT

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise this morning as a member of the National Commission on Child Support Enforcement, to commend President Bush for turning his attention to what has long been a national disgrace—the epidemic of parents neglecting or refusing their moral and legal obligation to pay child support. I look forward to working with the new Bush administration on this critical problem in the new Congress.

In the meantime, the national child support enforcement system is failing miserably. Only 43 percent of mothers with binding child support orders receive regular payments. For the rest, life is a daily struggle at best, or even a short drop onto the public assistance rolls.

Today, along with the senior Senator from my State of New Jersey, BILL BRADLEY, I am introducing the Omnibus Interstate Child Support and Parentage Act. This legislation would enact many of the recommendations made by our National commission. Among other things, this bill stiffens interstate enforcement, forces the States to bring their procedures into compliance with national standards and makes interstate flight to avoid child support a Federal crime.

On behalf of the families of America, I urge my colleagues to cosponsor this critical legislation.

BILL CLINTON LOOKS TO A BETTER FUTURE FOR AMERICA

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the message of the Presidential campaign is very clear to the people of America. On one side President Bush's message is this: Things could get worse. Yet, by leading economic indicators that are being disclosed this week, we see that we still are struggling with unemployment and a recession that just will not go away.

President Bush tells the American voters: "Things could get worse. Bill Clinton could make them worse." But the message from the Clinton campaign is dramatically different. The message from Mr. Clinton is: "Things could get better."

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With different leadership in the White House, working with Congress, we can try to put this economy back on track. We can abandon the Reagan-Bush economic policies which have cost us the best jobs in America and have really worked for tax policies that do not help working families.

I think this difference between the two campaign messages explains why Mr. Clinton is now in the lead and will be elected on November 3.

CONFEREES CHANGE RULES ON HIGH-LEVEL NUCLEAR WASTE

(Mrs. VUCANOVICH asked and was given permission to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, late yesterday evening, the House conferees, while considering H.R. 776, the energy bill, voted 16 to 6 to drastically change the rules regarding protecting the public's health and safety from high-level nuclear waste.

The conferees accepted a Senate offer on section 801 that is tantamount to making up the rules as we play the game. In this game, the stakes are high: radiation exposure.

Last May, this body voted for a provision directing the EPA to repromulgate radiation standards for public comment. These standards were based upon population dose rather than individual dose effects.

Senator JOHNSTON's amendment, which I believe to be outside the scope of the conference, throws out the old EPA radiation standards, and basically directs the National Academy of Sciences to write a less rigorous standard that can surely be met by a deep geologic repository.

In other words, no matter how tectonically stable, or unstable, Yucca Mountain is, the environmental rules have been made to order.

I want to thank those five brave Members who voted their conscience and joined with me against this outrageous backroom dealing.

What sort of protection is this for my constituents? It is no wonder the country thinks Congress needs to be fixed.

COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1992

(Mr. ORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTON. Mr. Speaker, today is the beginning of a new fiscal year for the U.S. Government. Last night at midnight marked a new milepost which

I hope our country never reaches again—an annual Federal deficit between $300 billion and $400 billion.

Four months ago, we fell just short of amending our Constitution to prevent such deficits. At that time, many of our colleagues came to the well of the House rejecting the concept of a balanced budget amendment but proclaiming their support for statutory change which would require a balanced budget.

This morning I am filing legislation, the Comprehensive Budget Process Reform Act of 1992, which will not only require a balanced budget, but will provide the statutory mechanism to achieve it. This budget reform legislation is the bipartisan work product of literally thousands of hours by many of my colleagues on both sides of the aisle.

The Comprehensive Budget Reform Act will not only require a balanced budget, but it will bring the President and the Congress together in the creation of a balanced budget, and establish enforcement mechanisms to ensure compliance. To enable the achievement of a balanced budget, the act will eliminate the annual current services approach to budgeting and replace it with an incremental-based biennial budget. Rather than a cash method budget, the act will require a unified budget including an operating budget and a capital budget. Sunset authority will require all Government programs to be periodically reexamined and reauthorized based upon performance standards by which to judge the effectiveness of each program. Finally, the President is given enhanced rescission authority to identify and eliminate wasteful spending.

I am filing this legislation today, knowing that we will not have time for enactment this session of Congress. However, it is the intention of the cosponsors of this legislation to contact every returning Member and every newly elected Member of this House prior to next January to solicit your cosponsorship and support for quick consideration and passage in the 103d Congress. I request and encourage your thoughtful deliberation of the Comprehensive Budget Process Reform Act. We can solve the deficit problem if we drop partisan politics and truly work together.

LIBERALS ARE NOT NICE PEOPLE

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, liberals are not nice people. Liberals have no shame.

The leader of the liberal pack, Bill Clinton, said that George Bush is exporting jobs through the Agency for International Development [AID]. Let us analyze it. Who funds AID? Bill Clinton's liberals in the Congress, that is who.

On June 19, 1991, there was before Congress an amendment to cut AID by $2 billion. The General Accounting Office, Congress' own investigative arm, had repeatedly told us of the waste and abuse in AID. It is the Congress's responsibility to exercise oversight over the programs it insists upon, not George Bush's. Congress funds AID, not George Bush.

How did you vote on AID and to cut AID funding? Did you vote to send jobs overseas? We had two Democrats here in the House this morning, bashing George Bush. Both of them voted for AID and for sending jobs overseas.

I was in the conference committee in September 1991, when the conferees met on this issue. I saw how the liberals acted. I saw what happened. They killed the cut which the House had made in AID.

The liberals are blowing a lot of smoke. Come on, George Bush, let us expose these scoundrels.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members that statements should be addressed to the Chair, not to persons outside the Chamber.

FOREIGN AID

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in the foreign aid bill there is $50 million in weapons for Bosnia, even though there are 25,000 murders in America. There is $20 million for foreign family planning, even though there is 47 million Americans without health insurance. There is $10 billion for loan guarantees to Israel while people are sleeping in tents in Florida and Louisiana and on steel grates in New York and Los Angeles. There is $1 billion in economic aid for Russia, even though there was another 430,000 American workers who lost their job last week.

Let me say this: If foreign aid helps so much, how come Old Glory is not flying over Subic Bay anymore? You do not buy friends. We need money at home.

Let us stop this foreign aid giveaway and redirect the money back home. Maybe we should export a few of these politicians that are exporting our money.

WELFARE REFORM

(Mr. GRANDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRANDY. Mr. Speaker, how do we best reform the welfare system in this country, by the standard top-down Federal mandate, most probably unfunded; or do we build from the bottom up using our States as laboratories to enact workable reforms? The gentleman from Florida, CLAY SHAW, the gentlewoman from Connecticut, NANCY JOHNSON, and myself prefer the latter approach, and today introduced legislation composed of a two-part strategy. One makes significant changes in Federal welfare law, and two allows a series of State demonstrations to test thoroughly the innovative ideas emerging in welfare policy, ideas such as time-limiting AFDC payments and child support assurance.

A recent U.S. News & World Report states the following:

> The case for experimental reform stems from two ineluctable truths. The first is that no one knows for sure how to slash the welfare rolls short of simply cutting benefits. The second is that the problem of dependency has now reached epidemic proportions.

Mr. Speaker, to cure an epidemic you need research. To do research you need a laboratory. Our States are equipped and ready. Let the experiments begin.

CONTROLS ON TOKYO TRADING

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, imagine the outrage if the U.S. Treasury Department were to instruct Merrill Lynch or Goldman Sachs or other brokerage houses to stop trading in foreign stocks. No one in this House would stand for it. But indeed that is exactly what has happened in recent years in Tokyo.

The Ministry of Finance in Japan instructed firms in Tokyo to stop trading through their offices in Hong Kong because Hong Kong investors were buying shares in paper companies in Japan.

Mr. Speaker, for a long time the peculiar ethics of the markets in Japan were a Japanese problem. But today, when pension funds and mutual funds of American investors increasingly are used on the Tokyo markets, it is our problem.

Recently I introduced H.R. 3283 asking the Treasury Department to do a study on the safety, the security, and the practices for funds used on the Tokyo markets. Soon that legislation will return to the House attached to Senate legislation. I ask my colleagues for the sake of the security of American investors to support it, to review it and to lend it their vote.

□ 1020

WE CANNOT AFFORD BILL CLINTON

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, Governor Bill Clinton claims he is only going to tax the wealthiest Americans. The richest 2 percent in the United States to raise his promised $150 billion. But the middle class had better watch out—for Clinton to raise that kind of money, he will have to tax people with yearly incomes as low as $34,000. That sure sounds like middle class to me.

The truth is that the American middle class cannot afford Bill Clinton, and they can't trust Bill Clinton. Just look at this record. Clinton raised Arkansas taxes designed to hit the middle class, such as taxes on groceries, tourism, and mobile homes. Think what he will do to the rest of the country if given the chance.

There is only one place in America Bill Clinton can dig into to pay for his big government with $150 billion in new taxes and $220 billion in new spending—hard working, middle income Americans.

Mr. Speaker, is this what we want? I doubt it. America cannot afford Bill Clinton, and we cannot trust him either.

INTRODUCTION OF LEGISLATION CONCERNING LABOR AND LABELING PRACTICES OF SAIPAN

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, as we work at putting America back to work, it is important to recognize that American jobs are lost every day through inconsistencies in U.S. trade policy.

Saipan, a U.S. protectorate located in the South Pacific exports goods duty free and tagged with the "Made in USA" label. CBS and the Washington Post, recently reported Saipan has been exploiting its status as a United States protectorate.

According to the Commerce Department, apparel and textile shipments from Saipan were valued at $12 million in 1985. By 1991 the value soared to $253 million.

Saipan has experienced explosive growth. But the workers fueling this growth are not residents of Saipan. They are foreign workers who are subjected to inhuman living conditions, 80-hour workweeks, and subminimum wages; 1990 census figures show that out of the total Saipan work force, 82 percent are nonresidents.

Today, I have introduced a bill that will address these problems. My legislation puts Saipan on notice that we will no longer tolerate its labor and labeling practice and its impact on American jobs.

I urge Members to cosponsor this important legislation for American jobs.

THE FORGOTTEN ISSUE OF THE 1992 ELECTION CAMPAIGN

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, you come from a rural district, and I come from a rural district.

I would like to talk about the forgotten issue of this 1992 Presidential election campaign, and that is American agriculture. I would like to talk to you about the candidate who forgot them. Unfortunately for you, Mr. Speaker, that is your candidate, Governor Clinton.

The fact is that I was excited when Governor Clinton came to my district with his bus tour, and I was excited when he decided to hold a rally on a farm, but, boy, was I disappointed when he did not have one specific to tell my farmers about what he was going to do in American agriculture.

He said he was for expanded markets. Well, so am I, so is the President, but he is not willing to endorse NAFTA like the President is. He is not willing to try to achieve expanded markets through the kind of export-enhancement programs like the President is. He says he wants fair prices for the farmer, but he does not tell how he is going to achieve those fair prices when he says he is for expanded markets.

He did go to Iowa, a week ago, Governor Clinton, that is, and he criticized the President for not doing something on ethanol. If I understand it correctly, the President has been trying to work out a very difficult problem on the ethanol issue. I still do not know where Governor Clinton stands on that issue.

Will he endorse the President's plan when he announces it? Or will he continue to be as vague as he has been thus far to the American farmer?

NAVAL ORDNANCE STATION VITAL TO THE NAVY, TO KENTUCKY, AND TO INDIANA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, one of the jewels, one of the treasures of the Nation's national defense capability is located in my district. It is the Naval Ordnance Station, Louisville, where 2,400 men and women, civilian and military, overhaul and modernize the Navy's ordnance systems as well as its shipborne missile launching systems.

Naval Ordnance is now a part of a joint command with Crane, IN, division of the Naval Surface Warfare Center.

This afternoon I will testify before the conversion committee strongly urging retention of Naval Ordnance and Crane division because of its vital importance to Louisville, to Crane, IN, southern Indiana, as well as Kentucky, but more to the point, the importance of this joint command to the national defense posture.

In the future, the Navy will have fewer new weapons systems. It will need more effective forms of overhauling and modernizing existing weapons systems.

This is exactly what Louisville and Crane do best and cheapest. We need to keep these two organizations going as part of the new military.

IRS MUST BE HELD ACCOUNTABLE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, believe it or not, the IRS has lost $175 million and will not even try to find it.

The Wall Street Journal reported last week that the IRS has sent out $175 million in tax refunds to 270,000 filers who are not entitled to these 1992 refunds.

The GAO has verified this mistake on the part of the IRS.

The IRS told the Wall Street Journal that it would be too difficult to identify who received the $175 million windfall and citing the cost of trying to find this money, said the IRS will just swallow this mistake.

A mistake of this magnitude would not happen in private business and if it did, top management would be removed.

But because this is our wasteful Federal Government, everybody just shrugs their shoulders. After all, the IRS seems to say, a $175 million mistake is nothing.

This is an inexcusable waste of tax dollars and the IRS should be held accountable.

What would happen if a taxpayer said he or she failed to pay their taxes by mistake? Would the IRS forgive them and swallow the mistake? We know the answer to that question.

I know that most people say you cannot criticize the IRS; they will come after you.

It is bad enough that the Federal Government has spent itself into a $4 trillion debt. But this is ridiculous—and the IRS should not be immune from criticism. Now the bureaucrats are literally losing millions of our tax dollars.

There is no excuse for this mismanagement. We need to hold the bureaucrats accountable for this outrage and not allow them to simply swallow this $175 million waste of tax dollars.

READ OUR LIPS: WE WILL NOT BE GAGGED

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, this is a very somber occasion.

Today is the day that the Bush administration's regressive new regulations go into effect, gagging America's health professionals and denying American women information on their full range of health care options.

These regulations deny health care professionals the right to free speech.

They jeopardize the sacred relationship between health care professionals and their patients.

And they deny women the right to quality health care.

Today, Members of Congress, representatives of national women's organizations, and clinic operators and clients will hold a press conference at noon to send the President a message, loud and clear.

Mr. Speaker, we will tell the President: "Read our lips, we won't be gagged."

This may be the first day of the new gag rule, but it is also the first day of a nationwide movement to untie these bonds and gain new leadership that will be more sensitive to the rights of women.

Mr. Speaker, we care about women. The gag rule is intolerable and must be overturned.

VETERANS' HEALTH CARE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, national health care reform is a topic of intense debate these days. During this important debate, any reform proposal that impacts on the status, role, or autonomy of the VA health care system must be closely examined.

When Canada adopted its National Health Insurance Program, its veterans health care system disappeared. Since long-term care is not part of the insurance program in some Canadian provinces, many Canadian veterans find that they cannot get the long-term care that, as veterans, they both need and deserve.

The men and women who have served in our Armed Forces have met their obligations to our country. Now, more than ever, we need to show our veterans that they have not been forgotten or abandoned.

The veterans in my district are concerned that their health care needs are being overlooked in the debate over a new national health care system. It is vitally important to ensure that any changes in the U.S. health care system not threaten or undermine the care available to our veterans.

CHOP ON, BRAVES, CHOP ON

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, I would like to discuss a very important issue here.

Mr. Speaker, Tuesday night down South, America's team, the Atlanta Braves, won the National League Western Division title for the second consecutive year. It was a remarkable achievement for a team that has captured the fancy of baseball fans all over the world with their determination, their winning attitude, and their combination of steady pitching, slick fielding, and timely hitting.

Mr. Speaker, Braves caps are worn all around America, even in Pittsburgh, PA, where I have placed a few friendly wagers lately.

So we would like to tip our hats to Ted Turner, John Schuerholz, Bobby Cox, and the entire Braves organization, but most particularly, to those 3 million Braves fans who filled the Atlanta stadium this summer for a great summer of baseball.

So chop on, Braves, chop on.

□ 1030

REPUBLICAN WELFARE REFORM BILL

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, we are now moving into the second decade of ferment on welfare reform. In both 1981 and 1988 Congress enacted sweeping welfare reform legislation. The major purpose of both acts was to help States end welfare dependency by encouraging welfare mothers to work. Now the Nation is witnessing a great new wave of reform legislation in which States are asking for authority to require work and responsible parenting from adults on welfare.

This relentless move toward welfare reform is being driven by the realization that most of our welfare programs contain a fundamental flaw—they provide people with benefits but require nothing in return.

Today, Mrs. JOHNSON, Mr. GRANDY, and I are introducing legislation to authorize a series of large-scale State demonstrations to test radical new means of ending welfare dependency. These coordinated demonstrations will show how we can create a welfare-to-work system in which market earnings at low-wage jobs, combined with public benefits available to working families, will ensure welfare mothers who work an annual income of at least $15,000 in cash plus day care and health care subsidies.

We should make this bill, and similar bills from the other side of the aisle, the first order of business in the 103d Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the Speaker's statement of earlier this morning, that is the last of the permissible 1-minute speakers at this time. The Speaker had indicated there would be 10 Members taken on each side and this exhausts the 10 on each side.

CONFERENCE REPORT ON H.R. 5678, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 582 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 582

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. DERRICK. Mr. Speaker, House Resolution 582 waives all points of order against the conference report on H.R. 5678, making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1993, and against its consideration.

Mr. Speaker, under the conference agreement, a total of $23.2 billion is appropriated for the Departments of Commerce, Justice, State, and related agencies. The measure appropriates $643 million or 3 percent less than the President's budget request.

The conference agreement appropriates $9.4 billion for programs and agencies of the Justice Department which is an increase of $93 million over last year's funding level. The agree-

ment also provides $693 million for the Office of Justice programs which provides State and local law enforcement assistance grants.

The conference agreement provides $385 million for interagency law enforcement efforts against organized drug crime and provides $2 billion for the Federal Bureau of Investigation as well as $718 million for the Drug Enforcement Agency. Included in the agreement is also an increase in funding for Federal prisons of $83 million.

The conference agreement appropriates $3.1 billion for the Commerce Department which is an increase of $117 million over last year's funding level and does not include the President's proposal to terminate the Economic Development Administration. Instead, the bill provides a total of $244 million in funding for EDA.

Finally, the agreement provides increased funding for the State Department, Federal Communications Commission, U.S. Information Agency, Equal Employment Opportunity Commission, as well as the Maritime Administration.

Mr. Speaker, as we move into the new fiscal year it is imperative that Congress and the President quickly complete action on the remaining appropriation bills. House Resolution 582 will expedite consideration of this important legislation and I urge my colleagues to support the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as was described, this rule waives all points of order against the consideration of the conference report to accompany H.R. 5678, making appropriations for the Departments of Commerce, Justice, and State, and for the judiciary and related agencies.

I won't oppose the rule, Mr. Speaker, but I do want to express my concern over the trend of granting blanket waivers to these conference reports on appropriations bills. I know many of my colleagues share this concern.

We all put a great deal of faith and trust in our conferees, and I commend them for their hard work and efforts to represent the interests of the House in their deliberations with the Senate on these appropriations bills. They do a great job.

Oftentimes, however, the conference reports come out containing assorted legislative provisions and appropriation amounts which have never been considered here in the House. Members should have the opportunity to address these matters if they so choose. Waiving all points of order against these bills denies Members an opportunity to debate and vote on specific items of concern, and I hope we can stop this trend before it becomes a habit.

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Having said all of that, we do need to complete action on these important appropriation bills, so let us proceed with the consideration of this rule and get on with the business at hand.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes, for the purposes of debate only, to the gentleman from California [Mr. BROWN].

Mr. BROWN. I thank the gentleman for yielding.

Let me say parenthetically that my views are pretty much those expressed by the gentleman from Tennessee [Mr. QUILLEN] with regard to this bill. I am going to support it. I recognize the importance of it.

This Congress is going to be measured by the way in which we handle this business, particularly appropriations bills, in the last few days, and this contributes to an effective, expeditious treatment thereof.

Mr. Speaker, I wish to engage the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, the gentleman from Iowa [Mr. SMITH] regarding the use of State Department funds designated for international scientific and technological activities.

Mr. Speaker, the conference report language provides $6.5 million for such international scientific research issues as environmental protection, marine resources, dry-land agriculture, public health, and transborder pollution. There research objectives are shared by the Mexico/United States Foundation for Science, which has been established with the full support of the Governments of both Mexico and the United States.

I would ask the chairman if he agrees that the program guidance provided to the State Department in the conference report language should encourage the State Department to make a contribution to the Mexico/United States Foundation for Science from these funds?

□ 1040

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. Certainly, I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. First of all, Mr. Speaker, I want to say the committee is very much aware of the great work of the gentleman from California in this field. Certainly, after consulting with the gentleman, we intend that the statement of the managers would provide guidance to the Assistant Secretary of the OES and the Interagency Review Committee to consider a proposal from the Mexico/United States Foundation for Science.

Mr. BROWN of California. Mr. Speaker, I want to thank the gentleman from Iowa very much for this important clarification and his willingness to work in a cooperative manner to achieve the goals of this very important international program.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SMITH of Iowa. Mr. Speaker, I call up the conference report on the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, September 28, 1992, at page 28292.)

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the conference report on the bill, H.R. 5678, now under consideration, and that I may be permitted to insert a table and extraneous matter following my remarks on the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. SMITH of Iowa. Mr. Speaker, as was explained on the rule, the conference report on this bill does involve 3 departments and 22 agencies. We are within our 602(b) budget allocation.

This bill was very low as it left the House. We got an increase in the 602(b) budget allocation before we got through conference, but it has been completed now and we are within the new 602(b) allocation.

We think that we have worked out as good a bill as could be worked out under the circumstances. There may be reductions in force [RIF's] in some departments under this bill, but we cannot help it, since the allocation is low. We have done the very best that we can.

At this point, I would like to insert a table into the RECORD that shows the amount in the conference agreement on H.R. 5678, the fiscal year 1992 amount, the fiscal year 1993 budget request, and the amounts in the House and Senate bills for each appropriation account.

The table follows:

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE AND RELATED AGENCIES						
DEPARTMENT OF JUSTICE						
Office of Justice Programs						
Justice Assistance	669,467,000	588,507,000	626,915,000	669,729,000	665,299,000	-4,168,000
Public safety officers benefits program:						
Death benefits	27,144,000	28,013,000	28,013,000	28,013,000	28,013,000	+869,000
Disability benefits	.....	2,000,000	.....	.....	.....	.....
Total	27,144,000	30,013,000	28,013,000	28,013,000	28,013,000	+869,000
Total, Office of Justice Programs	696,611,000	618,520,000	654,928,000	697,742,000	693,312,000	-3,299,000
General Administration						
Salaries and expenses	110,100,000	132,909,000	113,626,000	110,100,000	115,929,000	+5,829,000
Office of Inspector General	28,820,000	31,770,000	29,222,000	31,293,000	30,622,000	+1,802,000
Quantico Training Center	3,500,000	31,075,000	7,700,000	31,075,000	7,700,000	+4,200,000
Weed and Seed Fund	.....	.....	.....	17,200,000	13,150,000	+13,150,000
Total	142,420,000	195,754,000	150,548,000	189,668,000	167,401,000	+24,981,000
United States Parole Commission						
Salaries and expenses	9,855,000	9,309,000	9,053,000	9,309,000	9,309,000	-546,000
Legal Activities						
Salaries and expenses, general legal activities	384,249,000	419,525,000	384,501,000	396,766,000	395,500,000	+11,251,000
Vaccine injury compensation trust fund	2,000,000	2,000,000	1,860,000	2,000,000	2,000,000	.....
Independent counsel (permanent, indefinite)	4,000,000	4,500,000	4,500,000	4,500,000	4,500,000	+500,000
Civil liberties public education fund (permanent, definite)	500,000,000	250,000,000	250,000,000	250,000,000	250,000,000	-250,000,000
Salaries and expenses, Antitrust Division	44,994,000	54,127,000	44,994,000	44,626,000	44,626,000	-368,000
Offsetting fee collections	(13,500,000)	(10,000,000)	(13,500,000)	(16,900,000)	(16,900,000)	(+3,400,000)
Total budget authority available	(58,494,000)	(64,127,000)	(58,494,000)	(61,526,000)	(61,526,000)	(+3,032,000)
Proposed fees, offsetting receipts	.....	-3,250,000	.....	.....	.....	.....
Salaries and expenses, United States Attorneys	720,737,000	813,510,000	730,040,000	807,810,000	768,300,000	+47,563,000
Assets forfeiture fund surplus	.....	.....	.....	.....	22,400,000	+22,400,000
Total budget authority available	720,737,000	813,510,000	730,040,000	807,810,000	790,700,000	+69,963,000
Proposed fees, offsetting receipts	.....	-1,400,000	.....	.....	.....	.....
United States Trustee System Fund	57,221,000	70,916,000	57,221,000	57,221,000	57,221,000	.....
Offsetting fee collections	(23,961,000)	(29,300,000)	(29,300,000)	(29,300,000)	(32,300,000)	(+8,339,000)
Total budget authority available	(81,182,000)	(100,216,000)	(86,521,000)	(86,521,000)	(89,521,000)	(+8,339,000)
Salaries and expenses, Foreign Claims Settlement Commission	843,000	898,000	898,000	898,000	898,000	+55,000
Salaries and expenses, United States Marshals Service	324,571,000	341,471,000	313,768,000	333,819,000	333,300,000	+8,729,000
Support of United States prisoners	235,125,000	268,481,000	230,075,000	234,125,000	234,125,000	-1,000,000
Assets forfeiture fund surplus	.....	.....	.....	.....	27,600,000	+27,600,000
Total budget authority available	235,125,000	268,481,000	230,075,000	234,125,000	261,725,000	+26,600,000
Fees and expenses of witnesses	92,797,000	81,010,000	81,010,000	81,010,000	81,010,000	-11,787,000
Salaries and expenses, Community Relations Service	27,343,000	36,570,000	26,106,000	26,106,000	26,106,000	-1,237,000
Assets forfeiture fund	100,000,000	100,000,000	93,000,000	100,000,000	93,000,000	-7,000,000
Total, Legal activities	2,493,880,000	2,438,358,000	2,217,973,000	2,338,881,000	2,340,586,000	-153,294,000
Radiation Exposure Compensation						
Administrative expenses	.....	2,722,000	2,722,000	2,722,000	2,722,000	+2,722,000
Payment to radiation exposure compensation trust fund	.....	170,750,000	170,750,000	170,750,000	170,750,000	+170,750,000
Total	.....	173,472,000	173,472,000	173,472,000	173,472,000	+173,472,000
Interagency Law Enforcement						
Organized crime drug enforcement	363,374,000	399,126,000	378,954,000	369,514,000	385,248,000	+21,874,000
Federal Bureau of Investigation						
Salaries and expenses	1,879,231,000	1,939,683,000	1,732,777,000	1,806,035,000	1,770,023,000	-109,208,000
Identification division automation	48,000,000	100,000,000	48,000,000	103,400,000	75,400,000	+27,400,000
Subtotal	1,927,231,000	2,039,683,000	1,780,777,000	1,909,435,000	1,845,423,000	-81,808,000
Special program	.....	80,000,000	130,000,000	162,000,000	130,000,000	+130,000,000
Total	1,927,231,000	2,119,683,000	1,910,777,000	2,071,435,000	1,975,423,000	+48,192,000

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Drug Enforcement Administration						
Salaries and expenses	717,104,000	771,468,000	702,933,000	750,668,000	718,684,000	+1,580,000
Offsetting fee collections	.....	.....	.....	(12,000,000)	(12,000,000)	(+12,000,000)
Total budget authority available	(717,104,000)	(771,468,000)	(702,933,000)	(762,668,000)	(730,684,000)	(+13,580,000)
Immigration and Naturalization Service						
Salaries and expenses	939,241,000	1,042,117,000	940,019,000	990,694,000	965,000,000	+25,759,000
Offsetting receipts	.....	.....	.....	(5,000,000)	(5,000,000)	(+5,000,000)
Total budget authority available	(939,241,000)	(1,042,117,000)	(940,019,000)	(995,694,000)	(970,000,000)	(+30,759,000)
Immigration legalization	3,000,000	.....	.....	.....	.....	-3,000,000
Emergency immigration fund (rescission)	-4,400,000	.....	.....	.....	.....	+4,400,000
Total	937,841,000	1,042,117,000	940,019,000	990,694,000	965,000,000	+27,159,000
Commission on Immigration Reform						
Salaries and expenses	.....	.....	.....	800,000	300,000	+300,000
Thomas Jefferson Commemoration Commission						
Salaries and expenses	.....	.....	.....	.....	200,000	+200,000
Federal Prison System						
Salaries and expenses	1,615,479,000	1,895,751,000	1,703,966,000	1,746,710,000	1,681,822,000	+66,343,000
Prior year carryover	.....	.....	.....	.....	(40,000,000)	(+40,000,000)
Transfer of excess criminal fines	.....	.....	.....	.....	(63,000,000)	(+63,000,000)
Total budget authority available	(1,615,479,000)	(1,895,751,000)	(1,703,966,000)	(1,746,710,000)	(1,784,822,000)	(+169,343,000)
Proposed fees, offsetting receipts	.....	-48,360,000	.....	-48,360,000	-48,360,000	-48,360,000
National Institute of Corrections	10,221,000	11,055,000	9,941,000	10,555,000	10,250,000	+29,000
Buildings and facilities	462,090,000	339,225,000	92,807,000	409,225,000	339,225,000	-122,865,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)
Total	2,087,790,000	2,197,671,000	1,806,714,000	2,118,130,000	1,982,937,000	-104,853,000
Total, Department of Justice	9,376,106,000	9,965,478,000	8,945,371,000	9,710,313,000	9,411,872,000	+35,766,000
(Limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)
RELATED AGENCIES						
Commission on Civil Rights						
Salaries and expenses	7,159,000	10,168,000	7,979,000	7,776,000	7,776,000	+617,000
Equal Employment Opportunity Commission						
Salaries and expenses	211,271,000	245,341,000	218,682,000	212,982,000	222,000,000	+10,729,000
Federal Communications Commission						
Salaries and expenses	126,309,000	153,336,000	68,536,000	126,309,000	128,500,000	+2,191,000
Federal Maritime Commission						
Salaries and expenses	17,600,000	19,100,000	17,429,000	19,100,000	18,300,000	+700,000
Federal Trade Commission						
Salaries and expenses	69,200,000	77,300,000	69,200,000	69,650,000	69,650,000	+450,000
Offsetting fee collections	(13,250,000)	(10,000,000)	(13,500,000)	(16,900,000)	(16,900,000)	(+3,650,000)
Total budget authority available	(82,450,000)	(87,300,000)	(82,700,000)	(86,550,000)	(86,550,000)	(+4,100,000)
Proposed fees, offsetting receipts	.....	-3,250,000	.....	.....	.....	.....
Securities and Exchange Commission						
Salaries and expenses	157,485,000	249,761,000	157,485,000	119,923,000	127,235,000	-30,250,000
Offsetting fee collections - FY 1993	(68,307,000)	.....	.....	(128,740,000)	(96,000,000)	(+27,693,000)
Offsetting fee collections - FY 1992 carryover	.....	.....	.....	.....	(30,000,000)	(+30,000,000)
Total budget authority available	(225,792,000)	(249,761,000)	(157,485,000)	(248,663,000)	(253,235,000)	(+27,443,000)
Proposed fees, offsetting receipts	.....	-91,000,000	.....	.....	.....	.....
State Justice Institute						
Salaries and expenses	13,550,000	20,000,000	13,550,000	8,318,000	13,550,000	.....
Total, related agencies	602,574,000	680,756,000	552,861,000	564,058,000	587,011,000	-15,563,000
Total, title I, Department of Justice and related agencies	9,978,680,000	10,646,234,000	9,498,232,000	10,274,371,000	9,998,883,000	+20,203,000
(Limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II - DEPARTMENT OF COMMERCE						
National Institute of Standards and Technology						
Scientific and technical research and services	183,000,000	201,911,000	178,583,000	201,911,000	192,940,000	+9,940,000
Industrial technology services	63,713,000	86,067,000	66,986,000	86,067,000	86,067,000	+22,354,000
Facilities	.....	22,699,000	5,300,000	.....	.....	.....
Defense economic conversion research and technology	.....	.....	.....	109,000,000	.....	.....
Construction of research facilities	.....	.....	.....	200,000,000	105,000,000	+105,000,000
Total	246,713,000	310,677,000	250,869,000	596,978,000	384,007,000	+137,294,000
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	1,472,619,000	1,577,945,000	1,452,139,000	1,511,001,000	1,521,416,000	+48,797,000
Aviation weather services program (Airport and Airways Trust Fund)	35,389,000	35,596,000	33,104,000	.....	.....	-35,389,000
(By transfer from Promote and Develop Fund)	(63,100,000)	(64,100,000)	(54,208,000)	(57,000,000)	(55,000,000)	(-8,100,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	(6,500,000)	(500,000)	(500,000)	(500,000)	(500,000)	(-6,000,000)
(Damage assessment and restoration revolving fund)	.....	(-500,000)	(-500,000)	(-500,000)	(-500,000)	(-500,000)
Promote and develop fishery products	500,000	.....	.....	.....	.....	-500,000
Total	1,508,508,000	1,613,541,000	1,485,243,000	1,511,001,000	1,521,416,000	+12,908,000
Construction	34,917,000	54,363,000	51,316,000	94,363,000	94,500,000	+59,583,000
GOES Contingency Fund	110,000,000	.....	.....	.....	.....	-110,000,000
Shipbuilding and conversion, fleet modernization	33,200,000	2,000,000	2,000,000	37,000,000	30,000,000	-3,200,000
Fishing vessel obligations guarantee	1,000,000	.....	.....	940,000	470,000	-530,000
(Limitation on guaranteed loans)	(24,000,000)	.....	.....	.....	.....	(-24,000,000)
Administrative expenses	1,700,000	.....	.....	1,598,000	.....	-1,700,000
Total	2,700,000	.....	.....	2,538,000	470,000	-2,230,000
Fisheries promotional fund (availability of funds)	(250,000)	.....	.....	.....	.....	(-250,000)
Fishing vessel and gear damage fund	1,281,000	1,404,000	1,306,000	1,306,000	1,306,000	+25,000
Fishermen's contingency fund	1,000,000	1,102,000	1,025,000	1,025,000	1,025,000	+25,000
Foreign fishing observer fund	1,000,000	607,000	565,000	565,000	565,000	-435,000
Rescissions	-4,359,000	.....	.....	.....	.....	+4,359,000
Total, National Oceanic and Atmospheric Administration	1,688,247,000	1,673,017,000	1,541,455,000	1,647,798,000	1,649,282,000	-38,965,000
General Administration						
Salaries and expenses	31,280,000	36,000,000	31,712,000	31,280,000	31,712,000	+432,000
Office of Inspector General	15,140,000	18,127,000	15,470,000	16,140,000	15,805,000	+665,000
Total	46,420,000	54,127,000	47,182,000	47,420,000	47,517,000	+1,097,000
Bureau of the Census						
Salaries and expenses	125,290,000	138,406,000	125,125,000	122,784,000	123,955,000	-1,335,000
Periodic censuses and programs	165,000,000	199,992,000	181,689,000	165,000,000	173,300,000	+8,300,000
Total	290,290,000	338,398,000	306,814,000	287,784,000	297,255,000	+6,965,000
Economic and Statistical Analysis						
Salaries and expenses	40,380,000	56,427,000	39,353,000	39,572,000	39,353,000	-1,027,000
International Trade Administration						
Operations and administration	209,160,000	202,158,000	194,149,000	215,292,000	213,851,000	+4,691,000
Export Administration						
Operations and administration	39,450,000	42,813,000	39,159,000	42,271,000	41,015,000	+1,565,000
Minority Business Development Agency						
Minority business development	42,500,000	43,954,000	37,889,000	38,864,000	37,889,000	-4,611,000
United States Travel and Tourism Administration						
Salaries and expenses	22,480,000	17,454,000	14,132,000	16,314,000	15,608,000	-6,872,000
Proposed fees, offsetting receipts	.....	-3,000,000	.....	-3,000,000	-3,000,000	-3,000,000
Patent and Trademark Office						
Salaries and expenses	88,441,000	99,000,000	89,129,000	86,672,000	86,672,000	-1,769,000
Technology Administration						
Salaries and expenses	4,600,000	6,070,000	4,311,000	4,636,000	4,450,000	-150,000
National Technical Information Service						
NTIS revolving fund	.....	8,000,000	8,000,000	8,000,000	8,000,000	+8,000,000

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	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
National Telecommunications and Information Administration						
Salaries and expenses	17,600,000	21,823,000	17,198,000	18,621,000	17,900,000	+300,000
Public telecommunications facilities, planning and construction	22,925,000	.....	21,320,000	21,000,000	21,320,000	-1,605,000
Rescission	-3,000,000	.....	.....	.....	.....	+3,000,000
Endowment for Children's Educational Television	2,000,000	.....	.....	1,960,000	1,000,000	-1,000,000
Total	39,525,000	21,823,000	38,518,000	41,581,000	40,220,000	+695,000
Economic Development Administration						
Economic development assistance programs	296,836,000	.....	235,462,000	150,000,000	217,000,000	-79,836,000
EDA loan guarantees	800,000	.....	.....	.....	.....	-800,000
Administrative expenses	6,814,000	250,000	250,000	1,500,000	875,000	-5,739,000
Defense economic conversion, community assistance	.....	.....	.....	80,000,000	.....	.....
Salaries and expenses	27,632,000	13,750,000	26,487,000	26,000,000	26,243,000	-1,389,000
Economic development revolving fund (rescission)	-3,000,000	.....	.....	.....	.....	+3,000,000
Total	328,882,000	14,000,000	262,199,000	257,500,000	244,118,000	-84,764,000
Total, title II, Department of Commerce	3,087,088,000	2,884,918,000	2,873,159,000	3,327,482,000	3,106,237,000	+19,149,000
(By transfer)	(69,600,000)	(64,600,000)	(54,708,000)	(57,500,000)	(55,500,000)	(-14,100,000)
(Limitation on guaranteed loans)	(24,000,000)	.....	.....	.....	.....	(-24,000,000)
(Availability of funds)	(250,000)	.....	.....	.....	.....	(-250,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,540,000	1,601,000	1,601,000	1,601,000	1,601,000	+61,000
Other salaries and expenses	19,247,000	20,685,000	19,219,000	20,685,000	20,685,000	+1,438,000
Total	20,787,000	22,286,000	20,820,000	22,286,000	22,286,000	+1,499,000
Care of the building and grounds	3,801,000	3,611,000	3,070,000	3,187,000	3,320,000	-481,000
Total, Supreme Court of the United States	24,588,000	25,897,000	23,890,000	25,473,000	25,606,000	+1,018,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,655,000	1,714,000	1,714,000	1,714,000	1,714,000	+59,000
Other salaries and expenses	9,120,000	11,394,000	9,540,000	9,840,000	9,840,000	+720,000
Total	10,775,000	13,108,000	11,254,000	11,554,000	11,554,000	+779,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,293,000	1,307,000	1,307,000	1,307,000	1,307,000	+14,000
Other salaries and expenses	8,139,000	9,718,000	9,038,000	8,545,000	9,038,000	+899,000
Total	9,432,000	11,025,000	10,345,000	9,852,000	10,345,000	+913,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges	153,000,000	165,777,000	165,777,000	165,777,000	165,777,000	+12,777,000
Other salaries and expenses	1,722,300,000	2,053,268,000	1,798,695,000	1,790,670,000	1,813,223,000	+90,923,000
Subtotal	1,875,300,000	2,219,045,000	1,964,472,000	1,956,447,000	1,979,000,000	+103,700,000
Vaccine Injury Compensation Trust Fund	2,100,000	2,500,000	2,053,000	2,075,000	2,075,000	-25,000
Total	1,877,400,000	2,221,545,000	1,966,525,000	1,958,522,000	1,981,075,000	+103,675,000
Defender services	221,871,000	303,846,000	215,043,000	215,121,000	215,121,000	-6,750,000
Fees of jurors and commissioners	70,000,000	74,000,000	68,820,000	69,560,000	68,820,000	-1,180,000
Court security	81,048,000	96,000,000	81,253,000	79,427,000	81,253,000	+205,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,250,319,000	2,695,391,000	2,331,641,000	2,322,630,000	2,346,269,000	+95,950,000
Administrative Office of the United States Courts						
Salaries and expenses	44,681,000	53,639,000	45,927,000	44,951,000	45,100,000	+419,000
Federal Judicial Center						
Salaries and expenses	17,795,000	21,354,000	17,947,000	17,048,000	17,500,000	-295,000

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	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Judicial Retirement Funds						
Payment to judicial officers' retirement and judicial survivors' annuity funds	6,500,000	8,520,000	8,520,000	8,520,000	8,520,000	+2,020,000
National Commission on Judicial Discipline and Removal						
Salaries and expenses	.....	.....	443,000	476,000	443,000	+443,000
United States Sentencing Commission						
Salaries and expenses	9,000,000	9,200,000	8,556,000	9,000,000	9,000,000	.....
Total, title III, the Judiciary	2,373,090,000	2,838,134,000	2,458,523,000	2,449,504,000	2,474,337,000	+101,247,000
TITLE IV - RELATED AGENCIES						
Department of Transportation						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(272,210,000)	(225,000,000)	(225,000,000)	(225,000,000)	(225,000,000)	(-47,210,000)
Operations and training	73,200,000	78,419,000	71,570,000	71,736,000	71,736,000	-1,464,000
Ready reserve force	233,961,000	130,000,000	252,000,000	146,000,000	240,500,000	+6,539,000
Fleet addition	.....	104,000,000	104,000,000	.....	200,000,000	+200,000,000
Total, Ready reserve force	233,961,000	234,000,000	356,000,000	146,000,000	440,500,000	+206,539,000
Military useful vessel obligation guarantees:						
Guaranteed loans subsidy	.....	.....	50,000,000	44,800,000	48,000,000	+48,000,000
Administrative expenses	.....	.....	2,800,000	2,350,000	4,000,000	+4,000,000
Total, Maritime administration	307,161,000	312,419,000	480,370,000	264,886,000	564,236,000	+257,075,000
Christopher Columbus Quincentenary Jubilee Commission						
Salaries and expenses	220,000	220,000	205,000	100,000	200,000	-20,000
Commission on Agricultural Workers						
Salaries and expenses	1,426,000	622,000	578,000	578,000	578,000	-848,000
Commission on the Bicentennial of the United States Constitution						
Salaries and expenses	1,882,000	.....	.....	.....	.....	-1,882,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,075,000	1,185,000	1,102,000	1,054,000	1,102,000	+27,000
Competitiveness Policy Council						
Salaries and expenses	750,000	2,500,000	1,223,000	1,750,000	1,223,000	+473,000
Marine Mammal Commission						
Salaries and expenses	1,250,000	1,310,000	1,218,000	1,231,000	1,260,000	+10,000
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses	300,000	700,000	300,000	300,000	300,000	.....
Office of the United States Trade Representative						
Salaries and expenses	20,400,000	21,697,000	19,742,000	19,992,000	19,992,000	-408,000
Legal Services Corporation						
Payment to the Legal Services Corporation	350,000,000	525,034,000	364,000,000	350,000,000	357,000,000	+7,000,000
Small Business Administration						
Salaries and expenses	235,811,000	165,811,000	234,417,000	195,638,000	248,800,000	+12,989,000
Office of Inspector General	10,000,000	13,464,000	10,623,000	10,000,000	8,300,000	-1,700,000
Business Loans Program Account:						
Direct loans subsidy	.....	933,000	16,813,000	16,000,000	15,479,000	+15,479,000
Guaranteed loans subsidy	270,349,000	87,487,000	253,438,000	210,901,000	213,920,000	-56,429,000
Dire emergency	402,125,000	.....	.....	.....	.....	-402,125,000
Micro-Loan program	2,600,000	.....	.....	5,000,000	5,000,000	+2,400,000
Dire emergency	5,000,000	.....	.....	.....	.....	-5,000,000
(Limitation on direct loans including micro loans)	(1,634,935,000)	(5,000,000)	(64,810,000)	(88,883,000)	(88,883,000)	(-1,546,052,000)
(Limitation on guaranteed loans)	(4,819,000,000)	(4,828,291,000)	(4,522,715,000)	(4,386,983,000)	(4,386,983,000)	(-432,017,000)
Administrative expenses	104,410,000	104,410,000	97,101,000	98,145,000	97,101,000	-7,309,000
Dire emergency 1/	106,000,000	.....	.....	.....	.....	-106,000,000
Total	890,484,000	192,830,000	367,352,000	330,046,000	331,500,000	-558,984,000

1/ Of this amount $4,000,000 supports the Micro-Loan program and $2,000,000 supports the guaranteed business loans program.

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Defense Economic Transition Assistance Loan Program	.....	.....	.....	40,000,000	.....	.....
Disaster Loans Program Account	121,555,000	24,362,000	80,657,000	80,657,000	80,657,000	-40,898,000
(Limitation on direct loans)	(365,000,000)	(296,733,000)	(376,900,000)	(376,900,000)	(376,900,000)	(+11,900,000)
Administrative expenses	78,000,000	78,000,000	78,000,000	73,320,000	78,000,000	.....
Subtotal	199,555,000	102,362,000	158,657,000	153,977,000	158,657,000	-40,898,000
Contingency fund	.....	75,000,000	75,000,000	75,000,000	75,000,000	+75,000,000
Emergency funding	251,675,000	.....	.....	.....	.....	-251,675,000
(Limitation on direct loans)	(741,748,000)	.....	.....	.....	.....	(-741,748,000)
Administrative expenses	50,000,000	.....	.....	.....	.....	-50,000,000
Subtotal, emergency funding	301,675,000	.....	.....	.....	.....	-301,675,000
Total	501,230,000	177,362,000	233,657,000	228,977,000	233,657,000	-267,573,000
Surety bond guarantees revolving fund	14,600,000	14,000,000	13,020,000	13,160,000	13,020,000	-1,580,000
Total, Small Business Administration	1,652,125,000	563,467,000	859,069,000	817,821,000	835,277,000	-816,848,000
Total, title IV, Related agencies	2,336,589,000	1,429,154,000	1,727,807,000	1,457,712,000	1,781,168,000	-555,421,000
TITLE V - DEPARTMENT OF STATE AND RELATED AGENCIES						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Salaries and expenses	2,021,225,000	2,131,107,000	2,151,333,000	2,016,035,000	2,134,000,000	+112,775,000
Registration fees	700,000	700,000	700,000	700,000	700,000	.....
Total	2,021,925,000	2,131,807,000	2,152,033,000	2,016,735,000	2,134,700,000	+112,775,000
Buying power maintenance	.....	.....	.....	.....	14,000,000	+14,000,000
Office of Inspector General	23,037,000	24,672,000	24,055,000	24,672,000	24,055,000	+1,018,000
Representation allowances	4,802,000	5,080,000	5,080,000	4,802,000	4,900,000	+98,000
Protection of foreign missions and officials	10,464,000	9,814,000	9,814,000	13,814,000	10,814,000	+350,000
Acquisition and maintenance of buildings abroad	545,000,000	600,231,000	526,819,000	562,000,000	570,500,000	+25,500,000
Rescission	-6,025,000	.....	.....	.....	.....	+6,025,000
New Diplomatic posts	.....	.....	.....	25,000,000	25,000,000	+25,000,000
Emergencies in the diplomatic and consular service	7,000,000	8,500,000	8,500,000	7,500,000	8,000,000	+1,000,000
Repatriation loans program account	74,000	1,000,000	624,000	624,000	624,000	+550,000
(Limitation on direct loans)	(780,000)	(1,250,000)	(780,000)	(780,000)	(780,000)	.....
Administrative expenses	145,000	193,000	193,000	193,000	193,000	+48,000
Total	219,000	1,193,000	817,000	817,000	817,000	+598,000
Payment to the American Institute in Taiwan	13,784,000	15,543,000	15,543,000	15,543,000	15,543,000	+1,759,000
Payment to the Foreign Service Retirement and Disability Fund	112,983,000	119,082,000	119,082,000	119,082,000	119,082,000	+6,099,000
Total, Administration of Foreign Affairs	2,733,189,000	2,915,922,000	2,861,743,000	2,789,965,000	2,927,411,000	+194,222,000
International Organizations and Conferences						
Contributions to international organizations	749,665,000	820,495,000	820,495,000	820,495,000	820,495,000	+70,830,000
Arrearage payments	92,719,000	92,719,000	92,719,000	92,719,000	92,719,000	.....
Arrearage payments, advance appropriations, FY94	.....	92,719,000	.....	.....	.....	.....
Arrearage payments, advance appropriations, FY95	.....	92,719,000	.....	.....	.....	.....
Total	842,384,000	1,098,652,000	913,214,000	913,214,000	913,214,000	+70,830,000
Contributions for international peacekeeping activities	148,869,000	438,323,000	435,600,000	438,323,000	438,323,000	+289,454,000
Emergency supplemental (Foreign Ops CR)	(270,000,000)	.....	.....	.....	.....	(-270,000,000)
Arrearage payments	38,360,000	21,992,000	21,992,000	21,992,000	21,992,000	-16,368,000
Arrearage payments, advance appropriations, FY94	.....	21,992,000	.....	.....	.....	.....
Arrearage payments, advance appropriations, FY95	.....	21,992,000	.....	.....	.....	.....
Total	187,229,000	504,299,000	457,592,000	460,315,000	460,315,000	+273,086,000
International conferences and contingencies	5,500,000	5,600,000	5,600,000	5,600,000	5,600,000	+100,000
Total, International Organizations and Conferences	1,035,113,000	1,608,551,000	1,376,406,000	1,379,129,000	1,379,129,000	+344,016,000

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	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	11,400,000	12,722,000	11,265,000	11,172,000	11,330,000	-70,000
Construction	10,277,000	16,725,000	13,854,000	15,725,000	14,790,000	+4,513,000
American sections, international commissions	4,500,000	4,847,000	4,403,000	4,403,000	4,403,000	-97,000
International fisheries commissions	14,000,000	15,729,000	13,757,000	13,581,000	14,200,000	+200,000
Total	40,177,000	50,023,000	43,279,000	44,881,000	44,723,000	+4,546,000
Other						
United States Bilateral Science and Technology Agreements	4,500,000	5,200,000	4,500,000	5,000,000	4,500,000	.....
Payment to the Asia Foundation	16,000,000	17,018,000	16,368,000	17,018,000	16,693,000	+693,000
Russian, Eurasian, and East European research and training program	4,784,000	4,784,000	4,961,000	4,961,000	4,961,000	+177,000
Fishermen's protective fund	250,000	.....	.....	.....	.....	-250,000
Total	25,534,000	27,002,000	25,829,000	26,979,000	26,154,000	+620,000
Total, Department of State	3,834,013,000	4,601,498,000	4,307,257,000	4,240,954,000	4,377,417,000	+543,404,000
Fiscal year 1993	(3,834,013,000)	(4,372,076,000)	(4,307,257,000)	(4,240,954,000)	(4,377,417,000)	(+543,404,000)
Fiscal year 1994	.....	(114,711,000)	.....	.....	.....	.....
Fiscal year 1995	.....	(114,711,000)	.....	.....	.....	.....
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	44,527,000	47,585,000	45,863,000	47,000,000	46,500,000	+1,973,000
Board for International Broadcasting						
Grants and expenses	212,491,000	220,000,000	220,000,000	220,000,000	220,000,000	+7,509,000
Israel relay station (rescission)	-5,000,000	.....	.....	.....	.....	+5,000,000
Automation of archives	.....	.....	.....	12,000,000	.....	.....
Total	207,491,000	220,000,000	220,000,000	232,000,000	220,000,000	+12,509,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	200,000	200,000	200,000	200,000	200,000	.....
International Trade Commission						
Salaries and expenses	42,434,000	45,152,000	45,152,000	44,152,000	44,852,000	+2,418,000
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	.....
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	.....
United States Information Agency						
Salaries and expenses	691,725,000	733,679,000	726,693,000	748,693,000	736,693,000	+44,968,000
Office of Inspector General	4,206,000	4,390,000	4,390,000	4,390,000	4,390,000	+184,000
Educational and cultural exchange programs	194,232,000	200,000,000	202,847,000	233,000,000	223,447,000	+29,215,000
Eisenhower Exchange Fellowship Program, trust fund	5,000,000	300,000	300,000	300,000	300,000	-4,700,000
Israeli Arab scholarship program	.....	299,000	375,000	375,000	375,000	+375,000
Radio construction	98,043,000	106,113,000	101,180,000	106,113,000	103,647,000	+5,604,000
Broadcasting to Cuba	36,888,000	34,758,000	28,531,000	34,758,000	28,531,000	-8,357,000
East-West Center	24,500,000	24,500,000	25,306,000	26,000,000	26,000,000	+1,500,000
Russian Far East technical assistance center	.....	.....	.....	4,000,000	2,000,000	+2,000,000
North/South Center	5,000,000	10,000,000	8,700,000	10,000,000	8,700,000	+3,700,000
National Endowment for Democracy	27,500,000	30,000,000	28,380,000	31,250,000	30,000,000	+2,500,000
Total	1,087,094,000	1,144,039,000	1,126,702,000	1,198,879,000	1,164,083,000	+76,989,000
Total, title V, Department of State and related agencies	5,217,009,000	6,059,724,000	5,746,424,000	5,764,435,000	5,854,302,000	+637,293,000
Fiscal year 1993	(5,217,009,000)	(5,830,302,000)	(5,746,424,000)	(5,764,435,000)	(5,854,302,000)	(+637,293,000)
Fiscal year 1994	.....	(114,711,000)	.....	.....	.....	.....
Fiscal year 1995	.....	(114,711,000)	.....	.....	.....	.....
Grand total	22,992,456,000	23,858,164,000	22,304,145,000	23,273,504,000	23,214,927,000	+222,471,000
Fiscal year 1993	(22,992,456,000)	(23,628,742,000)	(22,304,145,000)	(23,273,504,000)	(23,214,927,000)	(+222,471,000)
Fiscal year 1994	.....	(114,711,000)	.....	.....	.....	.....
Fiscal year 1995	.....	(114,711,000)	.....	.....	.....	.....
(By transfer)	(69,600,000)	(64,600,000)	(54,708,000)	(57,500,000)	(55,500,000)	(-14,100,000)
(Limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)
(Limitation on direct loans)	(2,742,463,000)	(302,983,000)	(442,490,000)	(466,563,000)	(466,563,000)	(-2,275,900,000)
(Limitation on guaranteed loans)	(4,843,000,000)	(4,828,291,000)	(4,522,715,000)	(4,386,983,000)	(4,386,983,000)	(-456,017,000)
(Liquidation of contract authority)	(272,210,000)	(225,000,000)	(225,000,000)	(225,000,000)	(225,000,000)	(-47,210,000)
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	.....
(Availability of funds)	(250,000)	.....	.....	.....	.....	(-250,000)

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this conference report, and commend it to my colleagues without reservation.

In my history around here, we have never had a tougher bill to reconcile. We have never had a tougher budget year. Because, like it or not, the 1990 budget summit is resulting in reduced spending across every agency, and program, and office.

And while we patched up some important programs, in this conference, this bill will almost certainly evaluate in some hard decisions, some reductions and programs and staff, and some needed streamline. We have had to impose these cuts, and we are concerned about their impact.

Across our jurisdiction are agencies whose employees work at some of the most daunting task: Tripping up Columbian cocaine cartels, pushing United States goods on the Far East market, predicting with accuracy the intensity and accuracy the intensity and timing of severe storms. There are dedicated folks in these agencies going hard at these chores every day. And this bill is not meant to take anything away from what they do. But the reality is in our budget ceilings, under which we have stayed, putting together the best bill we can was tough to do.

Every attempt was made to move towards the President's requested budget for law enforcement and for the war on drugs. You will see that in conference we ended up with much higher numbers every key areas for the Justice Department, including fully funding new prison construction.

The conference agreement also boosts funding for export promotion in the new independent States, it provides the weather service with substantial increase for daily forecasting operations—as was requested and it funds the request for the multiyear modernization of weather service forecast and warning systems.

Finally, we continue two other Commerce programs that, in my view, are different, yet vital backstops for this Nation's economic development needs, the program of the EDA and the technology development programs within the National Institute of Standards and Technology.

Mr. Speaker, just as important as what is in this agreement, is what is not in it.

The House-passed bill linked Legal Services funding to the controversial House LSC reauthorization bill, which carried major changes in abortion policy, and presaged a certain veto of this bill. That provision is out, and this conference agreement maintains current law with respect to Legal Services and abortion—an extremely good outcome on this issue in my view.

The agreement drops a number of other controversial items, which would merely have served to set us back during the closing days of this session of Congress.

And lastly, the funding levels in the bill are below both the President's request and our own subcommittee allocations. This constrained us, for sure, but we hope the decisions are evenhanded, and in keeping with the priorities of the House.

A final word of thanks goes to the gentleman from Iowa, Mr. NEAL SMITH, our chairman, for his work, help and cooperation throughout this year; and to our staffs on both sides of the aisle, and to our House conferees, for their contributions and support.

Mr. WHITTEN. Mr. Speaker, our subcommittee chairman, the gentleman from Iowa [Mr. SMITH], and the ranking minority member [Mr. ROGERS], and members of this subcommittee have done a good job in developing this conference agreement. I commend my fellow subcommittee members for their effort and rise in support of the conference report.

This agreement provides for the major crime fighting and drug enforcement agencies of the Government—the Federal Bureau of Investigation, the Drug Enforcement Administration—and for the prison system and the judiciary. While we may not provide all some would like for these important programs, we have done the best we could under the budget ceiling.

The conference agreement provides funding for site and planning costs for the proposed Federal detention facilities at Yazoo City, MI.

The conference agreement also includes funds for economic development and for small business assistance. We need these programs to help get our economy moving again.

Mr. Speaker, again I commend the gentleman from Iowa [Mr. SMITH] and the gentleman from Kentucky [Mr. ROGERS], along with their associates, for developing this conference report. I urge it be adopted.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to engage in a colloquy with the chairman of the House conferees regarding amendment No. 129 entitled "Military Useful Vessel Obligation Guarantees."

I was extremely gratified to note that in the report the conferees request the Secretary of Transportation and the Secretary of Defense to expedite the obligation of up to $3 million of the $48 million guarantee fund. This will defray costs connected with the pending loan guarantee application for the replacement of the sulphur tanker *Nordic Louisiana*.

However, Mr. Speaker, the conference report inadvertently states that the pending loan application is for $3 million, whereas the correct amount is approximately $43.7 million. The $3 million obligation referred to in the conference report is intended simply to cover the costs of the loan as required by section 502 of the Federal Credit Reform Act of 1990. Would the chairman be good enough, Mr. Speaker, to state whether my interpretation of the intent of the conference report is correct?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield, that is correct. The $3 million figure in the statement of managers refers to the subsidy cost of loan guarantee as required by the Credit Reform Act of 1990.

Mr. TAUZIN. Mr. Speaker, I thank subcommittee chairman.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I wish to engage the chairman of the committee in a colloquy.

Mr. SMITH of Iowa. Mr. Speaker, I will be glad to respond.

Ms. PELOSI. Mr. Speaker, the conferees on the Commerce, Justice, State appropriation bill included $7 million for the marine sanctuaries sites program for fiscal 1993. Of this amount, we strongly urge the administration to provide a minimum of $410,000 to the Gulf of the Farallones National Marine Sanctuary. Even at this level the sanctuary will be operating with funding reduced nearly 30 percent from the $574,000 they received in fiscal 1990. I hope, and I ask the chairman, that next year, the subcommittee will look to restoring those higher funding levels for the Gulf of the Farallones.

Now I would like to propound a question to the chairman. It is my understanding that the conferees intended for the $300,000 earmark included in the conference report for the gulf of the Farallones National Marine Sanctuary be used to fund the continuation of the collaborative research program between the Gulf of the Farallones NMS and the Point Reyes Bird Observatory. Is that correct?

Mr. SMITH of Iowa. Yes; that is correct.

Ms. PELOSI. Mr. Speaker, I thank the chairman for his clarification and confirmation that that is correct.

Mr. Speaker, I rise in support of H.R. 5678, the fiscal year 1993 appropriations bill for Commerce, Justice, State, Judiciary, and related agencies.

I commend the chairman of the subcommittee, NEAL SMITH, and Representative HAROLD ROGERS, the ranking member, for their diligent efforts and leadership in crafting this legislation. I also want to thank the subcommittee staff for their hard work and dedication in helping put together this bill.

These are difficult economic times and while I am disappointed we could

not do more in some parts of the bill, we all must recognize the need for belt tightening and support efforts to hold Federal spending in check. There are fewer dollars available now than were available a year ago and this means some programs must be cut, but we have tried in this bill to balance the need for spending restraint with the need to fund important programs.

The conference report is a tremendous improvement over the bill passed by the House in July. The conferees restored much of the deep cut the House bill proposed in funding for our Nation's coastal programs. The agreement provides $43.225 million for coastal zone management programs and $7 million for the Nation's marine sanctuary sites program, money that will help protect these precious natural resources.

Another important item in the conference report is funding for the Asia Foundation, an institution which plays an important role in stimulating democratic development in Asia. The conferees provided $16.693 million for the Asia Foundation next year, an increase of nearly $700,000 from the fiscal 1992 level.

The conference agreement also calls on the National Institutes of Justice within the Justice Department to develop a constitutional and enforceable model antistalking law for adoption by States to protect victims targeted by stalkers.

Mr. Speaker, these are just a few of the many important programs included in this bill. Again, I commend Chairman SMITH and the subcommittee for the excellent work they have done under very difficult fiscal constraints. I urge my colleagues to join me in supporting this legislation.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

□ 1050

Mr. BURTON of Indiana. Mr. Speaker, I rise in opposition to the bill, not because the chairman and the ranking Republican on the committee did not do their best, because I know they always do, but because this bill contains additional wasteful spending that we cannot tolerate right now because of the huge deficits this country is facing.

Mr. Speaker, this bill is $23.2 billion, which is $928 million or 4.2 percent above fiscal year 1992. It is $910.8 million or 4.1 percent above the House-passed bill.

In title II, amendment No. 78, the National Oceanic and Atmospheric Administration construction account is $94½ million, which is $59 million, over three times as high as fiscal year 1992. It is $40 million above the President's request, 74 percent, and it is $43 million or 84 percent above the bill we passed out of the House here earlier in the year.

There are pork barrel projects which were added in conference committee which were not funded in 1992 and not requested by the administration.

There is a million dollars in there for a Boston biotechnology innovation center. I do not mind Boston having that, but I think they ought to pay for it themselves. There is a million dollars in there for the Connecticut Maritime Education and Research Center at Mystic Seaport Museum in Mystic, CT. I do not mind them having that, but I think the people of Connecticut ought to pay for that.

The Small Business Administration salaries and expense accounts in title IV, amendment 136, contains $248.8 million. That is $13 million above 1992. It is $83 million, or 50 percent, higher than the President's 1993 budget request. This is $14.83 million above the House-passed bill we passed earlier in this year. That is 6 percent higher.

And then there is the following pork barrel projects which were added in conference, not funded in fiscal year 1992 and not requested by the President.

There is $1½ million for Worcester, MA, Centrum and Exhibition Hall, $100,000 for the Pittsburgh district video pilot project, $500,000 for the Ohio Development of International Trade; Morgan County, KY, High School, $1 million; Vermont Small Business Development, $1 million; Kansas Small Business Development, $500,000; Hazard Community College in Hazard, KY, $750,000; Canisius College Center, $150,000; Washington State University Research, $500,000; and St. Vincent College in Latrobe, PA, a Center for Global Competitiveness, $800,000.

The problem we have, Mr. Speaker, is that we are headed toward a $13½ trillion national debt, and we will not even be able to pay with income taxes the interest on the debt if we do not cut this spending. We have got to cut out the pork barrel projects.

For that reason, Mr. Speaker, I urge my colleagues to take a close look at this bill and to vote against it.

Mr. SMITH of Iowa. Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, first this Member would like to express the appreciation to the chairman, the distinguished gentleman from Iowa [Mr. SMITH], and the ranking minority member, the distinguished gentleman from Kentucky [Mr. ROGERS] for their excellent work and for their support for export promotion in this appropriations bill.

As cochairman of the House Export Task Force, this Member rises in strong support of this conference report as importantly it restores funding to the Department of Commerce's International Trade Administration. Importantly, conferees have recognized the fundamental importance of promoting U.S. products abroad, and therefore have allocated an additional $19.8 million to the House-passed bill for this extremely important agency.

The International Trade Administration is perhaps one of the most important agencies for U.S. economic growth. International trade is extremely vital to our economic future, and it has become increasingly clear that in order for the United States to remain the world's economic leader, we must aggressively pursue a strategy of exporting our products and competitively trading our goods and services throughout the world.

Although overall U.S. growth has been nearly stagnant, we continue to enjoy record growth in sale of our goods, commodities, and services overseas. Much of that recent success is due to an aggressive export strategy implemented by the ITA. The ITA's U.S. Foreign Commercial Service places our export promotion offices where they are needed—in the country where U.S. businesses are trying to sell their products. Having a United States presence in these countries is especially important in developing markets such as Eastern Europe, Southeast Asia, and the newly Independent States of the former Soviet Union. Without such a presence, U.S. businesses would be sacrificing these promising markets to foreign competitors.

Those foreign competitors are currently enjoying their own government's support in selling their products throughout the world, and those governments are currently outspending the United States in export promotion activities. Mr. Speaker, the decision by conferees to increase funding for the International Trade Administration is an important recognition that the United States will compete aggressively for these markets, that we will compete for export-related jobs here in the United States, and that we will compete to remain the world's economic leader.

Overall, this legislation deserves the support of the House and I urge my colleagues to cast an "aye" vote.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Arkansas [Mr. ALEXANDER] I want to say that he is one member of the subcommittee that knows he is not coming back. The rest of us do not know whether or not we are coming back. But I would like to state that the gentleman from Arkansas has been a very valuable member of this subcommittee for a good many years, and we are sorry to see him leave.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from Iowa [Mr. SMITH] very much. I just feel like I am graduating, and I may be back.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I would like to take just a moment, if I could, to make one comment, and then I would like to engage the chairman, the gentleman from Iowa [Mr. SMITH], in a colloquy, if I may, about a matter that was adopted in the debate on the bill when it was originally enacted by the House.

First of all, I cannot help but make one observation concerning the incessant preoccupation of some Members on the question of pork. This bill contains what some people would refer to as pork. The chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], has always observed that pork are those things that people in Washington cannot see from atop the Washington Monument. When the President of Russia spoke to the joint session of Congress this year, he said, and I quote, that even the most benevolent intentions will inevitably be abandoned and committed to oblivion if they are not translated into everyday efforts, and that is the end of the quote. This and many other bills from the Committee on Appropriations translate benevolent intentions into everyday efforts, and there are a number of everyday projects that this bill helps translate.

For example, I learned yesterday that the Economic Development Administration approved, under the current year funding, not next year's funding, $1.3 million for the construction of a wastewater treatment facility in a little town named Cotton Plant, AR, that has double digit unemployment. That was a last link in the chain of events necessary to attract a catfish processing plant that would provide market assistance for the farmers that raise catfish in that area, a multimillion dollar industry, and about 60 jobs to the unemployed people in that region. In a very short period of time that Federal investment of $1.3 million will be repaid by taxes made from income from people who will be employed in that facility.

Mr. Speaker, that is pork, and it is with a great deal of pride that I associate myself with the Committee on Appropriations and all matters that have had to do with creating jobs for our people in this country.

The gentleman might observe that this election this year is about jobs, and about the economy and the absence of a national economic policy that creates capital investment and creates jobs for our people.

Having said that, Mr. Speaker, I would like to engage the chairman of the subcommittee in a very short colloquy concerning an amendment that was adopted during the debate when this bill was passed in the House for a guaranteed loan program for construction of certain vessels that would come under the Maritime Administration. It is my understanding that under the maritime title XI loan guarantee program that up to $15 million my be used to guarantee loans for methanol plant ships that have been studied by contract with the Department of Transportation because they make a valuable contribution to national security in times of war by providing fuel and fuel storage capacity.

□ 1100

Mr. Speaker, let me ask the subcommittee chairman, is it his understanding that the Maritime Administration may consider such an application under the title XI loan guarantee program?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield, let me say to the gentleman that that is correct.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, first I want to say, with regard to the budget numbers in the 602(b) allocation, that this conference is below the budget authority in every category. In defense, it is $141,000,000 below on budget authority and $164,000 on outlays. In the international section, it is $3,600,000 below on budget authority and $202,000 below on outlays. On the domestic allocation, it is $228,700,000 below on budget authority and $127,000 below in outlays.

So in almost every category it is below what was provided in the 602(b)'s, as well as the budget resolution and the budget agreement, and also below the President's number.

On another matter, I wanted to commend the chairman and the ranking member for their help in restoring funding with regard to the Marine Protection Program. That was an area that we were concerned with in terms of the House number as well as the Senate number. The conference moved up and provided $7 million with regard to the National Marine Protection Program. This is extremely important because this year three programs were added, including Monterey Bay. We just dedicated the Monterey Bay National Marine Sanctuary as the largest sanctuary running from the Farallones down to the coast of Big Sur. Since it is an onshore sanctuary, it demands a great deal of attention, and obviously funding for it is extremely important to make it work well not only as a model sanctuary but as something to truly protect our marine sciences.

So, Mr. Speaker, I want to commend the chairman and the ranking member for their help in restoring funding to the Marine Sanctuary Program because I think this is truly one of the key programs for the future in terms of marine sciences.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for that statement, and let me say that I would like to get out there and see the sanctuary between earthquakes.

Mr. PANETTA. We would be happy to have the gentleman.

Ms. LONG. Mr. Speaker, I rise in support of the conference report. Within the funding for the Department of Commerce, the conferees included a thoughtful level of funding for National Weather Service [NWS] operations which will enable the continuation of around-the-clock weather forecasting services nationwide. I generally support the planned NWS modernization. However, it is imperative that fully funding NWS operations be continued until the installation of the new forecasting technologies are in place and clearly demonstrate equally accurate forecasting services as currently provided.

Representing a rural, agricultural congressional district, accurate weather services have proven time and again to be extremely beneficial to farmers and their ability to maintain a healthy agricultural industry, ensuring quality commodities for our Nation's markets. In addition, my constituents experience flooding year after year and more recently experienced a damaging tornado. We must not deny these, or any other residents, important forecasting services which help to initiate thoughtful safety precautions and alleviate unnecessary suffering and hardship due to natural conditions and disasters. This service was effectively demonstrated during the passing of Hurricane Andrew earlier this year.

Furthermore, Mr. Speaker, providing the level of funding contained in the conference report will potentially reduce future natural disaster damage assessments, thereby reducing Federal disaster payment obligations, while, more importantly, reducing unnecessary casualties.

For these reasons, I urge my colleagues to support the conference agreement.

Mr. CARR. Mr. Speaker, I rise to amplify the provision of this bill agreed to in conference which limits the acquisition of tankers and other vessels for the Ready Reserve Force to those available from U.S. sources where adequate numbers of such vessels are available. This provision was a compromise with the Senate which had prohibited the acquisition of ships not registered in the United States on or before January 1, 1992. When the conferees confined the procurement of RRF vessels to those from U.S. sources, they meant that such vessels would be owned by Americans, registered under our laws, and built in this country. In other words, it was the conferees' intent that these be truly U.S. vessels.

Mr. BROWN. Mr. Speaker, I rise in support of the conference report.

As chairman of the Committee on Science, Space, and Technology, I am particularly interested in those programs in the bill which are authorized by our committee, including the National Institute of Standards and Technology [NIST], the National Oceanic and Atmospheric

Administration [NOAA], and certain international scientific programs of the Department of State [DOS].

At the outset, I want to commend the conferees for the excellent job that they did in balancing the competing priorities in this bill. There is no question that this bill requires additional funding to address all these priorities, and the conferees have acted judiciously in meeting these needs to the extent possible.

For example, despite a tight allocation, the conferees were able to provide substantial increases for both the core NIST programs and the external programs by which NIST provides technology development grants and extension services to U.S. industry, especially high-technology industries. There is a growing consensus in this country and in this Congress of the importance of cooperative Government-industry programs to promote excellence in U.S. industry, especially manufacturing industries. That consensus was demonstrated dramatically last week when the House passed the National Competitiveness Act by a veto-proof margin of 287 to 122. The conferees have done well to fund these programs at the levels that they have.

For NOAA, the conferees have also actly wisely. I applaud their strong support for the continued modernization of the National Weather Service and their wisdom in moving aggressively to protect the Polar-Orbiting Weather Satellite Program from the sort of mismanagement that currently plagues the Geostationary Weather Satellite Program.

At the same time, I want to take this opportunity to express my concerns about the way in which the appropriations process continues to impinge upon the functions of the authorizing committees of the House. The greatest frustration that I have found in my first term as chairman of the Science Committee has been in attempting to deal with the other body on authorizing legislation. The Appropriations Committee is not an exclusive assignment in the Senate, and we often have difficulty persuading those Members of the Senate with overlapping committee assignments to focus on authorizing legislation. Often, these Members prefer to legislate in appropriations bills, which by their nature and by the rules of both Houses, are more protected from debate, amendment, and perfection than are corresponding authorizing bills. These are matters on which a number of chairmen of House authorizing committees have proposed reforms of the Rules of the House, and I would refer colleagues to page H 9457 of the September 25 CONGRESSIONAL RECORD, where I have attached a copy of our proposals for reforming the appropriations process.

I must say that the gentleman from Iowa [Mr. SMITH] has been sensitive to our concerns in this area, and has responded to the request of the authorizing committees to delete certain legislative language from the bill. We appreciate his willingness to work with us to correct this problem.

Despite this, however, I continue to be concerned about the disturbing trend in recent appropriations bills and reports toward proliferation of unauthorized, location-specific earmarks for academic research and facilities. This practice of academic pork barreling has exacerbated an already fierce competition for scarce research funding. These earmarks are justifiable neither by geographic inequities nor by an unfair and undemocratic "old boys" network. They are in fact nothing more than a reflection of the power of a few well-placed Members of the Appropriations Committee. Earmarks not only destroy fair competition in scientific awards; they also reflect poorly on the integrity of the appropriations process and on the institution of the House.

Over the past 2 weeks, the House has been able to vote on—and to strike—earmarks of this sort that appeared de novo in two appropriations conference reports. The rules permitted us to vote on these matters because the projects and the legislative language were reported in technical disagreement. I recognize that those were probably the last two appropriations conference reports on which the House will be able to take this sort of action this year. As we rush to adjourn, the rules granted for the remaining conference reports will look like this rule—that is, all amendments in technical disagreement which contain earmarks or legislative language from the Senate will be rolled into the conference report and protected by the rule from any points of order.

Under normal circumstances and under a normal rule, I would have been inclined to seek a House vote on some of the academic earmarks contained in this bill, particularly those in the NOAA facilities account. I grudgingly accept the fact that the rule does not permit this. The only choice we are given is to accept or reject the conference report as a whole, up or down. I don't want to defeat this conference report and I don't think that most Members want to do that.

But, as I said on the floor last week, we in the 102d Congress need to begin to reform this process, or we will find the 120 to 150 new Members of the House doing it for us next year.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 5678, the bill that will fund the Commerce, Justice, and State Departments, the Federal judiciary, and related agencies for fiscal year 1993.

First, I would like to once again commend the chairman of the subcommittee, Congressman NEAL SMITH, for his diligent efforts on behalf of this legislation. I know all too well the fiscal constraints that he had to face, especially this year, as he drafted this bill. I would also like to compliment the ranking member of the subcommittee, Congressman HAROLD ROGERS, for his outstanding efforts, and the subcommittee staff for their tireless work in bringing this bill to the floor today.

Most of us do not realize the enormous scope of the programs that are in this bill. H.R. 5678 supports assistance grants to local law enforcement agencies, as well as law enforcement efforts against organized drug crime. It funds fisheries, as well as marine, weather, environmental and satellite programs, and conservation and management activities, and assistance to States. H.R. 5678 also funds planning and construction grants for public television, radio and nonbroadcast facilities—important public service programs for which the administration had requested no funding at all.

The Small Business Administration [SBA]—known for its direct and guaranteed loan assistance to small businesses—is also supported by this bill, which includes a provision that expresses the sense of the Congress that recipients of funds under the bill should buy American-made products.

A key provision in the bill that is of tremendous importance to my district and its surrounding areas is the provision that funds the Sacramento River Winter Run Chinook Salmon Captive Broodstock Program. Consequently, I would like to take this opportunity to thank the subcommittee for its priority consideration of this particular program, which will support efforts to protect and accelerate the recovery of the winter run chinook salmon. As many in my district know, the winter run chinook salmon have been listed as threatened under the Endangered Species Act [ESA]. Their precarious status makes a successful recovery program, which will protect and accelerate their recovery, of vital importance to the area. A successful program will improve our local economy by alleviating the stress on the fishing industry and agricultural water diversions, and it will enhance recreational benefits. Ultimately, I hope this program will be successful in removing the winter run from the ESA list as well.

The goal of the captive breeding program is to breed winter run chinook salmon under controlled conditions until they become reproductively mature adults. Mature adults would then be used as hatchery broodstock for continued propagation of the species. Under the captive breeding program, approximately 1,000 juvenile fish would be transferred from the Coleman National Fish Hatchery and raised to maturity at two research facilities—Steinhart Aquarium in San Francisco and the University of California at Davis [UCD] Bodega Bay Marine Laboratory—and returned to Coleman as broodstock. The Steinhart Aquarium could hold up to 250 juvenile chinook salmon for extended periods in salt water, and the UCD facility could provide up to 750 juveniles reared in both freshwater and saltwater. Ideally, the program would produce 200 mature broodstock each year. This effort, which is considered a supplement to, and not a replacement for, attempts to increase natural production, has the broad support of commercial and sport fishing organizations, environmental organizations, and the agriculture community.

I would once again like to commend the chairman, members, and staff of the subcommittee for their tireless work on this bill. Due to reduced funding, the subcommittee was forced to make very difficult decisions when it came to allocating money for the important domestic programs that this bill supports. However, the subcommittee has made the necessary hard choices and set good priorities. The result is a well-balanced bill that supports the quality of our lives as Americans. The programs in H.R. 5678 safeguard our children, neighborhoods and communities, and preserve our resources. They protect our industries, both locally and globally, and help us maintain our position as an international leader—economically, socially, and politically. I urge my colleagues on both sides of the aisle to support its final passage.

Mr. ROGERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 302, nays 117, not voting 13, as follows:

[Roll No. 448]

YEAS—302

Abercrombie	Dicks	Ireland
Ackerman	Dingell	Jefferson
Alexander	Dixon	Jenkins
Anderson	Donnelly	Johnson (CT)
Andrews (ME)	Dooley	Johnson (SD)
Andrews (NJ)	Downey	Johnston
Andrews (TX)	Durbin	Jones
Annunzio	Dwyer	Kanjorski
Applegate	Early	Kaptur
Aspin	Eckart	Kennedy
Atkins	Edwards (CA)	Kennelly
AuCoin	Edwards (OK)	Kildee
Bacchus	Edwards (TX)	Kleczka
Barrett	Emerson	Kolbe
Bateman	Engel	Kolter
Beilenson	Espy	Kopetski
Bennett	Evans	Kostmayer
Bentley	Ewing	LaFalce
Bereuter	Fascell	Lancaster
Berman	Fazio	Lantos
Bevill	Feighan	LaRocco
Bilbray	Fish	Laughlin
Blackwell	Flake	Lehman (CA)
Bliley	Foglietta	Lehman (FL)
Boehlert	Ford (MI)	Lent
Bonior	Ford (TN)	Levin (MI)
Borski	Frank (MA)	Levine (CA)
Boucher	Franks (CT)	Lewis (CA)
Boxer	Frost	Lewis (GA)
Brewster	Gallo	Lightfoot
Brooks	Gaydos	Livingston
Broomfield	Gejdenson	Lloyd
Browder	Gekas	Long
Brown	Gephardt	Lowery (CA)
Bruce	Geren	Lowey (NY)
Bryant	Gibbons	Luken
Bustamante	Gilchrest	Machtley
Byron	Gillmor	Manton
Camp	Gilman	Markey
Cardin	Gingrich	Martin
Carper	Gonzalez	Martinez
Carr	Gordon	Matsui
Chandler	Grandy	Mavroules
Chapman	Green	Mazzoli
Clay	Gunderson	McCandless
Clement	Hall (OH)	McCloskey
Clinger	Hall (TX)	McCurdy
Coleman (TX)	Hamilton	McDade
Collins (IL)	Hammerschmidt	McDermott
Collins (MI)	Harris	McHugh
Conyers	Hatcher	McMillen (MD)
Cooper	Hayes (IL)	McNulty
Costello	Hayes (LA)	Meyers
Coughlin	Hefner	Mfume
Cox (IL)	Hertel	Michel
Coyne	Hoagland	Miller (WA)
Cramer	Hochbrueckner	Mineta
Darden	Horn	Mink
Davis	Horton	Moakley
de la Garza	Houghton	Mollohan
DeFazio	Hoyer	Montgomery
DeLauro	Hughes	Moody
Dellums	Hutto	Moran
Derrick	Hyde	Morella
Morrison	Regula	Sundquist
Mrazek	Richardson	Swett
Murtha	Riggs	Swift
Myers	Rinaldo	Synar
Nagle	Ritter	Tanner
Natcher	Roe	Tauzin
Neal (MA)	Rogers	Taylor (MS)
Nowak	Ros-Lehtinen	Thomas (GA)
Oakar	Rose	Thornton
Oberstar	Rostenkowski	Torres
Obey	Rowland	Torricelli
Olin	Roybal	Towns
Olver	Russo	Traficant
Ortiz	Sabo	Traxler
Owens (NY)	Sangmeister	Unsoeld
Oxley	Savage	Upton
Panetta	Sawyer	Valentine
Parker	Scheuer	Vander Jagt
Pastor	Schiff	Visclosky
Patterson	Schumer	Volkmer
Paxon	Serrano	Vucanovich
Payne (NJ)	Shaw	Washington
Payne (VA)	Sisisky	Waters
Pelosi	Skaggs	Waxman
Perkins	Skeen	Weber
Peterson (FL)	Skelton	Wheat
Pickett	Slattery	Whitten
Pickle	Slaughter	Williams
Poshard	Smith (FL)	Wilson
Price	Smith (IA)	Wise
Pursell	Smith (NJ)	Wolf
Quillen	Solarz	Wolpe
Rahall	Spence	Wyden
Rangel	Spratt	Wylie
Ravenel	Stenholm	Yates
Ray	Stokes	Yatron
Reed	Studds	

NAYS—117

Allard	Hastert	Petri
Allen	Hefley	Porter
Archer	Henry	Ramstad
Armey	Herger	Rhodes
Baker	Hobson	Ridge
Ballenger	Holloway	Roberts
Barton	Hopkins	Roemer
Bilirakis	Hubbard	Rohrabacher
Boehner	Hunter	Roth
Bunning	Inhofe	Roukema
Burton	Jacobs	Santorum
Callahan	James	Sarpalius
Campbell (CA)	Johnson (TX)	Schaefer
Campbell (CO)	Jontz	Schroeder
Coble	Kasich	Schulze
Coleman (MO)	Klug	Sensenbrenner
Combest	Kyl	Sharp
Condit	Lagomarsino	Shays
Cox (CA)	Leach	Sikorski
Crane	Lewis (FL)	Smith (OR)
Cunningham	Marlenee	Smith (TX)
Dannemeyer	McCollum	Snowe
DeLay	McEwen	Solomon
Dickinson	McGrath	Stallings
Doolittle	McMillan (NC)	Stark
Dorgan (ND)	Miller (CA)	Stearns
Dornan (CA)	Miller (OH)	Stump
Dreier	Molinari	Tallon
Duncan	Moorhead	Taylor (NC)
English	Murphy	Thomas (CA)
Erdreich	Neal (NC)	Thomas (WY)
Fawell	Nichols	Vento
Fields	Nussle	Walker
Gallegly	Orton	Walsh
Glickman	Owens (UT)	Weldon
Goss	Packard	Young (AK)
Gradison	Pallone	Young (FL)
Hancock	Penny	Zeliff
Hansen	Peterson (MN)	Zimmer

NOT VOTING—13

Anthony	Huckaby	Saxton
Barnard	Lipinski	Shuster
Dymally	McCrery	Staggers
Goodling	Pease	
Guarini	Sanders	

□ 1127

Mr. HEFLEY and Mr. CONDIT changed their vote from "yea" to "nay."

Mr. POSHARD and Mr. LIVINGSTON changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON, AND PROVIDING FOR CORRECTIONS IN ENROLLMENT OF, H.R. 5488, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1993

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 583 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 583

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the conference report and against its consideration are waived. Upon the adoption of the conference report the House shall be considered to have adopted a concurrent resolution consisting of the text printed in section 2.

SEC. 2. *Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of the bill (H.R. 5488) entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes", the Clerk of the House shall make the following corrections:

Strike section 629 of title VI, General Provisions, Departments, Agencies, and Corporations, and redesignate the succeeding sections accordingly.

□ 1130

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 583 is the rule providing for the consideration of the conference report on H.R. 5488, making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993.

Under the rules of the House, conference reports are considered privileged. The rule waives all points of order against the conference report and against its consideration. In these last

days of the session, these waivers are necessary to move the conference report in the most expeditious manner possible.

The rule also provides that the House, upon adoption of the conference report, will be considered to have adopted a concurrent resolution—the text is included in section 2 of the rule—directing the Clerk of the House to make certain corrections in enrollment. This provision reflects an agreement reached between the appropriations committee and the authorizing committee.

Mr. Speaker, I commend my colleagues on the Appropriation Committee for their work on this measure and in particular, I thank my good friend from California, Mr. ROYBAL, who after many years of outstanding service in Congress is retiring. We shall miss him and the good work he had done for us.

Mr. Speaker, I urge my colleagues to approve this rule so that we may act today on this conference report.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the gentleman from California has ably explained the provisions of the rule.

Mr. Speaker, again we have a rule waiving all points of order—this time for the consideration of the conference report on the appropriations bill for the Treasury, the U.S. Postal Service, the Executive Office of the President and certain independent agencies.

This bill is well within the funding limits which are acceptable to the President. Funds are included to modernize the tax system of the Internal Revenue Service, to continue the critical work of the Office of National Drug Control Policy, and for the operations of several other independent agencies.

As I've said before, I do not endorse this practice of granting blanket waivers because it prohibits Members from addressing specific items which may be included in a conference report—some of which may never have been debated here in the House.

However, I will not oppose the rule, and I urge its prompt adoption so we can proceed with the consideration of this bill.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise in support of this conference report and would like to speak to a specific provision that cuts off funding for the program administered by the Bureau of Alcohol, Tobacco, and Firearms that puts guns back in the hands of convicted felons.

The issue here is whether we want to spend millions of taxpayer dollars rearming convicted felons or do we think BATF's time and money is better spent fighting violent crime.

Under current law a person cannot lawfully possess, ship, receive or transport firearms if they have been convicted of a felony, committed to a mental institution, dishonorably discharged from the military, renounced citizenship or found to be a drug addict. However, there is a provision in the law that allows these people to apply to BATF for what they call disability relief. BATF is then obligated to conduct extensive and expensive background investigations and make a guess as to whether or not the felon or mental incompetent is likely to be dangerous in the future.

This provision was originally intended to apply to a company that had an institutional conviction and was precluded from purchasing a firearms manufacturing firm. But it has now gotten totally out of hand.

BATF spends about $4 million per year and uses 40 man years annually on this program. From 1985 to 1991 BATF spent more than $21.7 million. From 1985 to 1990 there were 7,261 applications that resulted in 2,307 approvals. Some of these rearmed felons, about 4 percent on average, then commit additional crimes.

Earlier this session I released the list of 47 convicted felons who had been rearmed under this program between 1982 and 1988 and then went on to commit additional crimes. I have just obtained the update of this list covering the period between November 1988 to present. This list shows that people convicted of violent crimes, drug offenses and firearms violations are having their gun rights restored. And during this period 33 of them were rearrested. Available records show that of these at least 21 resulted in convictions. These include a Michigan man who have a conviction of a firearms violation and was subsequently convicted of drug distribution after having his gun rights restored. An Oregon burglar was given his gun rights back and then was convicted of selling drugs. A Kentucky man who dealt in stolen property was given his gun back and he is now serving 7 years in prison for burglary, theft and for being a repeat offender. And there are more.

Mr. Speaker, remember what we are talking about—these are convicted felons who are not entitled to possess weapons who the Government is allowing to rearm. These felons have included people convicted of violent, drug and firearms offenses. And they are getting their guns back. BATF does the best it can to administer this law but they are not mind readers. They should be arresting felons not arming them.

I chair the authorizing subcommittee that has jurisdiction over this statutory provision and I fully support the defunding of this program. If you are for giving felons guns, then you are against this bill. I, for one, think it is time we put an end to that madness and this bill does just that. I urge my colleagues to support it.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I will not ask for a vote on this rule, but I would like to point out to my colleagues, and I hope they are paying attention, this bill is $2.65 billion higher than last year. That is $2,650 million higher than last year's spending bill or a 13.4 percent increase over last year.

We have fiscal problems in this country. They are going to get worse if we do not get control of spending.

I would like to say to my colleagues that we should not pass a rule through the Rules Committee that waives all points of order so we cannot get at these pork barrel projects that are wasting so much of the taxpayers' money. And this bill does waive all points of order. I think we should admonish the Rules Committee to reconsider these things, and in the future I do not know if we will win or not, but we are going to try to get them to. But I will not ask for a vote on this, but I will ask for a vote on the bill when it comes to the floor.

Mr. QUILLEN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1140

Mr. ROYBAL. Mr. Speaker, pursuant to House Resolution 583, I call up the conference report on the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, September 28, 1992, at page 28324.)

The SPEAKER pro tempore. The gentleman from California [Mr. ROYBAL] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, before I start with a brief explanation of the bill, I would like to take this time to thank the members of the subcommittee, for the support that they have given me throughout the last 2 years. I want to thank them for their dedicated service, thank them also for the great interest that they have in doing what is best for this country. It has been a great honor to serve with them, and may I say that serving with men and women of that caliber is not only a pleasure but a real privilege.

I think that I can say that the men and women on this subcommittee and as well as the whole committee are individuals that really care about this country and about their constituents, and I wish to thank them for the great job that they have done.

I want to specifically point out the fact that the ranking minority member, the gentleman from Virginia [Mr. WOLF], has been very cooperative. Yes, we have had disagreements, Mr. Speaker, like we have on everything in this House, but the truth of the matter is that we were able to work out those disagreements, and we have done that in a friendly manner, keeping in mind at all times the best interests of the country. Having served with the gentleman from Virginia [Mr. WOLF] and the others, it is a real pleasure, and may I thank them, and the members of the subcommittee, the gentleman from Maryland [Mr. HOYER], the gentlewoman from California [Ms. PELOSI], the gentleman from Texas [Mr. COLEMAN], the gentleman from Colorado [Mr. SKAGGS], the gentleman from Indiana [Mr. VISCLOSKY], the chairman of the committee, [Mr. WHITTEN], the gentleman from Iowa [Mr. LIGHTFOOT], the gentleman from Kentucky [Mr. ROGERS], and the gentleman from Pennsylvania [Mr. MCDADE].

Mr. Speaker, the conferees have reached agreement on H.R. 5488, the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1993.

I think we all know that such a conference is not an easy matter, as we have certain fiscal restraints with which all Members are familiar, but these fiscal restraints forced the conferees to agree to some funding levels that each and every one of us personally wished could have been higher.

On the whole, however, the conference report before the House will fund the agencies in this bill at a level which will enable them to perform their assigned functions in a reasonable manner.

H.R. 5488 provides a total of $22.5 billion in new budget authority for the agencies under this bill for fiscal year 1993. The conference agreement is below the 602(b) allocations for both budget authority and outlays. I am inserting in the RECORD a table providing details of this conference report.

Mr. Speaker, H.R. 5488 funds Federal agencies deeply involved in the war on drugs. The conference report before you provides funding for a number of law enforcement agencies such as the U.S. Customs Service, the Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, the Internal Revenue Service, and others.

The conference report contains funds and support for the Director of the Office of Drug Control Policy in his efforts to provide policy and other guidance for the war on drugs.

One of the most difficult reductions that we had to make in this bill, in my opinion, was the revenue forgone appropriation to the Postal Service. We were, however, able to provide the full amount requested by the President. In addition, the conferees agreed on language to prevent rate increases in fiscal 1993 for nonprofit mailers.

Revenue forgone is a very important item in this bill. It does, in fact, provide support and does provide lower rates for nonprofit mailers. Even though we were not able to provide the full funding that we originally had in mind, we were able to provide the level recommended by the President, and at the same time were able to place a provision in the bill that would prohibit increases in rates for those preferred rate and nonprofit mailers in this country.

In general, the conferees endeavored to fund all agencies at a level that would enable them to continue their operations at a reasonable level.

Mr. Speaker, I believe that this is a good conference report. It represents a reasonable compromise with the Senate. I would like to recommend this report to Members of the House. I believe that it is fair. It is well done. I would like to request that the Members support it because of its content and what it means and what it is about and what it does.

Treasury, Postal Service, and General Government, FY 1993 (H.R. 5488)

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices:						
Salaries and expenses	68,238,000	73,093,000	68,238,000	68,238,000	71,202,000	+2,964,000
International affairs	33,325,000	34,402,000	33,325,000	33,492,000	33,408,000	+83,000
Office of Inspector General	24,835,000	31,459,000	31,459,000	24,835,000	29,147,000	+4,312,000
Total, Departmental offices	126,398,000	138,954,000	133,022,000	126,565,000	133,757,000	+7,359,000
Financial Crimes Enforcement Network	18,055,000	19,987,000	19,087,000	18,342,000	18,342,000	+287,000
Federal Law Enforcement Training Center:						
Salaries and expenses	39,645,000	42,936,000	41,236,000	48,538,000	47,158,000	+7,513,000
Acquisition, construction, improvements, and related expenses	8,309,000	12,386,000	10,886,000	12,301,000	12,301,000	+3,992,000
Total, Federal Law Enforcement Training Center	47,954,000	55,322,000	52,122,000	60,839,000	59,459,000	+11,505,000
Financial Management Service	231,500,000	219,146,000	214,146,000	214,069,000	214,069,000	-17,431,000
Bureau of Alcohol, Tobacco and Firearms	338,040,000	357,419,000	355,419,000	371,324,000	368,372,000	+30,332,000
United States Customs Service:						
Salaries and expenses	1,268,305,000	1,324,070,000	1,331,070,000	1,326,417,000	1,315,917,000	+49,612,000
Operation and maintenance, air and marine interdiction programs	175,932,000	138,983,000	136,783,000	83,242,000	83,242,000	-92,690,000
Operations and maintenance, Customs P3 program	.....	.....	.....	28,000,000	28,000,000	+28,000,000
Air and marine interdiction programs, procurement	.....	.....	.....	21,174,000	21,174,000	+21,174,000
Customs facilities, construction, improvements and related expenses	12,100,000	.....	.....	4,600,000	4,600,000	-7,500,000
Customs forfeiture fund (limitation on availability of deposits)	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	.....
Customs services at small airports (to be derived from fees collected)	2,981,000	1,500,000	1,500,000	1,500,000	1,500,000	-1,481,000
Total, United States Customs Service	1,472,318,000	1,479,553,000	1,484,353,000	1,479,933,000	1,469,433,000	-2,885,000
United States Mint	52,450,000	54,208,000	52,450,000	53,551,000	53,001,000	+551,000
Expansion and improvements	.....	.....	.....	.....	.....	.....
Bureau of the Public Debt	189,000,000	201,233,000	189,000,000	194,643,000	194,643,000	+5,643,000
Payment of government losses in shipment	.....	500,000	.....	500,000	500,000	+500,000
Internal Revenue Service:						
Administration and management	141,372,000	160,948,000	157,368,000	150,728,000	157,368,000	+15,996,000
Processing tax returns and assistance	1,657,944,000	1,648,960,000	1,648,960,000	1,634,298,000	1,634,298,000	-23,646,000
Tax law enforcement	3,579,879,000	3,852,588,000	3,835,192,000	3,835,501,000	3,835,347,000	+255,468,000
Information systems	1,294,713,000	1,580,865,000	1,566,909,000	1,480,341,000	1,480,341,000	+185,628,000
Total, Internal Revenue Service	6,673,908,000	7,243,361,000	7,208,429,000	7,100,868,000	7,107,354,000	+433,446,000
United States Secret Service	475,423,000	470,372,000	470,372,000	467,938,000	469,155,000	-6,268,000
Total, title I, Department of the Treasury	9,623,046,000	10,240,055,000	10,178,400,000	10,088,572,000	10,086,085,000	+463,039,000
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund 1/	470,000,000	121,912,000	200,000,000	200,000,000	121,912,000	-348,088,000
Payment to the Postal Service Fund for nonfunded liabilities	40,575,000	38,614,000	38,614,000	38,614,000	38,614,000	-1,961,000
Total, title II, Postal Service	510,575,000	160,526,000	238,614,000	238,614,000	160,526,000	-350,049,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	.....
The White House Office	34,885,000	36,561,000	32,897,000	35,165,000	35,385,000	+500,000
Executive Residence at the White House	8,362,000	7,684,000	7,072,000	7,598,000	7,598,000	-764,000
Official Residence of the Vice President	324,000	337,000	306,000	324,000	324,000	.....
Special Assistance to the President	2,932,000	3,150,000	2,765,000	2,932,000	3,150,000	+218,000
Council of Economic Advisers	3,345,000	3,508,000	3,154,000	3,345,000	3,428,000	+83,000
Office of Policy Development	3,701,000	3,882,000	3,490,000	3,701,000	3,772,000	+71,000
National Security Council	6,145,000	6,218,000	5,631,000	6,118,000	6,118,000	-27,000
National Critical Materials Council	235,000	247,000	.....	247,000	235,000	.....
Office of Administration	24,510,000	24,518,000	22,941,000	24,438,000	24,438,000	-72,000
Office of Management and Budget	51,934,000	54,479,000	48,974,000	51,934,000	52,981,000	+1,047,000
Office of Federal Procurement Policy	3,058,000	3,208,000	2,884,000	3,058,000	3,058,000	.....
Office of National Drug Control Policy:						
Salaries and expenses	105,122,000	68,348,000	62,566,000	103,248,000	103,248,000	-1,874,000
Counter Drug Tech Assessment Center (DoD)	20,000,000	.....	.....	20,000,000	.....	-20,000,000
Special forfeiture fund	52,500,000	67,401,000	56,816,000	82,542,000	75,742,000	+23,242,000
Transfer to DoD	.....	.....	.....	-20,000,000	.....	.....
Federal Law Enforcement Training Center, ACIR	.....	.....	.....	(9,000,000)	(5,000,000)	(+5,000,000)
ADAMHA (by transfer)	(19,000,000)	(34,701,000)	(32,723,000)	(34,701,000)	(33,701,000)	(+14,701,000)
INS (by transfer)	(7,500,000)	(10,300,000)	(2,027,000)	(8,300,000)	(7,000,000)	(-500,000)
U.S. Marshals Service (by transfer)	.....	.....	(2,829,000)	.....	(2,500,000)	(+2,500,000)
IRS tax law enforcement (by transfer)	(6,000,000)	.....	.....	.....	.....	(-6,000,000)

Treasury, Postal Service, and General Government, FY 1993 (H.R. 5488) - Continued

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
DOJ - Bureau of Justice Assistance	.....	.....	.....	.....	(2,000,000)	(+2,000,000)
CTAC (by transfer)	.....	.....	.....	.....	(15,000,000)	(+15,000,000)
Total, Office of National Drug Control Policy	177,622,000	135,749,000	119,382,000	185,790,000	178,990,000	+1,368,000
Unanticipated needs	1,000,000	1,000,000	754,000	1,000,000	1,000,000	.....
Total, title III, Executive Office of the President	318,303,000	280,791,000	250,500,000	325,900,000	320,727,000	+2,424,000
(By transfer)	(32,500,000)	(57,401,000)	(47,386,000)	(62,542,000)	(75,742,000)	(+43,242,000)
TITLE IV - INDEPENDENT AGENCIES						
Administrative Conference of the United States	2,227,000	2,327,000	2,314,000	2,327,000	2,314,000	+87,000
Advisory Commission on Intergovernmental Relations	1,330,000	1,401,000	1,891,000	1,330,000	1,820,000	+490,000
Citizens' Commission on Public Service and Compensation	.....	250,000	250,000	250,000	250,000	+250,000
Advisory Committee on Federal Pay	.....	.....	.....	.....	.....	.....
Committee for Purchase from the Blind and Other Severely Handicapped	1,446,000	1,653,000	1,653,000	1,653,000	1,653,000	+207,000
Federal Election Commission	18,808,000	21,031,000	20,531,000	21,031,000	21,031,000	+2,223,000
General Services Administration:						
Federal Buildings Fund:						
Appropriation	271,000,000	.....	402,040,000	353,516,000	330,501,000	+59,501,000
Unobligated balances	.....	336,159,000	.....	.....	.....	.....
Limitation on availability of revenue:						
Construction & acquisition of facilities	(548,482,000)	(600,953,000)	(684,952,000)	(670,377,000)	(626,312,000)	(+77,830,000)
Repairs and alterations	(569,251,000)	(594,066,000)	(583,255,000)	(594,066,000)	(594,066,000)	(+24,815,000)
Installment acquisition payments	(144,587,000)	(145,381,000)	(145,381,000)	(145,381,000)	(145,381,000)	(+794,000)
Rental of space	(1,568,900,000)	(1,898,691,000)	(1,898,691,000)	(1,898,691,000)	(1,898,691,000)	(+329,791,000)
Real property operations	(1,071,372,000)	(1,174,337,000)	(1,170,000,000)	(1,073,363,000)	(1,130,871,000)	(+59,499,000)
Program direction	(137,748,000)	(144,973,000)	(142,000,000)	(142,000,000)	(142,000,000)	(+4,252,000)
Design and construction services	(112,273,000)	(195,931,000)	(195,930,000)	(179,930,000)	(179,930,000)	(+67,657,000)
Total, Federal Buildings Fund	271,000,000	336,159,000	402,040,000	353,516,000	330,501,000	+59,501,000
(Limitations)	(4,152,613,000)	(4,754,332,000)	(4,820,209,000)	(4,703,808,000)	(4,717,251,000)	(+564,638,000)
Federal Supply Service	54,605,000	56,570,000	56,070,000	56,217,000	56,144,000	+1,539,000
Information resources management service	46,014,000	45,991,000	45,787,000	47,051,000	46,419,000	+405,000
Federal Property Resources Service	14,227,000	13,933,000	13,933,000	13,933,000	13,933,000	-294,000
Real property relocation	12,000,000	.....	.....	.....	.....	-12,000,000
General management and administration	31,155,000	37,918,000	31,155,000	34,275,000	34,000,000	+2,845,000
International Cultural and Trade Center Commission (by transfer from GMA)	(724,000)	.....	.....	.....	.....	(-724,000)
International Cultural and Trade Center	.....	.....	.....	.....	.....	.....
Office of Inspector General	35,994,000	34,748,000	34,748,000	34,748,000	34,748,000	-1,246,000
Allowances and Office Staff for Former Presidents	2,129,000	2,200,000	2,183,000	2,200,000	2,192,000	+63,000
Expenses, presidential transition	.....	5,000,000	5,000,000	.....	5,000,000	+5,000,000
Total, General Services Administration	467,124,000	532,519,000	590,916,000	541,940,000	522,937,000	+55,813,000
(By transfer)	(724,000)	.....	.....	.....	.....	(-724,000)
National Archives and Records Administration	152,143,000	165,045,000	163,045,000	167,045,000	165,045,000	+12,902,000
Office of Government Ethics	6,303,000	8,365,000	8,265,000	8,365,000	8,265,000	+1,962,000
Office of Personnel Management:						
Salaries and expenses	116,593,000	120,269,000	117,593,000	116,593,000	119,000,000	+2,407,000
(Limitation on administrative expenses)	(79,757,000)	(70,993,000)	(70,993,000)	(67,000,000)	(69,993,000)	(-9,764,000)
Employees Health Benefit Fund (limitation on administrative expenses)	(13,850,000)	(14,702,000)	(14,702,000)	(14,702,000)	(14,702,000)	(+852,000)
Retired Employees Health Benefits Fund (limitation on administrative expenses)	(208,000)	(251,000)	(251,000)	(251,000)	(251,000)	(+43,000)
Employees Life Insurance Fund (limitation on administrative expenses)	(953,000)	(1,086,000)	(1,086,000)	(1,086,000)	(1,086,000)	(+133,000)
Office of Inspector General	4,018,000	4,528,000	4,528,000	4,227,000	4,227,000	+209,000
(Limitation on administrative expenses)	(5,825,000)	(6,956,000)	(6,956,000)	(6,105,000)	(6,500,000)	(+675,000)
Government payment for annuitants, employees health benefits	2,503,535,000	4,149,245,000	4,149,245,000	4,149,245,000	4,149,245,000	+1,645,710,000
(Proposed USPS Payment)	.....	-105,000,000	.....	.....	.....	.....
Government payment for annuitants, employee life insurance	14,249,000	12,433,000	12,433,000	12,433,000	12,433,000	-1,816,000
Payment to civil service retirement and disability fund	6,078,686,000	6,900,000,000	6,900,000,000	6,900,000,000	6,900,000,000	+821,314,000
(Proposed USPS Payment)	.....	-210,000,000	.....	.....	.....	.....
Total, Office of Personnel Management	8,717,081,000	10,871,475,000	11,183,799,000	11,182,498,000	11,184,905,000	+2,467,824,000
Merit Systems Protection Board:						
Salaries and expenses	23,361,000	24,884,000	24,850,000	24,398,000	24,450,000	+1,089,000
(Limitation on adminstrative expenses)	(1,850,000)	(1,950,000)	(1,950,000)	(1,950,000)	(1,950,000)	(+100,000)
Office of special counsel	7,789,000	7,962,000	7,949,000	7,962,000	7,952,000	+163,000
Total, Merit Systems Protection Board	31,150,000	32,846,000	32,799,000	32,360,000	32,402,000	+1,252,000

Treasury, Postal Service, and General Government, FY 1993 (H.R. 5488), Continued

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Labor Relations Authority	20,769,000	21,697,000	21,637,000	21,657,000	21,647,000	+878,000
United States Tax Court	32,050,000	34,500,000	32,435,000	33,500,000	32,435,000	+385,000
Total, title IV, Independent Agencies	9,450,431,000	11,893,109,000	12,059,535,000	12,013,956,000	11,994,704,000	+2,544,273,000
(Limitation on administrative expenses)	(4,255,056,000)	(4,850,270,000)	(4,916,147,000)	(4,794,902,000)	(4,811,733,000)	(+556,677,000)
Grand total:						
New budget (obligational) authority	19,902,355,000	22,374,481,000	22,727,049,000	22,687,042,000	22,562,042,000	+2,659,687,000
(By transfer)	(33,224,000)	(57,401,000)	(47,386,000)	(82,542,000)	(75,742,000)	(+42,518,000)
(Limitations)	(4,255,056,000)	(4,850,270,000)	(4,916,147,000)	(4,794,902,000)	(4,811,733,000)	(+556,677,000)

1/ Administration's FY 93 request for Postal Service is $121,912,000.00.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield my self such time as I may consume.

Mr. Mr. Speaker, I rise in support today of the conference report before us on H.R. 5488, the 1993 Treasury, Postal Service, and general government appropriations bill.

Mr. Speaker, these spending recommendations included in the report are responsible and they meet the President's standards. With certain adjustments made for legislative savings assumed in the President's original budget request, the conference agreement provides $122 million less in new budget authority than proposed by the President for domestic discretionary programs covered by this bill.

Mr. Speaker, this conference agreement is a profamily measure. It includes provisions for child care as well as initiatives that will address very significant concerns of working families, the flexiplace telecommuting center. We are including provisions in this bill that will allow Federal employees faced with long commutes to Washington an alternative. Funds provided to develop flexiplace telecommuting centers, centers where employees can be linked through computers and telecommunications technology to their main offices. These centers will means that moms and dads, working parents, can spend more time with their children and less time in traffic on congested roads commuting to and from work.

Mr. Speaker, I am also pleased, and this is very important, I am pleased to announce to the Congress that the conference agreement increases the penalties for anyone who knowingly transports goods made wholly or in part by convicts or prisoners—slave labor. As we know, some American companies have been purchasing goods from China. We noted on this issue on the MFN on China. American companies have been purchasing goods from China made by slave labor, goods to be sold in the United States. Companies were able to do it because the penalty was only $1,000. This conference agreement increases the penalty from $1,000 to $50,000, and the imprisonment time from 1 to 2 years.

I want to thank the gentlewoman from California [Ms. PELOSI] for her help on this matter. We all know what a great job the gentlewoman from California [Ms. PELOSI] has done on the MFN issue and, with these increased penalties, there will be a real, practical effect: Customs and Justice can bring cases against those who import goods. That language is in here.

It is clearly time to get tough on firms that are not only breaking U.S trade laws but are creating what I think most Members would agree is a moral crime.

Mr. Speaker, I want to note my serious concerns with a few provisions included in the statement of the managers accompanying this conference report. My Republicans colleagues, the gentleman from Iowa [Mr. LIGHTFOOT], the gentleman from Kentucky [Mr. ROGERS] and the gentleman from Pennsylvania [Mr. MCDADE], and I joined to sign the conference report with the exception of the statement of managers accompanying amendment No. 155 and amendment No. 156.

These two amendments address the Council on Competitiveness and Secret Service protection of former Presidents. On the council on Competitiveness the statement of managers suggested that it is the position of the conferees that, among other criticisms, the Council has intervened in the regulatory process without authority and that it refuses to disclose comments and communications it considers affecting regulatory action.

The statement of the managers further imposes several restrictions on the Council's activities, as well as requiring a substantial revision to the way the Council does business. The statement of managers has no actual legislative effect; and the members of the minority signed the agreement with the understanding that the report has absolutely no impact on the operations of the Council. The minority also wanted the Congress to know that they believe the Council on Competitiveness has brought reason to burdensome regulations affecting all of our constituents.

Mr. Speaker, I note that a number of important drugs such as those for cystic fibrosis and Alzheimer's disease have had their approval accelerate with help from the Council. The time factor whereby these drugs can be used by individuals is quickened because of the Council's fine work.

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So, I repeat, the statement of managers has absolutely no impact on the activity of the Council on Competitiveness.

Mr. Speaker, the House Republican conferees are also concerned with the statement of managers on Secret Service protection of former Presidents. I question the accuracy of the cost estimates of current protection by the Secret Service, as identified in the report. I also believe references to increased costs of protection because of the potential change in administration are totally unnecessary. Mr. Speaker, my final concern is about the move of the National Science Foundation from its current location to Ballston, VA. The statement of managers does not go far enough, but I want to repeat here what is the sense of the House and the Senate conferees. Members on both sides believe that, in the best interest of saving money for the taxpayer, the National Science Foundation should move and, therefore, will move. I personally want to say that if they do not move, I will follow this personally to see what can be done about it.

In closing, Mr. Speaker, let me make a couple of personal comments. I want to salute the gentleman from California [Mr. ROYBAL], our chairman. This is the last Treasury appropriations bill that Mr. ROYBAL will bring to the floor. As Mr. ROYBAL pointed out, the committee has had some differences but they were really differences of ideas and not of tone. The members on both sides of the committee have worked together, if you want to use the phrase, in a spirit of reconciliation. There have been no harsh words or antagonisms and I want to salute Mr. ROYBAL for this spirit.

I stated yesterday before the Committee on Rules that Congressman ROYBAL will not be back, but soon there will be another Roybal here in this body—Congressman ROYBAL's daughter.

As a father of four daughters, I love my daughters and, frankly, would love to see them have a similar opportunity. I think Mr. ROYBAL, as a proud father, would perhaps be more happy to have his daughter serve than even himself. I know that every father would do anything for his children.

So, I just say that, although Mr. ROYBAL will not be here next year, his daughter will.

I want to personally thank Mr. ROYBAL for his openness. There was never acrimony, never partisanship, never divisiveness, never shouting; never all the animosity that you sometimes see.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

I rise listening to Chairman ROYBAL's remarks for I wanted to echo his comments.

ED ROYBAL has been a very significant leader in California for many years, serving in the State legislature before coming here. He has made a great contribution to our committee over the years. He has made an amazing and important contribution to the Congress as well.

So I certainly want to join in the remarks of the gentleman from Virginia and express my appreciation for the work of Chairman ROYBAL.

Mr. WOLF. I thank the gentleman for his comments.

I would also like to pay some tributes to some other people, if I may.

I would like to pay tribute to the staff on both sides and, in particular, Tex Gunnels, Bill Smith, Betsy Phillips, John Berry, and Jenny Mummert, of the majority staff. They work with total professionalism and dedication. As a member of the minority, I have no reluctance to talk openly with them, because you feel as if you are talking

to your own staff. I want them to publicly know that I appreciate that and I thank them for their tremendous work on the conference report now before us.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. MOORHEAD. I thank the gentleman for yielding.

Mr. Speaker, I wish to join the gentleman from California [Mr. LEWIS] and others who have commended ED ROYBAL for a really fantastic career as a leader in southern California. We have all been proud of the things he has accomplished in the State and here in the U.S. Congress over so many years. As a leader, he brought many things to southern California and to other people of the country they would not have been able to have without his leadership.

He lives in Pasadena, CA. He is a strong contributor to everything in the community that is positive. I want to wish him the very best in this retirement. We are going to miss him.

Mr. WOLF. I thank the gentleman for his comments.

Mr. Speaker, if I may, I would also like to salute the minority staff: Michelle Mideza and Evan Corcoran who have done an outstanding job. I want to take this time to pay special tribute to Evan Corcoran an outstanding gentleman, Evan was a staff member of mine for 5 years. He started in my office as an intern and worked his way up. He is the son of a former colleague, Congressman Tom Corcoran of Illinois; Mr. and Mrs. Corcoran should be very proud of their son.

Evan has left the Congress; yesterday was his last day. In the true sense of public service, he is leaving this job to be an assistant U.S. attorney, and, I might add, taking a massive pay cut. This is truly a sense of public service.

I just want to pay public tribute to Evan for the outstanding job he has done.

I would also like to make two other points.

I would like to say to Mr. ROGERS, he has done an outstanding job, as has Mr. LIGHTFOOT. I would say to the constituents in Kentucky that they are fortunate to have Mr. ROGERS as their Representative. He is the ranking member on the Subcommittee on Commerce, Justice, and State, and we look forward to having Mr. ROGERS back.

Also, Mr. LIGHTFOOT, who may very well end up becoming the ranking member on the Treasury and Postal Service Subcommittee next year. I congratulate Mr. LIGHTFOOT for his hard work and diligence. The people of Iowa are fortunate to have him.

One last comment I want to say regarding Mr. ROYBAL: This committee has absolutely no special pork barrel projects, as it used to have. There are no special projects for universities.

The chairman was willing to go along with the new policy of no special projects. It may not be a bad policy for all the committees to adopt. Whenever outside witnesses appear before the committees, the committee asks them if they have retained lobbyists, who the lobbyists are, how much are they paying them and, have they applied for any other grants?

That has made a tremendous difference in the way the committee approaches special projects and I congratulate the chairman. I want to again salute my colleague and wish him well in his retirement. It is not a goodbye because I expect to see the chairman here on January 3, when he is on the floor and walks down with his daughter as she is sworn in.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYBAL. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, as a member of the Subcommittee on Treasury, Postal Service, and General Government, I support the conference report before the House today. I do so because, for the most part, it's a very good bill, reflecting careful consideration and compromise. It is the last appropriations bill the subcommittee will write under the outstanding leadership of our chairman, ED ROYBAL. Mr. Chairman, we will miss you and we wish you well in your future endeavors.

The conference report includes a couple of things of particular importance to my area of Colorado. First, it includes $1 million for the Bureau of Alcohol, Tobacco, and Firearms to fund a new crime-fighting Achilles Task Force in the Denver metro area. The Achilles Program has a proven success record for targeting, investigating, and prosecuting career criminals. I believe the task force will be a useful tool in combating the growing violence associated with illegal handguns and drugs in Colorado.

Second, the bill includes language enabling an agreement between the Department of Commerce and the city of Boulder, CO, to keep as open space a portion of the site where the General Services Administration is planning a new NOAA Federal laboratory. The city of Boulder has been negotiating in good faith with the DOC and the GSA to ensure that the new laboratory will conform with community planning criteria, including maintaining open space in perpetuity. This language will ensure that the DOC is able to fulfill its part of the agreement. I'm pleased to be able to help out and hope that this language will help bring negotiations to a speedy and successful conclusion.

The bill also includes funding for important programs like the Internal Revenue Service's tax system modernization program and the U.S. Customs Service's antidrug initiatives.

Despite these good provisions, I'm deeply disappointed that the bill does not include the House-passed statutory language putting the Vice President's so-called Council on Competitiveness out of business. As my colleagues may recall, on July 1 the House voted 236 to 183 against funding the Council's activities. A majority of our colleagues recognized that despite what its name suggests, the Council has little to do with restoring our economy or enhancing competitiveness.

The Council is, quite simply, an organization created by the Bush administration to give its powerful big business friends a back-door, off-the-record way to get special breaks they can't get through an open rulemaking process. And the Bush administration has gone to great lengths to keep the sun from shining on this cozy arrangement.

Since the Senate-passed appropriations bill did not include a funding prohibition similar to the House's version, it was clear to me that we would have to compromise in conference. I assumed that a fair compromise would be to restore funding for the Council, while requiring it to comply with some basic disclosure requirement—hardly a draconian approach.

Well, was I wrong. Very wrong.

Not only did the administration promise to veto the bill if we included sunshine language, which was based on legislation passed overwhelmingly by both the House and Senate Government Operations Committees, they promised a veto over a succession of weaker compromise provisions. The final language I proposed simply asked the President to develop his own procedures for appropriate public disclosure of the Council's review activities. The answer: Veto. Veto to sunshine. Veto to good government.

Why does the President insist on hiding the actions of the Quayle council from public review? The answer is simple. He knows—and his supporters in the House know—that if the American people knew how the Council dispenses its largesse, the people wouldn't stand for it.

Day in and day out, the Council has blocked regulations to protect the environment, and the health and safety of the American people. Regulations the vast majority of citizens support. No wonder the White House insists that the Council leave "no fingerprints."

In light of the President's threats and the unfortunate reality that there just isn't time left in the session to deal with a veto, I agreed to statement of mangers' language urging the Council to follow specific disclosure procedures. I felt I could not justify sinking the entire appropriations bill over this one issue, and agreed not to insist on statutory sunshine language.

I'm grateful to my House colleagues, Mr. HOYER, Ms. PELOSI, Mr. COLEMAN, Mr. VISCLOSKY, and Chairman ROYBAL,

who all supported my efforts to the very end. The work we did was not in vain. The public and the Congress are better advised of the cynical and shameless behavior of the Council and its very accurate reflection of the standards and values of this administration.

Perhaps the administration has learned something from this battle, too. Perhaps they will do the right thing and, at the very least, follow the guidelines set out in the statement of managers' language. Perhaps they will remember something they clearly have forgotten: that there is no more fundamental principle in our democracy than that our government is open to all, accessible to all, and accountable to all.

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Mr. WOLF. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I rise in support of this conference report on funding for the Treasury-Postal appropriations bill. But, first, as well as others have mentioned, I want to commend Chairman ROYBAL, ranking member FRANK WOLF, and all the other members of the Subcommittee on Treasury-Postal appropriations, for their tireless efforts to bring this conference agreement to this point.

Of course, we all wish for our departing chairman the best of luck in the future endeavors of his life. It has been a pleasure serving with the gentleman from California [Mr. ROYBAL], the committee chairman, for all these years.

The conference report before us provides $22.6 billion in fiscal year 1993 for the Treasury Department, U.S. Postal Service, the Executive Office of the President, and other independent agencies.

This is an important bill. It provides funds for agencies that are on the front lines fighting the war on drugs every day.

These agencies do not always get the recognition that other law enforcement agencies receive, but the men and women of the U.S. Customs Service and the Bureau of Alcohol, Tobacco, and Firearms fight violent crime and illegal drug trafficking as part of their mission. They deserve our support and have earned our respect.

This was not an easy bill to conference. But, the agreement does contain program increases over last year's levels for important law enforcement activities.

This conference report includes $1.5 billion for the U.S. Customs Service, matching the President's request and allowing Customs to hire additional agents to detect and control the flow of illegal international trafficking in arms, ammunition, and narcotics.

Each year the Customs Service is the primary border enforcement agency and a major revenue producer. For every $1 expended, the Customs Service returns $15 to the Treasury Department. It is money well spent.

In addition to funding for Customs, this bill provides $371 million for the Bureau of Alcohol, Tobacco, and Firearms [BATF], an increase of $15.9 million above the House level. This is a much needed increase in funds for an agency that collects approximately $14 billion annually for the Government. It is a revenue producing bureau of the Federal Government.

Most importantly, this agreement includes the House provision that prohibits BATF from using any funds to permit convicted violent criminals from possessing a firearm. That policy has been stopped, and this subcommittee made the right decision to protect the public.

BATF does an outstanding job, each year the conviction rate by the BATF is one of the highest of all Federal law enforcement agencies.

A vote for this conference report is a vote to continue the strong antidrug and anticrime programs carried out by the Department of Treasury's law enforcement activities.

Finally, Mr. Speaker, I want to take this opportunity to congratulate our chairman, the gentleman from California [Mr. ROYBAL] who has served as the chairman of the Treasury Subcommittee since 1982.

He has shepherded this bill through many turbulent waters over many years. I know my colleagues will join with me in honoring the work of Chairman ROYBAL and his contribution to our country.

I commend the chairman for his work and urge the House to support the conference report.

Mr. ROYBAL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the conference report.

I would like to second the words spoken by the gentleman from Virginia [Mr. WOLF] and by others who have spoken on this floor, the gentleman from Kentucky [Mr. ROGERS] and others who have so well described the public service that Chairman ROYBAL has put into not only this year's bill, but in all his years in this Congress. The people of Los Angeles have been well served by him and we are going to miss him as a Member of Congress, as an American. As somebody who has worked with him, I can tell you there has been no one more dedicated and more apt and adept in representing his constituents and the interests not only of Americans, but of a particular class of Americans. He has been a true champion of the rights of Hispanic-Americans as well, and that has been important to those people who have deserved a helping hand from this Congress many times in the past.

I have had great pleasure in working with the gentleman. I am very proud to be able to be able to say I have been able to work with him in my years in Congress.

Mr. Speaker, this bill is a good bill. This year once again there are some provisions in it that I think are trailblazing. As the sponsor of the bill to prevent the BATF from granting relicensing arms to convicted felons, along with the gentleman from Ohio [Mr. FEIGHAN], I went to Chairman ROYBAL and asked him if we could put this in this bill.

The BATF people do not want to spend $4 million a year doing background searches on convicted felons, some of whom were convicted of drugs and violent crimes, only just to give them back the right to carry weapons. There are too many weapons.

The gentleman from California agreed, took the ball, carried it, and it is in this bill. I congratulate him. It is a big start to trying to get control over the problem of weapons in this country.

So, Mr. Speaker, I urge a strong vote on this conference report, for everything that is in it and for everything that the gentleman from California [Mr. ROYBAL] has stood for. I am proud to call him my friend.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me.

I want to rise, first of all, to concur with the statement of the gentleman about the chairman's adoption of this language, which I think is so important.

Obviously, the BATF did not want to spend their time doing this. They will do it if it is the law, obviously, but it is not an objective that any of us think is a worthwhile objective and I appreciate the gentleman's remarks.

Let me also say that the gentleman from Florida [Mr. SMITH] has been one of the giants in terms of fighting drugs, drugs coming into the country, drugs in the country, people who sell drugs which destroy our communities, and our young people.

The gentleman will be leaving and will not be with us. That will be a loss for this House, for this Congress, for his State of Florida, and for the country.

I want to take this opportunity to congratulate the gentleman from Florida [Mr. SMITH] for his devotion to a task that every American believes is a priority for this country. He has been on the front line, one of the most effective fighters against the spread of drugs in our communities.

□ 1210

Mr. Speaker, I congratulate the gentleman from Florida [Mr. SMITH] and we will miss him.

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman from Maryland [Mr. HOYER], and all I can tell him is that the gentleman from California [Mr. ROYBAL] and I, who share the same opinion on that matter, are not finished with that fight yet, not by a long shot.

Mr. HOYER. Mr. Speaker, I was convinced of that.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I would like to voice my support today for H.R. 5488, the Treasury—Postal Service—General Government appropriations bill for fiscal year 1992, or it should be 1993. It has been a real pleasure to serve with my colleagues on the subcommittee this year, and I would like to congratulate them on reaching a truly fair compromise on the many controversial issues we faced in the process.

Among those issues was the debate over funding for the Vice President's Council on Competitiveness. I am pleased we were able to resolve this situation to avoid a potential Presidential veto

We face some other difficult issues, such as having insufficient funds for postal revenues forgone, but we have at least met the President's request for this category. I also believe we reached acceptable compromises on occupancy of the ICTC building, funding for the marshals service, imports made with forced labor, and a lot of that thanks to our able ranking members, the gentleman from Virginia [Mr. WOLF] and several other critical areas.

Our subcommittee labored long and hard to achieve this carefully crafted compromise, and I congratulate our chairman, the gentleman from California [Mr. ROYBAL] on his last bill. As we know, he will be retiring at the conclusion of the 102d Congress, and he will be sorely missed. My relationship with the chairman starts back in about 1985 when I first arrived here and was on the Select Committee on Aging of which the gentleman from California [Mr. ROYBAL] was the chairman, and I found him always to be fair, friendly, and someone that listened to everyone's opinions, and I think that is important in a body like this. And I again congratulate my good friend and colleague, the ranking member, the gentleman from Virginia [Mr. WOLF] for his hard-fought efforts to ensure the concerns of the subcommittee were protected. It was a job well done.

Mr. Speaker, I urge my colleagues to support the conference report.

Mr. ROYBAL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I join and rise in support of the conference report, and I would like to commend the gentleman from California [Mr. ROYBAL] who is leaving us and say that during the 8 years I have been in Congress there has been no finer gentleman, and I say to my colleagues, When he tells you something, his word is good, and he's been a great chairman.

I also rise to pay tribute to the gentleman from Virginia [Mr. WOLF] as the ranking member for the great job he has done, and I thank officially here, if I can, the gentleman from Maryland [Mr. HOYER] for the help that he has offered to my community in several instances.

The gentleman from California [Mr. ROYBAL] will be leaving us, and I think, when he leaves, there is going to be leaving as well a sensitivity that has been brought into the hardcore reality of the Government appropriation process.

The chairman and I became involved on an issue, trying to develop an educational program within the Internal Revenue Service to in fact instruct and educate agents how not to abuse the American taxpayers when the legacy of the IRS has become almost commonplace in most people's living rooms, and although we had some rocky roads to hoe, that has been worked out and achieved by the strong leadership of this fine and fair chairman.

I want to thank today the gentleman from Illinois [Mr. ROSTENKOWSKI] from the Committee on Ways and Means for not officially raising a point of order and striking this provision from the bill that I think is going to help the American taxpayers and let the American people know that Washington is not a government that dictates to us. Washington is a center of our Government, the people's government, and the IRS and every Government agent works for the people. That is an attitudinal change that must be made in America or there will never be reform.

Mr. Speaker, I want to commend the gentleman from California [Mr. ROYBAL] and say to him, Chairman ROYBAL, thank you. Thank you on behalf of the 17th District of Ohio, the northern district courts of Ohio, for the effort that you've given in helping our community.

I also want to thank the staff, both the majority and minority side, Tex Gunnels, Bill Smith and all of the workers of that committee who have helped us so many times.

Mr. WOLF. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, these charts, many of my colleagues have seen them many times. I keep bringing them out because I want to use the Chinese water torture on all my colleagues.

We are heading toward a $13½ trillion national debt, and we are currently at $4 trillion in debt, a little over $4 trillion. Ten years ago it was $1 trillion, and it is projected by the Federal Reserve Board that we are going to be at $13½ trillion by the turn of the century or before. The interest alone on that debt is going to be $1.2 trillion, which is more than all the tax revenues coming in right now. That means we will not be able to pay for the military, for Medicaid, Medicare, Social Security or anything unless we pay off the debt.

So, they are going to print money to pay off the debt, and we will have what is known as hyperinflation, and the people that will be hit the hardest are those on fixed incomes, the people on Social Security, and welfare and so forth who will get their money from the Government, but they will not be able to buy anything with it.

I say to my colleagues, "You cannot give from the Government without first taking from the people. You take from them by taxing them or by deficit spending. We have been doing both, raising their taxes and digging Americans into a bigger and bigger deficit hole that will lead to hyperinflation in the future if we do not start controlling spending."

Now that brings me to this conference committee report that everybody has been talking about in such glowing terms. This conference committee report is $2.9 billion higher than last year, a 14-percent increase. The entitlement portion of this bill is 28 percent higher than last year, 28 percent.

Now let us take a look at this. These are entitlements. In the early 1970's we had $92 billion in entitlements. It is going to be $805 billion in entitlements this year, and we are raising entitlement programs at the rate of between 15 and 20 percent a year. In this particular bill it is higher than that. It is a 28-percent increase.

Mr. Speaker, we have to come to grips with the pork-barrel projects, and we also have to come to grips with the entitlements that are growing out of control.

Now in this bill we have a 28-percent increase in entitlements, and we have about a 5-percent increase in discretionary spending, which amounts to $450 million or $434 million.

Now there is one project—would somebody hand me that picture down there on the charts? There is one project in particular I want to talk about, and, while he is bringing that down, I will talk about another.

There are two projects I am concerned about. One is in conference committee they added $3 million for a new general mail facility in Scranton, PA, and the statement of managers says the Postal Service has plans to expand that facility. However, that project was not passed upon by the House or the Senate. It may be nec-

essary, but it should go through the regular process instead of the conferees sticking it in after we voted in both bodies for or against a project.

And the second thing I want to talk to my colleagues about, and I hope all of my colleagues will come and take a look at this, but in Newark, NJ, earlier this year we appropriated $15 million for a parking garage that was not needed, and I talked about that being a pork-barrel project. Now they cut that in conference committee to $9 million, and I commend the conferees for reducing it by $6 million, but there is still $9 million in there for a parking garage.

□ 1220

Now, since we passed that bill in July, one of the people who lives in Newark brought this photograph to me and showed me the problem that I was talking about. Within two blocks or three blocks of this new facility there are 1,800 vacant parking spaces. Yet we as taxpayers, the people across this country, are asked to spend $9 million to build a new parking garage that is totally unnecessary.

The administrative manager of the U.S. district court in Newark has said that they need about 300 to 400 spaces close to the facility for jurors when they have a heavy caseload. The rest of the time they will not need that many. In addition to that, Newark cannot really afford to pay their part of this. They have to pay half of this. The federally funded study came to the conclusion that this garage is not needed and Newark could not afford its share. Standard & Poor's, the financial rating company, said that Newark's credit rating would drop if this project went forward. So they are not going to be able to fund their share. We are putting $9 million into a project that is totally unnecessary. There are 1,500 to 1,800 parking spaces within 3 blocks of the new facility, and we are asking the American taxpayers to pay for it. That is part of the problem we are talking about around here. We pass these pork barrel projects without full investigation. We allow entitlements to go up unchecked without capping them, and we wonder why the country is in the mess it is in. We have to get control of entitlements, and we have to quit passing these kinds of projects that are purely unnecessary, unadulterated pork.

Mr. Speaker, I want to say to my colleagues that I am so concerned about this Newark parking garage that after we pass this bill—and it will pass, and the money will be appropriated—I am going to the General Accounting Office, and I am going to ask for an investigation of this parking garage in Newark. If there are 1,500 to 1,800 available spaces within 3 to 4 blocks of this courthouse and we are spending $9 million of taxpayers' money for something that is not necessary, it should be investigated, and I can assure the Members that it will be investigated.

Mr. ROYBAL. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I could not let this time go by, when the gentleman from California [Mr. ROYBAL] is leaving the Congress, and fail to say that I think his service here has been outstanding. I say to the gentleman, you have made a contribution in many fields for our country. I think I speak on behalf of all of the Congress in saying that we are very deeply grateful for the excellency of your service in many, many fields.

Of course, I cannot pass up a chance for commending the gentleman from Virginia [Mr. WOLF]. Mr. WOLF is a Member who also is a person of great dedication to what is good for our country. I am glad the gentleman is not leaving the Congress. We do appreciate his services.

As I conclude, I speak again to Chairman LEHMAN, let me say that this is just something from my heart: I am going to say it must be a great and beautiful thing to have your daughter come here and be in Congress to succeed you. I say to the gentleman, you deserve that kind of beautiful thing in your life.

Mr. WOLF. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, before I yield time to the gentleman from Indiana [Mr. MYERS], let me just take this minute to say this, since the gentleman from Florida [Mr. BENNETT] got up and spoke. Mr. BENNETT is leaving, too. I have told him on a number of occasions how much I personally am going to miss him.

I have a speech that I have built around CHARLIE BENNETT. I say, you are a man of integrity and decency and honesty, and you have overcome a very difficult handicap. I used to stutter very badly when I was a young boy, and I use CHARLIE BENNETT as an example of how a person with courage and perseverance can overcome a handicap. So let me say to the gentleman, CHARLIE, I want to pay you the same compliments that you paid to Mr. ROYBAL.

With that, Mr. Speaker, let me now yield 3 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank my colleague, the gentleman from Virginia, for yielding me this time.

Mr. Speaker, I join our colleagues in expressing our appreciation and our gratitude for the services of many of our very fine Members who will be leaving this year voluntarily. I do not know how many will be leaving involuntarily. Certainly the gentleman from Florida [Mr. BENNETT] has been of great help to all of us through the years. I would pay tribute to him and express our appreciation for his services to this country and say what a great job he has done on behalf of national security.

Mr. Speaker, let me say that we thank our chairman, the gentleman from California [Mr. ROYBAL], for his contributions and for his hard work for his district, for his State of California, and for this Nation. Let me express our appreciation for all those long hours and hard work. I join the gentleman in saying what a gratitude it would be to have a daughter or a son follow you. I have two daughters and I have a son, but, as I have said, I do not wish that upon them. I have one daughter who is kind of interested, but I have discouraged her from taking this route today. It is not the fun it once was.

Mr. Speaker, I wish to ask a question of our chairman pertaining to the so-called Roybal language in the report. Let me ask this question:

I am concerned that the current language in the statement of the managers concerning the prohibition on changes in the FEHB program might foreclose a proposed change in the current Government Employees Hospital Association contract which is designed to provide a more favorable drug benefit to all enrollees who use a preferred provider network but might require the enrollees who use off-network providers to bear some of the higher costs of those providers. I want to make certain that this is not the intent of the current language.

Mr. Speaker, I yield to the chairman of the subcommittee for a response.

Mr. ROYBAL. Mr. Speaker, as I understand my colleague, the gentleman from Indiana, the benefit change described would affect all plan enrollees, not just Medicare-covered annuitant members. This language applies to changes similar to those proposed in OPM's call letter that affect only FEHB program annuitant members who are also covered by Medicare. It is not intended to prohibit the implementation of initiatives such as preferred provider networks, mail-order prescription maintenance programs, or the use of generic drugs that also affect all FEHB plan members, including those who are not Medicare-covered annuitants.

Mr. MYERS of Indiana. Mr. Speaker, I thank the chairman of the subcommittee for his response, because we all know a great many people who just cannot use the preferred network and must go off network. We want to protect those people who are forced to use other providers. So I thank the gentleman very much for this language and for his response.

Mr. ROYBAL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I thank the gentleman for yielding time to me, and let me say that I, too, want to commend the gentleman on his service here in the House.

Mr. Speaker, I rise in strong support of a provision in this conference report on the Social Security notch issue. During the Senate consideration of the measure, a provision was added to create a Bipartisan Investigatory Commission to aid in the resolution of the Social Security notch issue. Last November, I introduced a bill to establish this Commission.

The controversy surrounding the Social Security notch issue has been a source of much debate for the Congress and for the American public. Because of necessary and complex changes to the Social Security benefit formula during the 1970's many older Americans and retirees are under the impression that they have been cheated by the Federal Government. Like most Members, I have received countless letters and questions on this issue from my constituents.

I am sympathetic to the concerns of my constituents and I have always tried to educate them on the notch. I provide whatever information I can to help clarify the questions that people ask. However, I cannot match the outreach capabilities of the groups who exploit the notch issue for monetary gain. The General Accounting Office and the Congressional Research Service have issued substantive reports on the notch and our colleagues on the Social Security Subcommittee have worked hard to confront the issue. Unfortunately, the notch remains unresolved in the views of our constituents.

Mr. Speaker, a great deal of confusion still exists about the notch even among Members of Congress. While I do not believe that passing corrective legislation is appropriate, I understand that my constituents want answers on this issue. It is time to stop the demagoguery of the notch and the creation of a congressional commission is a good first step toward ending the perpetual debate on this subject. The Bipartisan Commission will be directed to consider all of the aspects of the notch and report to Congress what steps, if any, are required to close this issue.

Mr. Speaker, I thank the subcommittee chairman for including this provision in the conference report.

□ 1230

Mr. WOLF. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. ROYBAL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman from California [Mr. ROYBAL] to enter into a colloquy.

In this conference report, Mr. Chairman, the conferees agreed to a funding level of $46,419,000 for the General Services Administration information resources management services. One of the programs carried out under this office is the Federal Information Center [FIC] Program.

As the chairman knows, the FIC Program provides a 1-800 telephone service that any citizen can call and get information about our complex Federal Government. The FIC responds to more than 8,000 callers per day, and several thousand letters per month, from people seeking information about Federal Government programs.

I understand that with the funds made available in this report, GSA is expected to restore the planned reduction of $1.7 million to the FIC, and to continue operating this program at its current level with no adverse impact on the approximately 100 people employed to provide this service. Is this correct?

Mr. ROYBAL. The gentleman from Maryland is correct. Under the funding level provided in the conference report for GSA's information resources management services during fiscal year 1993, it is my intent that GSA continue the Federal Information Center Program at its current level.

Mr. HOYER. Mr. Speaker, if the gentleman will continue to yield, I would like to make a few additional comments.

Mr. Speaker, as so many have noted, it will be the last time Chairman ROYBAL presents this bill to the floor. I have had the great privilege of serving for the last 9½ years on the Subcommittee on Treasury, Postal Service, and General Government. During that entire time, EDWARD ROYBAL of the State of California has been its chairman.

As those before me have observed, the gentleman is a man of great dignity, fairness, and a man who is conscientious in the carrying out of his duties as chairman of the subcommittee. His fairness is displayed to every Member, irrespective of their party and irrespective of whether they may agree with him on each and every one of the issues that comes before the subcommittee.

In my own case I have found him to be extraordinarily helpful as I have tried to represent my constituency in the best possible way. I know I state the sentiment of every member of our subcommittee, Mr. Chairman, in saying that we will miss you. We do not expect you to be saying goodbye. We expect you to be back regularly to visit with us.

I know if I am fortunate enough to be reelected to this body on November 3 and fortunate enough to succeed Chairman ROYBAL as chairman of this subcommittee, it is fully my expectation to be contacting him from time to time for advice and counseling. His chairmanship of this subcommittee has been in the best traditions of Representatives in this body that we call the people's House.

In particular, the gentleman from Ohio [Mr. TRAFICANT] made a reference to the chairman's great concern for those who deal with an agency that can be terrifying to average Americans and who have a great deal of authority, and, therefore like anyone with a great deal of authority, needs someone to oversee them, conscious of the concerns of the people for whom all of us work. ED ROYBAL has done that with conviction and with effectiveness.

The provisions of this bill and the provisions of the bills in past times have reflected his concern that the Government of the United States of America treats each and every one of its citizens fairly and appropriately, with courtesy and understanding.

We have all seen the gentleman cross-examining leaders of these agencies and making it very clear to them that he expected and would accept no less than honest, caring treatment of the citizens of not only his district, not only his great State of California, but of the entire country.

The gentleman has been a leader in so many areas. He is not only the chairman of this subcommittee, Mr. Speaker, but chairman of the Select Committee on Aging. He has performed those functions with the same sensitivity and same commitment that he has chaired our subcommittee, to the great benefit of senior citizens in America.

The gentleman has also been one of, if not the leading, spokesperson on this floor for a growing group of Americans, Hispanic Americans, of which he is a member and a prime example of the contribution that that group of Americans is making to the welfare and quality of this Nation.

Mr. Speaker, it is with a great deal of sadness that I rise to note the fact that the gentleman from California [Mr. ROYBAL] will not be returning to us next year, but also with a great deal of pride and affection that I have had the opportunity of serving with him, of learning from him, and in having a great deal of respect, not only as a colleague, but as a warm and caring human being.

Mr. Speaker, we have been fortunate on this committee to be served by our chairman and ranking member, two people who represent the very best in this body, sent here to represent their people.

I thank you Mr. Chairman, on behalf of all the members of this committee and on behalf of all the Members of this body. Congratulations for a job well done.

Mr. ROYBAL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, our colleague from Maryland [Mr. HOYER] has said a great deal of what I wanted to say about the gentleman from California [Mr. ROY-

BAL]. Of course, the gentleman said it much more eloquently and had many more examples because they have worked so long together.

Mr. Speaker, first I want to rise in support of the legislation, to say one or two things about the bill, and the rest about the gentleman from California [Mr. ROYBAL].

First of all, I want to thank the gentleman from California [Mr. ROYBAL] and the ranking member, the gentleman from Virginia [Mr. WOLF], for their hard work in bringing this bill to the floor. I am very pleased that the initiatives of the gentleman from Virginia [Mr. WOLF] whereby importers of prison labor goods coming in from China will receive a penalty increased from $1,000 to $50,000, a change that has not been made since the 1930's. In doing this, businesses will know that they must honor the rights of all workers in the world and that we will not in America allow products made by those imprisoned for speaking out for democracy.

Mr. Speaker, I also want to commend the gentleman from Colorado [Mr. SKAGGS] for his hard work on the bill and language regarding the competitiveness caucus.

Mr. Speaker, I rise in support of H.R. 5488, the fiscal year 1993 appropriations bill for Treasury, Postal Service, and general Government.

I commend the chairman of the subcommittee, Mr. ROYBAL, and Representative FRANK WOLF, the ranking member, for their hard work and leadership in crafting this legislation. I also want to thank the subcommittee staff for their hard work and dedication in helping put together this bill.

We are living in tough economic times and while we would have liked to be able to spend more on some programs in the bill, everyone on the subcommittee recognized the need to assist in the effort to hold Government spending in line. There just isn't enough money to fund all of the programs at the levels they need to be funded and important programs will be cut in the struggle to bring the budget closer to balance. We did the best we could under the economic and political circumstances.

I am disappointed, Mr. Speaker, that the conference report does not include any of the language the House wanted, to require the President to disclose the secret operations of the Council on Competitiveness.

The Skaggs amendment passed by the House would have blocked funding for the Council, which has operated behind closed doors like a private overseer, interfering in the regulatory review process and imposing its own autocratic rule on our democratic process. Despite our best efforts, it was made clear the bill would be vetoed if we in any way exercised our authority to restrict Federal spending for the Council's work.

The conference report does contain funding for the Treasury Department, Postal Service, the White House, and more than a dozen independent agencies.

I am particularly pleased that it contains language drafted by my colleague from Virginia, Mr. WOLF, to increase to $50,000 the penalties imposed on those caught illegally importing goods made by prison labor. This increase will mean that those who bring in products made by prisoners, and in China many of these prisoners are dissidents arrested for their protests in support of democratic freedoms, will get more than a mere slap on the wrist. Instead of a $1,000 fine as is currently imposed, they will be required to pay a $50,000 penalty, which we hope will make them think twice before committing the crime.

Mr. Speaker, these are just a few of the many important programs included in this bill. Again, I commend Chairman ROYBAL and the subcommittee for the excellent work they have done under very difficult fiscal constraints.

In closing, Mr. Speaker, I urge my colleagues to join me in supporting this legislation. We will miss the chairman as he leaves this body to begin a new life.

Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Maryland [Mr. HOYER], but I do want to add, as a Californian who serves on the subcommittee, how proud we are of the services of the gentleman from California [Mr. ROYBAL] in Congress. The gentleman has brought honor to our State, honor to the Hispanic community, and honor to our entire country by his service here.

Mr. Speaker, the work of the gentleman for seniors is legendary, as well as his work on issues like AIDS funding. Working with Phil Burton many years ago, ED ROYBAL was the first person to put money in any bill for AIDS research, and we will always be grateful to the gentleman for that.

□ 1240

He has worked in a very fair way in this Congress to help everyone in our country, and that is what EDDIE is about. I have seen some pictures of him from years ago when he started out in politics, always fighting for the working person in America. He was later able to do that at the highest level as a subcommittee chairman on the Committee on Appropriations, and it was an honor for me to be able to serve under him on that subcommittee.

We will miss him, but it is not with sadness, as STENY has said. I know he is sad, but it is with great joy that I see him embark on a new life. We look forward to welcoming his daughter, Lucille Roybal Allard, to the Congress of the United States in January as a colleague.

My thanks also to Tex Gunnels, for all his hard work on behalf of our legislation.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. ROYBAL] has 1½ minutes remaining.

Mr. ROYBAL. Mr. Speaker, I yield myself the remaining time to make a brief response by saying that there are times in one's life, moments, actually, in one's life that one wishes would never end, and this is one of those times, but it has to come to an end.

I want to take just a few brief moments to thank each and every one of those who took the floor, and also wish them continued success in the Congress of the United States. Mr. Speaker, I have served with these wonderful people now for 30 years. The vast majority, the great majority of Members of the House of Representatives and of Congress are dedicated, however, hard-working individuals. I just want them to know it has been a great honor to serve with them.

May I also, Mr. Speaker, as long as I have just a few more brief moments, answer some of the things that were said by the gentleman from Indiana with regard to the bill. It is quite obvious that he has not carefully read the bill, nor has he carefully read the report.

When it comes to mandatory expenditures, we provided only the funds that the President requested. We did not appropriate any additional funds. With regard to discretionary appropriations, we are less than $200 million over the President's request, but that is due in part to the fact that we increased funds for revenue-producing departments of the Federal Government.

We provided an increase over the 1992 levels to the Internal Revenue Service which will produce more funds for the Federal Government. We also increased appropriations to the Customs Service. That is also a revenue-producing agency of this Government. More money will be coming into the Treasury of the United States because of the work that they do.

We also made possible an increase in the funds for the Bureau of Alcohol, Tobacco and Firearms. They are also a revenue-producing department, so that $200 million that is now being appropriated will be coming back many fold to the Government of the United States.

One other thing, Mr. Speaker, and this will only take a moment, I am surprised that the gentleman from Indiana [Mr. BURTON] does not look at what is happening to his own State. We in this committee provided in the House-passed bill $51 million to his State just this year, and the next day he tried to knock out funds provided for a parking facility in New Jersey.

That parking facility was kept in the bill by a vote by the House of Representatives after a motion was made to strike it out. This issue went to conference. This is a good facility. We

have provided in this bill that free parking will be made available for Federal employees that occupy that building, so that funds appropriated will be coming back over time to the Federal Government in the form of reduced rental costs.

I am not going to continue this. I know that the time is up, Mr. Speaker, but pork is pork. If what the gentleman considers to be pork when it comes to health and education and all these other construction projects, if that is pork, then the things that we have given his own State are also pork. This idea of not paying much attention to projects in one's own State and calling other projects "pork" is something that I think has to be corrected. Let us be fair to all States of the Union.

I recommend that my colleagues vote favorably on this bill.

Mr. WOLF. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, first of all, I want to wish the gentleman from California [Mr. ROYBAL] well. He is a fine colleague and I have high regard for him, even though we do have our differences of opinion.

I would just like to say to my colleagues that over the past 3 or 4 or 5 years that I have been involved in trying to cut out pork in the appropriations bills, I have noticed that every single chairman of the appropriations committees, when they speak on the floor, talk about the absolute necessity for all of this spending.

That is the problem. We do not really see the problem. We are in a deep, deep hole and we are getting deeper all the time. The projections are very dire, that we are going to be $13.5 trillion in debt and we will not even be able to pay the interest on it.

I say to my colleague from California [Mr. ROYBAL] and to the chairmen of these appropriations subcommittees, everything is necessary to the Congressman in question, but it is not necessary to the country as a whole, and we must prioritize. We have to get control of spending.

I just want to end up by saying, regarding the parking garage in Newark, I have a picture here I hope all my colleagues will look at of downtown Newark during the day when people are working. There are 1,800 to 2,000 vacant spaces, and they do not need that parking garage. That is why I think we should vote against this bill. Nine million dollars for that parking garage is totally wasteful spending.

I wish the gentleman from California [Mr. ROYBAL] well, even though we have had our differences.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of H.R. 5488, the Treasury, Postal Service, and general government appropriations bill for fiscal year 1993. This bill contains important funding for the construction of a new Social Security district office to serve the citizens on the north side of Chicago.

There have been a number of serious problems with both the current Social Security district office, and the proposed relocation facility in the Ravenswood-Lincoln Square area of Chicago. The current Social Security building has experienced structural problems that have posed inconveniences and even dangers for the Social Security recipients who visit the office, as well as for the Social Security employees who work there.

Anticipating the expiration of the current lease, the General Services Administration awarded a lease for a different building which would require renovation. The location selected for the new office has created a yearlong controversy between the Social Security Administration and the elderly residents in the community. Indeed, the new location is not easily accessible by public transportation, and is considered to be in a high-crime area.

The Social Security Administration has a permanent requirement for facilities on the north side of Chicago. The $4 million appropriated in this bill for site acquisition and construction will greatly assist the Social Security Administration in serving the elderly population of the community in a fiscally responsible way. A Government-owned facility is less expensive than a leasing arrangement, and over the long run, this project will result in savings to the social security trust fund.

I urge my colleagues to support this important provision and to support this bill.

Mr. MARKEY. Mr. Speaker, the conference report on H.R. 5488, the Treasury, Postal Service appropriations bill for fiscal year 1993, passed the House today. Included in this bill are funds for a telecommuting center to be built here in the Washington, DC, area. I would like to commend the members of the Appropriations Committee for their endorsement of this important venture.

On July 29, 1992, the Subcommittee on Telecommunications and Finance, which I chair, held a hearing on H.R. 5082, the bill introduced by our colleague, Representative TOM MCMILLEN, and we examined how our developing telecommunications infrastructure can provide major benefits to the environment, employers, and the day to day life of working men and women. With the advancement of high speed data transfers, fiber optics, compression technologies, and other technologies, employees now have the ability to telecommute to their main office from some alternative work site closer to their home. Telecommuting is the use of electronic communications to replace or reduce the trip from home to the traditional workplace. With telecommuting and the establishment of telework centers in areas surrounding urban centers, we will be moving work to people instead of moving people to work.

It is an attractive alternative for employees who can work via computers by combining the use of information and communication technologies with the concept of the flexible workplace.

The reality of nightmare commutes, steep real estate prices, and tougher air quality laws have more employers, including the Federal Government, looking into alternative work sites, such as telework centers. Beginning with the Government's flexi-place program, both the Government and the private sector have been finding many benefits from reducing the long commute many employees take to get to their jobs in the urban areas.

The benefits of telecommuting are many: Fewer cars are on the road, traffic congestion becomes lighter, less fossil fuel is consumed, and the air becomes cleaner for those of us in the urban areas. In addition, employers gain more productive employees and a larger applicant pool from which to draw qualified applicants. Another benefit is that this promotes rural economic development and at the same time jobs become more accessible for those with disabilities who for one reason or another cannot make the long commute into the city. Finally, this idea would increase the quality of life for those telecommuting by enabling workers to spend more time with their families and more productive work time at work.

I commend my colleague from Maryland, Congressman TOM MCMILLEN, for his leadership on this issue, and I thank the members of the Appropriations Committee for including these funds for such a valuable project.

Mr. PAYNE of New Jersey. Mr. Speaker, I too want to take this opportunity to praise Chairman ROYBAL for his outstanding service in Congress. I feel fortunate that I have been able to serve with a man who is not only a talented legislator, but also a true gentleman.

I would like to take just a moment to respond to the attack on my home city of Newark, NJ which was made by my colleague from Indiana.

At a time when our Nation is beginning to recognize the importance of urban renewal to both our economic and social well-being, it is indeed unfortunate that an attempt is being made to sabotage this important urban project.

I would like to point out that the city of Newark, which was absolutely devastated by the riots of the 1960's, is now making a great comeback. The city has been honored with a number of awards, including the Environmental Quality Award, the City Livability Award, and the All American City Award.

In Newark, we are nearing completion of the Martin Luther King, Jr., Federal Courts Building which will function as a courthouse and administrative office building adjacent to other Federal properties in downtown Newark. The Federal complex has a severe parking shortage, causing a situation where there are numerous illegally parked on-street vehicles in a typical day. With the building's opening, over 6,000 Federal employees will work in this section of downtown Newark, in addition to over 3,000 municipal employees and scores of employees in private businesses.

Buildings once stood on the vacant lots in Newark now being used for parking. It is our intention to continue drawing new businesses into our city and to rebuild on those lots so that we can restore our city to its former grandeur.

A safe, efficient indoor garage will help induce new businesses into Newark. This makes good economic sense. It will allow Newark to be a part of the national effort underway to strengthen urban America and to restore hope and economic vitality to America's cities.

As the Representative of Newark, NJ, I have worked hard with local officials on economic development projects for our city. I am

not going to allow the parking facility, which is a key element of our economic renewal plan, to be maligned and misrepresented by my colleague from Indiana.

Let me stress that the local government will share in the financial responsibility for the new facility; the Newark Parking Authority will raise the balance of the funding needed for the garage component of the Federal complex and area development plan, as well as providing for land acquisition, relocation, and demolition costs.

Funding for the parking facility is a sound investment which will reap economic benefits. I thank my colleagues for your past support. Earlier this year, you overwhelmingly reaffirmed your approval of this project, based on its merits, by a margin of 313 to 89. I seek your continued support for this sound investment in the urban revitalization of Newark, America's third oldest city.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material, on the legislation being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYBAL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 126, not voting 15, as follows:

[Roll No. 449]

YEAS—291

Abercrombie	Blackwell	Clement
Ackerman	Bliley	Clinger
Alexander	Boehlert	Coleman (TX)
Andrews (ME)	Bonior	Collins (IL)
Andrews (NJ)	Borski	Collins (MI)
Andrews (TX)	Boucher	Condit
Annunzio	Boxer	Conyers
Anthony	Brooks	Cooper
Applegate	Broomfield	Costello
Aspin	Browder	Coughlin
AuCoin	Brown	Cox (IL)
Bacchus	Bruce	Coyne
Barrett	Bryant	Cramer
Bateman	Bustamante	Darden
Bellenson	Byron	Davis
Bennett	Cardin	de la Garza
Bentley	Carper	DeFazio
Bereuter	Carr	DeLauro
Berman	Chandler	Dellums
Bevill	Chapman	Derrick
Bilbray	Clay	Dicks
Dingell	Lantos	Rangel
Dixon	LaRocco	Ravenel
Donnelly	Laughlin	Ray
Dooley	Lehman (CA)	Reed
Downey	Lehman (FL)	Richardson
Durbin	Lent	Rinaldo
Dwyer	Levin (MI)	Roe
Early	Levine (CA)	Rogers
Eckart	Lewis (CA)	Ros-Lehtinen
Edwards (CA)	Lewis (GA)	Rose
Edwards (OK)	Lightfoot	Rostenkowski
Edwards (TX)	Livingston	Roukema
Emerson	Lloyd	Rowland
Engel	Long	Roybal
English	Lowery (CA)	Sabo
Espy	Lowey (NY)	Sangmeister
Evans	Machtley	Savage
Fascell	Manton	Sawyer
Fazio	Markey	Scheuer
Flake	Martin	Schiff
Foglietta	Martinez	Schulze
Ford (MI)	Matsui	Schumer
Ford (TN)	Mavroules	Serrano
Frank (MA)	Mazzoli	Sharp
Franks (CT)	McCloskey	Shaw
Frost	McDade	Sikorski
Gallo	McDermott	Sisisky
Gaydos	McGrath	Skaggs
Gejdenson	McHugh	Skeen
Gephardt	McMillen (MD)	Skelton
Geren	McNulty	Slaughter
Gibbons	Mfume	Smith (FL)
Gilchrest	Michel	Smith (IA)
Gilman	Miller (CA)	Smith (NJ)
Glickman	Mineta	Solarz
Gonzalez	Mink	Solomon
Gordon	Moakley	Spratt
Grandy	Mollohan	Stallings
Green	Montgomery	Stenholm
Guarini	Moody	Stokes
Gunderson	Moran	Studds
Hall (TX)	Morella	Sundquist
Hamilton	Morrison	Swett
Hammerschmidt	Mrazek	Swift
Harris	Murphy	Synar
Hastert	Murtha	Tanner
Hatcher	Myers	Tauzin
Hayes (IL)	Nagle	Taylor (MS)
Hayes (LA)	Natcher	Taylor (NC)
Hefner	Neal (MA)	Thomas (GA)
Hertel	Nowak	Thornton
Hoagland	Oakar	Torres
Hochbrueckner	Oberstar	Torricelli
Horn	Obey	Towns
Horton	Olin	Traficant
Houghton	Olver	Traxler
Hoyer	Ortiz	Unsoeld
Hutto	Owens (NY)	Valentine
Inhofe	Owens (UT)	Vander Jagt
Jefferson	Panetta	Visclosky
Jenkins	Parker	Volkmer
Johnson (CT)	Pastor	Vucanovich
Johnson (SD)	Payne (NJ)	Walsh
Johnston	Payne (VA)	Washington
Jones	Pease	Waters
Kanjorski	Pelosi	Waxman
Kaptur	Penny	Wheat
Kennedy	Perkins	Whitten
Kennelly	Peterson (FL)	Wilson
Kildee	Pickett	Wise
Kleczka	Pickle	Wolf
Kolter	Poshard	Wolpe
Kopetski	Price	Wyden
Kostmayer	Pursell	Yates
LaFalce	Quillen	Yatron
Lancaster	Rahall	Young (AK)

NAYS—126

Allard	Coleman (MO)	Gallegly
Allen	Combest	Gekas
Archer	Crane	Gillmor
Armey	Cunningham	Gingrich
Baker	Dannemeyer	Goss
Ballenger	DeLay	Gradison
Barton	Dickinson	Hall (OH)
Bilirakis	Doolittle	Hancock
Boehner	Dorgan (ND)	Hansen
Brewster	Dornan (CA)	Hefley
Bunning	Dreier	Henry
Burton	Duncan	Herger
Callahan	Erdreich	Hobson
Camp	Ewing	Holloway
Campbell (CA)	Fawell	Hopkins
Campbell (CO)	Fields	Hubbard
Coble	Fish	Hughes
Hunter	Nichols	Schroeder
Ireland	Nussle	Sensenbrenner
Jacobs	Orton	Shays
James	Oxley	Shuster
Johnson (TX)	Packard	Slattery
Jontz	Pallone	Smith (OR)
Kasich	Patterson	Smith (TX)
Klug	Paxon	Snowe
Kolbe	Peterson (MN)	Spence
Kyl	Petri	Stark
Lagomarsino	Porter	Stearns
Leach	Ramstad	Stump
Lewis (FL)	Regula	Tallon
Luken	Rhodes	Thomas (CA)
Marlenee	Ridge	Thomas (WY)
McCandless	Riggs	Upton
McCollum	Ritter	Vento
McEwen	Roberts	Walker
McMillan (NC)	Roemer	Weber
Meyers	Rohrabacher	Weldon
Miller (OH)	Roth	Williams
Miller (WA)	Santorum	Wylie
Molinari	Sarpalius	Young (FL)
Moorhead	Saxton	Zeliff
Neal (NC)	Schaefer	Zimmer

NOT VOTING—15

Anderson	Feighan	McCrery
Atkins	Goodling	McCurdy
Barnard	Huckaby	Russo
Cox (CA)	Hyde	Sanders
Dymally	Lipinski	Staggers

□ 1306

Mr. GILLMOR and Mr. LUKEN changed their vote from "yea" to "nay."

Mr. SHAW changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 368, MAKING CORRECTIONS IN ENROLLMENT OF H.R. 5488

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 583, House Concurrent Resolution 368 is considered as adopted, and the text of the concurrent resolution will be printed at this point in the RECORD.

The text of House Concurrent Resolution 368 is as follows:

H. CON. RES. 368

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 5488) entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes", the Clerk of the House shall make the following corrections:

Strike section 629 of title VI, General Provisions, Departments, Agencies, and Corporations, and redesignate the succeeding sections accordingly.

ITALIAN-AMERICAN HERITAGE AND CULTURE DAY

(Mr. GUARINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUARINI. Mr. Speaker, today marks the start of Italian-American Heritage and Culture Month under the terms of a resolution passed by the

House. This year in honor of the Columbus Quincentenary this first day is being celebrated nationally as "Italian-American Heritage and Culture Day." I am pleased to be joined in launching this day's celebration by the distinguished Senator from Arizona [Mr. DECONCINI], who is simultaneously speaking in the other body.

As we gather today here in Washington, I am pleased to note that several hundred Italian-American organizations are hosting public events precisely at 1 p.m. to highlight Italian culture. These events range from holding a reenactment of the singing of the "Salve Regina" aboard the *Santa Maria* in downtown Columbus, OH, to sponsoring a conference entitled, "Columbus People: 500 Years of Italian Immigration to the Americas and Australia," in Staten Island, NY.

There is tremendous pride among our Nation's 15 million Italian-Americans on this day that begins the final month of the Columbus Quincentenary. The Italian-American community has long been inspired by Christopher Columbus, the man and the symbol of courage, determination, and achievement. With commemorations dating back to 1866, Italian-Americans have honored Columbus and thousands of immigrants who embodied his spirit in their journey to the New World.

The renowned Columbus scholar Paolo Emilio Taviani of Italy wrote, "The Columbus discovery was of greater magnitude than any other discovery or invention in human history." It is this legacy that we salute today.

It should also be noted that "Italian-American Heritage and Culture Day" occurs on the eve of another important national celebration involving Italian-Americans. I refer to the 17th annual convention and dinner sponsored by the National Italian-American Foundation in Washington, DC. This year's convention and dinner theme is a salute to the Columbus Quincentennial. More than 3,000 Italian-Americans and another 250–300 people from Italy will be in attendance.

America has been called the great mosaic. As a nation, we celebrate our unity in diversity. Today is a day when we give special attention to one important group in that mosaic—the Italian-Americans.

Mr. Speaker, under leave to include extraneous matter, I submit the following list of selected activities for this special day:

ITALIAN-AMERICAN HERITAGE AND CULTURE DAY—SELECTED ACTIVITIES LIST

St. John's Italian Cultural Center, Columbus, Ohio. Holding a reenactment of the singing of the "Salve Regina" aboard the Santa Maria in downtown Columbus. (This was a daily ritual of the Columbus crew.)

Italian American Club of Lafayette, Lafayette, Louisiana. Holding a presentation and public dedication of a replica of the Santa Maria to the city of Lafayette. It will be placed on permanent display in the atrium at City Hall.

Italian Study Group of Troy, Troy, Michigan. Performing a concert for the students of Athen's High School. "On the Seas With Columbus," an original script developed by Marelli Productions, focuses on the real meaning of the Quincentenary especially for young people: a message of hope and trust in one-self, the pursuit of dreams and self-discovery.

Il Club Italiano of Westchester Community College, Valhalla, NY. Sponsoring a lecture on the importance of the Renaissance and the roles of the many explorers and their contributions to the discovery of the New World.

Italian Quadriglia Dancers, Jamestown, New York. Holding a class to teach children Italian folk dances and will hold a class open to the public.

Italian American War Veterans, Brockton, Massachusetts. Presenting a proclamation to the Mayor of Brockton and will raise the Italian flag above City Hall.

West Virginia Italian Heritage Festival, Clarksburg, W. Virginia. Sponsoring a commemorative mass and luncheon. In addition, all the churches in the community will ring their bells at 1:00 p.m.

Center for Migration Studies, Staten Island, New York. Holding a conference entitled, "Columbus People: 500 years of Italian Immigration to the Americas and Australia."

National Federation of Italian American Societies, Brooklyn, NY. Holding a special presentation of "Certificates of Merit" to distinguished Italian Americans.

Italian American Cultural Association of Virginia, Richmond, VA. Churches throughout the Richmond area will ring their bells at 1:00 p.m.

Brigham Young University Italian Club, Provo, Utah. Hosting speakers and commemorative displays on the campus of Brigham Young University.

□ 1310

CONFERENCE REPORT ON S. 2532, FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT OF 1992

Mr. FASCELL submitted the following conference report and statement on the Senate bill (S. 2532) entitled "An act entitled the 'Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act'":

CONFERENCE REPORT (H. REPT. 102-964)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2532), entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLES.

This Act may be cited as the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" or the "FREEDOM Support Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short titles.
Sec. 2. Table of contents.
Sec. 3. Definition of independent states.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Program coordination, implementation, and oversight.
Sec. 103. Report on overall assistance and economic cooperation strategy.
Sec. 104. Annual report.

TITLE II—BILATERAL ECONOMIC ASSISTANCE ACTIVITIES

Sec. 201. Support for economic and democratic development in the independent states.
Sec. 202. Ineligibility for assistance of institutions withholding certain documents of United States nationals.

TITLE III—BUSINESS AND COMMERCIAL DEVELOPMENT

Sec. 301. American Business Centers.
Sec. 302. Business and Agriculture Advisory Council.
Sec. 303. Funding for export promotion activities and capital projects.
Sec. 304. Interagency working group on energy of the Trade Promotion Coordinating Committee.
Sec. 305. Reports to Congress.
Sec. 306. Policy on combatting tied aid practices.
Sec. 307. Technical assistance for the Russian Far East.
Sec. 308. Funding for OPIC programs.

TITLE IV—THE DEMOCRACY CORPS

Sec. 401. Authorization for establishment of the Democracy Corps.

TITLE V—NONPROLIFERATION AND DISARMAMENT PROGRAMS AND ACTIVITIES

Sec. 501. Findings.
Sec. 502. Eligibility.
Sec. 503. Nonproliferation and disarmament activities in the independent states.
Sec. 504. Nonproliferation and Disarmament Fund.
Sec. 505. Limitation on defense conversion authorities.
Sec. 506. Soviet weapons destruction.
Sec. 507. Waiver of certain provisions.
Sec. 508. Notice and reports to Congress.
Sec. 509. International nonproliferation initiative.
Sec. 510. Report on special nuclear materials.
Sec. 511. Research and development foundation.

TITLE VI—SPACE TRADE AND COOPERATION

Sec. 601. Facilitating discussions regarding the acquisition of space hardware, technology, and services from the former Soviet Union.
Sec. 602. Office of Space Commerce.
Sec. 603. Report to Congress.
Sec. 604. Definitions

TITLE VII—AGRICULTURAL TRADE

Sec. 701. Food for Progress Act.
Sec. 702. Definitions for Agricultural Trade Act of 1978.
Sec. 703. Assistance for private voluntary organizations.
Sec. 704. Distribution of aid to the independent states of the former Soviet Union.
Sec. 705. Agricultural fellowship program for middle income countries and emerging democracies.
Sec. 706. Promotion of agricultural exports to emerging democracies.
Sec. 707. Direct credit sales.
Sec. 708. Export credit guarantees.

Sec. 709. Export promotion programs amendments.
TITLE VIII—UNITED STATES INFORMATION AGENCY, DEPARTMENT OF STATE, AND RELATED AGENCIES AND ACTIVITIES
Sec. 801. Designation of Edmund S. Muskie Fellowship Program.
Sec. 802. New diplomatic posts in the independent states.
Sec. 803. Occupancy of new chancery buildings.
Sec. 804. Certain positions at United States missions.
Sec. 805. International Development Law Institute.
Sec. 806. Certain Board for International Broadcasting construction activities.
Sec. 807. Exchanges and training and similar programs.
TITLE IX—OTHER PROVISIONS
Sec. 901. Foreign Assistance Act list of communist countries.
Sec. 902. Johnson Act.
Sec. 903. Support for East European Democracy (SEED) Act.
Sec. 903. Peace Corps volunteer training requirements.
Sec. 905. Establishing categories of aliens for purposes of refugee determinations; adjustment of status for certain Soviet and Indochinese parolees.
Sec. 906. Eligibility of Baltic states for nonlethal defense articles.
Sec. 907. Restriction on assistance to Azerbaijan.
TITLE X—INTERNATIONAL FINANCIAL INSTITUTIONS
Sec. 1001. International Monetary Fund quota increase.
Sec. 1002. International Monetary Fund policy changes.
Sec. 1003. Reduction of military spending and promotion of long-term sustainable economic growth by developing nations.
Sec. 1004. Support for macroeconomic stabilization in the independent states of the former Soviet Union.
Sec. 1005. Role of the International Finance Corporation in supporting economic restructuring in the independent states of the former Soviet Union.
Sec. 1006. Authority to agree to amendments to the Articles of Agreement of the International Finance Corporation.
Sec. 1007. Report on debt of the former Soviet Union held by commercial financial institutions.
Sec. 1008. Human rights.
Sec. 1009. Multilateral investment guarantees for the independent states of the former Soviet Union.

SEC. 3. DEFINITION OF INDEPENDENT STATES.

For purposes of this Act, the terms "independent states of the former Soviet Union" and "independent states" mean the following: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

The Congress finds that—

(1) recent developments in Russia and the other independent states of the former Soviet Union present an historic opportunity for a transition to a peaceful and stable international order and the integration of the independent states of the former Soviet Union into the community of democratic nations;

(2) the entire international community has a vital interest in the success of this transition, and the dimension of the problems now faced in the independent states of the former Soviet Union makes it imperative for donor countries and institutions to provide the expertise and support necessary to ensure continued progress on economic and political reforms;

(3) the United States is especially well-positioned because of its heritage and traditions to make a substantial contribution to this transition by building on current technical cooperation, medical, and food assistance programs, by assisting in the development of democratic institutions, and by fostering conditions that will encourage the United States business community to engage in trade and investment;

(4) failure to meet the opportunities presented by these developments could threaten United States national security interests and jeopardize substantial savings in United States defense that these developments have made possible;

(5) the independent states of the former Soviet Union face unprecedented environmental problems that jeopardize the quality of life and the very existence of not only their own peoples but also the peoples of other countries, and it is incumbent on the international community to assist the independent states in addressing these problems and in promoting sustainable use of resources and development;

(6) the success of United States assistance for the independent states of the former Soviet Union depends on—

(A) effective coordination of United States efforts with similar activities of friendly and allied donor countries and of international financial institutions, and

(B) reciprocal commitments by the governments of the independent states to work toward the creation of democratic institutions and an environment hospitable to foreign investment based upon the rule of law, including negotiation of bilateral and multilateral agreements on open trade and investment, adoption of commercial codes, establishment of transparency in regulatory and other governmental decision making, and timely payment of obligations carried over from previous governmental entities; and

(7) trade and investment opportunities in the independent states of the former Soviet Union will generate employment and other economic benefits for the United States as the economies of the independent states of the former Soviet Union begin to realize their enormous potential as both customers and suppliers.

SEC. 102. PROGRAM COORDINATION, IMPLEMENTATION, AND OVERSIGHT.

(a) COORDINATION.—The President shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall assistance and economic cooperation strategy for the independent states of the former Soviet Union;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this Act (including the amendments made by this Act);

(3) pursuing coordination with other countries and international organizations with respect to assistance to independent states;

(4) ensuring that United States assistance programs for the independent states are consistent with this Act (including the amendments made by this Act);

(5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for the independent states; and

(6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for the independent states.

(b) EXPORT PROMOTION ACTIVITIES.—Consistent with subsection (a), coordination of activities related to the promotion of exports of United States goods and services to the independent states of the former Soviet Union shall continue to be primarily the responsibility of the Secretary of Commerce, in the Secretary's role as Chair of the Trade Promotion Coordination Committee.

(c) INTERNATIONAL ECONOMIC ACTIVITIES.—Consistent with subsection (a), coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury, in the Secretary's role as Chair of the National Advisory Council on International Monetary and Financial Policies and as the United States Governor of the international financial institutions.

(d) ACCOUNTABILITY FOR FUNDS.—Any agency managing and implementing an assistance program for the independent states of the former Soviet Union shall be accountable for any funds made available to it for such program.

SEC. 103. REPORT ON OVERALL ASSISTANCE AND ECONOMIC COOPERATION STRATEGY.

(a) REQUIREMENT FOR SUBMISSION.—As soon as practicable after the date of enactment of this Act, the coordinator designated pursuant to section 102(a) shall submit to the Congress a report on the overall assistance and economic cooperation strategy for the independent states of the former Soviet Union that is required to be developed pursuant to paragraph (1) of that section.

(b) ASSISTANCE PLAN.—The report submitted pursuant to subsection (a) shall include a plan specifying—

(1) the amount of the funds authorized to be appropriated for fiscal year 1993 by chapter 11 of part I of the Foreign Assistance Act of 1961 proposed to be allocated for each of the categories of activities authorized by section 498 of that Act and to carry out section 301 of this Act (relating to American Business Centers), section 303 of this Act (relating to export promotion activities and capital projects), and title IV of this Act (relating to the Democracy Corps);

(2) the amount of other funds made available for fiscal year 1993 to carry out the Foreign Assistance Act of 1961 proposed to be allocated for assistance under that Act for the independent states of the former Soviet Union; and

(3) the amount of funds available for fiscal year 1993 under the Foreign Assistance Act of 1961 that are proposed to be made to each agency to carry out activities for the independent states under that Act or this Act.

SEC. 104. ANNUAL REPORT.

Not later than January 31 of each year, the President shall submit to the Congress a report on United States assistance for the independent states of the former Soviet Union under this Act or other provisions of law. Each such report shall include—

(1) an assessment of the progress each independent state has made in meeting the standards set forth in section 498A of the Foreign Assistance Act of 1961, including a description of the steps each independent state has taken or is taking toward meeting those standards and a discussion of additional steps that each independent state could take to meet those standards;

(2) a description of the United States assistance for each independent state that was provided during the preceding fiscal year, is planned for the current fiscal year, and is proposed for the coming fiscal year, specifying the extent to which such assistance for the preced-

ing fiscal year and for current fiscal year has actually been delivered;

(3) an assessment of the effectiveness of United States assistance in achieving its purposes; and

(4) an evaluation of the manner in which the "notwithstanding" authority provided in section 498B(j)(1) of the Foreign Assistance Act of 1961, and the "notwithstanding" authority provided in any other provision of law with respect to assistance for the independent states, has been used and why the use of that authority was necessary.

TITLE II—BILATERAL ECONOMIC ASSISTANCE ACTIVITIES

SEC. 201. SUPPORT FOR ECONOMIC AND DEMOCRATIC DEVELOPMENT IN THE INDEPENDENT STATES.

Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 10 the following:

"CHAPTER 11—SUPPORT FOR THE ECONOMIC AND DEMOCRATIC DEVELOPMENT OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

"SEC. 498. ASSISTANCE FOR THE INDEPENDENT STATES.

"The President is authorized to provide assistance to the independent states of the former Soviet Union under this chapter for the following activities:

"(1) URGENT HUMANITARIAN NEEDS.—Meeting urgent humanitarian needs (including those arising from the health effects of exposure to radiation in the Chernobyl region), in particular—

"(A) meeting needs for medicine, medical supplies and equipment, and food, including the nutritional needs of infants such as processed baby food; and

"(B) continuing efforts to rebuild from the earthquake in Armenia.

"(2) DEMOCRACY.—Establishing a democratic and free society by fostering—

"(A) political, social, and economic pluralism;

"(B) respect for internationally recognized human rights and the rule of law;

"(C) the development of institutions of democratic governance, including electoral and legislative processes;

"(D) the institution and improvement of public administration at the national, intergovernmental, regional, and local level;

"(E) the development of a free and independent media;

"(F) the development of effective control by elected civilian officials over, and the development of a nonpolitical officer corps in, the military and security forces; and

"(G) strengthened administration of justice through programs and activities carried out in accordance with section 498B(e).

"(3) FREE MARKET SYSTEMS.—Creating and developing private enterprise and free market systems based on the principle of private ownership of property, including—

"(A) the development of private cooperatives, credit unions, and labor unions;

"(B) the improvement in the collection and analysis of statistical information;

"(C) the reform and restructuring of banking and financial systems; and

"(D) the protection of intellectual property.

"(4) TRADE AND INVESTMENT.—Creating conditions that promote trade and investment, and encouraging participation of the United States private sector in the development of the private sector in the independent states of the former Soviet Union.

"(5) FOOD DISTRIBUTION AND PRODUCTION.—Promoting market-based mechanisms for the distribution of the inputs necessary to agricultural production and for the handling, marketing, storage, and processing of agricultural commodities; encouraging policies that provide incentives for agricultural production; and creating institutions that provide technical and financial support for the agricultural sector.

"(6) HEALTH AND HUMAN SERVICES.—Promoting programs to strengthen and build institutions that provide quality health care and voluntary family planning services, housing, and other services and policies that are components of a social safety net, particularly for infants, children, and people with disabilities.

"(7) EDUCATION AND EDUCATIONAL TELEVISION.—Promoting broad-based educational reform at all levels, in particular—

"(A) by assisting the development of curricula and by making available textbooks, other educational materials, and appropriate telecommunications technologies for the delivery of educational and instructional programming; and

"(B) by assisting the development of the skills necessary to produce educational television programs aimed at promoting basic skills and the human values associated with a democratic society and a free market economy.

"(8) ENERGY EFFICIENCY AND PRODUCTION.—Promoting market-based pricing policies and the transfer of technologies that reduce energy wastage and harmful emissions; supporting developmentally sound capital energy projects that utilize United States advanced coal technologies; and promoting efficient production, use, and transportation of oil, gas, coal, and other sources of energy.

"(9) CIVILIAN NUCLEAR REACTOR SAFETY.—Implementing—

"(A) a program of short-term safety upgrade of civilian nuclear power plants, including the training of power plant personnel, implementation of improved procedures for nuclear power plant operation, the development of effective and independent regulatory authorities, and cost-effective hardware upgrades; and

"(B) a program to retire those civilian nuclear power plants whose capacity could be more cost-effectively replaced through energy efficiency.

"(10) ENVIRONMENT.—Enhancing the human and natural environment and conserving environmental resources, including through—

"(A) facilitation of the adoption of environmentally-sound policies and technologies, environmental restoration, and sustainable use of natural resources;

"(B) promotion of the provision of environmental technology, education, and training by United States businesses, not-for-profit organizations, and institutions of higher education; and

"(C) promotion of cooperative research efforts to validate and improve environmental monitoring of protracted radiation exposure.

"(11) TRANSPORTATION AND TELECOMMUNICATIONS.—Improving transportation and telecommunications infrastructure and management, including intermodal transportation systems to ensure the safe and efficient movement of people, products, and materials.

"(12) DRUG EDUCATION, INTERDICTION, AND ERADICATION.—Promoting drug education, interdiction, and eradication programs.

"(13) MIGRATION.—Protecting and caring for refugees, displaced persons, and other migrants; addressing the root causes of migration; and promoting the development of appropriate immigration and emigration laws and procedures.

"SEC. 498A. CRITERIA FOR ASSISTANCE TO GOVERNMENTS OF THE INDEPENDENT STATES.

"(a) IN GENERAL.—In providing assistance under this chapter for the government of any independent state of the former Soviet Union, the President shall take into account not only relative need but also the extent to which that independent state is acting to—

"(1) make significant progress toward, and is committed to the comprehensive implementation of, a democratic system based on principles of the rule of law, individual freedoms, and representative government determined by free and fair elections;

"(2) make significant progress in, and is committed to the comprehensive implementation of, economic reform based on market principles, private ownership, and integration into the world economy, including implementation of the legal and policy frameworks necessary for such reform (including protection of intellectual property and respect for contracts);

"(3) respect internationally recognized human rights, including the rights of minorities and the rights to freedom of religion and emigration;

"(4) respect international law and obligations and adhere to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Charter of Paris, including the obligations to refrain from the threat or use of force and to settle disputes peacefully;

"(5) cooperate in seeking peaceful resolution of ethnic and regional conflicts;

"(6) implement responsible security policies, including—

"(A) adhering to arms control obligations derived from agreements signed by the former Soviet Union;

"(B) reducing military forces and expenditures to a level consistent with legitimate defense requirements;

"(C) not proliferating nuclear, biological, or chemical weapons, their delivery systems, or related technologies; and

"(D) restraining conventional weapons transfers;

"(7) take constructive actions to protect the international environment, prevent significant transborder pollution, and promote sustainable use of natural resources;

"(8) deny support for acts of international terrorism;

"(9) accept responsibility for paying an equitable portion of the indebtedness to United States firms incurred by the former Soviet Union;

"(10) cooperate with the United States Government in uncovering all evidence regarding Americans listed as prisoners-of-war, or otherwise missing during American operations, who were detained in the former Soviet Union during the Cold War; and

"(11) terminate support for the communist regime in Cuba, including removal of troops, closing of military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance.

"(b) INELIGIBILITY FOR ASSISTANCE.—The President shall not provide assistance under this chapter—

"(1) for the government of any independent state that the President determines is engaged in a consistent pattern of gross violations of internationally recognized human rights or of international law;

"(2) for the government of any independent state that the President determines has failed to take constructive actions to facilitate the effective implementation of applicable arms control obligations derived from agreements signed by the former Soviet Union;

"(3) for the government of any independent state that the President determines has, on or after the date of enactment of this chapter, knowingly transferred to another country—

"(A) missiles or missile technology inconsistent with the guidelines and parameters of the Missile Technology Control Regime; or

"(B) any material, equipment, or technology that would contribute significantly to the ability of such country to manufacture any weapon of mass destruction (including nuclear, chemical, and biological weapons) if the President determines that the material, equipment, or tech-

nology was to be used by such country in the manufacture of such weapon;

"(4) for the government of any independent state that is prohibited from receiving such assistance by section 669 or 670 of this Act or sections 306(a)(1) and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991; or

"(5) for the Government of Russia if it has failed to make significant progress on the removal of Russian or Commonwealth of Independent States troops from Estonia, Latvia, and Lithuania or if it has failed to undertake good faith efforts, such as negotiations, to end other military practices that violate the sovereignty of the Baltic states.

"(c) EXCEPTIONS TO INELIGIBILITY.—Assistance prohibited by subsection (b) or any similar provision of law, other than assistance prohibited by the provisions referred to in subsection (b)(4), may be furnished under any of the following circumstances:

"(1) The President determines that furnishing such assistance is important to the national interest of the United States.

"(2) The President determines that furnishing such assistance will foster respect for internationally recognized human rights and the rule of law or the development of institutions of democratic governance.

"(3) The assistance is furnished for the alleviation of suffering resulting from a natural or man-made disaster.

The President shall immediately report to the Congress any determination under paragraph (1) or (2) or any decision to provide assistance under paragraph (3).

"SEC. 498B. AUTHORITIES RELATING TO ASSISTANCE AND OTHER PROVISIONS.

"(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

"(b) TECHNICAL AND MANAGERIAL ASSISTANCE.—Technical assistance under this chapter shall, to the maximum extent feasible, be provided on a long term, on-site basis and shall emphasize the provision of practical, management and other problem-solving advice, particularly advice on private enterprise provided by United States business volunteers.

"(c) ENTERPRISE FUNDS.—Activities supported pursuant to this chapter may include the establishment of and the provision of support for one or more enterprise funds for the independent states of the former Soviet Union. If the President determines that an enterprise fund should be established and supported under this chapter, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall be deemed to apply with respect to such enterprise fund and to funds made available to such enterprise fund pursuant to this chapter.

"(d) COOPERATIVE DEVELOPMENT AND RESEARCH PROJECTS.—Assistance under this chapter may include support for cooperative development projects, including cooperative development research projects, among the United States, other countries, and independent states of the former Soviet Union.

"(e) ADMINISTRATION OF JUSTICE PROGRAMS.—In order to strengthen the administration of justice in the independent states of the former Soviet Union under paragraph (2)(G) of section 498, the President may exercise the same authorities as are available under section 534 of this Act, subject to the limitations and requirements of that section, other than subsection (c) and the last two sentences of subsection (e).

"(f) USE OF ECONOMIC SUPPORT FUNDS.—Any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

"(g) USE OF SEED AGENCY FUNDS AND ADMINISTRATIVE AUTHORITIES.—The President may authorize any agency of the United States Government that has authority to conduct activities under the Support for East European Democracy (SEED) Act of 1989 to use—

"(1) any funds that are available to it for activities related to international affairs outside Eastern Europe, and

"(2) any administrative authorities that are available to it for activities with respect to Eastern Europe,

to conduct activities authorized by section 498 with respect to the independent states of the former Soviet Union.

"(h) PROCUREMENT RESTRICTIONS.—Funds made available for assistance under this chapter may be used for procurement—

"(1) in the United States, the independent states of the former Soviet Union, or a developing country; or

(2) in any other country but only if—

"(A) the provision of such assistance requires commodities or services of a type that are not produced in and available for purchase in any country specified in paragraph (1); or

"(B) the President determines, on a case-by-case basis, that procurement in such other country is necessary—

"(i) to meet unforseen circumstances, such as emergency situations, where it is important to permit procurement in a country not specified in paragraph (1), or

"(ii) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives.

"(i) TERMS AND CONDITIONS.—Assistance under this chapter shall be provided on such terms and conditions as the President may determine, consistent with applicable provisions of law (except as otherwise provided in subsection (j)).

"(j) WAIVER OF CERTAIN PROVISIONS.—

"(1) IN GENERAL.—Funds authorized to be appropriated for fiscal year 1993 by this chapter, and any other funds appropriated for fiscal year 1993 that are used under the authority of subsection (f) or (g), may be used to provide assistance under this chapter notwithstanding any other provision of law, except for—

"(A) this chapter;

"(B) section 634A of this Act and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act;

"(C) sections 669 and 670 of this Act and sections 306 and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1961, to the extent that they apply to assistance to governments; and

"(D) section 1341 of title 31, United States Code (commonly referred to as the 'Anti-Deficiency Act'), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

"(2) NUCLEAR REACTOR SAFETY AND RELATED ACTIVITIES.—Any provision that corresponds to section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (relating to the prohibition on financing exports of nuclear equipment, fuel, and technology) shall not apply with respect to funds used pursuant to this chapter.

"(k) DEFINITIONS.—

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this chapter, the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(2) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—As used in this chapter, the terms 'independent states of the former Soviet Union' and 'independent states' have the meaning given those terms by section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

"SEC. 498C. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out this chapter, there are authorized to be appropriated to the President for fiscal year 1993 $410,000,000, in addition to amounts otherwise available for assistance for the independent states of the former Soviet Union. Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

"(b) OPERATING EXPENSES.—

"(1) AUTHORITY TO TRANSFER PROGRAM FUNDS.—Subject to paragraph (2), funds made available under subsection (a) may be transferred to, and merged with, funds appropriated for 'Operating Expenses of the Agency for International Development'. Funds so transferred may be expended for administrative costs in carrying out this chapter, including reimbursement of the Department of State for its incremental costs associated with assistance provided under this chapter.

"(2) LIMITATION ON AMOUNT TRANSFERRED.—Not more than 2 percent of the funds made available for a fiscal year under subsection (a) may be transferred pursuant to paragraph (1) unless, at least 15 days before transferring any additional amount, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of this Act.".

SEC. 202. INELIGIBILITY FOR ASSISTANCE OF INSTITUTIONS WITHHOLDING CERTAIN DOCUMENTS OF UNITED STATES NATIONALS.

(a) PROHIBITION.—Except as provided in subsections (b) and (c), an agency, instrumentality, or other governmental entity of an independent state of the former Soviet Union shall not be eligible to receive assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 if—

(1) on the date of enactment of this Act, there is outstanding a final judgment by a court of competent jurisdiction in that independent state that that governmental entity is withholding unlawfully books or other documents of religious or historical significance that are the property of United States persons; and

(2) within 90 days of a request by such United States persons, the Secretary of State determines that execution of the court's judgment is blocked as the result of extrajudicial causes such as any of the following:

(A) A declared refusal of the defendant to comply.

(B) The unwillingness or failure of local authorities to enforce compliance.

(C) The issuance of an administrative decree nullifying a court's judgment or forbidding compliance.

(D) The passage of legislation, after a court's judgment, nullifying that judgment or forbidding compliance with that judgment.

(b) EXCEPTION FOR HUMANITARIAN ASSISTANCE.—The prohibition contained in subsection (a) shall not apply to the provision of assistance to alleviate suffering resulting from a natural or man-made disaster.

(c) WAIVER AUTHORITY.—The Secretary of State may waive the application of subsection (a) whenever the Secretary finds that—

(1) the court's judgment has been executed; or

(2) it is important to the national interest of the United States to do so.

(d) REPORT.—Nine months after the date of enactment of this Act, the Secretary of State shall report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on the status of final judgments described in subsection (a)(1).

(e) UNITED STATES PERSON.—For purposes of this section, the term "United States person" means—

(1) any citizen, national, or permanent resident alien of the United States; and

(2) any corporation, partnership, or other juridical entity which is 50 percent or more beneficially owned by individuals described in paragraph (1).

TITLE III—BUSINESS AND COMMERCIAL DEVELOPMENT

SEC. 301. AMERICAN BUSINESS CENTERS.

(a) ESTABLISHMENT.—The President is authorized and encouraged to establish American Business Centers in the independent states of the former Soviet Union receiving assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 where the President determines that such centers can be cost-effective in promoting the objectives described in section 498 of that Act and United States economic interests and in establishing commercial partnerships between the people of the United States and the peoples of the independent states.

(b) ENVIRONMENTAL BUSINESS CENTERS AND AGRIBUSINESS CENTERS.—For purposes of this section, the term "American Business Centers" includes the following:

(1) Environmental business centers in those independent states that offer promising market possibilities for the export of United States environmental goods and services. To the maximum extent practicable, these environmental business centers should be established as a component of other centers.

(2) Agribusiness centers that include the participation of private United States agribusinesses or agricultural cooperatives, private nonprofit organizations, State universities and land grant colleges, and financial institutions, that make appropriate contributions of equipment, materials, and personnel for the operation of such centers. The purposes of these agribusiness centers shall be—

(A) to enhance the ability of farmers and other agribusiness practitioners in the independent states to better meet the needs of the people of the independent states;

(B) to assist the transition from a command and control system in agriculture to a free market system; and

(C) to facilitate the demonstration and use of United States agricultural equipment and technology.

(c) ADDITIONAL POLICY GUIDANCE.—To the maximum extent possible, and consistent with the particular purposes of the specific types of centers, the President should direct that—

(1) the American Business Centers established pursuant to this section place special emphasis on assistance to United States small- and medium-sized businesses to facilitate their entry into the commercial markets of the independent states;

(2) such centers offer office space, business facilities, and market analysis services to United States firms, trade associations, and State economic development offices on a user-fee basis that minimizes the cost of operating such centers;

(3) such centers serve as a repository for commercial, legal, and technical information, including environmental and export control information;

(4) such centers identify existing or potential counterpart businesses or organizations that may require specific technical coordination or assistance;

(5) such centers be established in several sites in the independent states; and

(6) host countries be asked to make appropriate contributions of real estate and personnel for the establishment and operation of such centers.

(d) FUNDING.—

(1) REIMBURSEMENT AGREEMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Agency for International Development shall conclude a reimbursement agreement with the Secretary of Commerce for the Department of Commerce's services in establishing and operating American Business Centers pursuant to this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961, up to $12,000,000 for fiscal year 1993 are authorized to be appropriated to carry out this section, in addition to amounts otherwise available for such purpose.

SEC. 302. BUSINESS AND AGRICULTURE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The President is authorized to establish an advisory council to be known as the Independent States Business and Agriculture Advisory Council (hereinafter in this section referred to as the "Council")—

(1) to consult with and advise the President periodically regarding programs of assistance for the independent states of the former Soviet Union; and

(2) to evaluate, and consult periodically with the President regarding, the adequacy of bilateral and multilateral assistance programs that would facilitate exports by United States companies to, and investments by United States companies in, the independent states.

(b) MEMBERSHIP.—The Council should consist of 15 members, appointed by the President, who are drawn from United States companies reflecting diverse businesses and perspectives that have experience and expertise in dealing with the independent states of the former Soviet Union. The President should designate one such member to serve as Chair of the Council. Five such members should be appointed upon the recommendation of the Speaker and the Minority Leader of the House of Representatives and 5 should be appointed upon the recommendation of the Majority Leader and Minority Leader of the Senate. Members of the Council shall receive no compensation from the United States Government by reason of their service on the Council.

(c) STAFF.—Upon request of the Chair of the Council, the head of any United States Government agency may detail, on a nonreimbursable basis, any of the personnel of such agency to the Council to assist the Council.

SEC. 303. FUNDING FOR EXPORT PROMOTION ACTIVITIES AND CAPITAL PROJECTS.

(a) ALLOCATION OF A.I.D. FUNDS.—The President is encouraged to use a portion of the funds made available for the independent states of the former Soviet Union under chapter 11 of part I of the Foreign Assistance Act of 1961—

(1) to fund the export promotion, finance, and related activities carried out pursuant to subsection (b)(1), including activities relating to the export of intermediary goods; and

(2) to fund capital projects, including projects for telecommunications, environmental cleanup, power production, and energy related projects.

(b) EXPORT PROMOTION, FINANCE, AND RELATED ACTIVITIES.—The Secretary of Commerce, as Chair of the Trade Promotion Coordination Committee, should, in conjunction with other members of that committee, design and implement programs to provide adequate commercial and technical assistance to United States businesses seeking markets in the independent states of the former Soviet Union, including the following:

(1) Increasing the United States and Foreign Commercial Service presence in the independent states, in particular in the Russian Far Eastern cities of Vladivostok and Khabarovsk.

(2) Preparing profiles of export opportunities for United States businesses in the independent states and providing other technical assistance.

(3) Utilizing the Market Development Cooperator Program under section 2303 of the Export Enhancement Act of 1988 (15 U.S.C. 4723).

(4) Developing programs specifically for the purpose of assisting small- and medium-sized businesses in entering commercial markets of the independent states. In carrying out this paragraph, the Secretary of Commerce, to the extent possible, should work directly with private sector organizations with proven experience in trade and economic relations with the independent states.

(5) Supporting projects undertaken by the United States business community on the basis of partnership, joint venture, contractual, or other cooperative agreements with appropriate entities in the independent states.

(6) Supporting export finance programs, feasibility studies, political risk insurance, and other related programs through increased funding and flexibility in the implementation of such programs.

(7) Supporting the Business Information Service (BISNIS) and its related programs.

SEC. 304. INTERAGENCY WORKING GROUP ON ENERGY OF THE TRADE PROMOTION COORDINATING COMMITTEE.

The Trade Promotion Coordinating Committee should utilize its interagency working group on energy to assist United States energy sector companies to develop a long-term strategy for penetrating the energy market in the independent states of the former Soviet Union. The working group should—

(1) work with officials from the independent states in creating an environment conducive to United States energy investment;

(2) help to coordinate assistance to United States companies involved with projects to clean up former Soviet nuclear weapons sites and commercial nuclear waste; and

(3) work with representatives from United States business and industry involved with the energy sector to help facilitate the identification of business opportunities, including the promotion of oil, gas, and clean coal technology and products, energy efficiency, and the formation of joint ventures between United States companies and companies of the independent nations.

SEC. 305. REPORTS TO CONGRESS.

Not later than January 31 of each year (beginning in 1994), the Secretary of Commerce shall submit to the Congress a report—

(1) describing the implementation of the preceding sections of this title;

(2) analyzing the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union, and

(3) examining the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage against United States companies.

SEC. 306. POLICY ON COMBATTING TIED AID PRACTICES.

Should the Secretary of the Treasury determine that foreign countries are engaged in tied aid practices with respect to any of the independent states of the former Soviet Union that violate the 1991 Helsinki agreement of the Organization for Economic Cooperation and Development, the President should give priority attention to combating such practices.

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SEC. 307. TECHNICAL ASSISTANCE FOR THE RUSSIAN FAR EAST.

(a) AUTHORIZATION.—The President is authorized to provide technical assistance, through an American university in a region which received nonstop air service to and from the Russian Far East as of July 1, 1992, to facilitate the development of United States business opportunities, free markets, and democratic institutions in the Russian Far East.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 to carry out subsection (a).

SEC. 308. FUNDING FOR OPIC PROGRAMS.

(a) AUTHORITY TO MAKE ADDITIONAL FUNDS AVAILABLE.—Funds authorized to be appropriated for fiscal year 1993 to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 may be made available to cover costs incurred by the Overseas Private Investment Corporation in carrying out programs with respect to the independent states of the former Soviet Union under title IV of chapter 2 of part I of that Act (22 U.S.C. 2191 and following), in addition to amounts otherwise available for that purpose.

(b) ENACTMENT OF OPIC AUTHORIZATION ACT.—The authority of subsection (a) shall cease to be effective upon the enactment of the Overseas Private Investment Corporation Act Amendments Act of 1992.

TITLE IV—THE DEMOCRACY CORPS

SEC. 401. AUTHORIZATION FOR ESTABLISHMENT OF THE DEMOCRACY CORPS.

(a) ESTABLISHMENT; PURPOSE.—The President is authorized to provide for the establishment of the Democracy Corps as a private nonprofit organization, incorporated in the District of Columbia, whose purpose shall be to maintain a presence in the independent states of the former Soviet Union as described in subsection (c).

(b) BOARD OF DIRECTORS.—The Board of Directors of the Democracy Corps shall have not more than 10 members, appointed by the President. Individuals appointed to the Board—

(1) shall, individually or through the organizations they represent, have experience and expertise appropriate to carrying out the purpose of the Democracy Corps, including involvement either with activities of the type described in subsection (d) or in the independent states;

(2) shall be United States citizens; and

(3) may not be officers or employees of the United States Government or Members of Congress.

(c) GRANTS TO THE DEMOCRACY CORPS; PURPOSE.—The Administrator is authorized to make an annual grant to the Democracy Corps with the funds made available pursuant to this section. The purpose of such grants shall be to enable the Democracy Corps to maintain a presence in independent states of the former Soviet Union that will assist at the local level in the development of—

(1) institutions of democratic governance (including judicial, electoral, legislative, and administrative processes), and

(2) the nongovernmental organizations of a civil society (including charitable, educational, trade union, business, professional, voluntary, community, and other civic organizations),

by mobilizing the expertise of the American people to provide practical assistance through "on the ground" person-to-person advice, technical assistance, and small grants to indigenous individuals and indigenous entities, in accordance with subsection (d).

(d) ACTIVITIES.—The Democracy Corps shall be required to carry out its purpose through the placement within the independent states of teams of United States citizens with appropriate expertise and knowledge. Under guidelines developed by the Board, these teams shall assist indigenous individuals and entities in the independent states that are involved in the development of the institutions and organizations referred to in paragraphs (1) and (2) of subsection (c) by—

(1) providing advice and technical assistance;

(2) making small grants (which in most cases should not exceed $5,000) to such individuals and entities to assist the development of those institutions and organizations;

(3) identifying other sources of assistance; and

(4) operating local centers to serve as information, logistical, and educational centers and otherwise encourage cooperation and effectiveness by those involved in the development of democratic institutions, a market-oriented economy, and a civil society in the independent states.

These local centers may be designated as "Democracy Houses" or given another appropriate appellation.

(e) GRANT AGREEMENT.—Grants under this section shall be made pursuant to a grant agreement requiring the Democracy Corps to comply with the requirements specified in this section and with such other terms and conditions as the Administrator may require, which shall include requirements regarding consultation with the coordinator designated pursuant to section 102(a), conflicts of interest, and accountability for funds, including a requirement for annual independent audits.

(f) COORDINATION.—The Democracy Corps shall be required to—

(1) coordinate its activities pursuant to this section with the programs and activities of other entities operating in or providing assistance to the independent states of the former Soviet Union in support of the development of democratic institutions, a market-oriented economy, and a civil society; and

(2) ensure that its activities pursuant to this section are designed to avoid duplication with activities carried out under other United States Government foreign assistance and international information, educational, cultural, and exchange programs.

(g) PROHIBITION ON CAMPAIGN FINANCING.—Funds made available to the Democracy Corps under this section may not be expended by the Democracy Corps, or any recipient of a grant from the Democracy Corps, to finance the campaigns of candidates for public office.

(h) FREEDOM OF INFORMATION.—

(1) IN GENERAL.—Notwithstanding the fact that the Democracy Corps is not an agency or establishment of the United States Government, the Democracy Corps shall be required to comply fully with all of the provisions of section 552 of title 5, United States Code.

(2) PUBLICATION IN FEDERAL REGISTER.—For purposes of complying pursuant to paragraph (1) with section 552(a)(1) of title 5, the Democracy Corps shall make available to the Administrator such records and other information as the Administrator determines may be necessary for such purposes. The Administrator shall cause such records and other information to be published in the Federal Register.

(3) AID REVIEW.—In the event that the Democracy Corps determines not to comply with a request for records under section 552 of title 5, the Democracy Corps shall submit a report to the Administrator explaining the reasons for not complying with such request. If the Administrator approves such determination, the Agency for International Development shall assume full responsibility, including financial responsibility, for defending the Democracy Corps in any litigation relating to such request. If the Administrator disapproves such determination, the Democracy Corps shall be required to comply with such request.

(i) ANNUAL REPORTS.—The Board shall be required to submit to the Administrator and the Congress, not later than January 31 each year, a comprehensive report on the activities of the Democracy Corps. Each such report shall list each grant made by the Democracy Corps under subsection (d)(2) during the preceding fiscal year, specifying the grantee and the amount of the grant.

(j) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961, up to $15,000,000 for fiscal year 1993 are authorized to be appropriated for grants to the Democracy Corps under this section, in addition to amounts otherwise available for such purpose.

(k) SUNSET PROVISION.—Grants may not be made to the Democracy Corps under this section after the end of fiscal year 1997.

(l) DEFINITIONS.—As used in this section—

(1) the term "Administrator" means the Administrator of the Agency for International Development; and

(2) the term "Board" means the Board of Directors of the Democracy Corps.

TITLE V—NONPROLIFERATION AND DISARMAMENT PROGRAMS AND ACTIVITIES

SEC. 501. FINDINGS.

The Congress finds that it is in the national security interest of the United States—

(1) to facilitate, on a priority basis—

(A) the transportation, storage, safeguarding, and destruction of nuclear and other weapons of mass destruction of the independent states of the former Soviet Union;

(B) the prevention of proliferation of weapons of mass destruction and destabilizing conventional weapons of the independent states, and the establishment of verifiable safeguards against the proliferation of such weapons;

(C) the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and

(D) other efforts designed to reduce the military threat from the former Soviet Union;

(2) to support the conversion of the massive defense-related industry and equipment of the independent states of the former Soviet Union for civilian purposes and uses; and

(3) to expand military-to-military contacts between the United States and the independent states.

SEC. 502. ELIGIBILITY.

Funds may be obligated for a fiscal year for assistance or other programs or activities for an independent state of the former Soviet Union under sections 503 and 504 only if the President has certified to the Congress, during that fiscal year, that such independent state is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if that independent state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons; and

(4) facilitating United States verification of any weapons destruction carried out under section 503(a) or 504(a) of this Act or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note).

SEC. 503. NONPROLIFERATION AND DISARMAMENT ACTIVITIES IN THE INDEPENDENT STATES.

(a) AUTHORIZATION.—The President is authorized to promote bilateral and multilateral nonproliferation and disarmament activities—

(1) by supporting the dismantlement and destruction of nuclear, biological, and chemical

weapons, their delivery systems, and conventional weapons of the independent states of the former Soviet Union;

(2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons of the independent states, including activities such as—

(A) the storage, transportation, and safeguarding of such weapons, and

(B) the purchase, barter, or other acquisition of such weapons or materials derived from such weapons;

(3) by establishing programs for safeguarding against the proliferation of nuclear, biological, chemical, and other weapons of the independent states;

(4) by establishing programs for preventing diversion of weapons-related scientific and technical expertise of the independent states to terrorist groups or to third countries;

(5) by establishing science and technology centers in the independent states for the purpose of engaging weapons scientists and engineers of the independent states (in particular those who were previously involved in the design and production of nuclear, biological, and chemical weapons) in productive, nonmilitary undertakings; and

(6) by establishing programs for facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities.

(b) FUNDING PRIORITIES.—Priority in carrying out this section shall be given to the activities described in paragraphs (1) through (5) of subsection (a).

(c) USE OF DEFENSE FUNDS.—

(1) AUTHORIZATION.—In recognition of the direct contributions to the national security interests of the United States of the programs and activities authorized by subsection (a), the President is authorized to make available for use in carrying out those programs and activities, in addition to amounts otherwise available for such purposes, funds made available pursuant to sections 108 and 109 of Public Law 102–229 or under the amendments made by section 506(a) of this Act.

(2) LIMITATION.—Funds described in paragraph (1) may not be obligated for programs and activities under subsection (a) unless the Director of the Office of Management and Budget has determined that expenditures during fiscal year 1993 pursuant to such obligation shall be counted against the defense category of the discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 504. NONPROLIFERATION AND DISARMAMENT FUND.

(a) AUTHORIZATION.—The President is authorized to promote bilateral and multilateral nonproliferation and disarmament activities—

(1) by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons;

(2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons, including activities such as—

(A) the storage, transportation, and safeguarding of such weapons, and

(B) the purchase, barter, or other acquisition of such weapons or materials derived from such weapons;

(3) by establishing programs for safeguarding against the proliferation of nuclear, biological, chemical, and other weapons of the independent states of the former Soviet Union;

(4) by establishing programs for preventing diversion of weapons-related scientific and technical expertise of the independent states to terrorist groups or to third countries;

(5) by establishing science and technology centers in the independent states for the purpose of engaging weapons scientists and engineers of the independent states (in particular those who were previously involved in the design and production of nuclear, biological, and chemical weapons) in productive, nonmilitary undertakings; and

(6) by establishing programs for facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities.

(b) FUNDING PRIORITIES.—Priority in carrying out this section shall be given to the activities described in paragraphs (1) through (5) of subsection (a).

(c) USE OF SECURITY ASSISTANCE FUNDS.—

(1) AUTHORIZATION.—In recognition of the direct contributions to the national security interests of the United States of the programs and activities authorized by subsection (a), the President is authorized to make available for use in carrying out those programs and activities, in addition to amounts otherwise available for such purposes, up to $100,000,000 of security assistance funds for fiscal year 1993.

(2) DEFINITION.—As used in paragraph (1), the term "security assistance funds" means funds made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) or assistance under section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing Program").

(3) EXEMPTION FROM CERTAIN RESTRICTIONS.—Section 531(e) of the Foreign Assistance Act of 1961, and any provision that corresponds to section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (relating to the prohibition on financing exports of nuclear equipment, fuel, and technology), shall not apply with respect to funds used pursuant to this subsection.

SEC. 505. LIMITATIONS ON DEFENSE CONVERSION AUTHORITIES.

Notwithstanding any other provision of law (including any other provision of this Act), funds may not be obligated in any fiscal year for purposes of facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities, as authorized by sections 503(a)(6) and 504(a)(6) or any other provision of law, unless the President has previously obligated in the same fiscal year an amount equal to or greater than that amount of funds for defense conversion and defense transition activities in the United States. For purposes of this section, the term "defense conversion and defense transition activities in the United States" means those United States Government funded programs whose primary purpose is to assist United States private sector defense workers, United States companies that manufacture or otherwise provide defense goods or services, or United States communities adversely affected by reductions in United States defense spending, such as programs funded through the Office of Economic Adjustment in the Department of Defense, through the Defense Conversion Adjustment Program (as authorized by the Job Training Partnership Act), or through the Economic Development Administration.

SEC. 506. SOVIET WEAPONS DESTRUCTION.

(a) ADDITIONAL FUNDING.—

(1) AUTHORIZATION AMOUNT.—Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is amended by striking out "$400,000,000" and inserting in lieu thereof "$800,000,000".

(2) AUTHORIZATION PERIOD.—Section 221(e) of such Act is amended—

(A) by inserting "for fiscal year 1992 or fiscal year 1993" after "under part B";

(B) by inserting "for that fiscal year" after "for that program"; and

(C) by striking out "for fiscal year 1992" and inserting in lieu thereof "for that fiscal year".

(b) TECHNICAL REVISIONS TO PUBLIC LAW 102–229.—Public Law 102–229 is amended—

(1) in section 108 (105 Stat. 1708), by striking out "contained in H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "(title II of Public Law 102–228)"; and

(2) in section 109 (105 Stat. 1708)—

(A) by striking out "H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "Public Law 102–228 (105 Stat. 1696)"; and

(B) by striking out "of H.R. 3807".

(c) AVOIDANCE OF DUPLICATIVE AMENDMENTS.—The amendments made by this section shall not be effective if the National Defense Authorization Act for Fiscal Year 1993 enacts an amendment to section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 that authorizes the transfer of an amount that is the same or greater than the amount that is authorized by the amendment made by subsection (a)(1) of this section and enacts amendments identical to those in subsections (a)(2) and (b) of this section. If that Act enacts such amendments, sections 503 and 508 of this Act shall be deemed to apply with respect to the funds made available under such amendments.

SEC. 507. WAIVER OF CERTAIN PROVISIONS.

(a) IN GENERAL.—Funds made available for fiscal year 1993 under sections 503 and 504 to provide assistance or otherwise carry out programs and activities with respect to the independent states of the former Soviet Union under those sections may be used notwithstanding any other provision of law, other than the provisions cited in subsection (b).

(b) EXCEPTIONS.—Subsection (a) does not apply with respect to—

(1) this title; and

(2) section 1341 of title 31, United States Code (commonly referred to as the "Anti-Deficiency Act"), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

SEC. 508. NOTICE AND REPORTS TO CONGRESS.

(a) NOTICE OF PROPOSED OBLIGATIONS.—Not less than 15 days before obligating any funds under section 503 or 504 or the amendments made by section 506(a), the President shall transmit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligations; and

(2) the activities and forms of assistance for which the President plans to obligate such funds.

(b) SEMIANNUAL REPORT.—Not later than April 30, 1993, and not later than October 30, 1993, the President shall transmit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees a report on the activities carried out under sections 503 and 504 and the amendments made by section 506(a). Each such report shall set forth, for the preceding 6-month period and cumulatively, the following:

(1) The amounts expended for such activities and the purposes for which they were expended.

(2) The source of the funds obligated for such activities, specified by program.

(3) A description of the participation of all United States Government departments and agencies in such activities.

(4) A description of the activities carried out and the forms of assistance provided.

(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under sections 503 and 504 and the amendments made by section 506(a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section—

(1) the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(B) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(2) the committee to which the specified activities of section 503(a) or 504(a) or subtitle B of the Soviet Nuclear Threat Reduction Act of 1991 (as the case may be), if the subject of separate legislation, would be referred, under the rules of the respective House of Congress.

SEC. 509. INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) ASSISTANCE FOR INTERNATIONAL NONPROLIFERATION ACTIVITIES.—Subject to the limitations and requirements provided in this section, during fiscal year 1993 the Secretary of Defense, under the guidance of the President, may provide assistance to support international nonproliferation activities.

(b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE PROVIDED.—Activities for which assistance may be provided under this section are activities such as the following:

(1) Activities carried out by the International Atomic Energy Agency (IAEA) that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968.

(2) Activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(3) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(4) Efforts to improve international cooperative monitoring of nuclear proliferation through joint technical projects and improved intelligence sharing.

(c) FORM OF ASSISTANCE.—(1) Assistance under this section may include funds and in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.

(2) Assistance under this section may be provided to international organizations in the form of funds only if the amount in the "Contributions to International Organizations" account of the Department of State is insufficient or otherwise unavailable to meet the United States fair share of assessments for international nuclear nonproliferation activities.

(3) No amount may be obligated for an expenditure under this section unless the Director of the Office of Management and Budget determines that the expenditure will be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) No assistance may be furnished under this section unless the Secretary of Defense determines and certifies to the Congress 30 days in advance that the provision of such assistance—

(A) is in the national security interest of the United States; and

(B) will not adversely affect the military preparedness of the United States.

(5) The authority to provide assistance under this section in the form of funds may be exercised only to the extent and in the amounts provided in advance in appropriations Act.

(d) SOURCES OF ASSISTANCE.—(1) Funds provided as assistance under this section shall be derived from amounts made available to the Department of Defense for fiscal year 1993 or from balances in working capital accounts of the Department of Defense.

(2) Supplies and equipment provided as assistance under this section may be provided, by loan or donation, from existing stocks of the Department of Defense and the Department of Energy.

(3) The total amount of the assistance provided in the form of funds under this section may not exceed $40,000,000. Of such amount, not more than $20,000,000 may be used for the activities of the On-Site Inspection agency in support of the United Nations Special Commission on Iraq.

(4) Not less than 30 days before obligating any funds to provide assistance under this section, the Secretary of Defense shall transmit to the committees of Congress named in subsection (e)(2) a report on the proposed obligation. Each such report shall specify—

(A) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(B) the activities and forms of assistance for which the Secretary of Defense plans to obligate the funds.

(e) QUARTERLY REPORT.—(1) Not later than 30 days after the end of each quarter of fiscal year 1993, the Secretary of Defense shall transmit to the committees of Congress named in paragraph (2) a report of the activities to reduce the proliferation threat carried out under this section. Each report shall set forth (for the preceding quarter and cumulatively)—

(A) the amounts spent for such activities and the purposes for which they were spent;

(B) a description of the participation of the Department of Defense and the Department of Energy and the participation of other Government agencies in those activities; and

(C) a description of the activities for which the funds were spent.

(2) The committees of Congress to which reports under paragraph (1) and under subsection (d)(2) are to be transmitted are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

(f) AVOIDANCE OF DUPLICATIVE AUTHORIZATIONS.—This section shall not apply if the National Defense Authorization Act for Fiscal Year 1993 enacts the same authorities and requirements as are contained in this section and authorizes the appropriation of the same (or a greater) amount to carry out such authorities.

SEC. 510. REPORT ON SPECIAL NUCLEAR MATERALS.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall prepare, in consultation with the Secretary of Defense and the Secretary of Energy, and shall transmit to the Congress a report on the possible alternatives for the ultimate disposition of special nuclear materials of the former Soviet Union. This report shall include—

(1) a cost-benefit analysis comparing (A) the relative merits of the indefinite storage and safeguarding of such materials in the independent states of the former Soviet Union and (B) its acquisition by the United States by purchase, barter, or other means;

(2) a discussion of relevant issues such as the protection of United States uranium producers from dumping, the relative vulnerability of these stocks of special nuclear materials to illegal proliferation, and the potential electrical and other savings associated with their being made available in the fuel cycle in the United States; and

(3) a discussion of how highly enriched uranium stocks could be diluted for reactor fuel.

SEC. 511. RESEARCH AND DEVELOPMENT FOUNDATION.

(a) ESTABLISHMENT.—The Director of the National Science Foundation (hereinafter in this section referred to as the "Director") is authorized to establish an endowed, nongovernmental, nonprofit foundation (hereinafter in this section referred to as the "Foundation") in consultation with the Director of the National Institute of Standards and Technology.

(b) PURPOSES.—The purposes of the Foundation shall be the following:

(1) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent the dissolution of the technological infrastructure of the independent states.

(2) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(3) To assist in the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(4) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(5) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(c) FUNCTIONS.—In carrying out its purposes, the Foundation shall—

(1) promote and support joint research and development projects for peaceful purposes between scientists and engineers in the United States and independent states of the former Soviet Union on subjects of mutual interest; and

(2) seek to establish joint nondefense industrial research, development, and demonstration activities through private sector linkages which may involve participation by scientists and engineers in the university or academic sectors, and which shall include some contribution from industrial participants.

(d) FUNDING.—

(1) USE OF CERTAIN DEPARTMENT OF DEFENSE FUNDS.—(A) To the extent funds appropriated to carry out subtitle E of title XIV of the National Defense Authorization Act for Fiscal Year 1993 (relating to joint research and development programs with the independent states of the former Soviet Union) are otherwise available for such purpose, such funds may be made available to

the Director for use by the Director in establishing the endowment of the Foundation and otherwise carrying out this section.

(B) For each fiscal year after fiscal year 1993, not more than 50 percent of the funds made available to the Foundation by the United States Government may be funds appropriated in the national defense budget function (function 050).

(2) CONTRIBUTION TO ENDOWMENT BY PARTICIPATING INDEPENDENT STATES.—As a condition of participation in the Foundation, an independent state of the former Soviet Union must make a minimum contribution to the endowment of the Foundation, as determined by the Director, which shall reflect the ability of the independent state to make a financial contribution and its expected level of participation in the Foundation's programs.

(3) DEBT CONVERSIONS.—To the extent provided in advance by appropriations Acts, local currencies or other assets resulting from government-to-government debt conversions may be made available to the Foundation. For purposes of this paragraph, the term "debt conversion" means an agreement whereby a country's government-to-government or commercial external debt burden is exchanged by the holder for local currencies, policy commitments, other assets, or other economic activities, or for an equity interest in an enterprise theretofore owned by the debtor government.

(4) LOCAL CURRENCIES.—In addition to other uses provided by law, and subject to agreement with the foreign government, local currencies generated by United States assistance programs may be made available to the Foundation.

(5) INVESTMENT OF GOVERNMENT ASSISTANCE.—The Foundation may invest any revenue provided to it through United States Government assistance, and any interest earned on such investment may be used only for the purpose for which the assistance was provided.

(6) OTHER FUNDS FROM GOVERNMENT AND NONGOVERNMENTAL SOURCES.—The Foundation may accept such other funds as may be provided to it by Government agencies or nongovernmental entities.

TITLE VI—SPACE TRADE AND COOPERATION

SEC. 601. FACILITATING DISCUSSIONS REGARDING THE ACQUISITION OF SPACE HARDWARE, TECHNOLOGY, AND SERVICES FROM THE FORMER SOVIET UNION.

(a) EXPEDITED REVIEW.—Any request for a license or other approval described in subsection (c) that is submitted to any United States Government agency by the National Aeronautics and Space Administration, any of its contractors, or any other person shall be considered on an expedited basis by that agency and any other agency involved in an applicable interagency review process.

(b) NOTICE TO CONGRESS IF LICENSE DENIED.—If any United States Government agency denies a request for a license or other approval described in subsection (c), that agency shall immediately notify the designated congressional committees. Each such notification shall include a statement of the reasons for the denial.

(c) DESCRIPTION OF DISCUSSIONS.—This section applies to a request for any license or other approval that may be necessary to conduct discussions with an independent state of the former Soviet Union with respect to the possible acquisition of any space hardware, space technology, or space service for integration into—

(1) United States space projects that have been approved by the Congress, or

(2) commercial space ventures,

including discussions relating to technical evaluation of such hardware, technology, or service.

SEC. 602. OFFICE OF SPACE COMMERCE.

(a) TRADE MISSIONS.—The Office of Space Commerce of the Department of Commerce is authorized and encouraged to conduct one or more trade missions to appropriate independent states of the former Soviet Union for the purpose of familiarizing United States aerospace industry representatives with space hardware, space technologies, and space services that may be available from the independent states, and with the business practices and overall business climate in the independent states.

(b) MONITORING NEGOTIATIONS.—The Office of Space Commerce—

(1) shall monitor the progress of any discussions described in section 601(c)(1) that are being conducted; and

(2) shall advise the Administrator of the National Aeronautics and Space Administration as to the impact on United States industry of each potential acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union, specifically including any anticompetitive issues the Office may observe.

SEC. 603. REPORT TO CONGRESS.

Within one year after the date of enactment of this title, the President shall submit to the designated congressional committees a report describing—

(1) the opportunities for increased space-related trade with the independent states of the former Soviet Union;

(2) a technology procurement plan for identifying and evaluating all unique space hardware, space technology, and space services available to the United States from the independent states;

(3) specific space hardware, space technology, and space services that have been, or could be, the subject of discussions described in section 601(c);

(4) the trade missions carried out pursuant to section 602(a), including the private participation in and the results of such missions;

(5) any barriers, regulatory or practical, that inhibit space-related trade between the United States and independent states, including any such barriers in either the United States or the independent states; and

(6) any anticompetitive issues raised during the course of negotiations, as observed pursuant to section 602(b).

SEC. 604. DEFINITIONS.

For purposes of this title—

(1) the term "contractor" means a National Aeronautics and Space Administration contractor to the extent that the acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union may be relevant to the contractor's responsibilities under the contract; and

(2) the term "designated congressional committees" means the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate.

TITLE VII—AGRICULTURAL TRADE

SEC. 701. FOOD FOR PROGRESS ACT.

Section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (b)—

(A) by inserting "(including the independent states of the former Soviet Union)" after "such countries";

(B) by striking "or cooperatives" and inserting "cooperatives, or other private entities";

(C) by inserting "(1)" after "(b)"; and

(D) by adding at the end the following:

"(2) The annual tonnage limitation contained in subsection (g) shall not apply with respect to commodities furnished to the independent states of the former Soviet Union during fiscal year 1993.";

(2) by amending subsection (f)(1) to read as follows:

"(f)(1) The Commodity Credit Corporation may provide for—

"(A) grants, or

"(B) in the case of the independent states of the former Soviet Union, sales on credit terms, of commodities made available under section 416(b) of the Agricultural Act of 1949 for use in carrying out this section."; and

(3) by adding at the end the following:

"(m) In carrying out this section with respect to the independent states of the former Soviet Union, the President shall approve, as determined appropriate by the President, agreements with private voluntary organizations and cooperatives that provide for—

"(1) the sale of commodities, including the marketing of these commodities through the private sector; and

"(2) the use in the independent states of the proceeds generated in the humanitarian and development programs of such private voluntary organizations and cooperatives.

"(n) As used in this section, the term 'independent states of the former Soviet Union' means the independent states of the former Soviet Union as defined in section 102(8) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(8))."

SEC. 702. DEFINITIONS FOR AGRICULTURAL TRADE ACT OF 1978.

(a) AGRICULTURAL COMMODITY.—Section 102(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(1)) is amended by striking "feed, or fiber" and inserting "feed, fiber, or livestock (including livestock as it is defined in section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) and insects)".

(b) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602) is amended by adding at the end the following:

"(8) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The term 'independent states of the former Soviet Union' means the following: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.".

SEC. 703. ASSISTANCE FOR PRIVATE VOLUNTARY ORGANIZATIONS.

The President is encouraged to use funds made available under section 109 of Public Law 102–229 (105 Stat. 1708), and funds made available under chapter 11 of part I of the Foreign Assistance Act of 1961, to assist private voluntary organizations and cooperatives in carrying out food assistance programs for the independent states of the former Soviet Union under—

(1) section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o);

(2) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); or

(3) title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.).

SEC. 704. DISTRIBUTION OF AID TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

It is the sense of Congress that, in order to avoid waste and to ensure fair and equitable distribution of food and commodities provided to the independent states of the former Soviet Union, the President should, as appropriate, when discussing and planning the provision of such food aid, whether acting unilaterally or multilaterally with other donor countries, encourage the involvement of suitable multinational organizations to monitor the transport and distribution of such food aid within such entities.

SEC. 705. AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES AND EMERGING DEMOCRACIES.

(a) ELIGIBLE COUNTRIES.—Section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293) is amended—

(1) in subsection (a) by striking "middle income countries and emerging democracies" and by inserting "(as determined under subsection (b))" after "eligible countries"; and

(2) in subsection (b)—

(A) by striking "that meet the following requirements" in the text preceding paragraph (1) and inserting "described in any of the following paragraphs"; and

(B) by adding at the end the following:

"(4) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—A country that is an independent state of the former Soviet Union (as defined in section 102(8) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(8)), to the extent that the Secretary of Agriculture determines that such country should be eligible to participate in the program established under this section.".

(b) INDIVIDUALS WHO MAY RECEIVE FELLOWSHIPS.—Section 1543(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293(b)) is amended by adding at the end the following: "The Secretary may provide fellowships under the program authorized by this section to private agricultural producers from eligible countries.".

SEC. 706. PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING DEMOCRACIES.

Section 1542 of the Agricultural Development and Trade Act of 1990 (7 U.S.C. 5622 note) is amended—

(1) in subsection (a)—

(A) by inserting "direct credits or" before "export credit";

(B) by inserting "201 or" before "202"; and

(C) by inserting "or authorized" after "required";

(2) in subsection (b)—

(A) by striking the subsection heading and inserting "(b) FACILITIES AND SERVICES.—";

(B) by striking "for the establishment or improvement by United States persons of facilities in emerging democracies" and inserting the following: "for—

"(1) the establishment or improvement of facilities, or

"(2) the provision of services or United States produced goods,

in emerging democracies by United States persons"; and

(C) by striking the last sentence and inserting the following: "The Commodity Credit Corporation shall give priority under this subsection—

"(1) to opportunities or projects identified under subsection (d)(1);

"(2) to projects that encourage the privitization of the agricultural sector or that benefit private farms or cooperatives in emerging democracies; and

"(3) to projects for which nongovernmental persons agree to assume a relatively larger share of the costs.";

(3) in subsection (d)(1)(B)(i), by inserting ", farmers, other persons from the private sector," after "agricultural consultants"; and

(4) by amending subsection (d)(1)(D) to read as follows:

"(D) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide, or pay the necessary costs for, technical assistance to enable individuals or other entities to implement the recommendations or to carry out the opportunities and projects identified under paragraph (1)(A).".

SEC. 707. DIRECT CREDIT SALES.

(a) REQUIRED DETERMINATIONS.—Section 201(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(c)) is amended by inserting after paragraph (3) the following:

"The reference in paragraphs (1) and (2) to 'on a long-term basis' shall not apply in the case of determinations with respect to sales to the independent states of the former Soviet Union.".

(b) ELIGIBLE COUNTRIES.—Section 201(d)(1)(C) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(d)(1)(C)) is amended to read as follows:

"(C) to assist countries in meeting their food and fiber needs, particularly—

"(i) developing countries; and

"(ii) countries that are emerging democracies that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and".

(c) RESTRICTIONS.—Section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621) is amended by adding at the end the following new subsection:

"(f) RESTRICTIONS.—The Commodity Credit Corporation may not make export sales financing authorized under this section available in connection with sales of an agricultural commodity to any country that the Secretary determines cannot adequately service the debt associated with such sale.".

(d) REGULATIONS.—The Secretary of Agriculture shall issue final regulations to implement section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621), as amended by this section, not later than 30 days after the date of enactment of this Act.

SEC. 708. EXPORT CREDIT GUARANTEES.

(a) REQUIRED DETERMINATIONS.—Section 202(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(c)) is amended by inserting after paragraph (3) the following:

"The reference in paragraphs (1) and (2) to 'on a long-term basis' shall not apply in the case of determinations with respect to sales to the independent states of the former Soviet Union.".

(b) PURPOSE OF PROGRAM.—Section 202(d)(3) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(c)) to read as follows:

"(3) to assist countries in meeting their food and fiber needs, particularly—

"(A) developing countries; and

"(B) countries that are emerging democracies that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and".

SEC. 709. EXPORT PROMOTION PROGRAMS AMENDMENTS.

(a) PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCT EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsections (a) and (b), by inserting ", including processed agricultural products and high-value agricultural products," after "agricultural commodities" both places it appears; and

(2) by adding at the end the following new subsection:

"(k) SET-ASIDES.—

"(1) IN GENERAL.—In issuing export credit guarantees under this section in connection with sales to the independent states of the former Soviet Union, the Commodity Credit Corporation shall, to the extent practicable and subject to paragraph (2), ensure that no less than 35 percent of the total amount of credit guarantees issued for a fiscal year are issued to promote the export of processed and high-value agricultural products and that the balance are issued to promote the export of bulk or raw agricultural commodities.

"(2) LIMITATION.—The 35 percent requirement of paragraph (1) shall apply for a fiscal year only to the extent that the percentage of the total amount of credit guarantees issued for that fiscal year under this section to promote the export to all countries of processed and high-value agricultural products is less than 25 percent.".

(b) PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCT EXPORT ENHANCEMENT PROGRAM.—Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is amended—

(1) in subsection (a), by inserting ", including processed agricultural products and high-value agricultural products," after "agricultural commodities"; and

(2) in subsection (e)—

(A) by striking "The Commodity" and inserting the following:

"(1) IN GENERAL.—The Commodity"; and

(B) by adding at the end the following new paragraph:

"(2) SET-ASIDES.—(A) For each fiscal year, the Corporation shall, to the extent practicable and subject to subparagraph (B), ensure that no less than 25 percent of the total of—

"(i) the funds expended, and

"(ii) the value of any commodities made available,

under this section in connection with sales of agricultural commodities to the independent states of the former Soviet Union is used to promote the export of processed and high-value United States agricultural products and that the balance of the funds expended and commodities made available under this section in connection with such sales is used to promote the export of bulk or raw United States agricultural commodities.

"(B) The 25 percent requirement of subparagraph (A) shall apply for a fiscal year only to the extent that the percentage of the total of—

"(i) the funds expended, and

"(ii) the value of commodities made available,

for that fiscal year under this section to promote the export to all countries of processed and high-value United States agricultural products is less than 15 percent.".

TITLE VIII—UNITED STATES INFORMATION AGENCY, DEPARTMENT OF STATE, AND RELATED AGENCIES AND ACTIVITIES

SEC. 801. DESIGNATION OF EDMUND S. MUSKIE FELLOWSHIP PROGRAM.

Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note), is amended by adding at the end the following new subsection:

"(f) DESIGNATION OF PROGRAM AND SCHOLARSHIPS.—

"(1) The scholarship program established by this section shall be known as the 'Edmund S. Muskie Fellowship Program'.

"(2) Scholarships provided under this section shall be known as 'Muskie Fellowships'.".

SEC. 802. NEW DIPLOMATIC POSTS IN THE INDEPENDENT STATES.

There are authorized to be appropriated for "NEW DIPLOMATIC POSTS" for personnel, support, and other expenses, not otherwise provided for, for the Department of State and the United States Information Agency to establish and operate new diplomatic posts in the independent states of former Soviet Union, $25,000,000 for fiscal year 1993, which are authorized to remain available until September 30, 1994.

SEC. 803. OCCUPANCY OF NEW CHANCERY BUILDINGS.

Subsections (f) and (g) of section 132 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, are repealed.

SEC. 804. CERTAIN POSITIONS AT UNITED STATES MISSIONS.

(a) AMENDMENT.—Section 1004(a) of the Omnibus Diplomatic Security and Anti-Terrorism Act

of 1986 is amended by adding at the end the following: "Not less than 15 shall be provided during fiscal year 1993.".

(b) FUNDING.—In addition to the funds made available pursuant to section 1005(c) of that Act, funds authorized to be appropriated by chapter 11 of part I of the Foreign Assistance Act of 1961 may be used in carrying out the amendment made by subsection (a) with respect to missions in the independent states of the former Soviet Union.

SEC. 805. INTERNATIONAL DEVELOPMENT LAW INSTITUTE.

For purposes of the International Organizations Immunities Act (22 U.S.C. 288 and following), the International Development Law Institute shall be considered to be a public international organization in which the United States participates under the authority of an Act of Congress authorizing such participation.

SEC. 806. CERTAIN BOARD FOR INTERNATIONAL BROADCASTING CONSTRUCTION ACTIVITIES.

Section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (104 Stat. 63), is amended by adding at the end the following:

"(3) For purposes of the notification requirements of section 634A(c) of the Foreign Assistance Act of 1961, any action by the Board for International Broadcasting or its agents, after the date of enactment of this paragraph, to require or allow the construction authorized by this subsection to proceed shall be treated as a reprogramming of funds subject to the notification requirements of the annual Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act. Amounts authorized to be appropriated under paragraph (1) shall be available for expenditure for construction services only in accordance with the procedures applicable under that section.".

SEC. 807. EXCHANGES AND TRAINING AND SIMILAR PROGRAMS.

(a) FUNDING FOR EXCHANGES AND TRAINING AND SIMILAR PROGRAMS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—To carry out a broad spectrum of exchanges, and of training and similar programs to promote the objectives described in section 498 of the Foreign Assistance Act of 1961, between the United States and the independent states of the former Soviet Union, there are authorized to be appropriated for fiscal year 1993 (in addition to amounts otherwise available for such purposes) the following:

(A) $20,000,000 for exchange programs for secondary school students.

(B) $30,000,000 for programs for participants other than secondary school students, including undergraduate and graduate students, farmers and other agribusiness practitioners, and participants in the exchanges carried out under paragraph (2).

(2) LOCAL AND REGIONAL SELF-GOVERNMENT EXCHANGES.—The Director of the United States Information Agency is authorized to use funds authorized to be appropriated by paragraph (1)(B) to conduct exchanges to provide technical assistance in local and regional self-government to the independent states.

(3) REPORT ON PROPOSED FUNDING ALLOCATIONS.—Within 45 days after the date of the enactment of this Act, the coordinator designated pursuant to section 102(a) of this Act shall submit to the Congress a report specifying the amount of funds authorized to be appropriated by paragraph (1) that is proposed to be allocated for each category of program and for each Government agency.

(4) PROGRAM ADMINISTRATION.—

(A) USIA.—Educational, cultural, and any other exchange programs carried out under this subsection, including any such programs for secondary school students, shall be administered by the United States Information Agency, and funds allocated for such programs shall be transferred to that Agency.

(B) OTHER AGENCIES.—Training and other non-exchange programs carried out under this subsection shall be administered by the Agency for International Development or such other Government agency as has experience and expertise in carrying out such programs.

(5) ADMINISTRATIVE EXPENSES.—Up to 5 percent of the funds made available to each Government agency under this subsection may be used by that agency for administrative expenses of program implementation.

(b) ENHANCEMENT OF USIA EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the United States Information Agency for fiscal year 1993 for enhancement of existing educational and cultural exchange programs the following:

(1) $9,950,000 for Fulbright Academic Exchange Programs.

(2) $10,850,000 for other programs administered by the Bureau of Educational and Cultural Affairs.

(c) REPEAL.—Effective 6 months after the date of enactment of this Act, section 225 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, and the item relating to that section in the table of contents set forth in section 2 of that Act, are repealed.

(d) AGRIBUSINESS EXCHANGES.—

(1) AUTHORIZATION.—The President is authorized to establish regional agribusiness offices at State universities and land grant colleges in the United States for the purpose of expanding exchanges between agribusiness practitioners in the United States and agribusiness practitioners in the independent states of the former Soviet Union.

(2) LIMITATION ON FUNDING SOURCES.—Funds authorized to be appropriated by this section or other provisions of this Act (including chapter 11 of part I of the Foreign Assistance Act of 1961) may not be used to carry out this subsection.

TITLE IX—OTHER PROVISIONS

SEC. 901. FOREIGN ASSISTANCE ACT LIST OF COMMUNIST COUNTRIES.

Paragraph (1) of section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)(1)) is amended by striking out from the list of countries in the last sentence of that paragraph the following: "Czechoslovak Socialist Republic.", "Estonia.", "German Democratic Republic.", "Hungarian People's Republic.", "Latvia.", "Lithuania.", "People's Republic of Albania.", "People's Republic of Bulgaria.", "Polish People's Republic.", "Socialist Federal Republic of Yugoslavia.", "Socialist Republic of Romania.", and "Union of Soviet Socialist Republics (including its captive constituent republics).".

SEC. 902. JOHNSON ACT.

Section 955 of title 18, United States Code, shall not apply with respect to any obligations of the former Soviet Union, or any of the independent states of the former Soviet Union, or any political subdivision, organization, or association thereof.

SEC. 903. SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT.

(a) SCOPE OF AUTHORITY.—The Support for East European Democracy (SEED) Act of 1989 is amended by inserting after section 2 (22 U.S.C. 5401) the following:

"SEC. 3. SCOPE OF AUTHORITY.

"(a) GENERAL AUTHORIZATION.—The President is authorized to conduct activities for any East European country that are similar to any activity authorized by this Act to be conducted in Poland or Hungary (excluding those authorized by section 102 or the amendments made by sections 301 and 304) if such similar activities would effectively promote a transition to market-oriented democracy.

"(b) ADMINISTRATION OF JUSTICE PROGRAMS.—In order to strengthen the administration of justice in East European countries, the President may exercise the same authorities with respect to those countries as are available under section 534 of the Foreign Assistance Act of 1961, subject to the limitations and requirements of that section, other than subsection (c) and the last two sentences of subsection (e).

"(c) DEFINITION OF EAST EUROPEAN COUNTRY.—For purposes of this Act, the term 'East European country' includes Albania, Bulgaria, the Czech and Slovak Federal Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, and states that were part of the former Socialist Federal Republic of Yugoslavia.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of that Act is amended by inserting after the item relating to section 2 insert the following:

"Sec. 3. Scope of authority.".

SEC. 904. PEACE CORPS VOLUNTEER TRAINING REQUIREMENTS.

Section 8(c) of the Peace Corps Act (22 U.S.C. 2507(c)) is repealed.

SEC. 905. ESTABLISHING CATEGORIES OF ALIENS FOR PURPOSES OF REFUGEE DETERMINATIONS; ADJUSTMENT OF STATUS FOR CERTAIN SOVIET AND INDOCHINESE PAROLEES.

(a) EXTENSION OF PROVISIONS.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended in section 599D (8 U.S.C. 1157 note)—

(1) in subsection (b)(3), by inserting "and within the number of such admissions allocated for each of fiscal years 1993 and 1994 for refugees who are nationals of the independent states of the former Soviet Union, Estonia, Latvia, and Lithuania under such section" after "Act"; and

(2) in subsection (e), by striking out "October 1, 1992" each place it appears and inserting in lieu thereof "October 1, 1994".

(b) CORRECTION OF REFERENCES TO SOVIET UNION.—That Act is amended—

(1) in section 599D(b)—

(A) in paragraphs (1)(A), (2)(A), and (2)(B), by striking out "of the Soviet Union" each place it appears and inserting in lieu thereof "of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania"; and

(B) in paragraph (1)(A), by striking out "in the Soviet Union" and inserting in lieu thereof "in that state"; and

(2) in section 599E(b)(1), by striking out "of the Soviet Union," and inserting in lieu thereof "of an independent state of the former Soviet Union, Estonia, Latvia, Lithuania,".

(c) REPEAL OF EXECUTED REPORTING REQUIREMENTS.—Section 599D of that Act is amended by repealing subsection (f).

SEC. 906. ELIGIBILITY OF BALTIC STATES FOR NONLETHAL DEFENSE ARTICLES.

(a) ELIGIBILITY.—Estonia, Latvia, and Lithuania shall each be eligible—

(1) to purchase, or to receive financing for the purchase of, nonlethal defense articles—

(A) under the Arms Export Control Act (22 U.S.C. 2751 et seq.), without regard to section 3(a)(1) of that Act, or

(B) under section 503 of the Foreign Assistance Act of 1961 (22 U.S.C. 2311), without regard to the requirement in subsection (a) of that section for a Presidential finding; and

(2) to receive nonlethal excess defense articles transferred under section 519 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m), without

regard to the restrictions in subsection (a) of that section.

(b) DEFINITIONS.—As used in this section—

(1) the term "defense article" has the same meaning given to that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)); and

(2) the term "excess defense article" has the same meaning given to that term in section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)).

SEC. 907. RESTRICTION ON ASSISTANCE TO AZERBAIJAN.

United States assistance under this or any other Act (other than assistance under title V of this Act) may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.

TITLE X—INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 1001. INTERNATIONAL MONETARY FUND QUOTA INCREASE.

The Bretton Woods Agreements Act (22 U.S.C. 286 and following) is amended by adding at the end the following:

"SEC. 56. QUOTA INCREASE.

"The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 8,608,500,000 Special Drawing Rights, limited to such amounts as are provided in advance in appropriations Acts.

"SEC. 57. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.

"The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolution numbered 45-3 of the Board of Governors of the Fund that was approved by such Board on June 28, 1990.

"SEC. 58. APPROVAL OF FUND PLEDGE TO SELL GOLD TO PROVIDE RESOURCES FOR THE RESERVE ACCOUNT OF THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY TRUST.

"The Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote to approve the Fund's pledge to sell, if needed, up to 3,000,000 ounces of the Fund's gold, to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust to a level that would be sufficient to meet obligations of the Trust payable to lenders which have made loans to the Loan Account of the Trust that have been used for the purpose of financing programs to Fund members previously in arrears to the Fund.".

SEC. 1002. INTERNATIONAL MONETARY FUND POLICY CHANGES.

The Bretton Woods Agreements Act (22 U.S.C. 286 and following) is amended by adding after the sections added by section 1001 of this Act the following:

"SEC. 59. FUND POLICY CHANGES.

"(a) POLICY CHANGES WITHIN THE IMF.—The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to promote regularly and vigorously in program discussions and quota increase negotiations the following proposals:

"(1) POVERTY ALLEVIATION, REDUCTION OF BARRIERS TO ECONOMIC AND SOCIAL PROGRESS, AND PROGRESS TOWARD ENVIRONMENTALLY SOUND POLICIES AND PROGRAMS.—(A)(i) Considerations of poverty alleviation and the reduction of barriers to economic and social progress should be incorporated into all Fund programs and all consultations under article IV of the Articles of Agreement of the Fund.

"(ii) Preparation of Policy Framework Papers should be extended to all nations which have Fund programs and active Bank or International Development Association lending programs, and existence of a Policy Framework Paper should be a precondition for new lending to such nations by the Fund.

"(iii) All Policy Framework Papers should articulate the principal poverty, economic, and social measures that the borrowing nation needs to address, and this portion of the Policy Framework Paper (or a summary thereof that includes specific measures and timing) should be made available when the Policy Framework Paper is submitted to the Executive Directors of the Bank and of the Fund for consideration.

"(iv) In considering whether to allocate resources of the Fund to a borrower, the Fund should take into consideration the nature of the program and commitment of the borrower to address the issues referred to in clause (iii).

"(v) The Fund should establish procedures to enable the Fund to cooperate with the Bank in evaluating the effectiveness of the measures referred to in clause (iii), at the levels of policy, project design, monitoring, and reporting, in the international financial institutions and in the borrowing nations.

"(B)(i) The Fund should be encouraged to make further progress toward environmentally sound policies and programs.

"(ii) The Fund should incorporate environmental considerations into all Fund programs, including consultations under article IV of the Articles of Agreement of the Fund.

"(iii) The Fund should be encouraged to support the efforts of nations to implement systems of natural resource accounting in their national income accounts.

"(iv) The Fund should be encouraged to assist and cooperate fully with the statistical research being undertaken by the Organization for Economic Cooperation and Development and by the United Nations in order to facilitate development and adoption of a generally applicable system for taking account of the depletion or degradation of natural resources in national income accounts.

"(v) The Fund should be encouraged to consider and implement, as appropriate, revisions in its national income reporting systems consistent with such new systems as are of general applicability.

"(2) POLICY AUDITS.—(A) The Fund should conduct periodic audits to review systematically the policy prescriptions recommended and required by the Fund in the areas of poverty and the environment.

"(B) The purposes of such audits would be—

"(i) to determine whether the Fund's objectives were met; and

"(ii) to evaluate the social and environmental impacts of the implementation of the policy prescriptions.

"(C) Such audits would have access to all ongoing programs and activities of the Fund and the ability to review the effects of Fund-supported programs, on a country-by-country basis, with respect to poverty, economic development, and environment.

"(D) Such audits should be made public as appropriate with due respect to confidentiality.

"(3) ENSURING POLICY OPTIONS THAT INCREASE THE PRODUCTIVE PARTICIPATION OF THE POOR.—The Fund should establish procedures that ensure the focus of future economic reform programs approved by the Fund on policy options that increase the productive participation of the poor in the economy.

"(4) PUBLIC ACCESS TO INFORMATION.—(A) The Fund should establish procedures for public access to information.

"(B) Such procedures shall seek to ensure access of the public to information while paying due regard to appropriate confidentiality.

"(C) Policy Framework Papers and the supporting documents prepared by the Fund's mission to a country are examples of documents that should be made public at an appropriate time and in appropriate ways.

"(b) PROGRESS REPORT.—Each annual report of the National Advisory Council on International Monetary and Financial Policies shall describe the following:

"(1) The actions that the United States Executive Director and other officials have taken to convince the Fund to adopt the proposals set forth in subsection (a) through formal initiatives before the Board and management of the Fund, through bilateral discussions with other member nations, and through any further quota increase negotiations.

"(2) The status of the progress being made by the Fund in implementing the proposals set forth in subsection (a).

"(c) STUDY.—The Secretary of the Treasury shall instruct the United States Executive Director to the Fund to urge the Fund—

"(1) to explore ways to increase the involvement and participation of important ministries, national development experts, environmental experts, free-market experts, and other legitimate experts and representatives from the loan-recipient country in the development of Fund programs; and

"(2) to report on the status of Fund efforts in this regard.".

SEC. 1003. REDUCTION OF MILITARY SPENDING AND PROMOTION OF LONG-TERM SUSTAINABLE ECONOMIC GROWTH BY DEVELOPING NATIONS.

The Bretton Woods Agreements Act (22 U.S.C. 286 and following) is amended by adding after the sections added by sections 1001 and 1002 of this Act the following:

"SEC. 60. MEASURES TO REDUCE MILITARY SPENDING BY DEVELOPING NATIONS.

"(a) DEVELOPMENT BY THE FUND OF MEANS TO MEASURE MILITARY SPENDING.—

"(1) POSITION OF THE UNITED STATES.—The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, in consultation with the Bank, to continue to develop an economic methodology to measure the level of military spending by each developing country.

"(2) PROGRESS REPORT TO THE CONGRESS.—No later than 1 year after the date of the enactment of this section, the Secretary of the Treasury shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate a report on the status of the development by the Fund of a workable economic methodology to measure military spending by developing countries.

"(b) ANNUAL REPORTS BY FUND ON LEVELS OF MILITARY SPENDING.—The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, beginning with 1994, to provide the Executive Board of the Fund with annual reports stating the estimate by the Fund of the level of military spending by each developing country in the immediately preceding calendar year (or, with respect to developing countries whose fiscal years are not calendar years, in the most recently completed fiscal year of the developing country), not later than the date of the annual fall Interim and Development Committee meetings.

"(c) ANALYSIS AND ASSESSMENT OF MILITARY SPENDING TO BE INCLUDED IN ARTICLE IV CONSULTATIONS BY THE FUND.—The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, beginning no later than the date of the first report provided as described in subsection (b), to include in every article IV consultation

with a developing country an analysis of the level of military spending by the developing country in the immediately preceding calendar year (or, with respect to developing countries whose fiscal years are not calendar years, in the most recently completed fiscal year of the developing country).".

SEC. 1004. SUPPORT FOR MACROECONOMIC STABILIZATION IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) IN GENERAL.—In order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, enhance the opportunities for trade, improve the climate for foreign investment, and strengthen the process of transformation of the former socialist economies into free enterprise systems and thereby progressively enhance the well-being of the citizens of these states, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

(b) CURRENCY STABILIZATION.—In furtherance of the purposes and consistent with the conditions described in subsection (a), the Congress expresses its support for United States participation, in sums of up to $3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

(c) STUDY OF THE NEED FOR AND FEASIBILITY OF A CURRENCY STABILIZATION FUND FOR UKRAINE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to urge the Fund to conduct a study of the need for and feasibility of a currency stabilization fund for Ukraine, and, if it is found that such a fund is needed and is feasible, which considers and makes recommendations with respect to the economic and policy conditions required for the success of such a fund.

SEC. 1005. ROLE OF THE INTERNATIONAL FINANCE CORPORATION IN SUPPORTING ECONOMIC RESTRUCTURING IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

The International Finance Corporation Act (22 U.S.C. 282–282k) is amended by adding at the end the following:

"SEC. 15. AUTHORITY TO VOTE FOR CAPITAL INCREASES NECESSARY TO SUPPORT ECONOMIC RESTRUCTURING IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

"The United States Governor of the Corporation may vote in favor of any increase in the capital stock of the Corporation that may be needed to accommodate the requirements of the independent states of the former Soviet Union (as defined in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992).".

SEC. 1006. AUTHORITY TO AGREE TO AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE INTERNATIONAL FINANCE CORPORATION.

The International Finance Corporation Act (22 U.S.C. 282–282k) is amended by adding after the section added by section 1005 of this Act the following:

"SEC. 16. AUTHORITY TO AGREE TO AMENDMENTS TO THE ARTICLES OF AGREEMENT.

"The United States Governor of the Corporation is authorized to agree to amendments to the Articles of Agreement of the Corporation that would—

"(1) amend Article II, Section 2(c)(ii), to increase the vote by which the Board of Governors of the Corporation may increase the capital stock of the Corporation from a three-fourths majority to a four-fifths majority; and

"(2) amend Article VII(a) to increase the vote by which the Board of Governors of the Corporation may amend the Articles of Agreement of the Corporation from a four-fifths majority to an eighty-five percent majority.".

SEC. 1007. REPORT ON DEBT OF THE FORMER SOVIET UNION HELD BY COMMERCIAL FINANCIAL INSTITUTIONS.

The Secretary of the Treasury, using information available from the International Monetary Fund, the International Bank for Reconstruction and Development, and other appropriate international financial institutions, shall report to the Congress, not later than one year after the date of enactment of this Act, on the debt incurred by the former Soviet Union that is held by commercial financial institutions outside the independent states of the former Soviet Union that are obligated on such debt.

SEC. 1008. HUMAN RIGHTS.

(a) ADVANCEMENT OF HUMAN RIGHTS THROUGH THE IMF AND EBRD.—Section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) is amended by striking "and the African Development Bank," and inserting "the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund,".

(b) ACCOUNTING FOR AMERICANS MISSING IN ACTION CONSIDERED IN ASSESSING HUMAN RIGHTS IN THE INDEPENDENT STATES.—Section 701(b)(4) of such Act (22 U.S.C. 262d(b)(4)) is amended by inserting "Russia and the other independent states of the former Soviet Union (as defined in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992)," after "Laos,".

SEC. 1009. MULTILATERAL INVESTMENT GUARANTEES FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

Not later than 60 days after the date of enactment of this Act, the United States Director of the Multilateral Investment Guarantee Agency shall transmit to the Congress a report analyzing—

(1) the investments in the independent states of the former Soviet Union which have been guaranteed by the Agency; and

(2) the demand for investment guarantees of the type provided by the Agency for investments in the independent states.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

From the Committee on Foreign Affairs, for consideration of the Senate bill (except sections 113–114, 118, 126, 134, 136(d), and 146), and the House amendment (except title IV), and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
STEPHEN J. SOLARZ,
HOWARD L. BERMAN,
HARRY JOHNSTON,
ELIOT L. ENGEL,
WM. S. BROOMFIELD,
BEN GILMAN,
J. LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
WM. S. BROOMFIELD,

As additional conferees from the Committee on Agriculture, for consideration of sections 107, 116, 120, 148–149, 157, 403 and 405 of the Senate bill, and section 702 of the House amendment, and modifications committed to conference:

E DE LA GARZA,
CHARLIE ROSE,
TIMOTHY J. PENNY,
DAN GLICKMAN,
TOM COLEMAN,
PAT ROBERTS,

As additional conferees from the Committee on Armed Services, for consideration of sections 110, 131, and 137–138 of the Senate bill, and title V of the House amendment, and modifications committed to conference:

LES ASPIN,
DAVE MCCURDY,
WILLIAM L. DICKINSON,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

MARY ROSE OAKAR,
STEVE NEAL,
JOHN J. LAFALCE,
ESTEBAN E. TORRES,
JOE KENNEDY,
CHALMERS P. WYLIE,
J. LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Energy and Commerce, for consideration of section 151 of the Senate bill, and modifications committed to conference:

JOHN D. DINGELL,
PHIL SHARP,
JIM COOPER,
TERRY L. BRUCE,
CLAUDE HARRIS,
JAMES H. SCHEUER,
NORMAN F. LENT,
CARLOS J. MOORHEAD,
BILL DANNEMEYER,
MICHAEL G. OXLEY,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 108 and 123 of the Senate bill, and modifications committed to conference:

JOHN D. DINGELL,
PHIL SHARP,
NORMAN F. LENT,

As additional conferees from the Committee on the Judiciary, for consideration of section 704 of the House amendment, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
HAMILTON FISH, Jr.,

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 156 of the Senate bill, and modifications committed to conference:

ROBERT A. ROE,
J.L. OBERSTAR,
JOHN PAUL HAMMERSCHMIDT,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of section 135 of the Senate bill, and section 504 and title IV of the House amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
RICK BOUCHER,
ROBERT S. WALKER,

Managers on the Part of the House.

From the Committee on Foreign Relations:

CLAIBORNE PELL,
JOE BIDEN,

PAUL SARBANES,
ALAN CRANSTON,
RICHARD G. LUGAR,
NANCY LANDON KASSEBAUM,

From the Committee on Agriculture, Nutrition, and Forestry (solely for consideration of those matters which fall within the committee's jurisdiction):

PATRICK LEAHY,
BOB KERREY,
RICHARD G. LUGAR,

From the Committee on Banking, Housing, and Urban Affairs (solely for consideration of those matters which fall within the committee's jurisdiction of that committee and the Committee on Foreign Relations:

DON RIEGLE,
PAUL SARBANES,
JAKE GARN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2532) entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act", submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SHORT TITLE

The House amendment (sec. 1) cites the short title of the bill as the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" or the "FREEDOM Support Act".

The Senate bill (sec. 101) cites the short title of the bill as the "Freedom for Russian and Emerging Eurasian Democracies and Open Markets Support Act of 1992".

The conference substitute (sec. 1) is the same as the House amendment.

TABLE OF CONTENTS

The House amendment (sec. 2) provides a table of contents for purposes of this act.

The Senate bill contains no comparable provision.

The conference substitute (sec. 2) provides a table of contents for purposes of this act.

DEFINITION

The House amendment (sec. 106) defines the "independent states of the former Soviet Union" or "independent states" as Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

The Senate bill (secs. 103, 204, 303, and 406) contain nearly identical definitions, except in most instances they state that the term "includes" rather than "means" those twelve former republics.

The conference substitute (sec. 3) is the essentially the same as the House amendment. The committee of conference notes that the definition is intended to include entities which evolve from any future subdivision of those states.

TITLE I—GENERAL PROVISIONS

FINDINGS

The Senate bill (sec. 102) contains congressional findings regarding: the current opportunity for a transition to a peaceful and stable international order and the integration of the independent states into the community of democratic nations; the international interest in the transition; the role of the U.S. in providing assistance; the danger from the failure of the transition; the serious environmental problems in the region; and the need to avoid further environmental degradation.

The House amendment (sec. 101) contains similar findings, except it does not include the findings on the environment but does include findings on: the need for coordination of assistance; the need for flexibility in providing assistance; and opportunities for trade and investment.

The conference substitute (sec. 101) combines the House and Senate provisions, but does not include the House finding on flexibility.

PROGRAM COORDINATION, IMPLEMENTATION, AND OVERSIGHT; REPORT

The House amendment (sec. 105) provides for a coordinator within the Department of State to coordinate U.S. government activities and policies with respect to the independent states. Within that overall coordination framework, the Secretary of Commerce (as chair of the Trade Promotion Coordination Committee) remains principally responsible for coordination of activities regarding the promotion of U.S. exports, a role which is not intended to interfere with the responsibility of the Secretary of Agriculture for implementation of U.S. agricultural export policy and programs, and the Secretary of the Treasury remains principally responsible for the coordination of activities relating to U.S. participation in international financial institutions. Any agency managing and implementing assistance under this title shall be accountable for such funds.

The Senate bill (sec. 503(c)) encourages the President to designate a coordinator to oversee activities authorized by the act.

The conference substitute (sec. 102) is similar to the House amendment with minor changes. The conference substitute (sec. 103) also requires the coordinator established in section 102 of the conference substitute to submit, as soon as practicable, a report on the overall assistance and economic cooperation strategy for the independent states, including the planned use of assistance funds according to the categories of activities sets forth in title II and in the sections of the conference substitute relating to American Business Centers, export promotion activities and capital projects, and the Democracy Corps of the conference substitute and the intended allocation of assistance to U.S. Government agencies.

ANNUAL REPORT

The House amendment (sec. 104) requires the President to report by January 31 of each year on U.S. assistance to the independent states, including an assessment of the progress by each state on the criteria for eligibility for assistance and a description of provided and planned assistance and an assessment of the effectiveness of U.S. assistance in achieving its purposes.

The Senate bill (sec. 117) contains a requirement that the annual SEED report include an account of assistance for the independent states and the use of waiver authority.

The conference substitute (sec. 104) is similar to the House amendment, but adds a requirement that the report include an evaluation of the use of the authority of the "notwithstanding" clause to waive other existing provisions of law.

TITLE II—BILATERAL ECONOMIC ASSISTANCE ACTIVITIES

SUPPORT FOR ECONOMIC AND DEMOCRATIC DEVELOPMENT IN THE INDEPENDENT STATES

Section 201 of the conference substitute amends the Foreign Assistance Act by inserting a new chapter 11 in part I to authorize bilateral economic assistance for the independent states of the former Soviet Union.

ASSISTANCE FOR THE INDEPENDENT STATES

The House amendment (sec. 301) amends the Foreign Assistance Act to authorize a generic list of assistance objectives for the independent states.

The Senate bill (sec. 107) sets forth a series of assistance activities that includes detailed examples of activities that could be undertaken. The Senate bill also contains several separate provisions on specific assistance activities:

Section 111 contains congressional findings regarding the importance of educational television and authorizes the President to use funds appropriated for the independent states of the former Soviet Union to support non-profit corporations of the United States in assisting the independent states to develop the skills necessary to produce educational television programs.

Section 143 authorizes up to $30 million of the funds made available under this Act for contributions to the Intergovernmental Organization for Migration, or other appropriate organizations, to assist and protect refugees, displaced persons, and other migrants, and to address the root causes of migration and to assist developmental institutions in developing immigration laws.

Section 151 authorizes up to $35 million of the funds in this Act to be appropriated to the Secretary of Energy for capital energy projects utilizing advanced coal-based technology.

Section 153 states the sense of the Senate that assistance should be made available for the purchase of books and materials and the development of education programs operated by Junior Achievement International.

Section 154 sets forth the importance and role of a market-based economy and activities to promote the private sector and privatization.

Title II sets forth the International Local Government Exchange Act to provide assistance in public administration for local and regional level public officials, including through exchange programs.

The conference substitute (sec. 201) combines the provisions of the two bills to amend the Foreign Assistance Act with a new section 498 setting forth thirteen generic categories of assistance activities with a general description of each category. The thirteen categories, which are drawn from both bills, are:

(1) Urgent Humanitarian Needs;
(2) Democracy;
(3) Free Market Systems;
(4) Trade and Investment;
(5) Food Distribution and Production;
(6) Health and Human Services;
(7) Education and Educational Television;
(8) Energy Efficiency and Production;
(9) Civilian Nuclear Reactor Safety;

(10) Environment;
(11) Transportation and Telecommunications;
(12) Drug Education, Interdiction, and Eradication; and
(13) Migration.

The committee of conference urges that assistance for the independent states of the former Soviet Union be distributed equitably within each state. Because of the heterogeneous nature of Russia, the committee of conference particularly wishes to ensure that the autonomous regions of Russia receive an equitable share of assistance authorized by this act, including bilateral assistance; financing through the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Program; multilateral assistance; and assistance to support U.S. business in the autonomous regions.

Funds authorized by this new chapter of the Foreign Assistance Act should be used to the maximum extent practicable in such a way as to promote the growth of private sector infrastructure and enterprise in the independent states of the former Soviet Union. Funds used to purchase goods or services for or by the independent states' governmental bodies, either centrally or at the local level, should also, to the extent practicable, be directed through non-governmental commercial structures and, where possible, through commercial structures with American participation.

The committee of conference notes that the United States is in a unique and strong position to provide assistance designed to promote democracy and free market economic systems. The private sector can be supported through a variety of activities, including through technical assistance to support: legal frameworks (such as codes dealing with commerce, private property, banking, tax, foreign investment, and protection of intellectual property); necessary policy frameworks (such as laws dealing with privatization, agriculture, environmental and health protection, and energy); reform of banking and financial systems; reform, including privatization and efficiency, in agriculture; investment in, increased efficiency of, and privatization of the energy sector; the activities of nongovernmental entities which provide intermediary support for private enterprise; and, training in business and financial practices, public administration, commercial law, and the rules of international trade. The committee of conference emphasizes its intent that technical assistance programs to reform and restructure the banking and financial systems be administered by the Department of the Treasury.

With respect to assistance for food distribution and production, the acquisition of temporary storage and distribution facilities, as well as the improvement and expansion of permanent facilities, can assist U.S. exporters of grain and cereals to secure key markets in the independent states of the former Soviet Union. Since the development of permanent infrastructure will take many years and involve significant cost, portable storage facilities can be provided until such time as these states improve and rationalize their permanent storage capabilities. In addition, the committee of conference recognizes the need to expand efforts to export farm machinery and farm animals and urges the Department of Agriculture to increase its efforts in this regard.

With respect to improving the health maintenance system in the independent states, the committee of conference notes that a conference for high level officials of the U.S. Government, key private sector organizations, and their counterparts in the Russian Federation to examine the key health sector problems and priorities in Russia today is an example of the kind of activity that can promote effective health reform in the independent states.

With respect to educational reform, the committee of conference believes that emphasis should be placed on promoting curriculum reform at all school levels, particularly in the fields of history and social sciences, including political studies and economics. Some U.S. educational institutions have already established programs, including business and management education programs in the region. These institutions are to be commended for their initiatives and should be considered for funding where their activities are consistent with the priorities of U.S. assistance strategies for the independent states. Junior Achievement International is an example of a program that has successfully provided books and material for educational programs. In addition, the committee of conference encourages continued support for American Schools and Hospitals Abroad, such as the American University of Armenia, that have been or may be established in the independent states of the former Soviet Union. The committee of conference urges that in pursuing the purposes of this act, executive branch agencies, to the maximum extent possible, utilize the resources and expertise of existing U.S. educational facilities in Europe.

The committee of conference agrees that educational television can be a highly effective and highly cost-effective means of instruction both in basic skills and in the human values associated with a democratic society. Recognizing that certain organizations in the United States, such as the Children's Television Workshop, are internationally recognized as uniquely creative and proficient in the production of televised educational programming and have a record of achievement in assisting other countries in developing similar programming of their own, the committee of conference encourages the President to allocate assistance to the independent states of the former Soviet Union in the development of such programming as a means of promoting and sustaining the transformation to democracy. Such assistance can be used to support any appropriate non-profit corporation of the United States in assisting the independent states of the former Soviet Union in developing the skills necessary to produce adult and children's educational programs aimed at promoting basic skills and the human values associated with a democratic society. To the extent possible, such assistance should support the development of programming and programming skills rather than to support broadcasting and should not be used to pay for real estate, equipment, and personnel costs that could appropriately be born by the recipient country in its own currency.

Assisting the independent states in energy efficiency and production holds considerable opportunity for both U.S. assistance programs and for the U.S. private sector. U.S. advanced coal-based technologies are among the available options for improving efficiency and reducing damage to the environment. In determining which developmentally-sound advanced coal-based technology capital projects to support, with loans or grants, the Administrator of the Agency for International Development, working with the Secretary of Energy and other appropriate government agencies (particularly the Overseas Private Investment Corporation and the Export-Import Bank of the United States), shall give special consideration to those capital project proposals which, proposed by U.S. firms and consisting of equipment manufactured by U.S. firms, would achieve the greatest increase in the control of emissions and/or the efficient production of energy and to those project proposals in which a portion of the costs of the project, either by cost-sharing or joint venture, will be paid for by non-federal funds, including private funds.

The authority to assist in promoting civilian nuclear reactor safety was included because the committee of conference believes that the need for safety upgrades of nuclear power plants in the independent states is a very high priority. More than 50 nuclear power plants are in operation or under construction in the independent states. These reactors have design, construction quality, operator training, and safety standards far below those found in the United States. The threat posed by these reactors affects not only the citizens of the independent states, but people all over the world.

The committee of conference recommends that a program of realistic short-term assistance to the independent states be established to upgrade immediately the safety of nuclear power reactors. The committee of conference agrees that rising safety standards at the plants to Western standards will be far too expensive to be realistic. However, a short-term program could significantly enhance nuclear power plant safety in the independent states, and achieve other important policy objectives of: enhancing nuclear nonproliferation efforts by active American involvement in the civilian nuclear program; and creating jobs for indigenous nuclear technicians that will both stem emigration of these specialists and train them to handle safety issues on their own. The committee of conference encourages the development of recommendations in consultation with the affected States, for medium-term measures to assist in the development of comprehensive and market-based programs for cost-efficient supplies of electricity and the identification of energy alternatives that will increase the ability to shut down the nuclear power plants for which safety improvements would not be cost-effective beyond the short-term.

The committee of conference believes that the following environmental objectives should be given priority in the independent states of the former Soviet Union: to control the discharge of pollutants damaging to the Earth's environment; to map, monitor, and contain environmental threats to the United States or the Arctic/subarctic ecosystem; to clean up rivers, lakes, and Arctic waters; to protect endangered species, to promote nuclear reactor safety; to control the emissions of air pollutants that may present a risk to public health and the environment; to protect and restore all waters; to restore areas contaminated by hazardous waste substances; to conserve biological diversity; to prevent environmental threats to the United States or the Arctic/subarctic ecosystem; and to preserve relatively undamaged rivers, lakes, forests, and other areas of special environmental significance.

Assistance to the independent states should include the expertise of U.S. professional firms, such as accountants, law firms, investment and commercial banks, management consultants, and others. These service firms can help enterprises with the infra-

structure necessary to attract investment capital to the independent states. Because professional service firms will play a vital role in the creation of private enterprise and free market systems in the independent states, the committee of conference encourages the executive branch to engage such firms in implementing assistance programs, and to provide funds for this purpose in a timely and expedited manner.

The committee of conference recognizes that the transition by the independent states of the former Soviet Union to pluralistic democracies and marketplace economies and their integration into the global economy will be severely hampered without significant modernization and upgrade of their telecommunications infrastructures. The committee of conference is aware of the recent high level meeting in Moscow of the Ministers of Telecommunications of the Independent States of the former Soviet Union and the Blue Ribbon Panel of the Department of State, Advisory Committee on International Communications and Information Policy, where telecommunications technical assistance needs were discussed. Subsequently, the Blue Ribbon Panel has recommended to the Department of State that the sum of $8.5 million is needed for various areas of individual and joint telecommunications technical assistance. The committee of conference supports this recommendation and urges that the technical assistance programs recommended by the Blue Ribbon Panel be funded.

The committee of conference notes that assistance under this section may be in the form of contributions to the Intergovernmental Organization for Migration, the United Nations High Commissioner for Refugees, or other appropriate international or private voluntary organizations specializing in migration and refugee activities.

While the committee of conference does not provide specific authorization in this section for the use of economic assistance funds for defense conversion activities, the committee of conference does not preclude the use of funds for such activities. The committee of conference notes that, where such activities have a clear defense benefit for the United States, they are specifically authorized in title V of the conference substitute. Otherwise, the committee of conference supports use of economic assistance funds for activities, as authorized by new sections 498(3) and 498(4) of the Foreign Assistance Act, to include a broad range of activities such as modification or commercialization of factories, training, etc., regardless of whether the focus is on upgrading a civilian enterprise or the conversion of a defense enterprise to a competitive commercial entity.

CRITERIA FOR ASSISTANCE

The Senate bill (sec. 105) sets forth four criteria for the President to take into consideration in providing assistance to governments of the independent states: (1) institutionalization of the rule of law to protect individual freedoms and rights; (2) enactment of the legal and policy frameworks necessary for a private sector economy; (3) respect for international law; and (4) implementation of responsible security policies. The Senate bill also sets forth eleven conditions under which assistance to a country must be terminated, unless the President waives the restriction. In addition, the Senate bill contains several separate provisions regarding criteria for assistance:

Section 125 contains congressional findings regarding the conflict in Moldova and expresses the sense of the Congress that the United States should urge the Russian Government to withdraw its troops from Moldova, urge all parties to abide by a ceasefire, urge an end to the economic blockade of Moldova, and support the establishment of a joint military monitoring committee to observe the withdrawal of former Soviet troops.

Section 128 prohibits the use of bilateral assistance funds authorized for the independent states of the former Soviet Union to pay indebtedness to international financial institutions.

Section 129 prohibits bilateral economic assistance for the Russian Republic unless the President determines and certifies to Congress that: (1) significant progress has been made toward removal of Commonwealth or Russian troops from Estonia, Latvia, and Lithuania; (2) artillery exercises or similar training operations by Commonwealth or Russian troops are no longer taking place in those countries; (3) Commonwealth or Russian air and naval forces are not interfering with traffic in the airspace or territorial waters of those countries; and (4) no additional Commonwealth or Russian troops or military equipment have been introduced into those countries without the express permission of those countries. This prohibition would take affect 12 months after the date of enactment. The Senate bill also requires the formation of a joint military monitoring committee, specifies that any Presidential certification shall be effective for only six months, and requires the President to report on the basis for any determination made under this section.

Section 152 expresses the sense of Congress regarding immediate good faith negotiations for the removal of troops from the Baltic republics.

The House amendment (sec. 103) sets forth five criteria for the allocation of assistance to governments of the independent states similar to those in the Senate bill, but contains no conditions under which assistance must be terminated.

The conference substitute (sec. 201) combines the Senate and House provisions in a new section 498A of the Foreign Assistance Act. The conference substitute requires the President to take into account not only relative need but also the extent to which the government of an independent state is acting on eleven different criteria:

(1) Progress on implementation of a democratic system;

(2) Progress on economic reform;

(3) Respect for internationally recognized human rights;

(4) Respect for international law and obligations and adherence to the Helsinki Final Act of the CSCE and the Charter of Paris;

(5) Cooperation in seeking peaceful resolution of ethnic and regional conflicts;

(6) Implementation of responsible security policies;

(7) Constructive actions on the environment;

(8) Denial of support for acts of international terrorism;

(9) Acceptance of responsibility for paying an equitable portion of indebtedness to U.S. firms;

(10) Cooperation in uncovering evidence regarding American POWs; and

(11) Termination of support for, and removal of troops from, Cuba.

The provision also specifies five separate conditions under which the President must terminate assistance:

(1) For any government the President determines is engaged in a consistent pattern of gross violations of internationally recognized human rights or of international law;

(2) For any government the President determines has failed to take constructive actions to facilitate the effective implementation of applicable arms control obligations;

(3) For any government the President determines has knowingly transferred (a) missiles or missile technology inconsistent with the Missile Technology Control Regime, or (b) any material, equipment, or technology that would contribute significantly to the ability of a country to manufacture any weapon of mass destruction;

(4) For any government that is prohibited from receiving assistance by sections 669 or 670 of the Foreign Assistance Act or sections 306(a)(1) and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991;

(5) For the Government of Russia if it has failed to make significant progress on the removal of Russian or CIS troops from Estonia, Latvia, and Lithuania, or if it has failed to undertake good faith efforts, such as negotiations, to end other military practices that violate the sovereignty of the Baltic states.

All restrictions, except for subsection (4) regarding nuclear technology and capabilities, and similar provisions of law, may be waived if: (1) the President determines that providing the assistance is important to the U.S. national interest; (2) the President determines that the assistance will foster respect for internationally recognized human rights and the rule of law or the development of institutions of democratic governance; or (3) the assistance is furnished for the alleviation of suffering resulting from a natural or man-made disaster. The President must immediately report to the Congress on the exercise of the waiver authority. The "similar" provisions of law which may be waived are those which are of a similar substantive nature, i.e. they deal with the same subject matter, but not restrictions which might require a suspension of assistance for reasons other than the five enumerated in this section.

With regard to the criteria requiring cooperation in seeking peaceful resolution of ethnic and regional conflicts, the committee of conference particularly notes that the presence of Russian 14th Army troops in Moldova has aggravated and exacerbated the conflict in the Transdneister region and serves as a potentially dangerous precedent for other areas in the former Soviet Union. The committee of conference urges the Government of Russia to declare its forces neutral in Moldova and to withdraw its troops as quickly as possible.

The committee of conference notes that a major objective of subsection (b)(5) is to ensure that the sovereignty of the Baltic states is respected. For example, the following activities may be considered threats to the sovereignty of Estonia, Latvia, and Lithuania: artillery or similar training operations conducted by Russian or CIS armed forces on the territory of the Baltic states, without the permission of those states; Russian or CIS interference in the air space or territorial waters of Estonia, Latvia, or Lithuania; the introduction of additional CIS or Russian armed forces, military equipment, or related civilian personnel, without the permission of the host government; or the imposition of an economic blockade on the Baltic states, including the interruption of energy supplies.

With regard to adherence to arms control treaties, the committee of conference in-

tends that those treaties include: the Conventional Forces in Europe (CFE) Treaty; the Intermediate Nuclear Forces (INF) Treaty; the Non-Proliferation Treaty (NPT); the Anti-Ballistic Missile (ABM) Treaty; the Threshold Test Ban Treaty (TTBT); Peaceful Nuclear Explosions Treaty (PNT); and the Strategic Arms Reduction Talks Treaty (START).

ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS

The House amendment (sec. 201) creates a new section 498(c) of the Foreign Assistance Act that clarifies that the criteria and restrictions on assistance apply to assistance to governments, not to assistance to nongovernmental organizations.

The Senate bill contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(a) stating that assistance under this chapter may be provided to governments or through non-governmental organizations. In the promotion of the active involvement of the U.S. private sector, every effort should be made to take advantage of ongoing efforts by U.S. citizens, organizations, and foundations to pursue the objectives of this Act, as evidenced by the establishment by such entities of programs in one or more of the independent states that involve local reformers in the process of establishing democratic and free market systems.

TECHNICAL AND MANAGERIAL ASSISTANCE

The House amendment (sec. 201) creates a new section 498(d) of the Foreign Assistance Act which provides that technical assistance shall, to the maximum extent feasible, be provided on a long term, on-site basis and shall emphasize the provision of practical, management and other problem-solving advice, particularly advice on private enterprise provided by U.S. business volunteers.

The Senate bill contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(b) which is similar to the House amendment. The committee of conference notes that one particularly effective method for helping train former Soviet business managers in free market economy practices is to send volunteer American business managers to ex-Soviet enterprises to provide on-site problem solving and advice tailored to an enterprise's individual need. The committee of conference believes that such a program would also benefit the U.S. economy by exposing Americans actively involved in business to both the potential and the pitfalls of doing business in the former Soviet Union. The committee of conference further believes that because such a program would establish networks of business connections between managers from the United States and the independent states of the former Soviet Union, additional American jobs could be created through increased American exports and new joint ventures would likely be established as a result of these new business contacts.

ENTERPRISE FUNDS

The House amendment (sec. 201) creates a new section 498(b)(3) of the Foreign Assistance Act which authorizes assistance for the independent states to be used to finance enterprise funds similar to those authorize by section 201 of the Support for East European Democracy (SEED) Act of 1989.

The Senate bill (sec. 107(a)(2)(F)) contains a similar provision.

The conference substitute (sec. 201) creates a new section 498B(c) of the Foreign Assistance Act which is the same as the House amendment.

COOPERATIVE DEVELOPMENT AND RESEARCH PROJECTS

The House amendment (sec. 201) creates a new section 498(e) of the Foreign Assistance Act which authorizes assistance to be used for cooperative development and research projects among the United States, other countries, and the independent states.

The Senate bill (sec. 107(a)(11)) contains a similar provision which specifically references such projects with Israel.

The conference substitute (sec. 201) creates a new section 498B(d) of the Foreign Assistance Act which is the same as the House amendment. The committee of conference notes that such cooperative projects are already being considered with both Israel and Turkey and expresses its support for these undertakings.

ADMINISTRATION OF JUSTICE PROGRAMS

The Senate bill (sec. 107(a)(1)) authorizes assistance to be used for administration of justice programs.

The House amendment contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(e) of the Foreign Assistance Act which is similar to the Senate bill except that such programs are subject to the limitations and requirements of section 534 of the Foreign Assistance Act.

The committee of conference believes that administration of justice programs play a crucial role in fostering democratic institutions. It is the intent of this section to authorize existing government agencies, such as the International Criminal Investigative Training and Assistance Program (ICITAP), to take primary responsibility in carrying out such programs.

USE OF ECONOMIC SUPPORT FUNDS

The House amendment (sec. 201) creates a new section 498(f)(3) of the Foreign Assistance Act which provides that funds from chapter 4 of part II of the Foreign Assistance Act (economic support funds) may be used for the independent states in accordance with the authorities of this section.

The Senate bill (sec. 115(d)) contains a similar provision.

The conference substitute (sec. 201) creates a new section 498B(f) of the Foreign Assistance Act which is similar to the House amendment, except the reference is to the "provisions" rather than the "authorities" of this section in order to specify that it is both the authorities and criteria of this section that apply to any ESF used under this section.

USE OF SEED AGENCY FUNDS

The Senate bill (sec. 104) authorizes U.S. Government agencies with authorities under the SEED Act to use international affairs funds to conduct activities authorized by this Act in the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(g) of the Foreign Assistance Act which is similar to the Senate bill.

PROCUREMENT RESTRICTIONS

The Senate bill (sec. 134(d)) provides that assistance under this act may be used for procurement: (1) in the United States, the independent states, or a developing country; or (2) in any other country either if the required commodity or service is not produced or available in any of those countries, or if the President determines that procurement in such other country is necessary to meet unforeseen circumstances or for reasons of efficiency. The Senate bill (sec. 148) also rewrites the worldwide procurement rules found in section 604 of the Foreign Assistance Act.

The House amendment (sec. 201) creates a new section 498(f)(4) of the Foreign Assistance Act which provides that assistance programs shall be designed to maximize the use of U.S. goods and services.

The conference substitute (sec. 201) creates a new section 498B(h) of the Foreign Assistance Act which is similar to section 134(d) of the Senate bill. Because this bill is restricted to assistance to the independent states, the committee of conference could not adopt these changes worldwide, as it did in the conference report on H.R. 2508 in 1991. However, it is the intent of the committee of conference to do so in the next global foreign assistance bill.

TERMS AND CONDITIONS

The House amendment (sec. 201) creates a new section 498(f)(1) of the Foreign Assistance Act which authorizes the President to provide assistance on terms and conditions he determines to be consistent with applicable provisions of law.

The Senate bill contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(i) of the Foreign Assistance Act which is the same as the House amendment.

WAIVER OF CERTAIN PROVISIONS

The House amendment (sec. 201) creates a new section 498(f)(2) of the Foreign Assistance Act which provides that funds appropriated by this section for fiscal year 1993 may be used to provide assistance notwithstanding any other provision of law, except the reprogramming notification requirements of section 634A of the Foreign Assistance Act.

The Senate bill (sec. 115(c)) provides a broader notwithstanding for any assistance provided and authorities exercised for the objectives of this title, with the exception of several explicit exemptions.

The conference substitute (sec. 201) creates a new section 498B(j) of the Foreign Assistance Act which is similar to the House amendment, with the addition of several exceptions from the Senate bill. The exceptions to the notwithstanding are: this chapter; sections 634A, and comparable notification requirements in foreign operations appropriations bills, 669 and 670 of the Foreign Assistance Act; sections 306 and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1961; section 1341 of title 31, U.S. Code (the Anti-Deficiency Act); the Congressional Budget and Impoundment Control Act of 1974; the Balanced Budget and Emergency Deficit Control Act of 1985; and the Budget Enforcement Act of 1990.

DEFINITIONS

The House amendment (sec. 201) creates a new section 498(h) of the Foreign Assistance Act which contains definitions of appropriate congressional committees (the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate), and independent states.

The Senate bill (sec. 106) contains a definition of independent states.

The conference substitute (sec. 201) is essentially the same as the House amendment.

AUTHORIZATIONS

The Senate bill (sec. 106) authorizes the appropriation of $620 million for fiscal years

1992 and 1993, in addition to amounts otherwise available, for assistance to the independent states of the former Soviet Union. Such funds are authorized to remain available until expended. The Senate bill (sec. 115) also authorizes such sums as may be necessary for administrative expenses of U.S. Government agencies administering programs under this title.

The House amendment (sec. 201) authorizes the appropriation of $417 million for fiscal year 1993, in addition to amounts otherwise available, for economic assistance to the independent states of the former Soviet Union. It also provides that up to 2% of such funds may be used for administrative costs without a reprogramming notice, including for reimbursement of Department of State incremental costs associated with assistance programs, but that use of such funds above that level requires a reprogramming notice under section 634A.

The conference substitute (sec. 201) creates a new section 498C of the Foreign Assistance Act which is similar to the House amendment except that the authorization level is $410 million. This authorization was arrived at by subtracting the $50 million authorized for exchange, training, and similar programs in section 807 of the conference substitute from the executive branch request of $460 million for fiscal year 1993.

INELIGIBILITY FOR ASSISTANCE OF INSTITUTIONS WITHHOLDING CERTAIN DOCUMENTS OF U.S. NATIONALS

The Senate bill (sec. 141) prohibits assistance to any institution in an independent state if there is an outstanding final judgement by a court within that state that the entity is unlawfully withholding property of a U.S. person.

The House amendment contains no comparable provision.

The conference substitute (sec. 202) is similar to the Senate bill, with the exception that it is narrowed to deal only with property that is books or other documents of religious or historical significance.

TITLE III—BUSINESS AND COMMERCIAL DEVELOPMENT

AMERICAN BUSINESS CENTERS

The Senate bill (sec. 112) authorizes $12 million for the Department of Commerce to fund American business centers in the independent states to provide support and facilities for U.S. firms and state economic development offices. The Senate bill (title IV) also authorizes $12 million for the funding of agribusiness centers in the independent states to facilitate U.S. private investment, exchange programs, and other forms of U.S. cooperation in order to assist in the development of agribusiness in the independent states. It also authorizes $10 million for the funding of agribusiness exchange centers at U.S. state universities and land grant colleges in order to expand two-way exchange programs among agribusiness practitioners. Finally, the Senate bill (title V) authorizes funding for American centers to promote commercial, professional, civic, and other partnerships between the peoples of the United States and of the independent states.

The House amendment (sec. 201) contains a related provision.

The conference substitute (sec. 301) is a compilation of the Senate provisions into an authorization of up to $12 million for American Business Centers in order to advance the objectives of title II of the conference substitute and to promote U.S. economic interests and commercial partnerships between the peoples of the United States and the independent states. The term "American Business Centers" includes (1) environmental business centers in the independent states that offer promising market possibilities for U.S. environmental goods and services and (2) agribusiness centers that enhance cooperative activities in agribusiness. To the extent possible, such centers shall place special emphasis on assisting small- and medium-sized U.S. businesses, offer support services to U.S. commercial interests on a user-fee basis, serve as a repository of commercial and legal information, and help identify counterpart entities. To ensure the timely establishment of these centers, the Administrator of AID shall, within 90 days of enactment, enter into a reimbursement agreement with the Secretary of Commerce for operating the American Business Centers.

With respect to agribusiness centers, it is the intent of the committee of conference that these centers, to the extent possible, develop: training and education programs; initiatives to determine appropriate techniques to enhance agricultural production; strategies for the application of biotechnology to support food security and sustainable agricultural practices; and internships.

BUSINESS AND AGRICULTURE ADVISORY COUNCIL

The Senate bill (sec. 136(b)) authorizes the President to establish an advisory council, to be known as the Independent States Business and Agriculture Advisory Council, to advise and consult with the President and to evaluate U.S. assistance programs that would facilitate U.S. exports and investments.

The House amendment contains no comparable provision.

The conference substitute (sec. 302) is similar to the Senate bill. The committee of conference believes that U.S. jobs and competitiveness will be enhanced significantly if American business and agriculture play a significant role in the development of market economies in the independent states of the former Soviet Union.

FUNDING FOR EXPORT PROMOTION ACTIVITIES AND CAPITAL PROJECTS

The Senate bill (secs. 136(c)–(e)) encourages the President to use assistance funds for export promotion, finance, and related activities, and to fund capital projects, and recommends that various U.S. government agencies expand their activities in support of U.S. firms in the independent states. The Senate bill (sec. 132) also urges an increase in the presence of U.S. foreign commercial officers in the Far Eastern cities of Vladivostok and Khabarovsk.

The House bill contains no comparable provision.

The conference substitute (sec. 303) combines the Senate provisions to: (1) encourage the President to use assistance funds for export promotion, finance, and related activities, and to fund capital projects; and (2) encourage the Secretary of Commerce to increase the department's activities in support of U.S. firms in the independent states, including an increased U.S. foreign commercial service presence in Vladivostok and Khabarovsk.

INTERAGENCY WORKING GROUP ON ENERGY

The Senate bill (sec. 136(f)) states that the Trade Promotion Coordinating Committee should utilize its interagency working group on energy to assist U.S. energy companies to develop a long-term strategy for penetrating the energy market of the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 304) is essentially the same as the Senate bill.

REPORTS TO CONGRESS

The Senate bill (sec. 136(e)(D)) requires an annual report by the Secretary of Commerce on the programs of other industrialized countries to assist their firms and on the trading practices of other OECD nations and the pricing practices of the independent states that may disadvantage U.S. firms.

The House amendment contains no comparable provision.

The conference substitute (sec. 305) is similar to the Senate bill with the addition to the report of a description of the implementation of the preceding sections of this title.

POLICY ON COMBATTING TIED AID PRACTICES

The Senate bill (sec. 134(b)(1)(A)) states that the President should give priority to combatting the tied aid practices of foreign countries in the independent states if such practices are deemed by the Secretary of the Treasury to be in violation of the 1991 OECD agreement on tied aid.

The House amendment contains no comparable provision.

The conference substitute (sec. 306) is similar to the Senate bill.

TECHNICAL ASSISTANCE FOR THE RUSSIAN FAR EAST

The Senate bill (sec. 133) authorizes such sums as may be necessary for a technical assistance center at an American university, in a region which receives nonstop air service to and from the Russian Far East, in order to facilitate U.S. business opportunities, free markets, and democratic institutions in the Russian Far East.

The House bill contains no comparable provision.

The conference substitute (sec. 307) is similar to the Senate bill but limits the authorization of funds for this purpose to $2 million.

FUNDING FOR OPIC AND EXIMBANK PROGRAMS

The Senate bill (sec. 115(e)) authorizes bilateral economic assistance in this Act to be used to fund OPIC and Ex-Im activities in the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 308) authorizes bilateral economic assistance in this act to be used to fund OPIC activities in the independent states, but provides that this authority ceases to be effective upon the enactment of the Overseas Private Investment Corporation Act Amendments Act of 1992.

TITLE IV—DEMOCRACY CORPS

The House bill (sec. 202) authorizes up to $15 million for a grant by the Administrator of the Agency for International Development to the Democracy Corps, a private, nonprofit organization whose purpose is to maintain a presence in the independent states in order to provide on-the-ground support for institutions of democratic governance and nongovernmental organizations of a civil society. The Democracy Corps is to mobilize the expertise of the American people to provide practical assistance through on-the-ground person-to-person advice, technical assistance, and small grants (up to $5,000 per recipient) to indigenous individuals and entities. The Democracy Corps is to coordinate its activities with the Department of State Coordinator for the independent states and ensure that its activities are not duplicative of other similar activities. The Democracy Corps is to be governed by a Board of Directors composed of four specified government officials, representatives of the National Endowment for Democracy and its four core grantees, and eight private U.S. citizens who

have experience and expertise appropriate to the functions of the Democracy Corps. The provision also provides for conflict of interest rules, periodic audits, congressional oversight, compliance with the Freedom of Information Act, and an annual report. The authority to make grants to the Democracy Corps terminates at the end of the fifth fiscal year.

The Senate amendment contains no comparable provision.

The conference substitute (title IV) is similar to the House amendment, with the exception that the conference substitute authorizes rather than mandates the establishment of and grants to the Democracy Corps, reduces the specificity of certain provisions, and provides that the Board of Directors will be composed of not more than ten private U.S. citizens, appointed by the President, who, individually or through the organizations they represent, have experience and expertise appropriate to carrying out the purpose of the Democracy Corps. The committee of conference views the National Endowment for Democracy and its core grantees examples of such organizations.

TITLE V—NONPROLIFERATION AND DISARMAMENT ACTIVITIES

FINDINGS

The Senate bill (sec. 110(a)(1)) establishes a number of findings concluding that nonproliferation and disarmament activities are in the national security interests of the United States.

The House amendment (sec. 503(a)) contains similar findings.

The conference substitute (sec. 501) is similar to the Senate bill with minor modifications.

ELIGIBILITY

The Senate bill (sec. 110(a)(2)) establishes conditions of eligibility, in addition to those contained in section 105(b) of the Senate bill for overall assistance, with regard to carrying out efforts aimed at the demilitarization of the independent states of the former Soviet Union.

The House amendment contains no comparable provision.

The conference substitute (sec. 502) is similar to the Senate bill with the exception that it deletes the reference to the eligibility criteria established in title II of the conference substitute for bilateral economic assistance.

NONPROLIFERATION AND DISARMAMENT ACTIVITIES IN THE INDEPENDENT STATES

The Senate bill (sec. 110(a)(3)) authorizes the President to establish programs consistent with the national security interests findings stipulated in section 110(a)(1) of the Senate bill. Specifically, these programs are aimed at: (1) the transportation, storage, safeguarding, and destruction of nuclear, chemical, and other weapons of the former Soviet Union, as described in section 212(b) of Public Law 102-228; (2) establishing verifiable safeguards against the proliferation of such weapons; (3) preventing the diversion of weapons-related scientific expertise of the former Soviet Union; (4) facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union; and (5) establishing science and technology centers in the independent states of the former Soviet Union.

The House amendment (secs. 501 and 503(b)) authorizes the President to use certain security assistance and Department of Defense funds to promote bilateral and multilateral nonproliferation activities by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons of the former Soviet Union and other countries; and by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons of the independent states of the former Soviet Union and other countries, including activities such as the storage, transportation, safeguarding, and destruction of such weapons and the purchase, barter, or other acquisition of such weapons or materials derived from such weapons. The House amendment also subsumes those programs included in the Senate bill which are identified as items 2 through 5 in the previous paragraph.

The conference substitute (sec. 503) is similar to the House amendment and specifies that priority in using Department of Defense funds for carrying out nonproliferation and disarmament activities in the former Soviet Union be given to sections 503(a)(1) through 503(a)(5) of the conference substitute. The committee of conference places the highest priority on the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, related technologies and other weapons of the independent states of the former Soviet Union.

The committee of conference notes that, with respect to the authority to purchase, barter, or otherwise acquire nuclear, biological, and chemical weapons, the U.S. private sector has the technical and financial resources to assume responsibilities in this area. The August announcement by the President of the agreement between the United States and Russia for the purchase of highly enriched uranium (HEU) from the Russian stockpile was a significant step towards the type of "swords into plowshares" initiative being encouraged by the committee of conference. The U.S. private sector has the capacity to reprocess quickly the HEU to low enriched uranium (LEU) which can subsequently be converted to reactor grade and marketed to commercial nuclear power plants, in accordance with the terms and conditions of the Nuclear Non-Proliferation Treaty of 1978.

NONPROLIFERATION AND DISARMAMENT FUND

The House amendment (sec. 501) establishes a worldwide nonproliferation and disarmament fund and authorizes the President to use security assistance funds to promote bilateral and multilateral nonproliferation activities on a worldwide basis: (1) by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons of the former Soviet Union and other countries; (2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons of the independent states of the former Soviet Union and other countries, including activities such as the storage, transportation, and safeguarding of such weapons and the purchase, barter, or other acquisition of such weapons or materials derived from such weapons; (3) facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union; and (4) establishing science and technology centers in the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 504) is similar to the House amendment and specifies that priority in using security assistance funds for carrying out nonproliferation and disarmament activities worldwide be given to sections 504(a)(1) through 504(a)(5) of the conference substitute.

The committee of conference places the highest priority on the dismantlement and destruction of nuclear, biological and chemical weapons, their delivery systems, related technologies and other weapons of the independent states of the former Soviet Union. The committee of conference establishes this new security assistance account in recognition of the urgent need to address the nonproliferation and disarmament challenges that confront the United States in the post-Cold War era. The committee of conference recognizes that this challenge is not confined to the independent states of the former Soviet Union alone. The committee of conference firmly believes the establishment of the worldwide nonproliferation and disarmament fund to be in the best national security interests of the United States and urges the executive branch to employ use of this fund to the fullest extent in the years ahead in support of bilateral and multilateral nonproliferation and disarmament efforts. The committee of conference further encourages the executive branch to seek expansion of these authorities in the years ahead. Finally, the committee of conference fully expects the executive branch to formally establish and authorize a nonproliferation and disarmament fund in its fiscal year 1994 budget submission and Congressional Presentation Documents for Security Assistance.

LIMITATIONS ON DEFENSE CONVERSION AUTHORITIES

The Senate bill (sec. 137) stipulates that no funds may be obligated, expended or otherwise made available for the purposes of facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union unless the President has previously obligated an amount equal to or greater than such sums in the same fiscal year for defense conversion and defense transition activities in the United States.

The House amendment contains no comparable provision.

The conference substitute (sec. 505) is similar to the Senate bill and specifies that funds may not be obligated in any fiscal year for the purposes of facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities as authorized by sections 503(a)(6) and 504(a)(6) of the conference substitute, or other provisions of law, unless the President has previously obligated in the same fiscal year an amount greater or equal to that amount of funds for defense conversion and defense transition activities in the United States.

FUNDING AUTHORIZATION

The Senate bill (sec. 110(a)(4)) authorizes the President to make available such sums as may be necessary to carry out the purposes of section 110 from: funds made available under sections 108 and 109 of Public Law 102-228; funds made available to carry out provisions of section 23 of the Arms Export Control Act; and funds made available to carry out section 110(a)(3) of the Senate bill.

The House amendment (secs. 501(f), 502(b) and 503(b)) includes funding citations relevant to nonproliferation and disarmament activities, as well as for the destruction of weapons in the former Soviet Union.

The conference substitute (secs. 503(c)(1), 503(c)(2), 504(c)(1), 504(c)(2), 504(c)(3), 506(a) and 509(d)) includes funding citations rel-

evant to nonproliferation and disarmament activities worldwide, as well as for the destruction of weapons in the former Soviet Union. Section 506(a) increases the authorization for the destruction of weapons in the former Soviet Union as contained in Public Law 102–228 and extends the availability of fiscal year 1992 funds through fiscal year 1993. The conference substitute establishes funding made available pursuant to these sections at the following levels: destruction of weapons and other nonproliferation activities in the former Soviet Union, $800 million; Nonproliferation and Disarmament Fund activities in the former Soviet Union and other countries, $100 million; and Nonproliferation Technology Initiative, $40 million.

The funding authorization for the destruction of weapons in the former Soviet Union is increased from $650 million to $800 million to conform to conference action on the National Defense Authorization Act for fiscal year 1993. The importance of each of these nonproliferation and disarmament activities funded by this title cannot be discounted and is underscored by the coordination of its authorization from both the international affairs and national defense budget functions. The committee of conference notes its strong support for these nonproliferation and disarmament activities and notes the unique approach to these authorizations that was achieved through close cooperation among the Committees on Foreign Affairs, Armed Services and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services and Appropriations of the Senate. The committee of conference notes that such cooperative efforts will continue in the future, and expects that there will be similar cooperative efforts among the appropriate agencies of the executive branch.

NOTICE AND REPORTS TO CONGRESS

The Senate bill (secs. 110(a)(5)–(7)) requires: prior notification (fifteen days) of the appropriate congressional committees made available pursuant to programs implemented under section 110(a)(3) of the Senate bill (sec. 110(a)(5)); and, quarterly reports not later than thirty days after the end of each fiscal year for fiscal years 1992 and 1993 on the activities carried out under section 110(a)(3) of the Senate bill. Section 110(a)(7) defines the term "appropriate congressional committees."

The House amendment (secs. 501(e) and 502(d)) is similar to the Senate bill, but contains a different definition of "appropriate congressional committees".

The conference substitute (sec. 508) establishes various reporting requirements to Congress. Section 508(a) requires prior notification not less than fifteen days before obligating any funds pursuant to sections 503 or 504 or the amendments made by section 506(a). Section 508(a) further specifies that each such report shall specify the account, budget activity, and particular program or programs from which the funds are provided; the amount of the proposed obligations; and the activities and forms of assistance for which the President plans to obligate such funds. Section 508(b) requires the President to submit a semiannual report to Congress on the activities carried out under sections 503 and 504 and the amendments made by section 506(a). Section 508(c) defines the term "appropriate congressional committees".

The committee of conference notes that the adoption of section 508 sets forth the procedures for providing reports and advanced notifications to the Congress regarding programs in this title. Because of the unique funding of this program, the House Foreign Affairs Committee, the House Armed Services Committee, the Senate Foreign Relations Committee and the Senate Armed Services Committee agreed to language designed to clarify responsibilities of certain Committees of the Congress.

As is the usual practice, all reports and notifications will be provided to the respective appropriations committees. With respect to the authorizing committees, the bill requires the following: (1) Regarding semiannual reports, all such reports shall be provided to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate and to the Committees on Armed Services of the House of Representatives and the Senate; (2) Regarding 15 day advance notifications for programs funded from appropriations made under the international affairs budget function (150), the notice of proposed obligation shall be sent to the Committee on Foreign Affairs of the House of Representatives and the Committee of Foreign Relations of the Senate; (3) Regarding 15 day advance notifications for programs funded from appropriations made under the national defense budget function (050), the notice of proposed obligation shall be sent to the Committees on Armed Services of the House of Representatives and the Senate; and (4) Regarding all 15 day advance notifications, if a committee of either the House of Representatives or the Senate would not receive the advance notification pursuant to paragraph (2) or (3), the notice of proposed obligation shall also be sent to such committee if the proposed activity or form of assistance is within that committee's legislative jurisdiction.

Specific examples are instructive. On May 16, 1992, the Comptroller of the Department of Defense notified the Congress regarding a proposed obligation of budget function 050 funds pursuant to title II of Public Law 102–228 (commonly referred to as the Nunn–Lugar program) for foreign assistance programs and activities under the legislative jurisdiction of the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The proposed obligation included a number of programs for weapons destruction in the former Soviet Union. As one component of the proposed obligation, the Department of Defense proposed $25 million for an International Science and Technology Center in Russia. Had the proposal to establish such a center been introduced in the House of Representatives and Senate, respectively, as separate legislation, under House and Senate rules it would have been referred to the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate. Accordingly, the May 16, 1992 notification was properly referred to the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate and the Committees on Armed Services of the House of Representatives and the Senate. This action meets the legislative reporting and notification requirement of section 508 and should be viewed as a model for proper referral of reports and notifications.

In contrast, the committee of conference notes with concern that on August 28, 1992, the Comptroller of the Department of Defense provided a notification only to the Committees on Armed Services regarding a proposed obligation of budget function 050 funds pursuant to title II of Public Law 102–228 for foreign assistance programs and activities under the legislative jurisdiction of the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The committee of conference believes that this notification not only directly violates section 231 (Prior Notice of Obligations to Congress) of Public Law 102–228 but is also inconsistent with the intent of section 508. Advance notifications of proposed obligations from the executive branch shall be provided to the Speaker of the House of Representatives and the President of the Senate for their distribution to the proper committees in accordance with section 508 as mentioned above.

INTERNATIONAL NONPROLIFERATION INITIATIVE

The House amendment (section 502) authorizes the Secretary of Defense and the Secretary of Energy under the guidance of the President and in coordination with the Secretary of State to participate in United States efforts to stem the proliferation of nuclear weapons. In so doing, the House amendment stipulates that assistance may be provided to: relevant international organizations such as the International Atomic Energy Agency (IAEA) and the United Nations Special Commission on Iraq; collaborative international nuclear security and safety projects; and efforts to improve international cooperative monitoring of nuclear proliferation. Section 502(b) authorizes the expenditure of $40 million in national defense funding for these purposes. Section 502(d) requires the Secretary of Defense in coordination with the Secretary of Energy to report to Congress not less than fifteen days before the obligation of funds pursuant to section 502(a). In addition, section 502(d) requires the Secretary of Defense in coordination with the Secretary of Energy to report to Congress not later than thirty days after the end of each quarter of fiscal years 1993 and 1994 on the activities to be carried out pursuant to section 502(a). Section 502(e) identifies those committees of Congress which are to receive the reports submitted pursuant to section 502(d).

The Senate bill contains no comparable provision.

The conference substitute (sec. 509) authorizes the Secretary of Defense under the guidance of the President to provide assistance to support international nonproliferation activities. In so doing, the conference substitute stipulates that assistance may be provided to activities carried out by the International Atomic Energy Agency (IAEA); the On-Site Inspection Agency in support of the United Nations Special Commission of Iraq; collaborative international nuclear security and safety projects; and, efforts to improve international cooperation in monitoring nuclear proliferation through joint technical projects and intelligence sharing. The conference substitute also specifies that not less than thirty days before obligating any funds pursuant to section 509 the Secretary of Defense report to Congress on the proposed obligation. Each such report shall specify the account, budget activity and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and the activities and forms of assistance for which the Secretary of Defense plans to obligate the funds. The conference substitute also requires the Secretary of Defense to transmit to Congress a quarterly report not later than thirty days after the end of each quarter of fiscal year 1993 on the activities to reduce the proliferation threat carried out under section 509. Section 509(e)(2) also specifies the commit-

tees of Congress to which these reports are to be transmitted.

The committee of conference notes that the activities for which assistance may be provided under this section are merely illustrative. In this regard, and in addition to the activities already suggested, the committee of conference would support assistance under this section which would directly support the on-going activities of the United Nations Special Commission on Iraq.

REPORT ON SPECIAL NUCLEAR MATERIALS

The Senate bill (sec. 131) requires the Secretary of State in consultation with the Secretaries of Defense and Energy to submit a report within a period of 180 days of enactment of this legislation on the possible alternatives for the ultimate disposition of ex-Soviet special nuclear materials.

The House amendment contains no comparable provision.

The conference substitute (sec. 510) is similar to the Senate bill with minor modifications.

RESEARCH AND DEVELOPMENT FOUNDATION

The House amendment (sec. 504) authorizes the Director of the National Science Foundation to establish an endowed, nongovernmental, nonprofit foundation in consultation with the Director of the National Institute of Standards and Technology. Essentially, the purposes of the Foundation are to help prevent the collapse of the technological infrastructures in the independent states of the former Soviet Union, to maximize opportunities for Eurasian civilian and defense sector participants to develop an understanding of commercial business practices and open economic systems, and to provide access for United States businesses to sophisticated technologies, talented researchers, and potential markets within the new states. Foundation support should provide alternatives to emigration for engineers and scientists in the emerging states. The Foundation has two main functions: (1) to support joint research and development projects between scientists and engineers in the United States and former Soviet states; and (2) to establish joint research, development, and demonstration activities between high technology entrepreneurs in the new states and U.S. industrial participants. The Foundation should give equal emphasis to both functions. The Senate bill (sec. 135) is similar to the House amendment, but contains no specific funding provisions.

The conference substitute (sec. 511) is similar to the House amendment, but specifies that funds appropriated to carry out subtitle E of title XIV of the National Defense Authorization Act for Fiscal Year 1993 (or the appropriate citation in that bill, as the case may be) may be made available to the Foundation, and further specifies that, of funds made available to the Foundation by the U.S. Government after fiscal year 1993, not more than 50 percent may be from funds appropriated in the National defense budget function. The committee of conference expects that for purposes of this provision funds made available to the Foundation through debt conversions and local currencies will be counted as U.S. Government funds.

TITLE VI—SPACE TRADE AND COOPERATION

FACILITATING DISCUSSIONS REGARDING THE ACQUISITION OF SPACE HARDWARE, TECHNOLOGY, AND SERVICES FROM THE FORMER SOVIET UNION

The House amendment (sec. 601) facilitates space trade and cooperation between the United States and the independent states of the former Soviet Union by requiring that licenses or other approvals to conduct discussion on the possible acquisition of former Soviet space hardware, space technology, or space services with an independent state of the former Soviet Union be considered on an expedited basis. In the event that such approval is denied by an agency, the agency shall immediately notify the Committees on Foreign Affairs and on Science, Space and Technology of the House of Representatives and the Committees on Foreign Relations and on Commerce, Science, and Transportation of the Senate.

The Senate bill contains no comparable provision.

The conference substitute (sec. 601) is similar to the House amendment, but deletes the findings, adds expedited review of license requests for commercial space projects, and broadens eligibility of contractors.

The committee of conference recognizes recent progress towards the aims of this section. The conference substitute is consistent with the President's March 27, 1992 policy directive, which stated, in part: "...where barriers exist to imports, either by private or governmental entities, the U.S. shall seek to remove those barriers or expeditiously review the transactions. Import licenses will be considered on a case-by-case basis with a presumption of approval unless such imports (or other activities by the exporting entity) would contribute to the maintenance of a threatening military capability".

The committee of conference notes that under most circumstances a determination on a request for license or other approval is currently made within thirty days from the time of request. By requiring expedited review in this section, the committee of conference expects that a determination and appropriate notification should be made well before the end of the current thirty day period. In instances where a license is denied, notice to the appropriate congressional committees specified in the conference substitute is required in order to understand the nature of the technology sought and the circumstances of the denial.

OFFICE OF SPACE COMMERCE

The House amendment (sec. 602) authorizes the Office of Space Commerce of the Department of Commerce to conduct aerospace trade missions to appropriate independent states of the former Soviet Union. The House amendment also requires the Office of Space Commerce to monitor the progress of discussions conducted by NASA and advise the NASA Administrator as to the impact on U.S. industry of each potential acquisition of space hardware, space technology or space services from the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 602) is similar to the House amendment but limits the monitoring of negotiations exclusively to space projects that have been approved by Congress.

The committee of conference notes that the ultimate success of space trade and cooperation between the United States and the independent states of the former Soviet Union should not be measured solely by NASA's direct procurement of space hardware, technology, and services from the independent states. The U.S. aerospace industry's ability to interact with and profit from such transactions will determine the long-term effectiveness of such cooperation and trade. Therefore, the Office of Space Commerce is the designated office both to familiarize the U.S. aerospace industry with hardware, technology, and services which may be available in the independent states, and to observe and advise on the proposed use of these assets by NASA.

REPORT TO CONGRESS

The House amendment (sec. 603) requires a report to designated congressional committees within a year of enactment that describes the following: (1) the opportunities for increased space-related trade with the independent states of the former Soviet Union; (2) a technology procurement plan to identify and evaluate unique space products available from the independent states; (3) specific products that have been or could become subjects of discussions provided for under section 601 of the House amendment; (4) the results of trade missions; (5) barriers that inhibit space-related trade between the independent states; and (6) any anti-competitive issues raised in the course of negotiations.

The Senate bill contains no comparable provision.

The conference substitute (sec. 603) is identical to the House amendment.

The committee of conference notes that sections of the report concerning technology procurement and cooperation related to U.S. space projects approved by Congress should be written principally by NASA and issues affecting commercial space projects, trade missions, trade policy, trade barriers, and anti-competitive efforts should be principally written by the Office of Space Commerce, both with appropriate inter-agency review and coordination with the Department of State.

DEFINITIONS

The House amendment (sec. 604) provides definitions for the following terms for purposes of this title: contractor, designated congressional committees, space hardware, space technology, and space services.

The Senate bill contains no comparable provision.

The conference substitute (sec. 604) is similar to the House amendment, but deletes the definitions of space hardware, space technology, and space services.

TITLE VII—AGRICULTURAL TRADE

INCLUSION OF THE NEWLY INDEPENDENT STATES IN THE FOOD FOR PROGRESS ACT

The Senate bill (sec. 120(b)(1)) amends section 1110 of Public Law 99-198, the Food for Progress Act, to make specific reference to the independent states.

The House amendment (sec. 706(a)(1)) amends the Food for Progress Act to add a new subsection which provides that the independent states of the former Soviet Union are considered to be emerging democracies for purposes of this section.

The conference substitute (sec. 701(1)(A)) amends the Food for Progress Act to make reference to the independent states as defined in section 102(8) of the Agricultural Trade Act of 1978.

PRIVATE ENTITIES

The House amendment (sec. 706(a)(1)) amends the Food for Progress Act to add "private entities" to the list of organizations which may be utilized in the implementation of this Act.

The Senate bill (section 120(b)(1)) adds "private businesses or other private entities" to the list.

The conference substitute (sec. 701(1)(B)) is the same as the House amendment.

USE OF COMMODITIES ON A CREDIT BASIS

The Senate bill (sec. 120(b)(3)) amends the Food for Progress Act to exempt commod-

ities furnished to the independent States from tonnage requirements for fiscal years 1992 and 1993.

The House amendment (sec. 706(a)(2)) exempts from the tonnage requirement commodities furnished from Commodity Credit Corporation (CCC) stocks for the independent states for fiscal years 1992 and 1993.

The conference substitute (sec. 701(1)(D)) is the same as the Senate bill but applies only for fiscal year 1993.

CREDIT TERMS

The House amendment (sec. 706(a)(2)) amends the Food for Progress Act to authorize the sale on a credit basis of commodities to the independent states of the former Soviet Union made available under sec. 416 of the Agricultural Trade Act of 1949.

The Senate bill (sec. 120(b)(2)) authorizes the sale of sec. 416 commodities on a credit basis for any Food for Progress program.

The conference substitute (sec. 701(2)) is essentially the same as the House amendment.

EARMARK FOR MONETIZATION

The Senate bill (sec. 120(b)(4)) amends the Food for Progress Act to direct that not less than 10 percent of the aggregate of commodities provided in a fiscal year be used by private voluntary organizations (PVOs) and cooperatives for programs which generate foreign currency proceeds.

The House amendment contains no comparable provision.

The conference substitute (sec. 701(3)) adds a new provision to the Food for Progress Act which requires the President to approve appropriate agreements with PVOs and cooperatives which provide for monetization of commodities, including marketing through the private sector, and the use of the proceeds generated by such sales for humanitarian and development activities of PVOs and cooperatives in the independent states.

The committee of conference supports this amendment to the Food for Progress program to enable PVOs and cooperatives to become more directly involved in the development of private sector agriculture and agribusiness in the independent states of the former Soviet Union. The committee of conference encourages the executive branch to work actively with PVOs and cooperatives early in each fiscal year to identify appropriate projects. The local currencies generated under this program should not be used for market development purposes, as there are other programs, including the Cooperative Market Development Program and the Market Promotion Program, more suited to such purposes.

DEFINITIONS FOR AGRICULTURAL TRADE ACT OF 1978

The House amendment (sec. 706(g)) amends section 102(1) of the Agricultural Trade Act of 1978 to include livestock (including livestock as it is defined in section 602(2) of the Agricultural Act of 1949 and insects.)

The Senate bill (sec. 120(d)(2)) contains a similar provision.

The conference substitute (sec. 702) is similar to the House amendment but applies only with respect to the independent states of the former Soviet Union.

ASSISTANCE FOR PRIVATE VOLUNTARY ORGANIZATIONS

The Senate bill (sec. 120(d)) encourages the President to use funds available under the 1992 Dire Emergency Supplemental Appropriation and under this title to assist PVOs in carrying out food assistance programs in the independent states of the former Soviet Union.

The House amendment contains no comparable provision.

The conference substitute (sec. 703) is the same as the Senate bill.

DISTRIBUTION OF AID TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The House amendment (sec. 706(f)) expresses the sense of Congress that the President should encourage the involvement of international organizations to monitor the transportation and distribution of food assistance to the independent states.

The Senate bill contains no comparable provision.

The conference substitute (sec. 704) is essentially the same as the House amendment.

INTEGRATION OF EXPORT ASSISTANCE PROGRAMS

The House amendment (sec. 706(e)) provides that in order to allow maximum flexibility in meeting the food and financing needs of the independent states and in promoting U.S. agricultural exports to the independent states, the Secretary of Agriculture may carry out any trade assistance program in combination with any other such program.

The Senate bill contains no comparable provision.

The conference substitute is the same as the Senate position. The committee of conference urges the Secretary of Agriculture to use available authorities to integrate export assistance programs most effectively to meet the food and financing needs of the independent states of the former Soviet Union.

AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES AND EMERGING DEMOCRACIES

The Senate bill (sec. 120(d)(3)) amends section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that the independent states of the former Soviet Union may be eligible to participate in the Cochran fellowship program and to authorize the Secretary of Agriculture to provide fellowships under this program to private agricultural producers from eligible countries.

The House amendment contains no comparable provision.

The conference substitute (sec. 705) is essentially the same as the Senate bill. The committee of conference also notes that section 1542 of the Food, Agriculture, Conservation and Trade Act of 1990, as amended by Public Law 102-237, the E. (Kika) de la Garza Agricultural Fellowship Program, directs the Secretary of Agriculture to initiate and develop cooperation and the exchange of information between agricultural institutions in emerging democracies and agricultural institutions and agribusinesses in the United States. The committee of conference believes that such collaboration will make a long-term contribution to the establishment of a free market food production and distribution system in emerging democracies; the conferees urge the U.S. Department of Agriculture to implement this program in the former Soviet Union.

DIRECT CREDITS FOR PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING DEMOCRACIES

The Senate bill (sec. 120(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to authorize direct credits for the promotion of exports to emerging democracies.

The House amendment contains no comparable provision.

The conference substitute (sec. 706(a)(1)) is similar to the Senate bill.

ELIGIBLE PROJECTS FOR EMERGING DEMOCRACIES EXPORT PROGRAM

The House amendment (sec. 701(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to define eligible projects under this program to include provision of services or U.S. produced goods.

The Senate bill (sec. 120(c)(2)) defines eligible projects to include provision of services, and agricultural goods and materials.

The conference substitute (sec. 706(a)(2)) is similar to the House amendment. It is the intention of the committee of conference that credit guarantees may be used for the sale of U.S. produced nonagricultural goods that contain a component that is not produced in the United States if the applicant certifies that:

(1) such component is not commercially produced or available in the United States and there is no acceptable substitute for such component that is commercially produced in the United States, or

(2) such component is a de minimis component of the product.

The committee of conference emphasizes that existing law provides that the Secretary of Agriculture must determine that provision of credit guarantees under this program will primarily promote the export of U.S. agricultural commodities.

PRIORITIES FOR EMERGING DEMOCRACIES EXPORT PROGRAM

The Senate bill (sec. 102(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that the Commodity Credit Corporation shall give priority to projects under the E. (Kika) de la Garza Fellowship Program, to projects on private farms and cooperatives, and to U.S. persons who agree to assume a relatively larger share of the value of the project of U.S. origin.

The House amendment contains no comparable provision.

The conference substitute (sec. 706(2)(C)) is similar to the Senate bill but makes reference to privatization and projects that benefit private farms or cooperatives.

LEVEL OF GUARANTEES

The Senate bill (sec. 120(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to require that the Commodity Credit Corporation shall not provide guarantees or credit in excess of 85 percent of the value of the project of U.S. origin.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference agrees that the executive branch should comply with the rules of the Organization for Economic Cooperation and Development (OECD) in determining the percentage of value of the facilities, goods, and services that can be covered by the export credit guarantee. Currently, the OECD limits guarantees on facilities to not more than eighty-five percent of the value of such facilities.

ORIGIN REQUIREMENTS

The Senate bill (sec. 120(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to require that the Commodity Credit Corporation shall finance only projects predominantly of U.S. origin.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

DETERMINATIONS ON DIRECT CREDIT SALES

The House amendment (sec. 701(c)(1)) amends section 201(c) of the Agricultural

Trade Act of 1978 by striking the words "on a long-term basis," each place they appear. This amendment applies only with respect to the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 707(a)) is similar in effect to the House amendment.

ELIGIBLE COUNTRIES FOR DIRECT CREDIT SALES

The House amendment (sec. 701(c)(2)) amends section 201(d)(1)(C) of the Agricultural Trade Act of 1978 to provide that assistance to emerging democracies is one of the uses of direct credits made available under this section.

The Senate bill contains no comparable provision.

The conference substitute (sec. 707(b)) is identical to the House amendment.

CREDITWORTHINESS FOR DIRECT CREDIT SALES

The Senate bill (sec. 120(d)(2)) amends section 201 of the Agricultural Trade Act of 1978 to add a new subsection (f) which requires that the Commodity Credit Corporation may not provide direct credits under this section to any country that the Secretary determines cannot adequately service the debt associated with such sale.

The House amendment contains no comparable provision.

The conference substitute (sec. 707(c)) is the same as the Senate bill.

REGULATIONS

The House amendment (sec. 701(c)(3)) requires the Secretary of Agriculture to issue final regulations to implement section 201 of the Agricultural Trade Act of 1978, as amended by this Act, not later than 30 days after the date of enactment of this Act.

The Senate bill contains no comparable provision.

The conference substitute (sec. 707(d)) is the same as the House amendment.

DETERMINATIONS FOR EXPORT CREDIT GUARANTEES

The House amendment (sec. 701(d)(1)) amends section 202(c) of the Agricultural Trade Act of 1978 by striking the words "on a long-term basis," each place they appear. These amendments apply only with respect to the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 708(a)) is similar in effect to the House amendment.

ELIGIBLE COUNTRIES FOR EXPORT CREDIT GUARANTEES

The House amendment (sec. 701(d)(2)) amends section 202(d)(3) of the Agricultural Trade Act of 1978 to provide that assistance to emerging democracies is one of the uses of credit guarantees made available under this section.

The Senate bill contains no comparable provision.

The conference substitute (sec. 708(a)(2)) is the same as the House amendment.

CREDIT GUARANTEE PROGRAMS

The House amendment (sec. 701(j)) amends section 202 of the Agricultural Trade Act of 1978 to mandate that, to the extent practicable, no less than 35 percent of credit guarantees issued for the independent states each fiscal year shall be to promote the export of processed and high value agricultural commodities. The House amendment applies for any fiscal year only to the extent that the percent of global guarantees issued for processed and high value products is less than 25 percent.

The Senate bill (sec. 120(d)(2)(C)) amends section 202 of the Agricultural Trade Act of 1978 to require the Commodity Credit Corporation to establish an objective that no less than 35 percent of credit guarantees issued for the independent states should be processed products and high-value agricultural commodities.

The conference substitute (sec. 709(a)) is essentially the same as the House amendment.

EXPORT ENHANCEMENT PROGRAM

The House amendment (sec. 701(k)) amends section 301 of the Agricultural Trade Act of 1978 to require that, to the extent practicable, 25 percent of the funds expended and the value of any commodities made available for export enhancement program sales to the independent states of the former Soviet Union shall be used to promote the export of processed and high-value U.S. agricultural products. The House amendment applies for any fiscal year only to the extent that the percent of global funds expended and commodities made available for export enhancement program sales of processed and high value U.S. agricultural products is less than 15 percent.

The Senate bill contains no comparable provision.

The conference substitute (sec. 709(b)) is essentially the same as the House amendment.

DECLARATION OF POLICY

The House amendment (sec. 701(h)) is a statement of policy that the export credit guarantee program and export enhancement programs should be administered with respect to the independent states of the former Soviet Union so as to contribute to the achievement of the objective that the U.S. share of world trade in processed agricultural products and high-value agricultural products is not less than 15 percent.

The Senate bill contains no comparable provision.

The conference substitute is the same as the Senate position.

REPORTING REQUIREMENTS

The House amendment (sec. 701(l)) amends title III of the Agricultural Trade Act of 1978 to require quarterly and annual reports on the cost-revenue analysis and employment effects of supporting the export of processed and high-value agricultural commodities.

The Senate bill (sec. 120(d)(3)(C)) amends section 202 of the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to conduct an annual review of the extent to which export credit guarantee sales of processed products of agricultural commodities and high-value agricultural commodities to the independent states of the former Soviet Union meet the 35 percent objective and to justify why the minimum level may not have been achieved.

The conference substitute does not contain a reporting requirement for export of processed and high-value agricultural commodities.

DEFINITIONS

The House amendment (sec. 701(i)) amends section 102 of the Agricultural Trade Act of 1978 to define processed agricultural product and high-value agricultural product.

The Senate bill contains no comparable provision.

The conference substitute is the same as the Senate position. The committee of conference intends that the term "processed agricultural product" means a product derived from a bulk or raw agricultural commodity which, as a result of the application of human labor, the use of machines, or other factors involved in a manufacturing process, is increased in value and made more appropriate for human consumption or use. Such term includes, but is not limited to livestock products, poultry products, fish products (without regard to whether such fish are harvested in aquacultural operations), dairy products, peanut products, wheat flour, milled rice, refined sugar, vegetable oil, processed baby foods, and prepared, preserved, canned and other processed food products.

The committee of conference intends that the term "high-value agricultural product" means an agricultural commodity the value of which, on a per-unit or equivalent volume basis, is substantially higher than the value of bulk or raw agricultural commodities, such as grains and oilseeds. The term includes, but is not limited to fresh, chilled, or frozen meats, fish, (without regard to whether such fish are harvested in aquacultural operations), dairy cattle, fruits and vegetables, eggs, breeder stock, plant seeds, and tobacco.

DISASTER ASSISTANCE FOR TREES LOST DUE TO FIRE BLIGHT

The Senate bill (sec. 149) amends section 2255(a) and 2256(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 to insert the term "fire blight".

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

TITLE VIII—UNITED STATES INFORMATION AGENCY, DEPARTMENT OF STATE, AND RELATED AGENCIES AND ACTIVITIES

EDMUND S. MUSKIE FELLOWSHIP PROGRAM

The Senate bill (sec. 144) designates the scholarship program established by section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, as the Edmund S. Muskie Fellowship Program.

The House amendment contains no comparable provision.

The conference substitute (sec. 801) is the same as the Senate bill.

NEW DIPLOMATIC POSTS

The House amendment (secs. 301 and 302) authorizes $25.3 million in additional funding for the Department of State and the United States Information Agency for costs of personnel and other expenses for new posts in the independent states of the former Soviet Union, and contains other miscellaneous provisions.

The Senate bill (sec. 110) authorizes $24.8 million for the same purposes.

The conference substitute (secs. 802, 804, 805 and 806) authorizes a total of $25 million, and incorporates miscellaneous provisions relating to personnel, broadcasting, and international organizations.

SOVIET EMBASSY REPEAL

The Senate bill (sec. 127) repeals sections 132(f) and (g) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138), relating to occupancy of the former Soviet Embassy in Washington, D.C.

The House amendment contains no comparable provision.

The conference substitute (sec. 803) is the same as the Senate bill.

EXCHANGES

The Senate bill (titles II and III) authorizes a variety of exchange programs for secondary school students, undergraduate college students, graduate students, local and

regional government officials, professors, educators and business representatives from the independent states of the former Soviet Union and the Baltic states, and authorizes a total of $81.25 million for the purposes of title III and such sums as may be necessary for the purposes of title II. The Senate bill (sec. 405) also authorizes the President to establish regional Agribusiness Centers at State universities and land grant colleges in the United States for the purpose of expanding two-way exchange programs among agribusiness practitioners and authorizes the appropriation of $10 million for this purpose.

The House amendment contains no comparable provisions.

The conference substitute (sec. 807) authorizes $50 million for a broad spectrum of exchanges, and of training and similar programs to promote the objective of title II of the conference substitute. Participants in such programs shall include secondary school students, undergraduate and graduate students, farmers and other agribusiness practitioners, and local and regional government officials. The conference substitute also authorizes $20.8 million for enhancement of existing USIA exchange programs. Up to 5% of the funds authorized by this section may be used to pay administrative expenses. The conference substitute also states that educational, cultural and other exchange programs carried out under this section shall be administered by USIA and that training and other non-exchange programs shall be administered by AID or other appropriate U.S. Government agencies. In addition, the conference substitute authorizes the establishment of regional agribusiness offices which are to be funded from sources other than funds authorized by this act. Finally, the conference substitute repeals section 225 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, relating to the Eastern Europe Student Exchange Endowment Fund.

The conference substitute includes $20 million specifically for secondary school students, which may be used for short-term visits of a month or less and longer-term visits of up to one year. Recognizing that the primary purpose of this program is to provide students with in-depth exposure to the American political and economic system, American culture and values, the committee of conference suggests that not more than 35 per cent of the funds authorized will be used for short-term visits and that not more than 15 per cent will be used to finance educational exchanges of U.S. students. Grants under this program should be awarded competitively.

The committee of conference notes that there are many organizations with established programs and demonstrated competence in the area of secondary school exchanges, including the Close Up Foundation, American Field Service-U.S.A., Experiment in International Living, Youth for Understanding, and the National Association of Secondary School Students. The Close Up program, for example, includes a visit to Washington, D.C. to observe the institutions of government first-hand and to interact with government officials. The committee of conference expects that the long experience and record of these and other organizations will be given every consideration in the implementation of this section.

The conference substitute also authorizes exchanges to provide technical assistance in the areas of local and regional self-government, and allows some of the funds authorized to be used for this purpose. This will provide for short-term exchanges of local and regional government officials, and practitioners and experts in public administration and local government in order to assist the independent states in establishing and sustaining democratic institutions at local and regional levels. The committee of conference notes that numerous organizations, including the Advisory Commission on Intergovernmental Relations, the National Academy of Public Administration, the National Governors Association, the National Conference of State Legislators, the U.S. Conference of Mayors, the National Association of Counties, the National League of Cities, the International Center, the Council of State Governments, the National Association of Towns and Townships, the International City/County Management Association, and others, have received requests from the independent states to provide technical assistance and training. These organizations and others have the competence, and are prepared, to provide such training and assistance.

The agribusiness offices in the United States should: set criteria for the selection of participants, host families, and agribusinesses; coordinate with existing organizations in the field of agriculture and agribusiness; seek appropriate contributions from private American agribusiness organizations; and assist agribusiness practitioners from the independent states through training, education programs, and other means. These offices should be located in states where small agribusinesses are the primary structure of farming and at state universities and land grant colleges with strong programs in international development, land tenure resolution, and cooperative development and management.

TITLE IX—OTHER PROVISIONS

COMMUNIST COUNTRIES LIST

The House amendment (sec. 701(a)) amends section 620(f) of the Foreign Assistance Act to remove the independent states of the former Soviet Union and the countries of Eastern Europe from the list of communist countries.

The Senate bill (sec. 119(a)) contains a similar provision.

The conference substitute (sec. 901) is the same as the House amendment.

SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT

The Senate bill (sec. 121) expands the SEED Act from Poland and Hungary to include the other countries of Eastern Europe and provides an authorization for appropriations for fiscal years 1992 and 1993 for the SEED Act.

The House amendment contains no comparable provision.

The conference substitute (sec. 903) expands the SEED Act to include the other countries of Eastern Europe and provides authority to carry out in those countries administration of justice programs under section 534 of the Foreign Assistance Act. The term "Czech and Slovak Federal Republic" should be interpreted to include successor entities.

PEACE CORPS VOLUNTEER TRAINING REQUIREMENT

The House bill (sec. 703) repeals section 8(c) of the Peace Corps Act which requires that the training of Peace Corps volunteers include instruction in the philosophy, strategy, tactics, and menace of communism.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 904) is the same as the House amendment.

CATEGORIES AND ADJUSTMENT OF STATUS FOR CERTAIN ALIENS

The House amendment (sec. 704) extends through September 30, 1994 two sections of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990: section 599D which establishes categories of aliens who share common characteristics that identify them as targets of persecution, and section 599E which requires the Attorney General to adjust status for certain members of the designated categories who were not granted refugee status, but were granted parole into the United States.

The Senate bill (sec. 122) extends section 599D of the Foreign Operation, Export Financing and Related Programs Appropriation Act, 1990.

The conference substitute (sec. 905) is similar to the Senate bill.

ELIGIBILITY OF BALTIC STATES FOR NONLETHAL DEFENSE ARTICLES

The Senate bill (sec. 147) makes Estonia, Latvia, and Lithuania eligible to purchase nonlethal defense articles under the Arms Export Control Act and under section 503 of the Foreign Assistance Act.

The House amendment contains no comparable provision.

The conference substitute (sec. 906) is virtually identical to the Senate bill.

RESTRICTIONS ON ASSISTANCE TO AZERBAIJAN

The House amendment (sec. 103(b)) prohibits assistance and other benefits to the Government of Azerbaijan until the President determines and reports to Congress that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.

The Senate bill (sec. 105(c)) contains a similar restriction, with added conditions that the Government of Azerbaijan is respecting the internationally recognized human rights of Armenians and other minorities and is participating constructively in international efforts to resolve peacefully and permanently the conflict in Nagorno-Karabakh.

The conference substitute (sec. 907) is similar to the House amendment.

STRATEGIC DIVERSIFICATION

The Senate bill (sec. 123) directs the Office of Barter at the Department of Commerce and the Interagency Group on Countertrade to report within six months of the date of enactment of this act on the feasibility of using barter, countertrade, and other self-liquidating finance methods to facilitate the diversification of U.S. oil imports through cooperation with the independent states in the development of their energy resources.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position, as an identical provision is included in the conference on the energy bill.

EXPORT CONTROL POLICY

The Senate bill (sec. 124) expresses the sense of Congress that the United States should: cooperate with and assist the former Soviet Union in developing export control systems and enforcement mechanisms capable of barring proliferation of military systems, militarily critical technologies, and weapons of mass destruction, and consistent with such nonproliferation objectives; implement a licensing policy and cooperative arrangements through COCOM to encourage expanded trade and investment with the independent states; encourage development

of economic infrastructure; and assist redeployment of defense capabilities in the independent states to civilian uses. The Senate bill also encourages appropriate U.S. Government agencies to provide technical assistance in support of such efforts.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

PROMOTION OF COMPETITIVE OPPORTUNITIES FOR U.S. INSURANCE COMPANIES

The Senate bill (sec. 157) requires the Commodity Credit Corporation and the Agency for International Development to seek to ensure that U.S. insurance companies are afforded fair and open competitive opportunities to provide insurance for transactions pursuant to this act.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference supports the objective of this provision but is of the view that open markets cannot be expected to exist in the independent states in the first year after shunning communism. The committee of conference anticipates that this issue will be addressed in the context of the reauthorization of the Overseas Private Investment Corporation and notes that the Congress adopted similar language in 1991 in a conference report revising the Foreign Assistance Act.

AVAILABILITY OF ECONOMIC ADJUSTMENT ASSISTANCE

The Senate bill (sec. 138) provides that funds appropriated to the Department of Defense before the date of enactment of this Act and made available for transfer to the Department of Commerce and the Department of Labor to assist State and local governments impacted by reductions in defense industry employment may be made available until September 30, 1997 only to the extent provided in subsequent appropriations acts.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

SOVIET SALE OF URANIUM

The Senate bill (sec. 145) expresses the sense of Congress that the President should take those actions necessary to minimize disruption of the international market in the event of sales from the independent states of the former Soviet Union of defense-related commercial grade uranium.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. However, the committee of conference urges the President to take those actions necessary to minimize disruption to the international uranium market in the event of sales from the independent states of the former Soviet Union of defense-related commercial grade uranium.

TRAINING IN ECONOMIC SECURITY AND DEVELOPMENT SKILLS

The Senate bill (sec. 130) amends chapter 5 of part II of the Foreign Assistance Act to add a new section authorizing the allocation of international military education and training funds to provide education and training of foreign military personnel about to be separated from active duty in economic security and development skills.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

DISCUSSIONS WITH ISRAEL

The Senate bill (sec. 155) expresses the sense of the Senate that the executive branch should pursue renewed good faith discussions with the new Government of Israel on the provision of assistance to help meet humanitarian needs associated with the massive influx of immigrants from the independent states of the former Soviet Union.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference notes that the Congress is moving legislation on this issue in the foreign operations appropriations bill for fiscal year 1993.

SALE OF LTV

The Senate bill (sec. 142) expresses the sense of Congress that, notwithstanding any other provision of law or any agreement to the contrary, no foreign person should be permitted to purchase or otherwise acquire the LTV Aerospace and Defense Company.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

PROMULGATION OF FINAL REGULATIONS ON CERTAIN AVIATION ISSUES

The Senate bill (sec. 156) provides that after September 1, 1992, the Secretary of Transportation shall no longer have authority to regulate airline computer reservation systems if by that date the Secretary of Transportation does not promulgate final regulations governing airline computer reservation systems or if the Administrator of the Federal Aviation Administration does not promulgate final regulations on the allocation and transfer of airline slots at high density traffic airports.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

TITLE X—INTERNATIONAL FINANCIAL INSTITUTIONS AND TRADE FINANCE

INTERNATIONAL MONETARY FUND QUOTA INCREASE

The Senate bill (sec. 118) amends the Bretton Woods Agreements Act to (1) authorize an increase in the quota of the United States in the International Monetary Fund equivalent to 8,608,500,000 Special Drawing Rights and authorize the U.S. Governor of the Fund to use his voice and vote to promote the use of resources of the Fund for the establishment and support of currency boards; (2) authorize the U.S. Governor of the Fund to consent to certain amendments to the Fund's Articles of Agreement that would allow the Fund to suspend a member's voting rights if that member, having been declared ineligible to use the Fund's general resources because it failed to fulfill obligations under the articles; and (3) authorize the U.S. Executive Director of the Fund to vote to approve the sale of up to 3 million ounces of the Fund's gold to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust. It further authorizes the U.S. Governor of the Fund to instruct the U.S. Executive Director of the Fund to vote to disapprove a Fund program for any state that has not enacted or taken substantial steps to enact the legal and policy frameworks necessary for privatization.

The House amendment (secs. 401 and 406) contains similar provisions, authorizing and appropriating funds for the increase in the quota of the United States in the Fund, and stating findings and the sense of the Congress on problems of nations making the transition to more open political and economic systems.

The conference substitute (sec. 1001) authorizes (1) the increase in the quota of the United States in the Fund equivalent to 8,608,500,000 Special Drawing Rights, (2) the acceptance of the above-described amendments to the Articles of Agreement of the Fund, and (3) the approval of the sale of up to 3 million ounces of the Fund's gold under the above described conditions.

With respect to the authority to approve of sale of the Fund's gold if this becomes necessary in order to bolster the resources of the Enhanced Structural Adjustment Facility of the Fund, the provision of financing to a Fund member should be made under the "rights approach", that is, loans or credits should be provided to a member who was in arrears at the time the IMF quota agreement was negotiated only upon the successful completion by the member of a multiyear adjustment program prescribed and monitored by the Fund, under which the member is required to remain current on obligations to the Fund.

The committee of conference further notes that encouragement should be given to nations making the transition to more open economic and political systems to their efforts to promote free enterprise, private property rights, a stable legal system, a stable monetary system, and an open trading system, and that continued U.S. support for their utilization of the resources of the international financial institutions should take into consideration the continuation of the efforts of the independent states to move toward more open economic and political systems.

INTERNATIONAL MONETARY FUND POLICY CHANGES

The Senate bill (sec. 146) directs the Secretary of the Treasury to instruct the U.S. Executive Director to the International Monetary Fund to promote the following policy and staffing changes within the Fund: (1) the development of social and environmental impact assessments as a required element of consideration of requests for financial assistance which shall be considered in policy formulations; (2) the establishment of an independent audit department to determine whether the Fund's objectives are being met and to evaluate the social and environmental impacts of the implementation of the policy prescriptions; (3) the establishment of procedures that ensure the focus of future economic reform programs on policy options that increase the productive participation of the poor in the economy; (4) the establishment of procedures for public access to information; (5) the institution of procedures to analyze the costs and benefits of structural adjustment and stabilization programs to reflect losses in the natural resources base and the contribution such resources make to the well-being of the local population. This section requires that, as part of the annual report, the Secretary of the Treasury submit a report on the actions that U.S. officials have taken to convince the Fund to adopt the above policy and staffing changes within the Fund, the status of the progress being made by the Fund to adopt such changes, and the reasons why the U.S. Director of the Fund supported or opposed a Fund program with a significant environmental impact. Finally, the Senate bill requires a one-time study by the Secretary of the Treasury to propose ways that the Fund could broaden the involvement of im-

portant ministries, national development experts, environmental experts, and free-market experts from the loan-recipient country in the development of Fund programs.

The House amendment contains no comparable provision.

The conference substitute (secs. 1002 and 1003) is similar to the Senate provision, with technical and clarifying amendments. The conference substitute further includes a provision directing the U.S. Executive Director of the Fund to urge the Fund, in consultation with the World Bank, (1) to continue to develop a methodology to measure the level of military spending by each developing country; (2) beginning with 1994, to provide the Executive Board of the Fund with annual reports relating to the level of military spending by each developing country; and (3) to include in every article IV consultation with a developing country an analysis of the level of military spending by the developing country. The U.S. Executive Director of the Fund is directed to report to Congress on the status of the development of the methodology to measure the level of military spending by each developing country.

SUPPORT FOR MACROECONOMIC STABILIZATION

The House amendment (sec. 404) states that the United States should, in appropriate circumstances, take a leading role in organizing and supporting multilateral efforts aimed at macroeconomic stabilization and debt rescheduling, conditioned on appropriate development and implementation of comprehensive economic reform programs; expresses congressional support for United States participation in a currency stabilization fund or funds for the independent states; and directs the Secretary of the Treasury to instruct the U.S. Executive Director of the International Monetary Fund to urge the Fund to conduct a study of the need for, and feasibility of establishing a currency stabilization fund for Ukraine.

The Senate bill (sec. 114) contains a similar provision, and further authorizes the use of funds for establishing a currency stabilization fund or funds for the establishment and support of currency boards.

The conference substitute (sec. 1004) is similar to the House amendment.

INTERNATIONAL FINANCE CORPORATION

The Senate bill (sec. 113) authorizes the U.S. Governor of the International Finance Corporation to vote for any necessary increase of capital stock to accommodate the requirements of the independent states of the former Soviet Union, and to agree to amendments to the Articles of Agreement of the Corporation relating to voting majorities of the Board of Governors of the Corporation.

The House amendment (sec. 405) states the sense of the Congress that the International Finance Corporation can play an important role in supporting the economic restructuring in the independent states of the former Soviet Union, and amends the International Finance Corporation Act to authorize the U.S. Governor of the Corporation to vote for capital increases necessary to support economic restructuring in the independent states.

The conference substitute (secs. 1005 and 1006) is similar to the Senate bill, authorizing the U.S. Governor of the International Finance Corporation to vote for necessary capital increases to accommodate the requirements of the independent states of the former Soviet Union, and to agree to amendments to the Articles of Agreement of the Corporation. The committee of conference emphasizes its belief that the United States could play a critical role in enabling the International Finance Corporation to leverage the contributions of donors and increase its access to international capital markets, thereby promoting democracy and open markets in the independent states, and urges the Corporation to provide ambitious lending and investment programs for the independent states.

REPORT ON DEBT HELD BY COMMERCIAL BANKS

The House amendment (sec. 403) directs the Secretary of the Treasury to report to Congress by December 31, 1992, on the debt incurred by the former Soviet Union held by commercial banks outside the independent states.

The Senate bill (sec. 128) prohibits the use of any funds authorized in the bill to pay indebtedness of the independent states to international financial institutions.

The conference substitute (sec. 1007) is similar to the House amendment, with technical modifications and requiring the report not later than one year after the date of enactment.

HUMAN RIGHTS

The House amendment (sec. 407) includes the International Monetary Fund and the European Bank for Reconstruction and Development under the requirements of 701(a) of the International Financial Institutions Act, which calls for the United States to vote against any financial or technical assistance to countries that engage in a pattern of gross violations of internationally recognized human rights or provide refuge to hijackers of aircraft. It further amends section 701(b) of the International Financial Institutions Act to include the independent states in the list of countries where accounting for Americans missing in action is a consideration in assessing their human rights performance.

The Senate bill contains no comparable provision.

The conference substitute (sec. 1008) is identical to the House amendment.

MULTILATERAL INVESTMENT GUARANTEES

The Senate bill (sec. 139) requires the President to submit a report to Congress on the feasibility of establishing a multilateral facility among the members of the G–7 Group to issue guarantees against losses incurred in connection with investments in the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 1009) requires the U.S. Director of the Multilateral Insurance Guarantee Agency (MIGA) to submit to Congress a report analyzing MIGA's guarantees of investments in the independent states, and the demand for investment guarantees of the type provided for by MIGA.

RUBLE STABILIZATION

The Senate bill (sec. 126) expresses the sense of the Congress that the President should urge the Secretary of the Treasury to instruct the U.S. Executive Director to the International Monetary Fund to support the right of the independent states to issue currencies independent of the Russian ruble.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference notes, however, that Estonia introduced a new, stable, convertible currency in June, and that Ukraine has set October 1 as the date to introduce its own currency. The committee of conference urges the U.S. Executive Director of the IMF to use his voice and vote to urge vigorously that the Fund take an aggressive and supportive role in assisting those independent states that choose to introduce their own currencies in achieving stability and full convertibility of those currencies.

TECHNICAL ASSISTANCE FOR THE INDEPENDENT STATES

The House amendment (sec. 406) amends the Bretton Woods Agreements Act to include a new section requiring the Secretary of the Treasury to instruct the U.S. Executive Director of the World Bank to urge the Bank to establish or continue programs to provide technical assistance to the independent states.

The Senate bill contains no comparable provision.

The conference substitute is identical to the Senate position. The committee of conference notes that the Bank is already providing technical assistance programs to the independent states, and encourages the Bank to coordinate its technical assistance programs with those programs being provided by the private sector and other international donors.

EXPORT-IMPORT BANK STATUTORY LIST OF COMMUNIST COUNTRIES

The Senate bill (sec. 119) deletes the Soviet Union and Eastern European countries from the statutory Communist country list contained in the Export-Import Bank Act of 1945.

The House amendment (sec. 409) contains an identical provision.

The conference substitute contains no provision. The Export Enhancement Act of 1992 addresses this provision.

DEMAND FOR TRADE FINANCE

The House amendment (sec. 408) requires the Export-Import Bank to report to submit a report to Congress not later than December 31, 1992, analyzing the demand for loans, guarantees, and insurance for trade and making recommendations for the promotion of trade between the U.S. and the independent states of the former Soviet Union.

The Senate bill has no comparable provision.

The conference substitute contains no provision. The Export Enhancement Act of 1992 addresses this provision.

From the Committee on Foreign Affairs, for consideration of the Senate bill (except sections 113–114, 118, 126, 134, 136(d), and 146), and the House amendment (except title IV), and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
STEPHEN J. SOLARZ,
HOWARD L. BERMAN,
HARRY JOHNSTON of Florida,
ELIOT L. ENGEL,
WM. S. BROOMFIELD,
BEN GILMAN,
J. LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
WM. S. BROOMFIELD,

As additional conferees from the Committee on Agriculture, for consideration of sections 107, 116, 120, 148–149, 157, 403, and 405 of the Senate bill, and section 702 of the House

amendment, and modifications committed to conference:

E DE LA GARZA,
CHARLIE ROSE,
TIMOTHY J. PENNY,
DAN GLICKMAN,
TOM COLEMAN of Missouri,
PAT ROBERTS,

As additional conferees from the Committee on Armed Services, for consideration of sections 110, 131, and 137–138 of the Senate bill, and title V of the House amendment, and modifications committed to conference:

LES ASPIN,
DAVE MCCURDY,
WILLIAM L. DICKINSON,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

MARY ROSE OAKAR,
STEVE NEAL,
JOHN J. LAFALCE,
ESTEBAN E. TORRES,
JOE KENNEDY,
CHALMERS P. WYLIE,
J. LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Energy and Commerce, for consideration of section 151 of the Senate bill, and modifications committed to conference:

JOHN D. DINGELL,
PHIL SHARP,
JIM COOPER,
TERRY L. BRUCE,
CLAUDE HARRIS,
JAMES H. SCHEUER,
NORMAN F. LENT,
CARLOS J. MOORHEAD,
BILL DANNEMEYER,
MICHAEL G. OXLEY,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 108 and 123 of the Senate bill, and modifications committed to conference:

JOHN D. DINGELL,
PHIL SHARP,
NORMAN F. LENT,

As additional conferees from the Committee on the Judiciary, for consideration of section 704 of the House amendment, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
HAMILTON FISH, Jr.,

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 156 of the Senate bill, and modifications committed to conference:

ROBERT A. ROE,
J.L. OBERSTAR,
JOHN PAUL HAMMERSCHMIDT,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of section 135 of the Senate bill, and section 504 and title IV of the House amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
RICK BOUCHER,
ROBERT S. WALKER,

Managers on the Part of the House.

From the Committee on Foreign Relations:

CLAIBORNE PELL,
JOE BIDEN,
PAUL SARBANES,
ALAN CRANSTON,
RICHARD G. LUGAR,
NANCY LANDON KASSEBAUM,

From the Committee on Agriculture, Nutrition, and Forestry (solely for consideration of those matters which fall within the committee's jurisdiction):

PATRICK LEAHY,
BOB KERREY,
RICHARD G. LUGAR,

From the Committee on Banking, Housing, and Urban Affairs (solely for consideration of those matters which fall within the shared jurisdiction of that committee and the Committee on Foreign Relations:

DON RIEGLE,
PAUL SARBANES,
JAKE GARN,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 5518, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. LEHMAN of Florida. Mr. Speaker, I call up the conference report on the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, September 28, 1992, at page 28353.)

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. COUGHLIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. LEHMAN].

GENERAL LEAVE

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and the amendments thereto now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LEHMAN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring before the House today the conference report on the fiscal year 1993 transportation appropriations bill. This year, we had 233 amendments in conference, and I am pleased to report that we have resolved all amendments. The result is a package that I believe preserves a balanced transportation system for the Nation, and addresses the most critical needs of our transportation infrastructure while meeting very tight budgetary constraints.

OVERALL FUNDING SUMMARY

Mr. Speaker, the conference agreement is a fiscally sound compromise. The total domestic discretionary funding levels of $12.5 billion in new budget authority and $33.4 billion in outlays are within the Transportation Subcommittee's revised 602(b) allocations. The total obligational authority provided in this conference agreement is lower than in either the House or Senate bills, and provides an increase of $290 million—1 percent—over fiscal year 1992. Outlays are lower than both the House and Senate passed bills. Meeting these goals required many difficult funding choices.

TRANSPORTATION PROGRAM HIGHLIGHTS

Mr. Speaker, the details of the conference agreement are described in the statement of the managers. I would encourage the members to review that statement, including the summary table at the end. However, I would like to highlight some of the more important items.

First, a total of $18.4 billion in new budget authority, limitations on obligations, and funding for exempt programs is provided for the Federal Highway Administration, an increase of $318 million, or 2 percent, over fiscal year 1992. The obligation limitation for the Federal aid-highways program is set at $15.3 billion, which compares to $16 billion for fiscal year 1992. The conference agreement provides $2.7 billion for programs exempt from the obligation limitation, which is an increase of $1.4 billion—106 percent—over fiscal year 1992. Of importance to some Members, the conference agreement does not include Senate language which would have made funding for the minimum allocation program and certain highway demonstration projects subject to the obligation limitation for Federal aid-highways.

Second, the agreement provides $4.5 billion for FAA operations, which is a 4-percent increase over fiscal year 1992. Overall funding for the FAA is approximately the same level as for fiscal year 1992.

Third, the agreement provides $2.6 billion for Coast Guard operating expenses, a 2-percent increase over last year. Of this amount, $253 million is only available to the extent transferred from the Department of Defense. This amount represents a portion of funding for the Coast Guard's defense-related activities.

Fourth, the agreement provides $496 million for operations and capital improvements of Amtrak, and an additional $204 million to continue infrastructure improvements in the Northeast corridor. This latter figure includes $168.6 million for electrification and other improvements to reduce about 1 hour the travel time between New York and Boston. The agreement also provides no obligation authority for the maglev prototype program, the House position.

Fifth, the agreement provides $3.8 billion in new budget authority and

limitations on obligations for the Federal Transit Administration [FTA], which is approximately the same level as provided for fiscal year 1992.

Sixth, the agreement contains a number of general provisions which were in either the House or Senate bills, some having been amended by the conferees. These include several technical corrections to last year's Intermodal Surface Transportation Efficiency Act and language requiring the labeling of automobiles for domestic content.

SUMMARY

Mr. Speaker, this agreement is a balanced compromise which protects the major provisions and interests of the House-passed bill. It has been developed in a bipartisan fashion with full participation by our conferees from the other side of the aisle. There have been some major compromises and tough decisions to get us to this point. The bill deserves the Members' support. I strongly urge its adoption.

I would like to compliment and say "thanks" to our staff and the other members of our subcommittee who held firm to the House position when we had to. The bill deserves the Members' support, and I strongly urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report accompanying the fiscal year 1993 transportation appropriations bill.

Our distinguished chairman, the gentleman from Florida, has as always done an exceptional job in getting our last bill to the conference.

As you all know, Chairman LEHMAN has left his mark on transportation, on this Congress, and on this country. But more than that, he has left his mark on people with an abundance of warmth and thoughtfulness and great integrity.

Mr. Speaker, all any of us has, really, in this vale is our reputation, the heritage we leave behind, the people whom we have affected through our lives.

Chairman LEHMAN, you have affected thousands upon thousands of people; you have made their lives better, improved their lives, and made this place a better place in which to live.

□ 1320

I cannot tell the gentleman from Florida how much it has meant to me, both professionally and personally, to have had the opportunity to work with the chairman, the gentleman from Florida [Mr. LEHMAN], as well as the other members of our subcommittee.

As the chairman has said many times, we are also only as good as the staff that serves the subcommittee, Tom Kingfield, Rich Efford, Lucy Hand, Linda Muir, Zee Latiff; and on the Republican side, John Blazey and Lorraine Howerton. We are only as good as you are, and the hours you put into this we are grateful for and the Nation is grateful for.

Mr. Speaker, God bless and Godspeed in whatever the future holds for the chairman, our very dear friend and colleague. As always, I am sure our association will transcend the years.

The conference report that is before us was worked upon as a team, and it is a good compromise, a compromise which will improve our infrastructure and keep our systems safe. These transportation goals are furthered in this conference report.

This report, my colleagues, is not a budget-buster. It falls below the President's budget request. It has been scored by the Congressional Budget Office to be within our 602(b) allocation. The bill passed by both the House and the Senate contained a number of objectionable provisions which the President's senior advisers objected to. These provisions have been modified or dropped. The Department of Transportation supports the conference report and the President's senior advisers have indicated that the conference report will be signed by the President.

The conference agreement, as the chairman has pointed out, provides $13.2 billion in new budget authority. This is $271 million less than the President's budget request, $6.1 million less than the bill passed by the House last July, and $1.2 billion less than last year.

When you included limitations on obligations, the conference agreement is $36.1 billion. This is $359 million less than the President's budget request, $1.42 billion less than the House bill and $290.3 million more than last year.

The major agreements are $2.6 billion in operating expenses for the Coast Guard, including $403 million from defense.

There is $340 million in Coast Guard acquisition, construction, and improvements.

There is $4.5 billion in operations for the Federal Aviation Administration.

There is $2.35 billion in FAA facilities and equipment.

There is $18 billion in our highway obligation ceiling. And to put aside the concerns of many of my colleagues, the limitation on Federal-aid-highways exempts the minimum allocation and highway demonstrations under ISTEA.

There is $204 million for the Northeast corridor improvement project.

There is $496 million in Amtrak grants.

There is $1.7 billion for mass transit programs.

There is a general provision requiring automobile labeling by identifying the percentage, by value, of component parts, which originate in the United States or Canada.

The amendments breaching the firewalls were dropped.

The various labor protection provisions included in the bill, which were really authorizing provisions, were also dropped.

Restrictions on the operations of the Interstate Commerce Commission were dropped.

Given our current financial situation, it is the best conference report that we can bring before this body. I urge my colleagues to approve the conference report.

Mr. LEHMAN of Florida. Mr. Speaker, I just want to thank my dear friend, the gentleman from Pennsylvania, for his kind remarks, I want to convey to him the fact that whatever I have been able to do, I would not have been able to do without his support and help through the years. I hope our paths will cross in the future and that we will be able to maintain our friendship through the years to come. I thank the gentleman again for his kind remarks.

Mr. WHITTEN. Mr. Speaker, I want to congratulate my colleagues on the Subcommittee on Transportation Appropriations for their work on this conference agreement. I want to especially thank our fine chairman, the gentleman from Florida [Mr. LEHMAN] and the ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN] both whom we will greatly miss in the next Congress.

The funding included in this conference agreement provides investments for our Nation's future. Money in this bill is indeed an investment in America—in the real wealth of our country. It will produce both immediate and long-term dividends. It will help us to compete in the world marketplace and regain our normal share of domestic and world markets. Transportation is a basic underpinning of our economy, and we cannot afford to continue the decline we have seen in the 1980's.

I am proud to be a member of the subcommittee which recognizes the importance of transportation in a strong Nation on which all else depends.

Included in the conference agreement under the Federal Aid Highway Program is over $171,000,000 for Mississippi. In addition to that amount is funding to continue the highway safety and economic development demonstration project. Funding has also been included for alteration of a railroad bridge over a navigable waterway in Pascagula.

Mr. Speaker, this is an important conference report, and I urge its adoption.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I rise today to commend the work of the gentleman from Florida [Mr. LEHMAN] as chairman of the House Appropriations Subcommittee on Transportation and to support H.R. 5518, the transportation appropriations bill for the fiscal year 1993.

My friend will be leaving this body after this term, and I know that Chairman LEHMAN's presence will be missed by both the Appropriations Committee and the House as a whole. Paradoxically, now is the time when such a superb proponent of a strong national transportation system is most desperately needed. As our Nation faces a crumbling national infrastructure, our generation of Americans must be the ones to build the bridges and pave the roads on which our children's children will transport themselves into the 21st century. With the mounting Federal debt, we must seek out opportunities for partnerships with State and local governments and with the private sector.

The transportation appropriations bill will enable us to forge these types of partnerships. For example, the Dallas Area Rapid Transit Authority [DART] will now be able to enhance and complement light rail service. DART is primarily a locally sponsored venture, with 80 percent of the funds used to build the overall DART light rail system coming from the local community. With the help of Federal funds, DART will be able to provide to the citizens of the Dallas area a quicker and easier route to work, school, or retail and recreational opportunities.

I proudly support Chairman LEHMAN and urge passage of H.R. 5518 and I welcome the much-needed commitment to upgrading our Nation's infrastructure. The retirement of Chairman LEHMAN will undoubtedly create a void where his remarkable intelligence, insight, and delightful humor have filled this body for so long.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in support of the conference report for H.R. 5518, the fiscal year 1993 transportation appropriations bill.

Mr. Speaker, providing mobility for people and for goods on their way to market in a nation this vast would be a tall order under the best of budgetary circumstances. In these economic times, the challenge is even greater.

But I believe that in H.R. 5518, we have achieved the fairest, most cost effective strategies for maintaining and improving this Nation's extensive intermodal system of highways, airways, railways, and ports in the next fiscal year. Given the levels of needs—many of them in competition—compared with the limited resources, I don't think we could have produced a better bill than this one.

It recognizes the merits of, and the critical need for, efficient ways to move people who are in a position to rideshare or use mass transit. But, H.R. 5518 also recognizes that, in a nation as vast as ours, our highway system will always be the element that underpins our infrastructure. It is on our highways that will travel station wagons full of children on their way to visit grandparents in remote, faraway areas. Or recreational vehicles carrying families to our Nation's parks. Or, perhaps, just cars headed for the grocery store or the office, for those citizens who do not live on a transit line.

And for all our transportation modes, this bill provides the resources to adhere to the highest safety standards humanly possible.

H.R. 5518 is not perfect but it is the best effort possible at balancing all of the competing needs of our citizens and our economy for mobility. And, much of the credit for that goes to our chairman, Mr. LEHMAN, and our ranking member, Mr. COUGHLIN, for their yeoman's work in crafting this bill. There is no question that we will miss the handiwork of these two Members in this Chamber. They have done great service for our committee, for this body, but more importantly, for our country. We will miss them, but we wish them well and we will always recognize and appreciate their trademark on our Nation's transportation system.

Mr. Speaker, let me just say that we will all miss the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN].

With regard to the gentleman from Florida [Mr. LEHMAN], as I said before, as a minority member of the committee we were always made to feel very, very welcome and a part of the process. Unfortunately, that is not always the case in a lot of the committees. In many of the committees although there is friendship that goes across the aisle, there is great partisanship and division that also goes across the aisle. That was not the case in our committee. For young Members who came on the committee, the gentleman from Florida [Mr. LEHMAN] made us feel that we had every right to speak out, do whatever we wanted to do and we would be able to play a major role.

So I just want to wish the chairman well and say "God bless" and wish the best to him and his wife. We will miss the gentleman. He has made a tremendous impact.

For the gentleman from Pennsylvania [Mr. COUGHLIN] I want to say basically the same thing as I said the night that the bill came up. I was a young staffer here, maybe not that young, but a staffer on Capitol Hill when I first met the gentleman from Pennsylvania [Mr. COUGHLIN]. I was working for former Congressman Pete Biester from Pennsylvania. The gentleman from Pennsylvania [Mr. COUGHLIN] came in to use our office to interview for the staff. I did not know that I would ever get to serve with the gentleman from Pennsylvania [Mr. COUGHLIN] but I just want to wish the gentleman from Pennsylvania [Mr. COUGHLIN] well and thank him for making us feel very much a part of the committee.

In closing, I want to thank the staff on both the majority side and the minority side. That is Tom Kingfield, Rich Efford, Linda Muir, Zee Latiff, and our minority staff member, John Blazey, and all the others who were here and who are no longer here. I just want to thank them for their help.

Again, the staff is bipartisan, nonpartisan, or copartisan, whatever the word is, and I think that is to the credit of the Appropriations Committee, because therefore you do not have quite the partisanship there that you may have on other committees.

So I want to thank the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] and wish them well.

Mr. LEHMAN of Florida. Mr. Speaker, first I want to thank my friend, the gentleman from Virginia [Mr. WOLF], for his kind remarks. I will miss him on the subcommittee. He always had one more question for the witnesses. You never let witnesses off easy in the subcommittee.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Speaker, I thank the chairman for yielding me this time.

I merely want to associate myself with the remarks of the many who have indicated their love and affection for the gentleman from Pennsylvania [Mr. COUGHLIN], and our chairman, the gentleman from Florida [Mr. LEHMAN]. They have worked very hard, hours upon hours out of the committee room, crafting the structure of our bill. They have done a good job. They are going to be missed.

Collectively, they have a tremendous amount of knowledge and experience about transportation matters in particular, which our subcommittee is going to miss next year as the committee marks up its own legislation without them for the first time.

So once again I want to say "thank you" to both the gentleman from Pennsylvania [Mr. COUGHLIN] and to the chairman, the gentleman from Florida [Mr. LEHMAN], and wish them well in their retirement.

□ 1330

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I, too, thank my ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN], and I rise to also support the transportation appropriations conference report.

I would like to say from the outset that this committee will miss two of the finest gentlemen that have ever served this subcommittee in this House. I know that many of the Members of this House know and love both the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN], but I do not

think very many Members have watched them work day in and day out and the kind of work that they have done on behalf of each individual Member of this House. I have never seen a chairman or a ranking member that would take every little bitty, however insignificant sounding, concern of each Member and treat it as if it was his own, and, because of the heart that is in our ranking member and in our chairman, we have had one of the finest subcommittees of the Committee on Appropriations, if not of the House, and I also want to say it is sort of one of those real sad things. We hate to see them go, but we know they are going to enjoy a better life than what we have had to put up with around here for the last few years, and we wish them all the best, and we know that they will be around, and we will be able to see them and consult with them. But it is a sad day in that this is the last bill that the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] will manage, and it is a sad day indeed that we are going to lose such experience and such heart as these two men have. But I have to say that I truly believe that this Nation's transportation system is better off because of BILL LEHMAN and LARRY COUGHLIN. They may be leaving this institution, but they certainly will not be forgotten.

Let me speak very briefly on the bill itself.

As the Federal Transit Administrator, Brian Clymer, stated during his recent visit to Houston during the Republican Convention, Houston is the leader in mass transit and intelligent vehicle highway systems. They serve as a model for the rest of the Nation, and I could not agree more. Houston has the most technologically advanced traffic management programs, enhanced street maintenance programs, neighborhood infrastructure systems, such as hike and bike trails and street and sidewalk improvements, than any other city in the country. And, as my colleagues can tell from that list of transportation programs, unlike many other cities of this Nation, Houston addresses its transportation efforts in a complete and comprehensive manner. All of the projects that I spoke about are designed to support its better bus system and improve vehicular and pedestrian mobility. They do not just look at one problem area and try to fix it by pouring money into a black hole. It is this comprehensive philosophy that has enabled Houston to provide the best service for the lowest cost, and I commend their efforts.

However, Mr. Speaker, a year ago I stated that the people of Houston won in their fight to defeat a failed project. No one thought it could be done, and I stated that bigger problems have been overcome in a shorter amount of time, and where there is a will there is a way, but, Mr. Speaker, Houston now has the most state-of-the-art transportation plan in the Nation, and probably in the world, so I am proud of the convictions of the people of Houston whom I represent, and I am proud to represent the transportation interests for Houston and the rest of the Nation, and I am proud of the work this subcommittee has done in support of Houston's efforts, and I sincerely hope to have the distinct opportunity to assist Houston in the future.

To my conservative colleagues, I hope that they will take a very hard look at this bill. This is the best and most fiscally responsible bill of any that have come to this floor in the appropriations process. If my colleagues look at this bill, this is $1.2 billion under last year's spending and budget authority—under last year's spending and budget authority. Our committee labored long and hard and in conference labored long and hard in making sure that priorities were set in spending, that Members' concerns were taken into consideration, but came out with a very fiscally responsible bill, and I think my colleagues can look at it and understand what a good bill this is and vote for it.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN], a member of the subcommittee.

Mr. DURBIN. Mr. Speaker, let me say at the outset, in echoing the comments of my colleagues on this subcommittee, that it has been a genuine pleasure and honor to work with the gentleman from Florida [Mr. LEHMAN] the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. Speaker, I say to my colleagues, I don't care what your walk of life may be. I hope that you have the good fortune to work with honorable and compassionate people like these. They have served their districts, their States, and their Nation with pride and with effectiveness.

Let me say a word about this bill in the most general terms and paraphrase a popular commercial:

Our committee doesn't build airplanes, but we help land them safety. Our committee doesn't assemble cars, but we build modern, safe highways for families who use them. Our committee doesn't run the trains, but we keep people and goods moving efficiently as part of our Nation's economic machinery. And our committee doesn't build new plants and businesses, but we do build the infrastructure which attracts and retains quality jobs for America's communities.

This appropriation is not about concrete and steel. It is about families and jobs and dreams.

My colleague, the gentleman from Texas [Mr. DELAY] has spoken to the fact that we did our best to be responsible in the amount of money we are spending and to make sure that it was spent wisely, not only for the people we represent, but for the taxpayers across this Nation. Our critics may demean our efforts, but, as an unabashed and unapologetic progressive, I have come to believe that the work of this Transportation Committee can bring more quality to the lives of American families than many other social programs.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, today we are scheduled to vote on H.R. 5518, the Transportation and related agencies appropriations for fiscal year 1993 conference report.

At this point in time, I am inclined to vote in favor of this report since the funding request contained in the report represents only a 1 percent increase over the past fiscal year funding and will create thousands of jobs nationwide.

However, this report contains $110 million for continued construction of the Metro Red Line Subway System in Los Angeles, CA.

As the House knows, I have called for an investigation by the GAO and other appropriate agencies to look into numerous published and unpublished allegations of waste, fraud, and abuse in the construction of this subway system.

I want to make the record clear that when I vote in favor of this report, my vote should not be interpreted as an endorsement of the manner in which the Los Angeles Metro System project is being managed.

I remain very concerned about the allegations which continue to come to my attention alleging waste, fraud, and abuse of the tax dollars being spent by every taxpayer across the Nation on this project.

Of equal concern is the fact that whistleblowers and others with allegations of waste, fraud, and abuse feel that their charges either have been ignored or not thoroughly investigated.

I am confident that the appropriate Federal agencies investigating this matter will make a thorough review of these allegations and provide the House with their findings. I see no need to repeat these allegations at this time.

I am pleased that Mayor Thomas Bradley, in the September 18, 1992, edition of the Los Angeles Daily News agrees with my position by stating that: "We must get to the bottom of these continued allegations of improprieties at the Los Angeles County Transit Commission."

The public has the right to be assured that their tax dollars are being spent wisely and honestly. This is the essence of what this investigation is all about.

However, overall, this is one of the most fiscally conservative appropriations bills I have seen since I have been in Congress. Also, it is an investment in America and not simply money going overseas, and this is another reason I support the bill. I urge my colleagues to support this legislation.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in support of the bill but in some concern

over legislative language that was placed in the appropriation bill.

Mr. Speaker, I rise today to express my concern about action taken by the conferees on the Department of Transportation appropriations bill.

It seems that in the dark of night, the conferees decided to help American consumers by mandating that new cars and trucks display a window label disclosing their United States, Canadian, and foreign content. This so-called proconsumer provision will provide consumers with what is, in effect, a government-endorsement which may be misleading, flat-out wrong information that threatens the livelihood of thousands of American autoworkers who work for foreign-owned, American-based companies.

It makes no sense whatsoever to claim a car is foreign when the vast majority of its parts are built and assembled in the United States, but that's just what this provision will do. Try telling the hard-working folks in my home State who work for Honda that they're producing foreign cars, despite the fact that they buy American raw materials and use American labor. Using the kind of logic, I guess the Seattle Mariners are a Japanese baseball team. Perhaps the conferees think we should label Mariners' tickets so the baseball viewing public will know they're watching a Japanese team.

This ludicrous, blatantly xenophobic provision could have been added by the Big Three and the UAW, whose professed concern for the American autoworkers doesn't extend to those Americans who work for transplants.

In recent months, I have heard all kinds of claims about how all the Big Three need is a level playing field, but instead of promoting free and fair competition, this body seems intent on approving protectionist legislation that produces anything but a level playing field.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. PRICE], a member of our subcommittee.

Mr. PRICE. Mr. Speaker, I rise today in support of the conference report on H.R. 5518, a bill making appropriations for the Department of Transportation and related agencies.

This is a good bill which will help ensure that the needs of our Nation's transportation infrastructure will be met in the coming year. This bill is truly an investment in our Nation's future. It will make our skies safer, our highways less dangerous, our air cleaner, and our economy more productive.

It is also responsible. Despite his born-again conversion to cutting the Federal bureaucracy, President Bush proposed a level of $72.4 million for the salaries and expenses for the Office of the Secretary. The conference agreement proposes a level of $62.3 million for this Office, $10.1 million below the President's request and $1.6 million below last year's level. This is the type of belt-tightening that the executive branch needs to make on their own, rather than waiting for Congress to do it.

The bill also preserves the integrity of the minimum allocation program. The Senate proposed in their bill cutting the minimum allocation program and putting it under the obligation ceiling. If this had stayed in the bill, the promise made to donor States in last year's Intermodal Surface Transportation Efficiency Act [ISTEA] would have been broken, and the minimum allocation program compromised. I find it outrageous that the Senate could even consider such a move. The House conferees refused to include any provisions in the conference agreement that would have undermined last year's agreement and the Senate eventually backed down.

In closing, I too want to note the contributions of Chairman BILL LEHMAN, and our subcommittee ranking Republican, LARRY COUGHLIN, to the Congress and to our country. They are both the finest of public servants and, along with out excellent subcommittee staff, they have made out subcommittee a productive place to work.

We will miss them, and we wish them both Godspeed.

□ 1340

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I rise today to oppose the automobile content labeling provision in the DOT appropriations. This provision will require automobile companies to measure domestic content using three different definitions administered by three separate Federal agencies.

Many of my constituents have expressed to me that they are treated like foreigners in their own country simply because they work for transplant companies. Once again, the jobs of hard working Americans in my district are threatened because their labor will be omitted from the domestic content calculation. Not only is the value of their labor excluded but their in-house production of engines, transmissions, suspensions, and other parts would be considered foreign manufacturing. This provision discriminates against one class of American workers, based solely on the investment capital, and not on the American plant where they work.

The content labeling provision claims to provide consumers with information about the origin of content for automobiles. But, this bill will not display the actual domestic content of vehicles produced in the United States and Canada. Further, the content level will be calculated chiefly on the basis of parts origin, and not on labor input at the assembly plant. Therefore, it would discount a significant contribution by Americans producing parts and vehicles in the United States.

I am also opposed to this provision because it will be an additional burden to manufacturers. Implementation of this provision will be an administrative nightmare and lead to costly disputes. It requires extensive recordkeeping to comply with the rules for determining domestic content and would require the tracing of all foreign auto parts content. This Federal regulation will consume resources that could be better utilized in creating jobs for Americans.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, while I support the overall programs funded in this transportation conference report, I must indicate that I strongly disagree with the decision of the House conferees to recede to the Senate and include amendment No. 218.

This amendment mandates the continuance of one-way westbound toll collection at the Verrazano Narrows Bridge, which connects the boroughs of Brooklyn and Staten Island. The Metropolitan Transportation Authority has lost $12 million in annual revenue since the imposition of this one-way toll. In addition, this amendent is ill-conceived because it interferes with a court-ordered environmental review which is already underway.

The implications of imposing this provision on Brooklyn residents and the residents of Lower Manhattan is particularly problematic, when you consider the environmental impacts caused by the one-way toll.

For example, Brooklyn has been forced to absorb additional traffic due to the toll's diversionary effects. The lion's share of this diversion has resulted in heavy trucks using the Gowanus and Brooklyn-Queens Expressways.

The increased air pollution caused by the diversion of traffic has added pollution hot spots where the concentration of carbon monoxide exceeds the national air quality standards. The Soho area of Lower Manhattan has experienced similar pollution problems as well as infrastructure deterioration.

It is unfortunate that this provision will now be used to try to prohibit current negotiations, which are underway at the State level, to resolve this long-standing issue. The last congressional action of our late colleague Ted Weiss, who I respected and admired, was to oppose this amendment.

It is only because of the difficult procedures that govern the consideration of conference reports that I have not asked for a separate vote on this matter by stripping this particular language out. But I want to go on record today and indicate that I plan to call for an investigation into how the Federal Government can dictate to a local municipality on the collection of its tolls and ignore a court-ordered environmental review. I look forward to working with the Brooklyn Heights Association, the Soho Alliance, and local elected officials in opposing the implementation of this provision.

Mr. COUGHLIN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I take this time to thank the chairman and ranking member for their years of service. Both gentlemen have made a great contribution to the country and the infrastructure, helping the transportation system we all depend on and so many of us take for granted. It is through the hard work of the gentleman from Pennsylvania [Mr. COUGHLIN] as well as our chairman, the gentleman from Florida [Mr. LEHMAN], and the great work they have done. We will miss them both and wish them well.

Mr. Speaker, of all the appropriation bills this year that all of us have had to struggle to bring all the needs under the umbrella of requirements of holding spending down, I think this subcommittee has had the most difficult job. They seem to have been cut more, yet the demand for improving our highways and transportation system is continuing. Under a very difficult set of circumstances this year, these gentlemen have done a real tremendous job.

Mr. Speaker, I thank both gentlemen for the years of service, and wish them both well.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I appreciate very much the gentleman yielding.

Mr. Speaker, I wish to salute the gentleman from Florida [Mr. LEHMAN]. The gentleman deserves every accolade that he has received so far on the floor, as does my friend, the gentleman from Pennsylvania [Mr. COUGHLIN]. Both are very estimable Members of this body.

I thank them for their years of service and commend them for an excellent bill. I cannot think of any bill better than this one for helping put America back to work, and at the same time improving America, the highways, the railroads, the airways of America.

As one who began his career as a lawyer with the Louisville & Nashville Railroad Co. many years ago, I feel very strongly about the railroads, both in the inter- and intra-city settings.

Mr. Speaker, the bill crafted by the chairman provides the wherewithal to pursue rail transportation mass transit and other forms of rail transport. So, I applaud the bill and wish the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] well in the years ahead.

I rise in strong support of conference report, and commend the members of the committee for their outstanding work on this bill and over all the years.

I wish to call attention to a few of the many important provisions of the bill. First, $15.4 billion is authorized to be released from the highway fund for Federal-aid highway grants, motor safety grants, and highway-related safety grants.

The sum of $2.7 billion from the Highway Trust Fund is also obligated for programs that are exempt from Federal aid obligation ceiling including the Minimum Allocation Program and highway demonstration projects.

The minimum allocation program will allow states like mine, Kentucky, which is a donor State, to receive its fair return on its payment into the trust fund. Furthermore, the bill assures that the Louisville waterfront roadway improvements project will move forward.

Second, the conference report provides $1.7 billion for the Federal Transit Administration's Mass Transit Formula Grant Program. I regret that the committee was unable to provide more funds for this particular program. Formula grants are vital to continued operation of our mass transit operation in Louisville-Tarc, the Transit Authority of River City.

Third, the conference report appropriates $2.35 billion from the Federal Aviation Administration's Airport and Airway Trust Fund. These funds may be used for the procurement and installation of new equipment, like radar and communication systems, air traffic control centers, and airport control towers.

The agreement also authorizes the release of up to $1.8 billion from the Airport and Airway Trust Fund for grants for airport planning, construction, and development. Both these provisions will aid with the modernization program now underway at Standiford Field Airport in Louisville, in my congressional district.

Finally, the agreement provides $496 million for Amtrak for operating assistance and capital grants. It also provides for the release of $5 million from the Highway Trust Fund for high speed rail research development.

Both these provisions are important because they assist ongoing efforts in communities like mine where the Louisville rail task has organized to encourage local and State efforts to establish intra-city as well as inter-city rail travel. It aids and assists effort involving both regular and light rail.

Again, the conference report on transportation appropriations for fiscal year 1993 is an excellent bill. I shall vote for it proudly.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank my colleagues for the kind remarks they have made and say what a rare honor it has been to serve in this House of Representatives, to serve on the Committee on Appropriations, and to serve on this subcommittee.

Mr Speaker, there is not a single member of the Committee on Appropriations or of this subcommittee whom I do not admire and respect with all of my heart. I say that without reservation and on both sides of the aisle. There is not a single member of the Committee on Appropriations or this subcommittee that I am not proud to call a friend and that I would not be proud to call a friend and that I would not be proud to serve with in any body, at any time, under any circumstance.

Mr. Speaker, I thank them for the privilege that I have had to work with them in this body.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1350

Mr. LEHMAN of Florida. Mr. Speaker, I just wanted to say to my friend from Pennsylvania, that was a very eloquent statement, coming from a Marine Corps veteran. He knows what pride means. He set a standard that we have all had to live up to.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I first want to express my great personal affection for the gentleman from Florida [Mr. LEHMAN] and acknowledge the wonderful friendship that we have had over the past 10 years. It has been my privilege to share his name, and I will miss not getting the Miami Herald in my office in the morning and miss all those wonderful letters from constituents that I thought were addressed to me but on closer examination were addressed to him. I thank the gentleman very much for his friendship and the gentleman from Pennsylvania [Mr. COUGHLIN] as well, who I got to know through the gentleman from Florida [Mr. LEHMAN] and have great respect for.

Mr. Speaker, I rise before my colleagues today to engage in a colloquy with you regarding legislative language that is included in the transportation appropriations conference report. First, I would like to thank you, Mr. Chairman, for all of your assistance in securing language that will dramatically benefit my congressional district's transportation infrastructure.

Mr. Chairman, as you know, you included language in your transportation appropriations report that will do a great deal to speed up a highway project in my district. Improving a section of Highway 41 is critical to reducing congestion, improving safety, and creating jobs in the area.

In addition, you included language that will keep open the door for Federal assistance for a major rail consolidation project in downtown Fresno.

Language for Highway 41 was also included in the Senate appropriations measure.

Is it my understanding Mr. Chairman, that if language is included in ei-

ther the House or Senate transportation measure, that they automatically are included in the final appropriations conference report—assuming they are not taken out in the conference?

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. LEHMAN of California. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Speaker, that is correct.

Mr. LEHMAN of California. Mr. Speaker, I am pleased to hear this. Mr. Chairman, I want to thank you and your staff for assisting me with this transportation language. In addition, Mr. Chairman, I want to commend you for your many years of hard work in this body. I wish you the best. You will be missed.

Mr. LEHMAN of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. BENNETT], dean of the Florida delegation.

Mr. BENNETT. Mr. Speaker, I would like to have a colloquy at this point, which is important to my district, but I cannot pass up the opportunity to praise the gentleman from Florida [Mr. LEHMAN], chairman of this committee, because nobody in the history of Florida has brought more distinction to Congress than he. His character, his perseverance, his dedication to his country and his constituents has been outstanding.

Earlier this year I introduced legislation—H.R. 4119—to authorize the Secretary of Transportation to carry out a highway construction project to replace the Fuller Warren Bridge in Jacksonville, FL.

The Fuller Warren Bridge was constructed in the early 1950's as a part of the Jacksonville Expressway system. A steel double-leaf bascule draw bridge, the Fuller Warren in one of only a few draw bridges on the Interstate System in the United States. The bridge now carries double the number of passengers for which it was originally designed—approximately 97,000 vehicles use the bridge each day.

Compounding the traffic congestion problems the need for the bridge to periodically one to allow the waterborne traffic to traverse that area of the St. John's River. Extremely high maintenance costs are associated with the operation of the draw bridge.

The city of Jacksonville and the State of Florida plan to replace the Fuller Warren with an 8-lane high-level structure. The project would include an improved approach roadway on both ends beginning at the I–10/I–95 interchange and extending across the bridge to the San Marco Street overpass where it would connect to a recently reconstructed section of Interstate I–95.

Efficient movement of traffic over the Fuller Warren is not only important to the citizens of Jacksonville, but is absolutely essential for vehicles engaged in interstate commerce. As the bridge is a continuation of I–95, it acts as the gateway to central and south Florida. The replacement of the Fuller Warren will help meet private and commercial transportation needs nationwide.

To enable an early acquisition of right-of-way for this vital piece of infrastructure, I would recommend that the Secretary of Transportation release $5 million from the fiscal year 1993 revolving loan right-of-way fund.

Could the gentleman respond to this?

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Speaker, on behalf of the Appropriations Committee, I join Congressman BENNETT in urging the Secretary to provide funds from the revolving right-of-way account in fiscal year 1993 in the amount needed to acquire the right-of-way for the Fuller Warren project.

I have previously discussed this important project with Congressman BENNETT and local officials in Jacksonville and agree that release of revolving-loan funds would be warranted and I strongly recommend that the Secretary give priority consideration to this project.

I want to assure my friend from Jacksonville that I will do all I can. When the newspapers called me this morning about the gentleman and asked me what my opinion of him was, I said he was "Mr. Integrity. We will miss him."

Mr. BENNETT. Mr. Speaker, I thank the gentleman.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I rise in strong support of the legislation and want to join my colleagues in lauding the extraordinary public service of the gentleman from Florida [Mr. LEHMAN] and the ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN], who have been models of public service for many years. And it is good at a time like this, when so much focus is on examples that are lesser, that we single out those who are something we can tell our children they might aspire to.

Mr. Speaker, I particularly appreciate that this legislation is so critical to our economy and especially at a time like this. And it is certainly a piece of legislation that builds for the future strength of our economy. Those of us from the Hoosier delegation particularly appreciate some of the strong support we got in the bill this year, but I wanted to also single out a provision that the gentleman from Michigan [Mr. CARR] was working on in the auto content labeling legislation that I and others have been involved in and really appreciate the fact that that is going to come to fruition here, because that is going to give consumers in America an opportunity to know what has gone into the automobile that they are buying. That is one of the most important consumer purchases we make. It is a lot of money. We do not tell consumers what they have to do, but a lot of those consumers would like to know that they are spending their money in a way that is going to help produce jobs in the communities where they live.

The goal here is to get more accurate information to the consumers so that they can know what is involved. And the gentleman from Michigan [Mr. CARR] has been a mighty leader on this. And from the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL] and the gentlewoman from Michigan [Mrs. COLLINS] assisted to help craft this final proposal.

Mr. CARR. Mr. Speaker, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Michigan.

Mr. CARR. Mr. Speaker, I thank the gentleman for yielding to me.

The RECORD really needs to show that in the House of Representatives, auto content labeling really initiated with the gentleman and legislation which he introduced and which was part of a hearing which was held in the committee on which the gentleman serves. So we were merely glad to be able to be of assistance at a crucial time, but the gentleman deserves most of the credit.

Mr. SHARP. Mr. Speaker, the gentleman is kind, but it did not happen without the gentleman and the gentleman from Florida [Mr. LEHMAN] and others being willing to move forward on this. I certainly appreciate that.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DIXON], a member of the full Committee on Appropriations and chairman of the Subcommittee on the District of Columbia.

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise on behalf of myself and the gentleman from California [Mr. ROYBAL], who will also be leaving this House, to thank the chairman and the ranking member for their interest in developing a rapid transit system in Los Angeles County. We took a long time to get our act together, but I can say without any reservation that the citizens of Los Angeles and particularly the mayor appreciate the gentleman from Pennsylvania [Mr. COUGHLIN] and the gentleman from Florida [Mr. LEHMAN] for their special interest in making sure that in the year 2000 that we will have a rapid transit system that provides jobs and communication for a multicultural and ethnic community.

Thank your very much, BILL, and thank you very much, LARRY.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to my dear friend and my old tennis buddy, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman for yielding time to me. I am glad that he has a long recollection of remembering when I could play tennis, but speaking not only as the dean of the 45-member California delegation but speaking for myself also, I just want to say that it is not a happy day for us when we have to say goodbye to the gentleman from Pennsylvania [Mr. COUGHLIN] and the gentleman from California [Mr. LEHMAN].

□ 1400

California has particularly pressing needs. California, an enormous State, has received and welcomed the bulk of the refugees and the bulk of the immigrants, which put huge strains on the transportation system, and the fact that we are moving ahead with transit, both in the San Francisco Bay area with BART and in my hometown of San Jose, with alight rail system, is an indication that we have always been able to go to the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] and talk to them about our special problems, and to receive such courteous and kindly attention, understanding our unique problems and doing the best within the rules, in consideration of all the others, to help us.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague, the gentleman from California, yielding to me.

The gentleman's talking about his responsibility leading the California delegation caused me to recall the fact that the first time I ever registered to vote was when I was in northern California, still a student, and it was to vote for BART. It brings to mind the reality that this subcommittee has been of great help to our transportation difficulties in California for many years.

Mr. COUGHLIN. Mr. Speaker, I yield 2 additional minutes to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I must say that serving on the Committee on Appropriations with these two gentlemen has been a real inspiration for me, because of their dynamic leadership in the transportation.

In southern California, the difficulty of moving along our roadways just could not be underestimated by anybody who has spent 5 minutes there. So the contributions to California of my chairman and especially my hallmate in the Rayburn Building, LARRY COUGHLIN, have been much appreciated.

Mr. Speaker, I am happy to yield the balance of my time to my colleague, the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from California [Mr. LEWIS] for his contribution. Very few of us are going to be able to leave this world or leave this work and look back and say that we made a significant contribution to the well-being of our fellow citizens. Certainly the two gentlemen to whom we say goodbye today can make that claim, and all of use here can certify to it.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I wanted to come to the floor today for a couple of reasons. No. 1 was to join the chorus and congratulate the gentleman from Florida [Mr. LEHMAN], the chairman, and also my friend, my good friend LARRY COUGHLIN, the gentleman from Pennsylvania, for the work they have done, and in particular Mr. COUGHLIN, who has worked with me on several things and personally been involved with trying to help some of the severe problems that Pittsburgh has in the area of transportation infrastructure.

Today is actually a momentous day for the city of Pittsburgh and all of us in southwestern Pennsylvania, southeastern Ohio, and north West Virginia. The Pittsburgh International Airport new terminal opened today and received its first flight this morning from Seattle, and it is a magnificent facility that is one of the largest airports in the United States, one of the obviously most modern airports, something we are very, very proud of in our area, and something that these two gentleman had a lot to do with in seeing that it was completed.

I find it just a coincidence that on a day of such momentous pride for those of us in southwestern Pennsylvania, that this bill would be here. I just wanted to mark the occasion by, again, thanking LARRY and LEHMAN for their help in making that dream that we have had for so long in our area a reality.

I look forward to seeing them out there in Pittsburgh to join us in some good times in the future, coming through our airport.

Mr. LEHMAN of Florida. Mr. Speaker, I yield my 1 remaining minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, my remarks are in the context of saying thank you to the gentleman from Pennsylvania [Mr. COUGHLIN], a great public servant, and particularly Chairman LEHMAN. BILL LEHMAN is not a household word in this country, but every American out there has been affected by something he has done.

BILL LEHMAN is in charge in this country of a $36 billion budget. BILL LEHMAN has affected planes, trains, automobiles, roads, mass transit, Coast Guard; of all of those words that I just said, BILL LEHMAN is probably the godfather, and every American is benefiting from the outstanding work that he has done.

To Tom Kingfield and Lucy Hand and his very able staff, as a Member of Congress from the West, a rural area, we thank him also, but every American in the major cities and the small, rural areas owe a debt of gratitude to the work of BILL LEHMAN.

As a Member of Congress who he very generously treated, I say thank you and goodbye. He will be remembered by many of us very fondly.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just want to say something today myself about the departure of the gentleman from Florida [Mr. LEHMAN] and his transportation bill. He has done yeoman's work as a colleague from the State of Florida, and BILL, we are proud of you. We are proud of what you have done being chairman. We are going to miss you in many, many ways, as several of our colleagues have said today. You have been at the forefront of some very innovative things with regard to transportation in this country, and I think that as the year 2000 comes and the next century comes, a lot of those things that your leadership has provided are going to bear fruit in the infrastructure of this country.

A lot of the partnerships between private enterprise and our governments locally are things that you can be proud of looking back on and saying, I was there, I helped do that, or I actually started that, in many cases, which you did.

We have a very small thing in my city of Orlando that is involved in this bill, Project Oscar, which is our streetcar program for circulating streetcars. No long-term subsidy is involved in it for the Federal Government. It is a 50-percent match to get it started and get it going, but it is the type of thing that matched up with our parking facilities on the outskirts of the city and will provide us with an entirely different look in downtown Orlando in the urban area.

We have already had compliments from some of the gentleman's colleagues which I have heard about today, about the rural areas, the airports, the airplanes, and the other modes of transportation. We do want to tip our hat to you today. Florida is proud of you, our delegation is, and we are going to miss you. Thank you, BILL.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from

Florida [Mr. LEHMAN] has 1 minute remaining.

Mr. LEHMAN. Mr. Speaker, before I yield back the balance of my time, I want to say that I am truly overwhelmed by all the remarks made on behalf of myself and my colleague, the gentleman from Pennsylvania [Mr. COUGHLIN], but we could not have done what we have done without the highly supportive efforts of our colleagues.

These Members have been just superb in every way, and I want to express my gratitude for all they have done to help us do the job we had to do.

At this time I also want to express my appreciation to our staff, Tom, Rich, Linda, Zee and Lucy; Lorraine and John of the minority staff; and also Fred Mohrman and the staff of the front office. They have been so supportive in helping us do what we had to do.

Mr. HOPKINS. Mr. Speaker, I rise today to express my grave concerns regarding the automobile labeling provision in H.R. 5518. The provision is ostensibly designed to provide consumers with additional information with which to make an informed purchasing decision. But in reality this label will mislead consumers as to the extent of American value in a vehicle and create yet another unnecessary and costly bureaucratic scheme.

Because of its arbitrary and complex rules for measuring domestic content, the bill treats a great deal of the work of hundreds of Americans as foreign. By treating the work of some American workers different from the work of others, the bill, in essence, creates classes of workers—a highly discriminatory action and one which, if this provision had been thoughtfully considered would undoubtedly not have survived the conference. The end result will be a label on the vehicle which will hopelessly mislead consumers as to the true American value included in the vehicle.

This provision is a perfect example of bureaucracy run amok. Is it fiscally responsible for our Government to have yet a third governmental agency calculate domestic content? The EPA calculates it for CAFE purposes and the Treasury Department calculates it yet a second way under the United States-Canada Free-Trade Agreement. So, are we to tell the taxpayer that we need yet a third agency to calculate it under yet another way! Remember the taxpayer gets hit twice: first, the taxpayer pays for the Government to administer this legislation and then pays again, in the form of higher car prices that will be inevitable as manufacturers establish elaborate systems to track domestic content under this third, extremely complicated method.

Again, Mr. Speaker, the expressed original intent of the labeling provision has fallen by the wayside. Rather than provide the consumer with additional meaningful information when making a purchasing decision, this label will mislead consumers. It is feel good legislation that is technically flawed and that will increase the financial burden to automakers which will be passed on to consumers.

Every lawmaker who supports this senseless provision should have to explain to their constituents why they voted to increase the cost of their next car.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report and want to take this opportunity to express my deep appreciation to Chairman LEHMAN and the ranking minority member of the subcommittee, LARRY COUGHLIN, for producing an outstanding bill. The subcommittee staff is also to be commended for the hard work and long hours they put into the formulation of this legislation.

As my colleagues know, BILL LEHMAN and LARRY COUGHLIN will be retiring after this Congress. I just want to take this opportunity to say that it has been an honor and a privilege to serve with BILL and LARRY. They both epitomize the best characteristics of public service. They are compassionate, understanding and pragmatic. Their leadership will be missed by us all.

Mr. Speaker, this conference report meets every requirement that the President has requested of the Appropriations Committee. We are within the overall funding level requested by the President for transportation programs. Though, many of us on the Appropriations Committee believe that we must strive to invest more in the public infrastructure if we stand a chance of catching up on our neglected highways, bridges, and mass transit systems.

Mr. Speaker, I would also like to take a moment to highlight particular aspects of the conference report which have a direct impact on my district.

RED BLUFF FLIGHT SERVICE STATION

The conference agreement includes a legislative provision which prohibits any change in the current status of the flight service stations at the Red Bluff Airport, CA; Tri-City Airport, TN; and Bert Mooney Airport, MT. This provision is critical to maintaining the Red Bluff Airport as a viable facility which can continue to contribute to the local economy. I am greatly pleased by the conferees support of this issue which is of great importance to the Red Bluff business community and Tehama County generally.

AUTOMATED WEATHER OBSERVING SYSTEM

The House has also provided $4 million to enable the FAA to exercise its existing option to purchase additional automated weather observing systems [AWOS]. This provision is important in providing towerless airfields and smaller unprotected airports with weather information. More importantly, the AWOS system is available today and, thus, can meet the immediate needs of literally thousands of airports.

This funding has important implications for Qualimetrics, Inc., located in Sacramento, which produces the AWOS system. Over 100 employees will retain their jobs in this difficult economic climate because of the committees recognition of the importance of AWOS systems to aviation safety.

YUBA CITY BRIDGE

Also important to my new district is the earmark of $4 million under the right-of-way revolving fund for the Yuba City bridge contained in the House bill. This no-interest loan money will enable the Yuba City bridge project to move forward immediately, thereby reducing costs of land acquisition and preventing further delay in the project.

SACRAMENTO REGIONAL TRANSIT DISTRICT

Finally the conference report includes funding for two projects for the Sacramento Regional Transit District [RT]. First, $1 million is provided to conduct an alternatives analysis of a proposed 18-mile south extension of the light rail system. Second, $7 million is provided for an innovative electric trolley bus demonstration project with the Sacramento Municipal Utility District [SMUD]. Both of these initiatives will enable RT to provide expanded transit services to the local community in an environmentally compatible way.

In closing, Mr. Speaker, I want to express my thanks to the committee for their fine work and urge my colleagues to support this conference report.

Mr. PAYNE of Virginia. Mr. Speaker, I rise reluctantly in support of the conference report on Department of Transportation appropriations for 1993. My reluctance, Mr. Speaker, stems from my disappointment that this bill does not go far enough to address the infrastructure needs of our Nation.

Last November, when Congress passed the Intermodal Surface Transportation Efficiency Act, now know as ISTEA, I was optimistic that we had finally taken the initiative on an ambitious program for our future, and our ability to sustain economic growth and job creation.

The Public Works and Transportation Committee and the Subcommittee on Surface Transportation spent over 2 years holding hearings and investigating the status of our country's infrastructure.

These hearings uncovered a pattern of deterioration and neglect of our infrastructure needs. These investments in our future have become the orphan child of the budgeting process, receiving proportionally less funding as our fiscal situation has become more severe.

Our annual Federal transportation investment has plunged from 2.3 percent of our gross national product in the 1960's and 1970's to four-tenths of 1 percent in the 1980's. This makes our investment in infrastructure a smaller percentage of GNP than any other industrialized nation in the world.

Passage of ISTEA was intended to put us back on the right track. For the first time, we embraced as a national goal the development of a national intermodal transportation system designed to move people and goods in an energy-efficient manner. ISTEA created a transportation and an economic blueprint for the future, and is designed to substantially improve our competitiveness in the world economy.

Investing in infrastructure provides returns to our economy far greater than any other expenditure of Federal dollars. For every $1 invested in transportation infrastructure $10 is returned to the economy.

In addition, programs authorized in ISTEA pay for themselves. Congress extended the 2½-cent-per-gallon gas tax to keep revenues

flowing into the highway trust fund, and to keep it self-financing. At the same time, the bill included a funding program that was designed to draw down the fund from its surplus of over $11 billion to about $2.5 billion, the amount needed to keep the fund solvent.

Yet we have before us today an appropriations bill that not only fails to meet the funding targets authorized in ISTEA, but barely keeps pace with last year's funding levels. I understand the reasons for this result, but still find myself deeply disappointed with it.

I intend to continue working for increased funding for these essential infrastructure programs next year. I hope we can develop a better mechanism for directing our scarce Federal dollars toward essential infrastructure programs next year. I hope we can develop a better mechanism for directing our scarce Federal dollars toward programs such as these, that will help long-term economic recovery and real economic growth.

Mr. RAHALL. Mr. Speaker, I rise in support of H.R. 5518, the fiscal year 1993 Transportation appropriations bill.

I feel like a kid at a picnic, after he is told that the ants got to the chocolate cake before he did. The only solace the kid has is that he has at least been fed well enough before dessert was due to sustain him until his next meal. In this case, we will struggle through fiscal year 1993 with below-expectation funding levels for highways, and hope for better times in fiscal year 1994.

In my view, the chocolate icing on the cake so to speak was to have been job creation, as well as highway repair, reconstruction, and rehabilitation, along with some new construction of roads, bridges, and support for transit services. Under ISTEA, we had provided that for every $1 billion spent, we would create an estimated 48,000 new jobs. That was the icing on the cake.

While this bill does not come up to what we had hoped for in fiscal year 1993, the $18 billion contained in the bill will provide a new infusion of funding for vital infrastructure needs at a time when we were faced with severe budgetary constraints, and it still creates hundreds of thousands of jobs.

I applaud my chairman, Mr. LEHMAN, for the awesome strength he showed when he stood firm against placing minimum allocations and demonstration projects under the obligation ceilings, instead of keeping with the historical practice of exempting such projects. Thank you, Mr. Chairman, for doing best what you have been doing for transportation throughout your distinguished career as chairman of the appropriations subcommittee. We will miss having your expertise, your dedication and your strength, and I wish you well as you take your leave of this body which you have so ably served. May God bless and keep you.

The highway reauthorization bill was intended to be two-pronged. First to rebuild America's crumbling transportation infrastructure and secondly, we made no bones about it, to create jobs. We called for and got a new Nickel for America—highway user fees, for our use in achieving the two goals described above—highway rebuilding and job creation.

Part of the compromise on getting a new Nickel for America was that we would share the new nickel, 50–50, between highway needs and deficit reduction. We have done that for 2 years now.

Many of my constituents write to me and ask that I work hard to reduce the deficit. And I respond that if we work together, the deficit will be reduced over time. And when I say to them that they too are contributing to deficit reduction, I mean through their contributions at the gas pump.

How much have they contributed to deficit reduction so far? I want to report, here and now, that the American people have themselves helped reduce the deficit by more than $6 billion over the past 2 years, just by buying gasoline at their local service stations.

My father raised me to look at the cup and see it as half-full, instead of half-empty, when a whole cup was out of my reach. So I will dwell for a moment on what is good about the fiscal year 1993 transportation appropriations bill.

This bill, while it does not provide as much as we had hoped for, for highways in the coming year, is a cup half-full, and well-worth having.

We could have had another $2.6 billion over 5 years, had we been able to use $400 million in funds shifted from foreign aid. But we did not get to hang on to the $400 million in this bill.

There go a potential 120,000 jobs.

But still the bill does contain a total of $13.2 billion from direct appropriations, $20.2 billion from the highway trust fund, and $2.6 billion in exempt obligations, for a total of $36 billion for transportation in fiscal year 1993, with a total of $18 billion of that amount available for highway needs.

Again, I want to commend Chairman LEHMAN for his efforts and those of his colleagues on the subcommittee for bringing this urgently needed appropriations bill to the House for final approval.

The bill contains much that is of vital importance to West Virginia, and to my congressional district.

For example, one is essential air services, or EAS. EAS is funded at $39 million in fiscal year 1993, to subsidize airline services to small communities, which will benefit our State, and the bill also provides for general and aviation trust fund spending for airport improvement programs, [AIP], and contains adequate support for Amtrak.

For transit, while I am deeply alarmed by the level-spending provided in this bill for fiscal year 1993 for our Federal transit programs, for fear that it sends the wrong message about our concern for transit, I will just say that I hope for necessary increases in the coming years. I worked hard, and I succeeded, in getting the allocation set-asides for rural and small urban areas increased for transit purposes under title III, only to end up with no commensurate increase in funding for these purposes. Again, we will hope for better opportunities for increased transit funding in fiscal year 1994, and I for one intend to work very hard to achieve that increase.

Even with reduced expectations for funding in the coming fiscal year, the bill will still create hundreds of thousands of jobs, and will launch our collective effort to rebuild America.

That is one of the goals we started out to accomplish—and it is a modest beginning. Still I will hope for more in fiscal year 1994, and take this half-full cup for today, for transportation's infrastructure needs.

I strongly support this bill, and hope that it do pass.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of the conference report on transportation appropriations for fiscal year 1993.

Mr. Speaker, this Member would like to begin by thanking the distinguished gentleman from Florida [Mr. LEHMAN], the chairman of the Transportation Appropriations Subcommittee, and the distinguished gentleman from Pennsylvania [Mr. COUGHLIN] who serves as ranking member of the subcommittee for their diligent and very effective work on this legislation. This Member is very grateful for the support they have shown to the Member and to Nebraska over the years, and also for their overall efforts to improve the country's infrastructure. Their actions and leaderships have certainly made a positive difference in Congress and in this country. Their tireless dedication will be greatly missed since they have chosen not to seek reelection.

This Member would also like to express his appreciation to the Junior Senator from New Jersey [Mr. LAUTENBERG] and the Junior Senator from New York [Mr. D'AMATO] who serves as the chair and ranking minority member of the Transportation Appropriations Subcommittee in the other body, and the other members involved in developing this conference report.

This conference report strikes an appropriate balance between serious concerns about the Federal deficit and the country's transportation needs. The report also reflects an emphasis on the overall needs of the Nation as well as addressing local and regional transportation issues and projects.

Specifically, this Member would like to thank the conference committee for recognizing and proposing and acting upon the long-term need for a bridge between Newcastle, NE, area and Vermillion, SD. For six decades, the prospects of constructing a bridge in the Newcastle-Vermillion area has enjoyed widespread support. An impressive coalition of community organizations, local governments, businesses, and individuals from both Nebraska and South Dakota has joined together in support of this bridge.

Such a bi-State consensus is possible because the benefits resulting from the bridge's construction are so clear. These benefits include increased economic development, enhanced recreational opportunities, improved access to health care, and a reduction in transportation costs. Also, the construction of this bridge will improve the general quality of life for the area's residents by creating additional opportunities for higher education and cultural and social activities.

Due to the current lack of a bridge, communities in northeast Nebraska and southeast South Dakota—including Vermillion, SD, the location of the University of South Dakota and Wayne, NE, the site of Wayne State College have remained isolated from each other despite their proximity. As a result, economic activity in the region has been hampered and labor and commerce options have been limited. Clearly, the completion of this bridge across the Missouri River will be a significant aid in attracting new businesses to the area.

This Member would also like to thank his distinguished colleague from South Dakota [Mr. JOHNSON] for his outstanding efforts and cooperation with this Member on behalf of this bridge project. The completion of this bridge will play an important role in facilitating an interdependence between communities in Nebraska and South Dakota and Mr. JOHNSON deserves recognition for the important role he has played in working closely with this member to bring this bridge closer to reality. It has been a pleasure to continue the close and good cooperation on this and other bi-State projects and issues. With this first constructive appropriation, this bridge will now become a reality.

Mr. Speaker, in conclusion, this Member urges strong support for this conference report and urges his colleagues to approve it.

Ms. SLAUGHTER. Mr. Speaker, I rise in support of the conference report on H.R. 5518, the Transportation Appropriations bill for fiscal year 1993. Of particular interest to me and the State of New York is the bill's $5 million in obligation authority from the highway trust fund for the high speed ground transportation technology demonstration program authorized under the Intermodal Surface Transportation Act of 1991.

This demonstration program represents one of the best opportunities for development of high-speed rail in the near term. I truly believe that the time has come to get serious in this country about new technology passenger rail service.

The United States is falling farther and farther behind both Western Europe and Japan in this area, as both of these economic competitors with the United States currently have highly modernized high speed train systems in use, as well as plans for even more advanced development in the near future. This comes at a time when urban freeway delay in the United States has been projected to increase by as much as 400 percent by the year 2005. As opposed to building an ever-increasing number of additional traffic lanes to our highways, which only puts off a final solution to the problem, high speed rail could provide an immediate and substantial decrease in highway and airport congestion, as well as offer commuters a meaningful choice between auto trips that are too long and airline flights that are wastefully short.

The building of new high speed rail lines would also be a tremendous boost to participating industries, such as engineering firms and subcontractors directly involved in their construction, as well as to local economies that would immensely benefit from multiplier effects. Many technologically-based jobs could be realized with the reassignment of former defense industry workers to the development of high speed rail systems, with thousands of additional jobs being created from the operation and maintenance of new rail lines.

For these reasons, I recently hosted a "High Speed Rail Forum" at the Rochester Institute of Technology in Rochester, NY. This event was sponsored by the Northeast-Midwest Congressional coalition and drew rail development experts from Washington, Albany, the Northeast and Midwest sectors of the country, and Canada. The forum highlighted the probable benefits of high speed rail to New York State, as well as the broad base of business, labor, consumer, and environmental-related support that new technology rail development enjoys. At my request, the Northeast-Midwest Coalition also released a report entitled "High-Speed Passenger Ground Transportation: An Analysis," which outlines the prospects for high-speed rail and the economic benefits of such development in the Northeast and Midwest.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 5488, the bill which makes appropriations for the Department of the Treasury, the U.S. Postal Service, and general government for fiscal year 1993.

Over and beyond its financial support of key, critical government programs, H.R. 5488 this year contains a number of provisions that positively impact the delivery of programs and services by the agencies it funds. For example, it includes a provision that directs the Internal Revenue Service [IRS] to implement a training program to ensure that IRS employees are trained in taxpayers' rights, in dealing courteously with taxpayers and in cross-cultural relations.

In its provisions concerning the Postal Service, H.R. 5488 insures that rural mail delivery is continued, and prohibits the use of funds to close or consolidate small, rural post offices. It also prohibits any Federal department or agency from spending any Federal funds unless it has in place, and continues to administer in good faith, a written policy that ensures that all its workplaces are drug-free.

H.R. 5488 also contains a provision that alters a little-known function of the Bureau of Alcohol, Tobacco and Firearms [BATF]. Although most of us do not realize it, under current law, certain persons may not lawfully possess, receive, ship or transport firearms. These include persons who have been convicted of a crime punishable by over a year in jail and persons committed to mental institutions or judged mentally incompetent. But, under current law, the BATF may lift this prohibition if it determines that one of these people will not be likely to act in a manner dangerous to public safety and that the lifting of this prohibition will not be contrary to the public interest. However, H.R. 5488 prohibits the use of funds to investigate and act upon such applications.

In closing, Mr. Speaker, I would like to take advantage of this opportunity to once again acknowledge the contribution of Chairman ROYBAL, who has announced his retirement, effective at the end of this session of Congress. The chairman, as well as the members and staff of the Subcommittee on Treasury, Postal Service and General Government, is to be commended for his efforts in bringing this bill before us today. Over and beyond this bill, however, during the three decades that the chairman has served here in Congress, his presence has enhanced both this institution and the State of California. Mr. Chairman, your presence and influence will be sorely missed.

Mr. LEHMAN of Florida. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all motions, except on amendment No. 233 as printed in the joint statement, be considered as read when read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule and to the order of the House of today, the amendments in disagreement and the motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement are considered as read.

The Clerk will designate the first amendment in disagreement.

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 12, 41, 42, 43, 48, 53, 94, 102, 107, 121, 150, 159, 173, 229, 231, and 232 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The clerk will designate the amendments.

(The texts of the various Senate amendments referred to in the unanimous consent request are as follows:)

Senate amendment No. 12: Page 4, line 24, after "expended" insert: "*Provided*, That notwithstanding any other provision of law, there may be credited to this account up to $300,000 received from user fees established for regulatory services".

Senate amendment No. 41: Page 11, line 18, after "standards" insert: "*Provided further*, That none of the funds provided shall be made available for pay raises in fiscal year 1993 for FAA employees whose responsibilities include noise abatement policy function, managing aircraft route design or changes, or responsibility for preparing, managing, or overseeing the environmental impact statement mandated by section 9119 of Public Law 101-508 until the final report on such impact statement is issued".

Senate amendment No. 42: Page 11, line 18, after "standards" insert: "*Provided further*, That of the funds provided, up to $50,000 shall be made available to the New Jersey Coalition Against Aircraft Noise for the provision of technical assistance, in accordance with the provisions of title 5, United States Code, in reviewing and assessing the draft environmental impact".

Senate amendment No. 43: Page 11, line 18, after "standards" insert: "*Provided further*, That of the funds available under this heading, $500,000 shall be made available to the Cleveland Clinic Foundation to initiate a definitive study to evaluate the human factors related to and/or inherent in pilot error. This study will be carried out in conjunction with Ohio State University".

Senate amendment No. 48: Page 13, line 10, after "standards" insert: "*Provided further*, That such Federal share shall be considered as having taken effect on October 1, 1991".

Senate amendment No. 53: Page 16, line 8, after "operation," insert: "including motor carrier safety program operations,".

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Senate amendment No. 94: Page 28, after line 15, insert:

"LOCAL RAIL FREIGHT ASSISTANCE

"For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, $8,000,000, to remain available until expended."

Senate amendment No. 102: Page 29, after line 12, insert:

"NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

"For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, $204,100,000."

Senate amendment No. 107: Page 32, after line 16, after "sales" insert: ": *Provided further*, That to enable the Secretary of Transportation to pay obligations and liabilities of the Columbus and Greenville Railway under sections 505 and 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 resulting from the waiver of obligations and liabilities as authorized by section 349 of this Act, $411,578".

Senate amendment No. 121: Page 35, line 19, after "purposes" insert: ": *Provided further*, That of the funds made available to carry out the national program under section 26(b) of the Federal Transit Act, not less than $900,000 shall be made available to reimburse the City of New York for funds granted for planning activities related to the proposed 42nd Street trolley.".

Senate amendment No. 150: Page 39, after line 8, insert: "not less than $3,000,000 for the Lakewood, Freehold, and Matawan or Jamesburg Commuter Rail Project; and".

Senate amendment No. 159: Page 41, after line 15, insert:

"RESEARCH AND TECHNOLOGY

"For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, $1,470,000, of which $350,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination."

Senate amendment No. 173: Page 50, after line 19, after "102-240" insert: ", and $200,000 for the Commission to Promote Investment in America's infrastructure authorized by section 1081 of Public Law 102-240."

Senate amendment No. 229: Page 73, after line 16, insert:

SEC. 417. FEDERAL SHARE.

Section 1021(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 120 note) is amended—

(1) by striking "and" before "(2)";

(2) by striking the period at the end and inserting a comma; and

(3) by adding at the end the following: "and (3) the Federal share established by section 120(k) of such title, as in effect on the day before the date of enactment of this Act, with respect to section 143 of title 23.".

Senate amendment No. 231: Page 73, after line 16, insert:

SEC. 504. LOS ANGELES METRO RAIL.

(a) REPLACEMENT OF GRANTEES.—Effective on the date of enactment of this Act, the Los Angeles County Transportation Commission (hereinafter in this section referred to as the "Commission") shall replace the Southern California Rapid Transit District (hereinafter in this section referred to as the "SCRTD") as the Federal grantee for the Minimum Operable Segment One (hereinafter in this section referred to as "MOS-1") of the Los Angeles Metro Rail project. The MOS-1 Full Funding Grant Agreement dated August 27, 1986, and all other MOS-1 grant documents required under Federal law, shall be deemed to be amended, effective on the date of enactment of this Act, to designate the Commission as MOS-1 grantee; and all rights and obligations as MOS-1 grantee shall be transferred to the Commission on that date in accordance with the Memorandum of Understanding for the Transfer of MOS-1 Project, entered into by and between the Commission and SCRTD on June 24, 1992. No action by the Secretary of Transportation or other administrative action shall be required in order for the Commission to proceed to act in its capacity as MOS-1 grantee pursuant to this section.

(b) OBLIGATIONS OF COMMISSION.—Upon becoming the MOS-1 grantee under this section, the Commission shall be responsible for completion of the MOS-1 Project in accordance with the terms and conditions of the MOS-1 Full Funding Grant Agreement and other applicable grant agreements and in compliance with all applicable Federal laws and regulations. In addition, the Commission shall remain responsible for all MOS-1 obligations arising prior to the date of enactment of this Act, in accordance with the Commission's Guarantee of Performance to the United States dated April 3, 1990.

(c) AVAILABILITY OF FUNDS.—All funds previously obligated to SCRTD under section 3 and section 9 of the Federal Transit Act, and unexpended on the date of enactment of this Act, shall be transferred to the Commission on such date and shall be available to the Commission to pay costs associated with the completion of MOS-1. Notwithstanding any other provision of law, neither the replacement of grantees under subsection (a) nor the transfer of funds under this subsection shall be considered to be a change in project scope or otherwise result in the deobligation of prior year funds, and all funds transferred to the Commission under this subsection shall be charged to the original appropriation and shall remain available until expended.

(d) DEFINITION.—For purposes of this section:

(1) the terms "Los Angeles County Transportation Commission" and "Commission" shall include any successor to the Commission that is established by or pursuant to State law; and

(2) the terms "Southern California Rapid Transit District" and "SCRTD" shall include any successor to SCRTD that is established by or pursuant to State law.

(e) Of the funds made available for the Los Angeles Metro Rail project, 45.45 per centum shall be for Minimum Operable Segment-2 and 54.55 per centum shall be for Minimum Operable Segment-3 of Metro Rail. Of the amounts for Minimum Operable Segment-3, an equal one-third share shall be provided for each of the three lines described in section 3034(i)(3) of the Intermodal Surface Transportation Efficiency Act.

Senate amendment No. 232: Page 73, after line 16, insert:

SEC. 505. SAN JOSE-GILROY-HOLLISTER COMMUTER RAIL PROJECT.

Section 3035(h) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking in the second sentence all after "one-time" and inserting in lieu thereof the following: "purchase of additional trackage rights and/or purchase of right-of-way between the existing termini in San Jose and Gilroy, California. In connection with the purchase of such additional trackage rights and/or purchase of right-of-way, the Secretary shall either approve a finding of no significant impact, or approve a final environmental impact statement and issue a record of decision no later than July 1, 1994. No later than August 1, 1994, the Secretary shall negotiate and sign a grant agreement with the Santa Clara County Transit District which includes the funds made available under this section for the purchase of additional trackage rights and/or purchase of right-of-way."."

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. LEHMAN moves that the House recede from its disagreements to the amendments of the Senate numbered 12, 41, 42, 43, 48, 53, 94, 102, 107, 121, 150, 159, 173, 229, 231, and 232, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

□ 1410

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 195, 197, 199, 200, 201, 202, 204, 207, 208, 209, 214, 217, 218, 220, 221, 224, and 225 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments in disagreement.

The texts of the various Senate amendments referred to in the unanimous-consent request are as follows:

Senate amendment No. 195: Page 73, after line 16, insert:

SEC. 333. Public Law 98-63, 97 Stat. 329, is amended as follows:

"(3) The provisions of subsection (1) of this section shall terminate on December 31, 1983. The provisions of subsection (2) of this section shall terminate three years from the enactment of this section unless construction of the I-287 bypass and the construction of high occupancy vehicle lanes or auxiliary lanes on I-287 from, the I-287 intersection with State Route 22 in Somerset County to the I-287 intersection with I-80 in Morris County in New Jersey or any other feasible, suitable alternative has been commenced. In the event construction has been commenced subsection (2) of this section will terminate ten years from the enactment of this section, or when construction of I-287 bypass and the construction of high occupancy vehicle lanes or auxiliary lanes on I-287 from the I-287 intersection with State Route 22 in Somerset County to the I-287 intersection with I-80 in Morris County in New Jersey or any other feasible, suitable alternative is completed, whichever occurs first.

"(4) Notwithstanding any other provision of law, procedural or substantive, 100 per

centum Federal highway trust funds moneys are hereby allocated as part of the State's allocation, and are immediately available for obligation to the State of New Jersey for the construction of the I-287 bypass and the construction of high occupancy lanes or auxiliary lanes on I-287 from the I-287 intersection with State Route 22 in Somerset County to the I-287 intersection with I-80 in Morris County in New Jersey or any other feasible, suitable alternative, such appropriation as may be made available by Congress from general appropriations to cover 100 per centum of the cost of the I-287 bypass or the alternative route: Provided, That such appropriation shall not exceed New Jersey's apportionment using the apportionment factor contained in revised table 5 of the Committee Print Numbered 102-24 of the Committee on Public Works and Transportation of the House of Representatives.".

Senate amendment No. 197: Page 73, after line 16, insert:

"SEC. 335. The Federal Highway Administration (FHWA) shall execute an agreement with the State of Virginia (regarding Federal Aid Project-Q-RS 1046(101) re. Fairfax County, Virginia) pursuant to which loan repayment can be concluded by September 30, 1997."

Senate amendment No. 199: Page 73, after line 16, insert:

"SEC. 337. None of the funds made available in this Act or in any other Act making funds available to the Federal Transit Administration, shall be used to withhold funds for any section 3 or section 9 operating or capital grants for the city of Phoenix, Arizona based on the inclusion of a "preference in hiring" provision in the employees protective arrangement developed pursuant to 49 U.S.C. 1609(c) and the Federal Transit Administration shall within 30 days of enactment of this provision award any such pending grant application: Provided That the Secretary of Labor has certified that fair and equitable arrangements have been adopted for the protection of employees."

Senate amendment No. 200: Page 73, after line 16, insert:

"SEC. 338. For fiscal years 1992 and 1993, funds provided under section 18 of the Federal Transit Act shall be exempt from requirements for any non-Federal share, in the same manner as specified in section 1054 of Public Law 102-240."

Senate amendment No. 201: Page 73, after line 16, insert:

"SEC. 339. Notwithstanding any other provision of law or other requirement, the city of Indianapolis, Indiana is authorized to retain any funds not used under the authority of Facility Grant IN-03-0057 and IN-23-9001 and to use such funds in accordance with the requirements of section 9 of the Federal Transit Act of 1964 as amended."

Senate amendment No. 202: Page 73, after line 16, insert:

"SEC. 340. Notwithstanding any other provision of law limiting appropriations for the Westside Light Rail Project in Portland, Oregon, funds provided for the Westside Light Rail Project, may be expended, pursuant to section 3(a)(1)(c) of the Federal Transit Act of 1964, as amended, for the development and acquisition of low floor light rail vehicles, and the incremental costs associated with the introduction of the vehicles and facilities modifications on the current alignment."

Senate amendment No. 204: Page 73, after line 16, insert:

SEC. 342. ADVANCE ACQUISITION OF RIGHTS-OF-WAY.—Section 108 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "of the Federal-aid highway systems, including the Interstate System," and inserting "Federal-aid highway";

(2) in subsection (a) by striking "for expenditure on any of the Federal-aid highway systems, including the Interstate System," and inserting "which may be expended on such highway";

(3) in subsection (c)(2) by inserting "and passenger transit facilities" after "highways";

(4) in subsection (c)(3) by striking "highway" in the first sentence, and the first place it appears in the second sentence and inserting "project"; and

(5) in subsection (c)(3) by striking "on the federal-aid system of which such project is to be part," and inserting "of the type funded".

Senate amendment No. 207: Page 73, after line 16, insert:

SEC. 345. Section 311(b) of the Federal Water Pollution Control Act is amended by adding a new paragraph to read as follows:

"(12) WITHHOLDING CLEARANCE.—If any owner, operator, or person in charge of a vessel is liable for a civil penalty under this subsection, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a civil penalty under this subsection, the Secretary of the Treasury, upon the request of the Secretary of the department in which the Coast Guard is operating or the Administrator, shall with respect to such vessel refuse or revoke—

"(A) the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91);

Senate amendment No. 208: Page 73, after line 16, insert:

SEC. 346. (a) WAIVER.—Notwithstanding any other provision of law, the obligations and liabilities of the Columbus and Greenville Railway under section 505 and 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, shall be suspended for the period beginning October 1, 1992, and ending September 30, 1994.

(b) REPAYMENT.—The obligations and liabilities of the Columbus and Greenville Railway suspended under subsection (a) shall be repaid to the United States by the Railway on or before October 1, 1997. Payments shall be deposited to the Treasury as miscellaneous receipts.

Senate amendment No. 209: Page 73, after line 16, insert:

SEC. 347. HIGH PRIORITY CORRIDORS.—Paragraph (18) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended to read as follows:

"(18) Corridor from Indianapolis, Indiana, through Evansville, Indiana, Memphis, Tennessee, Shreveport/Bosier, Louisiana, and to Houston, Texas.".

Senate amendment No. 214: Page 73, after line 16, insert:

SEC. 352. CARRIAGE OF OIL IN PRINCE WILLIAM SOUND.—Section 5005(a) of the Oil pollution Act of 1990 (33 U.S.C. 2735(a), 104 Stat. 553) is amended—

(1) by striking "tank vessel operating on Prince William Sound, or" and inserting in lieu thereof "tanker loading cargo at"; and

(2) by inserting "and a response plan for such a facility," after "(43 U.S.C. 1651 et seq.).".

Senate amendment No. 217: Page 73, after line 16, insert:

"SEC. 355. The Historic United States Customs building located adjacent to Interstate Route I-15 in Sweetgrass, Montana, and the border with Canada is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting use of and access to rights-of-way on the Interstate System: Provided, That such exemption shall be only for the purpose of permitting the use of such facility for the sale of only those articles which are for the export and for consumption outside the United States: Provided further, That such right-of-way access be developed in conjunction with the overall redesign planning work that is underway to relieve the congestion problems at the Sweetgrass border crossing."

Senate amendment No. 218: Page 73, after line 16, insert:

"SEC. 356. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the borough of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island."

Senate amendment No. 220: Page 73, after line 16, insert:

"SEC. 358 Projects to research, develop and test technologies to control highway related emissions which contribute to the nonattainment of any ambient air quality standard or the impairment of visibility within an urbanized area shall be deemed to be eligible under the Congestion Mitigation and Air Quality Improvement Program."

Senate amendment No. 221: Page 73, after line 16, insert:

"SEC. 359. Not later than September 30, 1993, the Secretary of Transportation shall issue proposed rules under Docket No. HM-175A (Specifications for Tank Cars) and Docket No. HM-201 (Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws, and Other Defects of Tank Cars)."

Senate amendment No. 224: Page 73, after line 16, insert:

"SEC. 362. Notwithstanding any other provision of law, the State of Vermont shall be reimbursed, in an amount not to exceed $1,400,000, for its share of work performed on major and minor reconstruction of roadways and bridges on United States Interstate Routes 89 and 91, in Vermont."

Senate amendment No. 225: Page 73, after line 16, insert:

"SEC. 363. Notwithstanding any other provision of law, funds made available under this Act and previous Acts, for the intermodal fuel cell bus facility program under the Federal Transit Administration's Discretionary Grants account shall be transferred to that agency's Transit Planning and Research account and be administered in accordance with section 6 of the Federal Transit Act, as amended."

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER. The clerk will designate the motion.

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendments of the Senate numbered 195, 197, 199, 200, 201, 202, 204, 207, 208, 209, 214, 217, 218, 220, 221, 224, and 225 and concur therein with amendments as printed in the RECORD.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The full texts of the motions to recede and concur with amendments to the foregoing Senate amendments are as follows:

Amendment numbered 195: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 195, and concur therein with an amendment, as follows: In lieu of the section number "333", insert: "338".

Amendment numbered 197: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 197, and concur therein with an amendment, as follows: In lieu of the section number "335", insert: "340".

Amendment numbered 199: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 199, and concur therein with an amendment, as follows: In lieu of the section number "337", insert: "342".

Amendment numbered 200: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 200, and concur therein with an amendment, as follows: In lieu of the section number "338", insert: "343".

Amendment numbered 201: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 201, and concur therein with an amendment, as follows: In lieu of the section number "339", insert: "344".

Amendment numbered 202: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 202, and concur therein with an amendment, as follows: In lieu of the section number "340", insert: "345".

Amendment numbered 204: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 204, and concur therein with an amendment, as follows: In lieu of the section number "342", insert: "346".

Amendment numbered 207: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 207, and concur therein with an amendment, as follows: In lieu of the section number "345", insert: "349".

Amendment numbered 208: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 208, and concur therein with an amendment, as follows: In lieu of the section number "346", insert: "350".

Amendment numbered 209: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 209, and concur therein with an amendment, as follows: In lieu of the section number "347", insert: "351".

Amendment numbered 214: LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 214, and concur therein with an amendment, as follows: In lieu of the section number "352", insert: "354".

Amendment numbered 217: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 217, and concur therein with an amendment, as follows: In lieu of the section number "355", insert: "357".

Amendment numbered 218: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 218, and concur therein with an amendment, as follows: In lieu of the section number "356", insert: "358".

Amendment numbered 220: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 220, and concur therein with an amendment, as follows: In lieu of the section number "358", insert: "359".

Amendment numbered 221: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 221, and concur therein with an amendment, as follows: In lieu of the section number "359", insert: "360".

Amendment numbered 224: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 224, and concur therein with an amendment, as follows: In lieu of the section number "362", insert: "363".

Amendment numbered 225: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 225, and concur therein with an amendment, as follows: In lieu of the section number "363", insert: "364".

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 20: Page 7, line 12, strike out all after "welfare;" down to and including "Defense;" in line 14 and insert: "$2,567,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 20, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: "$2,558,000,000, of which $253,000,000 shall be available only to the extent transferred from the Department of Defense.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 27: Page 8, line 14, strike out "$67,650,000" and insert: "$57,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 27 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$56,565,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 8, line 16, strike out "$122,550,000" and insert: "$119,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 28 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$123,685,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 33: Page 9, strike out all after line 17 down to and including "Defense" in line 19 and insert: "$73,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 33 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: "$73,000,000, of which $50,000,000 shall be available only to the extent transferred from the Department of Defense".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 34: Page 9, line 25, strike out "$27,930,000" and insert: "$28,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 34 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$27,815,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 44: Page 12, line 11, strike out "$2,459,860,000" and insert: "$2,429,500,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 44 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$2,350,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 45: Page 12, line 11, strike out "$2,275,903,000" and insert: "$2,238,500,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$2,159,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 58: Page 17, line 24, strike out "$16,690,000,000" and insert: "$18,006,250,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$15,326,750,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 62: Page 19, strike out lines 14 to 19.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"BALTIMORE-WASHINGTON PARKWAY

"For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 and section 1069 of Public Law 102-240 for the Baltimore-Washington Parkway, to remain available until expended, $15,000,000.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 80: Page 25, strike out lines 8 to 14.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 80 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"OPERATIONS AND RESEARCH

"For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $82,080,000, to remain available until September 30, 1995: *Provided*, That the Secretary of Transportation shall not permit transfer of title of the national advanced driving simulator from the Government of the United States: *Provided further*, That no provision under this head shall be interpreted in a manner which would affect the site selection for the national advanced driving simulator.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 90: Page 27, line 12, after "1993" insert ": *Provided further*, That the unexpended balances available for drunk driving prevention programs under 23 U.S.C. 410 shall be available for alcohol-impaired driving countermeasures programs under 23 U.S.C. 410, as amendment by Public Law 102-240".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That the unexpended balances available for drunk driving prevention programs under 23 U.S.C. 410 shall be available for alcohol-impaired driving countermeasures programs under 23 U.S.C. 410, as amended by Public Law 102-240 and this Act, except for amounts necessary for the State of New Mexico to continue its drunk driving prevention program under 23 U.S.C. 410 as in effect before the date of enactment of Public Law 102-240".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 92: (92) Page 27, line 16, strike out "$17,385,000" and insert: "$17,802,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$17,152,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 99: Page 29, line 5, strike out "$14,800,000" and insert: "$4,450,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 99 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$25,205,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 100: Page 29, line 6, strike out all after "pended" down to and including "Lifesaver" in line 9.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 100 and concur therein with an amendment, as follow: Restore the matter stricken by said amendment, amended as follows: In lieu of the sum stricken by said amendment, insert: "$650,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 149: Page 39, after line 8, insert: "not less than $11,100,000 for the Hawthorne-Warwick Commuter Rail Project;".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 149, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$4,500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 151: Page 39, after line 8, insert: "not less than $30,000,000 for the Boston, Massachusetts to Portland, Maine Commuter Rail Project.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 151, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$25,500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 156: Page 41, after line 15, insert:

"HAZARDOUS MATERIAL SAFETY

"For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $13,016,000, of which $1,350,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from State, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 156, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$12,650,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 157: Page 41, after line 15, insert:

AVIATION INFORMATION MANAGEMENT

"For expenses necessary to discharge the functions of Aviation Information Management, $2,618,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system: *Provided further*, That the Department of Transportation shall prepare and publish on a monthly basis in automatic data processing tape format the United States International Air Travel Statistics data base previously published through March 1991. The Department may partially defray costs of preparation and publication of such statistics by charging a fair and reasonable fee for obtaining such information: *Provided further*, That there may be credited to this appropriation funds received from such user fees.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 157, and concur therein with an amendment, as follows: Delete the words: "on a monthly basis".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 158: Page 41, after line 15, insert:

"EMERGENCY TRANSPORTATION

"For expenses necessary to discharge the functions of Emergency Transportation and for expenses for conducting research and development $955,000, of which $73,000 shall remain available until expended: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 158, and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert: "$880,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 160: Page 41, after line 15, insert:

"PROGRAM AND ADMINISTRATIVE SUPPORT

"For expenses necessary to discharge the functions of Program and Administrative Support, $5,989,000, of which $175,000 shall be derived from the Pipeline Safety Fund: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination; *Provided further*, That no employees other than those compensated under this appropriation shall serve in the Office of the administrator, the Office of Policy and Programs, the Office of Civil Rights, the Office of Management and Administration, and the Office of the Chief Counsel.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the

amendment of the Senate numbered 160, and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert: "$5,886,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 162: Page 42, after line 2 insert:

"For necessary expenses to carry out section 117A(i)(3)(B) of the Hazardous Materials Transportation Act, as amended, $700,000 to be derived from the Emergency Preparedness Fund, to remain available until expended: *Provided*, That no more than $11,300,000 shall be made available for obligation in fiscal year 1993 for amounts made available by section 117A(h)(6)(B) and (i)(1), (2) and (4) and 118 of the Hazardous Materials Transportation Act, as amended: Provided further, That such amounts shall only be available to the Secretary of Transportation.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 162, and concur therein with an amendment, as follows: In lieu of the second sum named in said amendment, insert: "$10,300,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 165: Page 42, line 19, strike out "$38,000,000" and insert "$40,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 165, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert: "$38,000,000: *Provided*, That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101–567".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 167: Page 44, line 25, after "1993" insert ": *Provided further*, That notwithstanding any other provision of law or treaty, none of the funds appropriated under this heading may be used for the planning or execution of annuity payments to the Government of Panama in excess of $50,000,000 until the Secretary of State and the Secretary of Transportation, in consultation with the Commandant of the United States Coast Guard, certifies in writing to the Congress that (1) the Government of Panama has taken adequate steps to investigate and, where appropriate, penalize Panamanian flag ships which have been reported by other nations to have violated the provisions of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and (2) the Government of Panama has taken sufficient steps so as to ensure improved compliance with the provisions of Annex V of such treaty on the part of Panamanian flag ships".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 167 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That notwithstanding any other provision of law, the Secretary of State shall communicate to the Government of Panama, within three months of the enactment of this section, the dissatisfaction of the Government of the United States concerning inadequate compliance by Panama with the enforcement provisions of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), and the Secretary of State and the Secretary of Transportation, in consultation with the Commandant of the Coast Guard, shall further provide no later than March 15, 1993, a written report to the Congress describing and assessing (1) the actions taken by the Government of Panama since August 1, 1992, to investigate and, where appropriate, penalize Panamanian flag ships which have been reported by other nations to have violated the provisions of Annex V of MARPOL 73/78, (2) any efforts taken by the Government of Panama to ensure improved compliance with the provisions of Annex V of MARPOL 73/78 on the part of Panamanian flag ships, and (3) the actions by the Government of the United States in the implementation of its new enforcement policy for Annex V of MARPOL 73/78, including penalty actions taken against foreign flag vessels by the Coast Guard for violations by those vessels occurring within the exclusive economic zone of the United States".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 172: Page 50, line 19, after "102-240" insert: ", not more than $2,400,000 for section 6015 of Public Law 102-240, and amounts necessary for section 5002 of Public Law 102-240".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 172 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", not more than $2,400,000 for section 6015 of Public Law 102-240, and not more than $750,000 for section 5002 of Public Law 102-240".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 174: Page 50, line 19, after "102-240" insert: ", and notwithstanding any other provision of law, not distribute".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 174 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", and notwithstanding any other provision of law, not distribute $7,500,000 of the obligation limitation established by this Act for Federal-aid highways and highway safety construction: Provided, That such undistributed obligation limitation shall be available for administrative costs and allocation to States under section 1302(d) of the Symms National Recreational Trails Act of 1991: Provided further, That amounts for section 1081 of Public Law 102-240, section 5002 of Public Law 102-240, section 6015 of Public Law 102-240, and section 1302(d) of the Symms National Recreational Trails Act of 1991 shall be deemed necessary for administration under section 104(a) of title 23, United States Code".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 185: Page 64, strike out all after line 22 over to and including line 3 on page 65, and insert:

SEC. 328. Notwithstanding any other provision of law, the Federal Aviation Administration has the authority to enter into grants with the City of Kissimmee, Florida; the Douglas County Port Authority and the

Chelan County Port Authority, Washington; and the Jackson-Madison County Airport Authority, Tennessee to assist in the construction of non-Federal air traffic control towers: Provided, That funds for such towers shall be derived from the unobligated balances of the "Facilities and Equipment" account of the Federal Aviation Administration.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 185 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 330. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Federal Aviation Administration's flight service stations at Red Bluff Airport in Red Bluff, California, Tri-City Airport in Bristol, Tennessee, and Bert Mooney Airport in Butte, Montana.

SEC. 331. Notwithstanding any other provision of law, the Federal Aviation Administration has the authority to enter into grants with the City of Kissimmee, Florida; the Douglas County Port Authority and the Chelan County Port Authority, Washington; and the Jackson-Madison County Airport Authority, Tennessee, to assist in the construction of non-Federal air traffic control towers: Provided, That funds for such towers shall be derived from the unobligated balances of the "Facilities and Equipment" account of the Federal Aviation Administration.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 186: Page 65, strike out lines 4 to 10, and insert:

SEC. 329. Notwithstanding any other provision of law, funds provided in this or subsequent Acts for necessary expenses to carry out the provisions of section 1069 of Public Law 102-240 are to remain available until expended.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 186 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 332. Section 1064(e) of Public Law 102-240 is amended by adding: "For further purposes of this section, the access road from Interstate Business Route 75 to the Sugar Island Ferry Service in Chippewa County, Michigan, and the access road from United States Route 31 to the Beaver Island Ferry Service in Charlevoix County, Michigan, shall be treated as principal arterials.".

SEC. 333. Notwithstanding any other provision of law, funds provided in this or subsequent Acts for necessary expenses to carry out the provisions of section 1069 of Public Law 102-240 are to remain available until expended.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 194: Page 73, after line 16, insert:

SEC. 332. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction and Improvements shall be available after the fifteen day of any quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committee on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided*, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisitions project: *Provided further*, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction and improvements account be fully funded: *Provided further*, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: "*Provided further*, That all information submitted in such reports shall be current as of the last day of the preceding quarter".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 194 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 337. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction, and Improvements shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committees on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided*, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: *Provided further*, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: *Provided further*, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: *Provided further*, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 196: Page 73, after line 16, insert:

SEC. 334. For the purpose of carrying out a demonstration of the construction of public toll roads in Orange County, California, authorized by 23 U.S.C. 129(d), there is hereby appropriated $12,000,000 for the Secretary to enter into an agreement to make a loan or loans not to exceed $120,000,000 to the public entity or entities with the statutory duty to construct such facilities, to be available upon the completion of construction of such facilities for five year from the date capitalized interest funds are exhausted and only if and to the extent revenues from toll operations and standard reserves are less than revenue necessary for debt service established under the eligibility criteria applicable thereto and no more than 20 percent of the total loan amount would be payable in any one year of operation: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highway and highway safety construction programs: *Provided further*, That such loan or loans shall draw interest at the 30 year United States Treasury Bond rate on the date such loan or loans are made and shall be repaid in not more than 30 years. Notwithstanding any other provisions of law, such loan or loans shall not constitute a guarantee of the payment of principal or interest with respect to any indebtedness heretofore or hereafter issued by said public entity or entities.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 196 and concur therein with amendments, as follow: In lieu of the section number "334", insert:

"339" and in lieu of the sum $12,000,000", insert: "$9,600,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 198: Page 73, after line 16, insert:

SEC. 336. Section 1023 of the Intermodal Surface Transportation Efficiency Act (Public Law 102-240) is amended by adding a new subsection (h) as follows:

(h) PUBLIC TRANSIT VEHICLES.—

(1) TEMPORARY EXEMPTION.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations for vehicles using the National Highway System of Interstate and Defense Highways, shall not apply, for the 2-year period beginning on the date of enactment of this Act, to any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus. The Secretary may extend such 2-year period for an additional year.

(2) STUDY.—The Secretary shall conduct a study on the maximum axle weight limitations on the National Highway System of Interstate and Defense Highways established under section 127 of title 23, United States Code, or under state laws, as they apply to public transit vehicles. The study shall determine whether or not public transit vehicles should be exempted from the requirements of section 127 or state laws or if such laws should be modified with regard to public transit vehicles. In making such determination, the Secretary shall consider current transit vehicle design standards, the implications of the Americans with Disabilities Act and Clean Air Act requirements on such design standards, and the potential impact of revised design standards on transit ridership capacity, operating and replacement costs, air quality concerns, and highway wear and tear.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the result of the study conducted under paragraph (2), together with recommendations.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 198, and concur therein with amendments, as follow: In lieu of the section number "336", insert: "341" and in lieu of the words "National Highway" in both instances, insert: "Dwight D. Eisenhower".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 205: Page 73, after line 16, insert:

SEC. 343. Notwithstanding any other provisions of law, any unspent balance of funds previously earmarked for the Long Island Expressway Fourth Lane project shall be applied instead to the Robert Moses Causeway rehabilitation project and to the Loop Parkway Bridge replacement.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 205, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 347. Notwithstanding any other provision of law, any unspent balance of funds previously earmarked for the Long Island Expressway Fourth Lane project shall be applied instead to the Robert Moses Causeway rehabilitation project and to the Loop Parkway Bridge rehabilitation project.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 206: Page 73, after line 16, insert:

SEC. 344. (a) DENIAL AND REVOCATION.—Chapter 121 of title 46, United States Code, is amended by adding at the end of the following new section:

"§ 12123. Denial and revocation of endorsements

"The Secretary of Transportation is authorized to deny the issuance or renewal of a trade or recreational endorsement on a certificate of documentation issued under this chapter and to revoke such endorsement if that vessel's owner has not paid an assessment of a civil penalty after final agency action for a violation of law for which an assessment has been made by the Secretary.".

(b) LIMITATIONS ON VESSEL OPERATIONS.—Section 12110(c) of title 46, United States Code is amended by striking all of the first sentence through the first comma and inserting in lieu thereof the following: "When a vessel is operated after the Secretary has denied issuance or renewal of an endorsement or revoked the endorsement under section 12123 of this title and before the endorsement is reinstituted, or is employed in a trade for which an endorsement is required, without a certificate of documentation with an appropriate endorsement for that trade,".

(c) TECHNICAL AMENDMENTS.—(1) Section 12103(a) of title 46, United States Code, is amended by striking "On" and inserting in lieu thereof "Except as provided in section 12123 of this title, on".

(2) The analysis for chapter 121 of title 46, United States Code, is amended by adding at the end the following new item:

"12123. Denial and revocation of endorsements.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The test of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 206, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 348. (a) DENIAL AND REVOCATION.—Chapter 121 of title 46, United States Code, is amended by adding at the end the following new section:

"§ 12123. Denial and revocation of endorsements

"The Secretary of Transportation is authorized to deny the issuance or renewal of a trade or recreational endorsement on a certificate of documentation issued under this chapter and to revoke such endorsement if that vessel's owner has not paid an assessment of a civil penalty after final agency action for a violation of law for which an assessment has been made by the Secretary.".

(b) LIMITATIONS ON VESSEL OPERATIONS.—Section 12110(c) of title 46, United States Code, is amended by striking all of the first sentence through the first comma and inserting in lieu thereof the following: "When a vessel is operated after the Secretary has denied issuance or renewal of an endorsement or revoked the endorsement under section 12123 of this title and before the endorsement is reinstituted, or is employed in a trade for which an endorsement is required, without a certificate of documentation with an appropriate endorsement for that trade,".

(c) TECHNICAL AMENDMENTS.—(1) Section 12103(a) of title 46, United States Code, is amended by striking "On" and inserting in lieu thereof "Except as provided in section 12123 of this title, on".

(2) The analysis for chapter 121 of title 46, United States Code, is amended by adding at the end the following new item:

"12123. Denial and revocation of endorsements.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 210: Page 73, after line 16, insert:

"SEC. 348. Notwithstanding any other provision of law, none of the funds in this Act or previous Acts shall be used for the widening of U.S. Highway 93 between Somers and Whitefish, Montana, until the Federal Highway Administration has completed a feasibility study of design alternatives: Provided, That such study shall be completed by September 30, 1993, and shall be conducted in consultation with the Montana Department of Transportation and local authorities in Flathead County, Montana: Provided further, That such study shall address the cost, safety, aesthetics, and land use planning impacts of each design alternative.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 210, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

"SEC. 352. Notwithstanding any other provision of law, none of the funds in this Act or previous Acts shall be used for the widening of U.S. Highway 93 between Somers and Whitefish, Montana, until the Federal Highway Administration has completed a feasibility study of design alternatives: Provided, That such study shall be completed by September 30, 1993, and shall be conducted in consultation with the Montana Department of Transportation and local authorities in Flathead County, Montana: Provided further, That such study shall address the cost, safety, aesthetics, and land use planning impacts of each design alternative: Provided further, That the federal share of funding for such study shall be 100 percent of the cost of such study.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 212: Page 73, after line 16, insert:

SEC. 350. Section 345 of the Department of Transportation and related Agencies Appropriations Act, 1992, is amended by adding at the end thereof the following:

"(d)(1) In addition to its functions under subsection (b), the Metropolitan New York Aircraft Noise Mitigation Committee shall review aircraft noise complaints within the airspace over the States of New York and Connecticut lying within a 110-nautical-mile radius of La Guardia Airport, and advise the Administrator with regard to aircraft noise mitigation within such radius, and the locations and boundaries of noise impact areas defined by such complaints. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in carrying out the functions of the Committee under this section.

"(2) The Administrator, from time to time, shall consult with the Committee regarding aircraft noise mitigation and such aircraft noise complaints. The Committee shall make recommendations to the Administrator regarding such aircraft noise mitigation and complaints.

"(3) Any vacancy in a position on the Committee shall be filled in the same manner as the original appointment to that position.

"(4) The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 531 of such title.

"(5) Costs and other expenses incurred by the Committee in carrying out its functions under this section shall be paid from appropriations to the Department of Transportation for administrative expenses.

"(6) The Metropolitan New York Aircraft Noise Mitigation Committee shall be permanent.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 212, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 353. Section 345 of the Department of Transportation and Related Agencies Appropriations Act, 1992, is amended by adding at the end thereof the following:

"(d)(1) In addition to its functions under subsection (b), the Metropolitan New York Aircraft Noise Mitigation Committee shall review aircraft noise complaints within the airspace over the States of New York and Connecticut lying within a 110-nautical-mile radius of La Guardia Airport, and advise the Administrator with regard to aircraft noise mitigation within such radius, and the locations and boundaries of noise impact areas defined by such complaints. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in carrying out the functions of the Committee under this section.

"(2) The Administrator, from time to time, shall consult with the Committee regarding aircraft noise mitigation and such aircraft noise complaints. The Committee shall make recommendations to the Administrator regarding such aircraft noise mitigation and complaints.

"(3) Any vacancy in a position on the Committee shall be filled in the same manner as the original appointment to that position.

"(4) The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rate for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(5) Costs and other expenses not to exceed $100,000 incurred by the Committee in carrying out its functions under this section shall be paid from appropriations to the Department of Transportation for administrative expenses.

"(6) The Metropolitan New York Aircraft Noise Mitigation Committee shall be permanent.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 215: Page 73, after line 16, insert:

SEC. 353. LABELING REQUIREMENT FOR AUTOMOBILES.

(a) SHORT TITLE.—This section may be cited as the "American Automobile Labeling Act".

(b) LABEL REQUIREMENT.—(1) Each manufacturer of a new automobile distributed in commerce for sale in the United States shall cause to be affixed, and each dealer shall cause to be maintained, on each such automobile manufactured in any model year after model year 1993, in a prominent place, a label—

(A) indicating the percentage (by value) of automobile equipment on such automobile which originated in the United States;

(B) indicating the city, State (where appropriate), and country where such automobile is assembled; and

(C) in the case of any country (other than the United States) in which 15 percent or more of the automobile equipment (by value) on such automobile originated, indicating the names of at least the 2 countries in which the greatest amount of such equipment (by value) originated.

(2) The percentages required to be indicated by this section may be rounded to the nearest 5 percent.

(c) FORM AND CONTENT OF LABEL.—The form and content of the label required under subsection (b), and the manner in which such label shall be affixed, shall be prescribed by the Secretary by rule. The Secretary may permit a manufacturer to comply with this section by allowing such manufacturer to disclose the information required under this section on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Treasury, shall promulgate such regulations as may be necessary to carry out this section, including regulations to establish a procedure to verify the labeling information required by this section.

(e) VIOLATIONS AND PENALTIES.—Any manufacturer of automobiles distributed in commerce for sale in the United States who willfully fails to affix to any new automobile so manufactured or imported by him for sale in the United States the label required by this section, or any dealer who fails to maintain such label as required by this section, shall be fined not more than $1,000. Such failure with respect to each automobile shall constitute a separate offense.

(f) DEFINITIONS.—For purposes of this section—

(1) The term "manufacturer" means any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

(2) The term "person" means an individual, partnership, corporation, business trust, or any organized group of persons.

(3) The term "automobile" includes any passenger car, passenger van, or any other vehicle with respect to which the labeling requirements of section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) apply.

(4) The term "automobile equipment" means any system, part, or component of an automobile installed on or attached to such automobile at the time of its initial shipment by the manufacturer to a dealer for sale to an ultimate purchaser.

(5) The term "originated in the United States", in referring to automobile equipment, means the value added in the United States to the equipment.

(6) The term "new automobile" means an automobile the equitable or legal title to which has never been transferred by a manu-

facturer, distributor, or dealer to an ultimate purchaser.

(7) The term "dealer" means any person or resident located in the United States, including any territory of the United States, or the District of Columbia, engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

(8) The term "commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(9) The term "Secretary" means the Secretary of Transportation.

(10) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone and American Samoa.

(11) The term "value added" means the value that is directly related to the production of the automobile equipment. Such term does not include value that is related to the production or sale of assembled vehicles, such as advertising costs, interest payments, royalties paid, depreciation charges, profits, and other such similar accounting categories of the manufacturer.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 215, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 355. The Motor Vehicle Information and Cost Savings Act is amended by adding at the end of title II thereof the following:

"SEC. 210. Labeling Requirements for Automobiles

"(a) SHORT TITLE.—This section may be cited as the "American Automobile Labeling Act"

"(b) LABEL REQUIREMENT.—(1) Each manufacturer of a new passenger motor vehicle distributed in commerce for sale in the United States shall annually establish for each model year and cause to be affixed, and each dealer shall cause to be maintained, on each such vehicle manufactured on or after October 1, 1994, in a prominent place, one or more labels—

"(A) indicating the percentage (by value) of passenger motor vehicle equipment installed on such vehicle within a carline which originated in the United States and Canada to be identified with the words "U.S./Canadian content";

"(B) indicating the final assembly point by city, State (where appropriate), and country of such automobile;

"(C) in the case of any country (other than the United States and Canada) in which 15 percent or more (by value) of equipment installed on passenger motor vehicles within a carline originated, indicating the names of at least the 2 countries in which the greatest amount (by value) of such equipment originated and the percentage (by value) of the equipment originating in each such country;

"(D) indicating the country of origin of the engine for each passenger motor vehicle; and

"(E) indicating the country of origin of the transmission for each passenger motor vehicle;

"(2) The percentages required to be indicated by this section may be rounded to the nearest 5 percent by the manufacturers. Such percentage shall be established at the beginning of each model year for such carline and shall be applicable to that carline for the entire model year.

"(3) The disclosure requirement of subparagraph (1)(B) of this section supersedes the disclosure requirement of section 3(b) of the Automobile Information Disclosure Act (15 U.S.C. 1232(b)). A manufacturer who indicates the final assembly point as required by this section shall be deemed to have satisfied the disclosure requirement imposed by section 3(b) of the Automobile Information Disclosure Act.

"(c) FORM AND CONTENT OF LABEL.—The form and content of the label required under subsection (b), and the manner and location in which such label shall be affixed, shall be prescribed by the Secretary by rule. The Secretary shall permit a manufacturer to comply with this section by allowing such manufacturer to disclose the information required under this section on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232), on the label required by section 506 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006), or on a readily visible separate label.

"(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Treasury, shall promulgate such regulations as may be necessary to carry out this section, including regulations to establish a procedure to verify the labeling information required by this section. Such regulations shall provide to the ultimate purchaser of a new passenger motor vehicle the best and most understandable information possible about the foreign and U.S./Canada origin of the equipment of such vehicles without imposing costly and unnecessary burdens on the manufacturers. The regulations shall be promulgated promptly after the enactment of this section in order to provide adequate lead time for all manufacturers to comply with this section. The regulations shall include provisions applicable to outside and allied suppliers to require such suppliers to certify whether a component provided by such suppliers is U.S./Canada or foreign and to provide such other information as may be necessary, as determined by the Secretary, to enable the manufacturer to reasonably comply with the provisions of this section and to reply on such certification and information. The regulations applicable to all suppliers shall be enforceable as a regulation of the Secretary under the appropriate provisions of this Act.

"(e) VIOLATIONS AND PENALTIES.—Any manufacturer of automobiles distributed in commerce for sale in the United States who willfully fails to affix to any new automobile so manufactured or imported by him for sale in the United States the label required by this section, or any dealer who fails to maintain such label as required by this section, shall be fined not more than $1,000. Such failure with respect to each automobile shall constitute a separate offense.

"(f) DEFINITIONS.—For purposes of this section—

"(1) The term "manufacturer" means any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

"(2) The term "person" means an individual, partnership, corporation, business trust, or any organized group of persons.

"(3) The term "passenger motor vehicle" has the meaning provided in section 2(1) of this Act, except that it shall include any multipurpose vehicle and light duty truck that is rated at 8,500 pounds gross vehicle weight or less.

"(4) The term "passenger motor vehicle equipment" means any system, subassembly, or component received at the final vehicle assembly point for installation on, or attachment to, such vehicle at the time of its initial shipment by the manufacturer to a dealer for sale to an ultimate purchaser. The term component" shall not include minor parts, such as attachment hardware (nuts, bolts, clips, screws, pins, braces, etc.) and such other similar items as the Secretary, in consultation with manufactures and labor, may prescribe by rule.

"(5) The terms "originated in the United States and Canada". "U.S./Canadian", and "of U.S./Canadian origin", in referring to automobile equipment, mean:

"(A) for outside suppliers, the purchase price of automobile equipment which contains at least 70 percent value added in the United States and Canada; and

"(B) for allied suppliers, the manufacturer shall determine the foreign content of any passenger motor vehicle equipment supplied by the allied supplier by adding up the purchase price of all foreign material purchased from outside suppliers that comprise the individual passenger motor vehicle equipment and subtracting such purchase price from the total purchase price of such equipment. Determination of foreign or U.S./Canadian origin from outside suppliers will be consistent with subparagraph (A).

"(6) The term "new passenger motor vehicle" means a passenger motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

"(7) The term "dealer" means any person or resident located in the United States, including any territory of the United States, or the District of Columbia, engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

"(8) The term "Secretary" means the Secretary of Transportation.

"(9) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

"(10) (A) The term "value added in the United States and Canada" means a percentage derived as follows: "Value Added equals the total purchase price, minus total purchase price of foreign content, divided by the total purchase price.

"Costs incurred or profits made at the final vehicle assembly point and beyond (i.e., advertising, assembly, labor, interest payments, profits, etc.) shall not be included in such calculation.

"(B) In determining the origin and value added of engines and transmissions, the following groupings will be used:

(1) Engines of same displacement produced at the same plant.

(2) Transmissions of the same type produced at the same plant.

"(11) The term "carline" means a name denoting a group of vehicles which has a degree of commonality in construction (e.g., body, chassis). Carline does not consider any level of decor of opulence and is not generally distinguished by such characteristics as roof line, number of doors, seats, or windows, except for light duty trucks. Light duty trucks are considered to be different carlines than passenger cars.

"(12) The term "country of origin", in referring to the origin of an engine or transmission, means the country in which 50 percent or more of the dollar value added of an engine or transmission originated. If no country accounts for 50 percent or more of the dollar value, then the country of origin is the country from which the largest share of the value added originated. The estimate of the percentage of the dollar value shall be based upon the purchase price of direct materials as received at individual engine or transmission plants of engines of the same displacement and transmissions of the same transmission type. For the purpose of determining the country of origin for engines and transmissions, the United States and Canada shall be treated separately.

"(13) When used in reference to passenger motor vehicle equipment which is of U.S./Canadian origin, the term "percentage (by value)" means the resulting percentage when the percentage (by value) of such equipment not of U.S./Canadian origin that will be installed or included on such vehicles produced within a carline is subtracted from 100 percent. Value shall be expressed in terms of purchase price. For both outside suppliers and allied suppliers the value used shall be the purchase price of the passenger motor vehicle equipment as paid at the final assembly point.

"(14) The term "final assembly" point shall mean the plant, factory, or other place at which a new passenger motor vehicle is produced or assembled by a manufacturer and from which such vehicle is delivered to a dealer or importer in such a condition that all component parts necessary to the mechanical operation of such automobile are included with such vehicle whether or not such component parts are permanently installed in or on such vehicle.

"(15) The term "allied supplier" means a supplier of passenger motor vehicle equipment that is wholly owned by the manufacturer, or in the case of a joint venture vehicle assembly arrangement, any supplier that is wholly owned by one member of the joint venture arrangement.

"(16) The terms "foreign" or "foreign content" means passenger motor vehicle equipment not determined to be U.S./Canadian origin.

"(17) The term "outside supplier" means a supplier of passenger motor vehicle equipment to a manufacturer's allied supplier or anyone other than an allied supplier who ships directly to the manufacturer's final assembly point.

"(g) EFFECT ON STATE LAW.—(1) Whenever a content labeling requirement established under this section is in effect, no state or political subdivision of a State shall have the authority to adopt or enforce any law or regulation relating to the content of vehicles covered by such Federal requirement.

"(2) Nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing requirements with respect to content of automobiles procured for its own use.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 216: Page 73, after line 16, insert:

SEC. 354. Notwithstanding the provisions of any other law, rule, or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary. In determining the redemption or repurchase amount the Secretary shall take into consideration the market value of the stock and may accept payment in an amount less than the par value of such stock.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 216, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 356. Notwithstanding the provisions of any other law, rule, or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 222: Page 73, after line 16, insert:

SEC. 360. ALCAN HIGHWAY.—Notwithstanding any other provision of law, the Secretary of Transportation shall waive the State matching share for the construction of any international road project for which funds are earmarked in the Intermodal Surface Transportation Efficiency Act of 1991 or in the Fiscal Year 1992 Appropriations Bill for the Department of Transportation.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 222, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 361. Notwithstanding any other provision of law, the Secretary of Transportation shall waive the State matching share for the construction of any portion of an international road project located outside of the borders of any State of the United States for which funds are earmarked in the Intermodal Surface Transportation Efficiency Act of 1991 or in the Department of Transportation and Related Agencies Appropriations Act, 1992.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 223: Page 73, after line 16, insert:

SEC. 361. COLLEGIATE TRAINING INITIATIVE

(a) The administrator of the Federal Aviation Administration may hereafter continue the Collegiate Training Initiative program, by entering into new agreements, and by maintaining existing agreements, with postsecondary educational institutions, as defined by the Administrator, whereby such institutions prepare students for the position of air traffic controller with Department of Transportation, as defined in section 2109 of title 5, United States Code.

(b) The Administrator may establish standards for the entry of institutions into such program and for their continued participation in it.

(c) The Administrator may appoint persons who have successfully completed a course of training in such program to the position of air traffic controller noncompetitively in the excepted service, as defined in section 2103, of title 5, United States Code. Persons so appointed shall serve at the pleasure of the Administrator, subject to section 7511(e), of title 5, United States Code (pertaining to adverse actions). However, an appointment under this subsection may be converted from one in the excepted service to a career-continual or career appointment in the competitive civil service, as defined in section 2102, of title 5, United States Code, when the incumbent achieves full performance level air traffic controller status, as determined by the Administrator. The authority conferred by this subsection to make new appointments in the excepted service shall expire at the end of five years from the date of enactment of the Act, except that the Administrator may determine to extend such authority for one or more successive one-year periods thereafter.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recedes from its disagreement to the amendment of the Senate numbered 223, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 362. COLLEGIATE TRAINING INITIATIVE.

(a) The Administrator of the Federal Aviation Administration may hereafter continue the Collegiate Training Initiative program, by entering into new agreements, and by maintaining existing agreements, with postsecondary educational institutions, as defined by the Administrator, whereby such institutions prepare students for the position of air traffic controller with the Department of Transportation, as defined in section 2109 of title 5, United States Code.

(b) The Administrator may establish standards for the entry of institutions into such program and for their continued participation in it.

(c) The Administrator may appoint persons who have successfully completed a course of training in such program to the position of air traffic controller noncompetitively in the excepted service, as defined in section 2103,

of title 5, United States Code. Persons so appointed shall serve at the pleasure of the Administrator, subject to section 7511, of title 5, United States Code (pertaining to adverse actions). However, an appointment under this subsection may be converted from one in the excepted service to a career conditional or career appointment in the competitive civil service, as defined in section 2102, of title 5, United States Code, when the incumbent achieves full performance level air traffic controller status, as determined by the Administrator. The authority conferred by this subsection to make new appointments in the excepted service shall expire at the end of five years from the date of enactment of this Act, except that the Administrator may determine to extend such authority for one or more successive one-year periods thereafter.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 226: Page 73, after line 16, insert:

SEC. 364. EMPLOYEE CONSIDERATIONS IN AIRLINE ROUTE TRANSFERS.

(a) IN GENERAL.—Section 401(h) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371(h)) is amended by adding at the end the following new paragraph:

"(4) EMPLOYEE CONSIDERATIONS.—

"(A) CONSIDERATION OF EMPLOYMENT OPPORTUNITIES.—In reviewing a proposed transfer of a foreign air transportation route certificate, the Secretary of Transportation in order to encourage fair wages and equitable working conditions for air carriers shall give priority consideration to assuring employment opportunities for employees of the air carrier transferring the certificate. Those opportunities shall not discriminate on the basis of race, color, religion, national origin, sex, age, or disability. Consideration shall also be given to provisions for seniority integration, as provided for in the seniority integration protections specified in Tiger International Seaboard Acquisition Case, CAB Docket 33712.

"(B) EMPLOYMENT PLAN.—Upon application for approval of such a certificate transfer, the acquiring carrier shall submit its plan for employment that projects the number of employees of the transferring carrier who will be hired by the acquiring carrier, the crafts and national origin of those employees, and a timetable for implementation of that employment plan.

"(C) MANDATORY FINDINGS.—The Secretary may approve the transfer of a foreign air transportation route certificate only if the Secretary makes specific findings that—

"(i) the employment plan submitted under subparagraph (B) does not discriminate on the basis of race, color, religion, national origin, sex, age, or disability;

"(ii) reasonable attempts have been made by the acquiring carrier to provide employment opportunities for employees of the transferring carrier; and

"(iii) the employment plan would not adversely affect the viability of the transaction.

"(D) EVALUATION.—Within 1 year after the approval by the Secretary of a transfer of a foreign air transportation route certificate, the Secretary shall conduct an evaluation of the implementation of the employment plan submitted under subparagraph (B).".

(b) DUTY TO HIRE PROTECTED EMPLOYEES.—Section 43(d)(1) of the Airline Deregulation Act of 1978 is amended by striking "10" and inserting in lieu thereof "17".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any application filed after the date of enactment. With respect to any application filed after July 26, 1991 but before the date of enactment the acquiring carrier must submit the employment plan specified in subparagraph (B) and that the provisions in subparagraph (D) apply.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 226, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 365. Notwithstanding any other provision of law, the Coast Guard shall utilize $2,000,000 in funds provided for "Research, development, test, and evaluation" in this Act or in previous appropriations Acts to enter into a grant agreement with the International Oceanographic Foundation, Inc. for the purpose of establishing the South Florida oil spill research center.

SEC. 366. Notwithstanding any other provision of law, the Federal Aviation Administration is required to remedy any existing contamination problems related to asbestos and PCBs at its Sayville facility and to remove the facility prior to the transfer of associated lands to the U.S. Fish and Wildlife Service

SEC. 367. Notwithstanding any other provision of law, the Secretary of Transportation shall make available $4,100,000 in fiscal year 1993 from section 1105(f)(16) of Public Law 102-240 to section 1108(b)(25) of Public Law 102-240.

SEC. 368. Notwithstanding any other provision of law, section 1105(e)(2) of Public Law 102-240 is amended by adding at the end the following new sentence: "A study may be conducted under this subsection to determine the feasibility of constructing a more direct limited access highway between Peoria and Chicago, Illinois.".

SEC. 369. Notwithstanding any other provision of law, section 1108(b)(17) of Public Law 102-240 is amended by striking the current project description and inserting, "Conduct environmental studies, preliminary engineering, and construction for the Las Vegas beltway, including those portions linking McCarran International Airport and I-15.".

SEC. 370. Notwithstanding any other provision of law, in selecting projects to be carried out with funds apportioned to it under section 104 of title 23, United States Code, the State of Illinois shall give priority consideration to reconstruction of Meridian and Glen Crossing Roads in Madison County, Illinois.

SEC. 371. Notwithstanding any other provision of law, section 1105(g) of Public Law 102-240 is amended by adding a new paragraph (9) to read as follows: "(9) The States of South Dakota and Nebraska may, at their discretion, utilize funds allocated to them for the project described in section 1105(f)(17) of this Act to support the Nebraska/South Dakota feasibility study described in section 1105(f)(7) and may also utilize funds allocated for that study for the project described in section 1105(f)(17).".

SEC. 372. Notwithstanding any other provision of law, the Federal Railroad Administration, in its oversight of railroad employees' duty hours, shall presume to be lawful the Long Island Railroad's current practice of considering as commuting time the travel time of an employee to any reporting point, regardless of whether the employee has more than one reporting point.

SEC. 373. Notwithstanding any other provision of law, section 1069(t) of Public Law 102-240 is amended by striking the period in the last line, inserting a comma, and adding: "and funds provided pursuant to this provision shall not be subject to any limitation on obligations for federal-aid highways and highway safety construction programs.".

SEC. 374. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1995, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

SEC. 375. Notwithstanding any other provision of law, the Secretary is directed to waive the non-federal share for NASA Road 1 near Houston, Texas.

SEC. 376. Notwithstanding any other provision of law or regulation, before July 1, 1993, no lanes on any highway located on federally owned land, whether subject to easement or otherwise, may be restricted to high occupancy vehicles if those lanes have been constructed or maintained through the use of toll receipts.

SEC. 377. TREATMENT OF CERTAIN BUS REVENUE MILEAGE.—For purposes of the apportionment of funds under section 9 of the Federal Transit Act for fiscal year 1993, the total bus revenue vehicle miles provided by the Duke Power Company in the year ending June 30, 1990, shall be treated as having been provided by the City of Durham, North Carolina.

SEC. 378. Notwithstanding any other provision of law, section 1104(b)(17) of Public Law 102-240 is amended by striking the project description and inserting: "Study and construction of a bicycle system to serve as an alternative form of commuter transportation, to reduce air pollution, and to enhance recreation".

SEC. 379. Notwithstanding any other provision of law, section 1106(a)(2)(69) of Public Law 102-240 is amended by adding to the project description the following: "; plan, design, and construct related, adjacent, or interlocking facilities, preserve any related historical remnants, and acquire the necessary lands or interests in lands for such facilities".

SEC. 380. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149(b) of title 23, United States Code, is amended by adding at the end the following new sentence: "In areas of a State which are nonattainment for ozone or carbon monoxide, or both, and for PM-10 resulting from transportation activities, the State may obligate such funds for any project or program under paragraph (1) or (2) without regard to any limitation of the Department of Transportation relating to the type of ambient air quality standard such project or program addresses.".

SEC. 381. BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—Sec-

tion 3035(nn)(2) of Public Law 102-240 is amended—(1) by striking "Waldorf" and inserting "mass transportation improvements to the Waldorf area"; and (2) by adding after the first sentence the following new sentence: "The transit improvements in the corridor from the Waldorf area to the Washington, D.C. area shall be based on the locally preferred alternatives that result from the Southern Maryland Mass Transportation Alternatives Study of the Tri-County Council for Southern Maryland and shall include any additional work needed on that study, detailed planning and engineering to be carried out by the Maryland Department of Transportation in conjunction with the Tri-County Council, advanced land acquisition in the transit corridor, and implementation of interim and long-range transit improvements in the transit corridor.".

SEC.. 382. Section 3035(ccc) of Public Law 102-240 is amended by striking "the municipality of metropolitan Seattle, Washington" and inserting: "a qualified local sponsor".

On page 66, line 4 of the House engrossed bill, H.R. 5518, delete "Sec.";

On page 66, beginning on line 4, of the House engrossed bill, H.R. 5518, delete ". (a) Title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421-1433) is amended by adding at the end the following new section:"

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate this next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 277: Page 73, after line 16, insert:

TITLE IV

HIGHWAY TECHNICAL CORRECTIONS

SEC. 401. Section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking in subsection (b) projects (167), (168), (174), (178), (179), (183), (184), and (185) and inserting in lieu thereof the following:

"(167) NELSON COUNTY.—Grading and surfacing from U.S. Highway 2 at Michigan southerly to ND Highway 15 at McVille and on FAS 3220 from ND 1 easterly to the county line.

"(168) STUTSMAN COUNTY.—Widening and surfacing from I-94 north and east through Spiritwood, then north to ND Highway 9, FAS 4718 from ND 20 east to FAS 4745, and FAS 4712 from ND 20 to ND 9.

"(174) MCKENZIE COUNTY.—Grading and surfacing of FAS 2750 from U.S. 85 west.

"(178) RENVILLE/WARD COUNTY.—Grading and surfacing, starting 3 miles west of ND 28 on FAS 3828, thence one mile west and four miles north and then west to FAS 3809.

"(179) MORTON COUNTY.—Grading and surfacing of FAS 3025 and FAS 3020 from ND 49 southeasterly to FAS 3033.

"(183) MORTON COUNTY.—For a bypass around the west side of Fort Lincoln State Park from Mandan South.

"(184) ROLETTE COUNTY.—Grading and surfacing from U.S. 281 around the access loop roads and parking facilities in the International Peace Garden.

"(185) OLIVER COUNTY.—Grading and surfacing of FAS 3331 from ND 200A at Hensler southerly to ND 25 and FAS 3304 from FAS 3331 east to FAS 3339 and FAS 3339.".

SEC. 402. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(i) The State of North Dakota may elect to utilize the total amount of funds authorized for such State under section 1107(b) in any given year for any project or projects in the State of North Dakota as authorized under section 1107."

SEC. 403. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(j) Any balance of funds authorized by this section that remain after construction is completed on any project authorized by subsection (b) in North Dakota may be transferred and used to pay the costs of any projects authorized by subsection (b) in North Dakota."

SEC. 404. Delete the first sentence of section 6058(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) and substitute: "The Federal share payable on account of activities carried out under section 6056, as well as operational test activities carried out under this part (other than section 6056), shall not exceed 80 percent of the cost of such activities.".

SEC. 405. Section 1006(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 56 by striking "I-55" and inserting "I-59".

SEC. 406. The Secretary shall revise the Manual of Uniform Traffic Control Devices to include—

(a) a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs, which shall apply to all roads open to public travel; and

(b) a standard to define the roads that must have a center line or edge lines or both, provided that in setting such standard the Secretary shall consider the functional classification of roads, traffic volumes, and the number and width of lanes.

SEC. 407. (a) TECHNICAL CHANGE.—Section 1014(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) in the heading, by striking "91" and inserting "81"; and

(2) by striking "United States Route 91 from Belleville, Kansas" and inserting "United States Route 81 from Concordia, Kansas,".

(b) INNOVATIVE PROJECTS.—The table in subsection (b) of section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 154, by striking "7-15 miles Belleville to Concordia" and inserting "from Concordia to the Nebraska border".

(c) EXPENDITURE OF FUNDS.—Section 1014(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following new paragraphs:

"(4)(A) Except as provided in subparagraph (B), notwithstanding any other provision of law, the amounts made available for the construction of the Hutchinson Bypass between United States Route 50 and Kansas Route 96 in the vicinity of Hutchinson, Kansas, under section 1107(b) shall be expended prior to the expenditure of the amount obligated for such purpose pursuant to paragraph (1) of this subsection.

"(B) If the appropriate official of the State of Kansas determines that in order to carry out to completion the construction project described in paragraph (A), the expenditure of an amount obligated pursuant to paragraph (1) of this subsection is necessary, the State may expend such amount.

(5) Notwithstanding any other provision of law, the amounts allocated to the State of Kansas for fiscal years 1996 through 1997 pursuant to section 160 of title 23, United States Code, and not obligated under this subsection or any other provision of this Act, shall remain available to the State of Kansas to carry out activities eligible for funding under title 23, United States Code.".

SEC. 408. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROJECT.—Subsection (c)(1) of section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 144 note) is amended by striking "on rural Federal-aid highways" and inserting "on public roads".

SEC. 409. PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by inserting "(other than Massachusetts)" after "in a State"; and

(2) in the last sentence by striking "before" and inserting "after".

SEC. 410. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 129 of title 23, United States Code, is amended as follows—

(1) in subsection (b) by striking "approved under section 103(b) or (b) of this title as a part of one of the Federal-aid systems" and inserting in lieu thereof "classified as a public road"; and

(2) by amending subsection (c)(2) to read as follows—"(2) The operation of the ferry shall be on a route classified as a public road within the State and which has not been designated as a route on the Interstate System. Projects under this subsection may be eligible for both ferry boats carrying cars and passenger and ferry boats carrying passengers only."

SEC. 411. The Intermodal Surface Transportation Efficiency Act of 1991, Section 1069(y) is amended by adding at the end of the last sentence: "Funds provided to carry out the provisions of this section are to remain available until expended."

SEC. 412. NONDISCRIMINATION.—Section 140(b) of title 23, United States Code, is amended in the last sentence by striking "¼ of 1 percent" and inserting "½ of 1 percent".

SEC. 413. HELL GATE BRIDGE.—Notwithstanding any other provision of law, the Hell Gate Viaduct shall be considered a federally-owned bridge solely for the purposes of determining the Federal share under section 1021(d) of Public Law 102-240 as regards the project to upgrade, repair and paint the Hell Gate Viaduct authorized by section 1107 of Public Law 102-240.

SEC. 414. Notwithstanding any other provision of law, the funds provided for projects in Idaho by sections 1104 and 1107 of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240, December 18, 1991, may be obligated for any such projects.

SEC. 415. Notwithstanding any other provision of law, the State of Nevada may elect to utilize the total amount of funds authorized for such State under sections 1104(b), 1105(f), 1107(b), and 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240 within any given fiscal year for any project or projects in the State of Nevada as authorized under said sections.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 227, and

concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

TITLE IV—HIGHWAY TECHNICAL CORRECTIONS

SEC. 401. Section 1107(b) of Public Law 102–240 is amended by striking—

(a) in subsection (167) the project description and inserting in lieu thereof: "Grading and surfacing from U.S. Highway 2 at Michigan southerly to ND Highway 15 at McVille and on FAS 3220 from ND 1 easterly to the county line.".

(b) in subsection (168) the project description and inserting in lieu thereof: "Widening and surfacing from I–94 north and east through Spiritwood, then north to ND Highway 9, FAS 4718 from ND 20 east to FAS 4745, and FAS 4712 from ND 20 to ND 9."

(c) in subsection (174) the project description and inserting in lieu thereof: "Grading and surfacing of FAS 2750 from U.S. 85 west.".

(d) in subsection (178) the project description and inserting in lieu thereof: "Grading and surfacing, starting 3 miles west of ND 28 on FAS 3828, thence one mile west and four miles north and then west to FAS 3809."

(e) in subsection (179) the project description and inserting in lieu thereof: "Grading and surfacing of FAS 3025 and FAS 3020 from ND 49 southeasterly to FAS 3033.".

(f) in subsection (183) the project description and inserting in lieu thereof: "For a bypass around the west side of Fort Lincoln State Park from Mandan South.".

(g) in subsection (184) the project description and inserting in lieu thereof "Grading and surfacing from U.S. 281 around the access loop roads and parking facilities in the International Peace Garden.".

(h) in subsection (185) the project description and inserting in lieu thereof: "Grading and surfacing of FAS 3331 from ND 200A at Hensler southerly to ND 25 and FAS 3304 from FAS 3331 east to FAS 3339 and FAS 3339.".

SEC. 402. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(i) The State of North Dakota may elect to utilize the total amount of funds authorized for such State under section 1107(b) in any given year for any project or projects in the State of North Dakota as authorized under section 1107.".

SEC. 403. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(j) Any balance of funds authorized by this section that remains after construction is completed on any project authorized by subsection (b) in North Dakota may be transferred and used to pay the costs of any projects authorized by subsection (b) in North Dakota.".

SEC. 404. Delete the first sentence of section 6058(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) and substitute: "The Federal share payable on account of activities carried out under section 6065, as well as operational test activities carried out under this part (other than section 6056) shall not exceed 80 percent of the cost of such activities.".

SEC. 405. Section 1106(a)(2) of the Intermodal Surface Transportation Effiency Act of 1991 is amended in the item numbered 56 by striking "I–55" and inserting "I–59".

SEC. 406. The Secretary of Transportation shall revise the Manual of Uniform Traffic Control Devices to include—

(a) a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs, which shall apply to all roads open to public travel, and

(b) a standard to define the roads that must have a center line or edge lines or both, provided that in setting such standard the Secretary shall consider the functional classification of road, traffic volumes, and the number and width of lanes.

SEC. 407. (a) TECHNICAL CHANGE.—Section 1014(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) in the heading, by striking "91" and inserting "81"; and

(2) by striking "United States Route 91 from Belleville, Kansas" and inserting "United States Route 81 from Concordia, Kansas,".

(b) INNOVATIVE PROJECTS.—The table in subsection (b) of section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 154, by striking "7–15 miles Belleville to Concordia" and inserting "from Concordia to the Nebraska border".

(c) EXPENDITURE OF FUNDS.—Section 1014(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following new paragraphs:

"(4)(A) Except as provided in subparagraph (B), notwithstanding any other provision of law, the amounts made available for the construction of the Hutchinson Bypass between United States Route 50 and Kansas Route 96 in the vicinity of Hutchinson, Kansas, under section 1107(b) shall be expended prior to the expenditure of the amount obligated for such purpose pursuant to paragraph (1) of this subsection.

"(B) If the appropriate official of the State of Kansas determines that in order to carry out to completion the construction project described in paragraph (A), the expenditure of an amount obligated pursuant to paragraph (1) of this subsection is necessary, the State may expend such amount.

(5) Notwithstanding any other provision of law, the amounts allocated to the State of Kansas for fiscal years 1996 through 1997 pursuant to section 160 of title 23, United States Code, and not obligated under this subsection or any other provision of this Act, shall remain available to the State of Kansas to carry and activities eligible for funding under title 23, United States Code.".

SEC. 408. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROJECT.—Subsection (c)(1) of section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 144 note) is amended by striking "on rural Federal-aid highways" and inserting "on public roads".

SEC. 409. PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by inserting "(other than Massachusetts)" after "in a State"; and

(2) in the last sentence by striking "before" and inserting "after".

SEC. 410. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 129 of title 23, United States Code, is amended as follows—

(1) in subsection (b) by striking "approved under section 103(b) or (b) of this title as a part of one of the Federal-aid systems" and inserting in lieu thereof "classified as a public road"; and

(2) by amending subsection (c)(2) to read as follows—"(2) The operation of the ferry shall be on a route classified as a public road within the State and which has not been designated as a route on the Interstate System. Projects under this subsection may be eligible for both ferry boats carrying cars and passengers and ferry boats carrying passengers only.".

SEC. 411. Section 1069(y) of the Intermodal Surface Transportation Efficiency Act of 1991, is amended by adding at the end of the last sentence: "Funds provided to carry out the provisions of this section are to remain available until expended.".

SEC. 412. NONDISCRIMINATION.—Section 140(b) of title 23, United States Code, is amended in the last sentence by striking "¼ of 1 percent" and inserting "½ of 1 percent".

SEC. 413. HELL GATE BRIDGE.—Notwithstanding any other provision of law, the Hell Gate Viaduct shall be considered a federally-owned bridge solely for the purposes of determining the Federal share under section 1021(d) of Public Law 102–240 as regards the project to upgrade, repair and paint the Hell Gate Viaduct authorized by section 1107 of Public Law 102–240.

SEC. 414. Notwithstanding any other provision of law, the funds provided for projects in Idaho by sections 1104 and 1107 of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240, may be obligated for any such periods.

SEC. 415. Notwithstanding any other provisions of law, the State of Nevada may elect to utilize the total amount of funds authorized for such State under sections 1104(b), 1105(f), 1107(b), and 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240 within any given fiscal year for any project or projects in the State of Nevada as authorized under said sections.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 228: Page 73, after line 16, insert:

SEC. 416. Notwithstanding any other provision of law, the funds provided for projects in Minnesota by sections 1103, 1105, 1106, 1107, and 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, December 18, 1991) may be obliged for any of such projects.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 228, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 416. Notwithstanding any other provision of law, the funds provided for projects in Minnesota by sections 1103, 1105, 1106, 1107, and 1108 of Public Law 102–240 may be obligated for any such projects: *Provided*, That the total amount of any project shall not be reduced.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 230: Page 73, after line 16, insert:

TITLE V

TRANSIT TECHNICAL CORRECTIONS

SEC. 501. Section 3012 of Public Law 102-240 is amended by adding at the end of section 8(h)(4) the following sentence: "any transit project that has an approved draft Environmental Impact Statement would be exempt from complying with highway National Environmental Policy Act requirements.".

SEC. 502. Matching Share for Transferred Funds.—(a) Section 8(k) of the Federal Transit Act is amended by—

(1) adding after "funds" both times it appears, the following: ", including obligation authority and liquidating cash appropriations,"; and

(2) adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(1) adding after "funds" both times it appears, the following: ", including obligation authority and liquidating cash appropriations,"; and

(2) adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects."

(c) Section 3(h) of the Federal Transit Act is amended by adding a new subparagraph as follows:

"(7) Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among urbanized areas eligible under paragraphs (1), (2) and (3) in accordance with the apportionment formula contained in section 3(h) for the succeeding fiscal year.".

(d) Section 3 of the Federal Transit Act is amended by adding at the end the following new subsection:

"(n) Funds made available under this section which are deobligated may be used by any purpose under this section.".

(e) Section 8(h)(5) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead: "under title 23, United States Code".

(f) Section 8(i)(4) of the Federal Act is amended by striking "pursuant to this title" and inserting instead: "pursuant to title 23, United States Code".

(g) Section 8(m)(1) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead "under title 23, United States Code".

(h) Section 8(p) of the Federal Transit Act is amended by adding at the end the following: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the states for the succeeding fiscal year.".

(i) Section 8 of the Federal Transit Act is amended by adding the following new subsection (q):

"(q) The statewide planning and programming requirements of section 135, title 23, United States Code, shall apply to grants made under section 3, 9, 9B, 16 and 18 of this Act.".

(j) Section 12(l)(1)(B) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(k) Section 16(c)(4) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(l) Section 18(c) of the Federal Transit Act is amended by adding at the end the following: "All funds made available under this section may be used for operating assistance, whether derived from the Mass Transit Account of the Highway Trust Fund under section 21(a)(1) or from general fund appropriations authorized under section 21(a)(2).

(m) Section 21(a)(1) of the Federal Transit Act is amended by inserting after "sections", "8".

(n) Section 21(a)(2) of the Federal Transit Act is amended by inserting after "sections", "8".

(o) Section 21(c) of the Federal Transit Act is amended by striking "subsection 8(p)" and inserting instead "subsection (a)".

(p) Section 21(c)(1) of the Federal Transit Act is amended by striking "8(f)" and inserting instead "8(n)".

(q) Section 21(d)(3) of the Federal Transit Act is amended by striking "1996" and inserting instead "1997".

(r) Section 26(a)(2)(A) of the Federal Transit Act is amended by adding at the end: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year."

SEC. 503. SPECIAL RULE FOR TRANSPORTATION MANAGEMENT AREAS THAT DO NOT CONTAIN AN URBANIZED AREA OVER 200,000 POPULATION.—(1) Funds attributed to a transportation management area, established under section 134 of title 23, United States Code, and not containing an urbanized area over 200,000 under 23 U.S.C. 133(d)(3)(A)(ii), shall be obligated in that transportation management area.

(2) Section 9(m)(1) of the Federal Transit Act (49 U.S.C. App. 1607(a)(m)(1)) is amended by striking in the first sentence "urbanized areas of 200,000 or more population" and inserting the following: "transportation management areas established under section 8(i)".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the house recede from its disagreement to the amendment of the Senate numbered 230, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

TITLE V

TRANSIT TECHNICAL CORRECTIONS

SEC. 501. Section 3012 of Public Law 102-240 is amended by adding at the end of section 8(h)(4) the following sentence: "Any transit project that has an approved draft Environmental Impact Statement would be exempt from complying with highway National Environmental Policy Act requirements.".

SEC. 502. MATCHING SHARE FOR TRANSFERRED FUNDS.—(a) Section 8(k) of the Federal Transit Act is amended by adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(b) Section 134(k) of title 23, United States Code is amended by adding at the end: "The provisions of title 23, United State Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(c) Section 3(h) of the Federal Transit Act is amended by adding a new subparagraph as follows:

"(7) Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among urbanized areas eligible under paragraphs (1), (2) and (3) in accordance with the apportionment formula contained in section 3(h) for the succeeding fiscal year.".

(d) Section 3 of the Federal Transit Act is amended by adding at the end the following new subsection:

"(n) Funds made available under this section which are deobligated may be used for any purpose under this section.".

(e) Section 8(h)(5) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead: "under title 23, United States Code".

(f) Section 8(i)(4) of the Federal Transit Act is amended by striking "pursuant to this title" and inserting instead: "pursuant to title 23, United State Code".

(g) Section 8(m)(1) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead "under title 23, United States Code".

(h) Section 8(p) of the Federal Transit Act is amended by adding at the end the following: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the states for the succeeding fiscal year.".

(i) Section 8 of the Federal Transit Act is amended by adding the following new subsection (q):

"(q) The statewide planning and programming requirements of section 135, title 23, United States Code, shall apply to grants made under sections 3, 9, 9B, 16 and 18 of this Act.".

(j) Section 12(l)(1)(B) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(k) Section 16(c)(4) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(l) Section 18(c) of the Federal Transit Act is amended by adding at the end the following: "All funds made available under this section may be used for operating assistance, whether derived from the Mass Transit Account of the Highway Trust Fund under section 21(a)(1) or from general fund appropriations authorized under section 21(a)(2).".

(m) Section 21(a)(1) of the Federal Transit Act is amended by inserting after "sections", "8".

(n) Section 21(a)(2) of the Federal Transit Act is amended by inserting after "sections", "8".

(o) Section 21(c) of the Federal Transit Act is amended by striking "subsection 8(p)" and inserting instead "subsection (a)".

(p) Section 21(c)(1) of the Federal Transit Act is amended by striking "8(f)" and inserting instead "8(n)".

(q) Section 21(d)(3) of the Federal Transit Act is amended by striking "1996" and inserting instead "1997".

(r) Section 21(a)(2)(A) of the Federal Transit Act is amended by adding at the end: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year.".

Sec. 503. SPECIAL RULE FOR TRANSPORTATION MANAGEMENT AREAS THAT DO NOT CONTAIN AN URBANIZED AREA OVER 200,000 POPULATION.—(1) Funds attributed to a transportation management area, established under section 134 of title 23, United States Code, and not containing an urbanized area over 200,000, under 23 U.S.C. 133(d)(3)(A)(ii), shall be obligated in that transportation management area.

(2) Section 9(m)(1) of the Federal Transit Act (49 U.S.C. App. 1607(a)(m)(1)) is amended by striking in the first sentence "organized areas of 200,000 or more population" and inserting the following: "transportation management areas established under section 8(i)".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 233: Page 73, after line 16, insert:

TITLE VI—ALCOHOL TRAFFIC SAFETY GRANTS

SEC. 601. MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.

Section 410 of title 23, United States Code, is amended—

(1) by striking subsection (g);

(2) by redesignating subsections (c) through (f) as (d) through (g), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 5 fiscal years beginning after September 30, 1992. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.".

SEC. 602. BASIC GRANT ELIGIBILITY.

Section 410(d) of title 23, United States Code, as so redesignated by section 601 of this title, is amended—

(1) by striking "4 or more of the following:" and inserting in lieu thereof "5 or more of the following:"; and

(2) in subsection (1)(C), by striking "within the time period specified in subparagraph (F)"; and

(3) by adding at the end the following new paragraph:

"(6) Establishment of a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 10 days of community service, of any person convicted of driving while intoxicated more than once in any 5-year period.".

SEC. 603. AMOUNT OF BASIC GRANTS.

Section 410(e) of title 23, United States Code, as redesignated by section 601 of this title, is amended to read as follows:

"(e) AMOUNT OF BASIC GRANT.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) shall equal 30 percent of the amount apportioned to such State for fiscal year 1992 under section 402 of this title.".

SEC. 604. SUPPLEMENTAL GRANTS.

Section 410(f) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking "A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section" each place it appears and inserting in lieu thereof "Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title".

SEC. 605. ADMINISTRATIVE EXPENSES.

Section 410(g) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking ", and the remainder shall be apportioned among the several States".

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 410(j) of title 23, United States Code, is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for each of fiscal years 1993 through 1997. Amounts made available to carry out this section shall remain available until expended and shall not be subject to any obligation limitation for State and community highway programs.".

SEC. 607. EFFECTIVE DATE OF AMENDMENTS; TRANSITION RULES.

(a) EFFECTIVE DATE.—(1) The amendments made by sections 601 through 606 shall take effect October 1, 1992.

(b) STATES ELIGIBLE FOR BASIC GRANTS UNDER SECTION 410 BEFORE DATE OF ENACTMENT.—A State that received a basic grant in fiscal year 1992 under section 410 of title 23, United States Code, as in effect on September 30, 1992, and that continues to meet the criteria for a basic grant, as in effect on September 30, 1992, shall be eligible for a basic grant under section 410, as amended by this title.

(c) TRANSFER OF REMAINING FUNDS TO NEW PROGRAM.—Funds apportioned in fiscal year 1992 from which grants were not awarded under section 410 of title 23, United States Code, as in effect on September 30, 1992, shall be available for carrying out section 410 of title 23, United States Code, as amended by this title, on and after October 1, 1992.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 233, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

TITLE VI—ALCOHOL TRAFFIC SAFETY GRANTS

SEC. 601. MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS

Section 410 of title 23, United States Code, is amended—

(1) by striking subsection (g);

(2) by redesignating subsections (c) through (f) as (d) through (g), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 5 fiscal years beginning after September 30, 1992. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.".

SEC. 602. BASIC GRANT ELIGIBILITY.

Section 410(d) of title 23, United States Code, as so redesignated by section 601 of this title, is amended—

(1) by striking "4 or more of the following:" and inserting in lieu thereof "5 or more of the following:"; and

(2) in subsection (1)(C), by striking "within the time period specified in subparagraph (F)"; and

(3) by adding at the end the following new paragraph:

"(6) Establishment of a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 10 days of community service, of any person convicted of driving while intoxicated more than once in any 5-year period.".

SEC. 603. AMOUNT OF GRANTS.

Section 410(e) of title 23, United States Code, as redesignated by section 601 of this title, is amended to read as follows:

"(e) AMOUNT OF BASIC GRANT.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) shall equal 30 percent of the amount apportioned to such State for fiscal year 1992 under section 402 of this title.".

SEC. 604. SUPPLEMENTAL GRANTS.

Section 410(f) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking "A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section" each place it appears and inserting in lieu thereof "Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title".

SEC. 605. ADMINISTRATIVE EXPENSES.

Section 410(g) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking ", and the remainder shall be apportioned among the several States".

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 410(j) of title 23, United States Code, is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for each of fiscal years 1994 through 1997. Amounts made available to carry out this section are authorized to remain available until expended.".

SEC. 607. EFFECTIVE DATE OF AMENDMENTS; TRANSITION RULES.

(A) EFFECTIVE DATE.—The amendments made by sections 601 through 606 shall take effect October 1, 1992.

(b) STATES ELIGIBLE FOR BASIC GRANTS UNDER SECTION 410 BEFORE DATE OF ENACTMENT.—A State that received a basic grant in fiscal year 1992 under section 410 of title 23, United States Code, as in effect on September 30, 1992, and that continues to meet the criteria for a basic grant, as in effect on September 30, 1992, shall be eligible for a basic grant under such section 410, as amended by this title.

Mr. BOEHNER. Mr. Speaker, I rise to oppose the inclusion of the labeling requirement provision in the transportation appropriation. Calling this amendment a simple domestic content labeling provision is misleading. The language in this amendment creates three different classifications of parts suppliers with different ways to measure American content for each. These separate classifications punish companies that manufacture components in house. Furthermore, the definition of value added is critical in understanding how this bill could classify parts made in America as imports.

I want to use a real world example of how this bill punishes companies that have located in the United States by making arbitrary definitions of domestic and imported. Honda makes their engines in Anna, OH. This facility uses the latest technology to produce the engines that go into the Civics and Accords manufactured in North America.

The engines and transmissions produced at this facility have to be labeled as to the country of origin. In order for the engines to be classified as an American, 50 percent or more of the dollar value added must have occurred in the United States. In this case, it is clear that the engines made in Anna, OH are American. But what happens when the engine moves from an in-house facility where it was produced to the final assembly point? This is where the confusion begins on the domestic labeling requirement. This is also where the arbitrary nature of this provision becomes obvious.

Under the definitions of the labeling provision, it is not clear whether the engines made in Anna, OH, can be counted as a part under this bill. The reason has to do with the definition of value added. Value added in the United States and Canada is defined in H.R. 5518 as "the total purchase price, minus total purchase price of foreign content, divided by the total purchase price." The engines made by Honda are produce within the company. Therefore, no price is ever assigned to the engine. It is not clear under the definition of value added whether Honda can assign a price to the engines they produce.

Even if the engine can be claimed as a part under the bill, the definition of value added cannot include labor or assembly. That means that almost all of the work done in Anna, OH on the Honda engine cannot count toward the domestic content of cars assembled in Marysville, OH.

Mr. Speaker, I have visited the engine assembly plant in Anna. It is an amazing facility. In this plant is a fully functional foundry that uses computers and robots to make pistons, piston rings, crank shaft, the head, and the engine block. These parts are then assembled into an engine within the same facility. Today, Congress is about to tell 2,000 workers at this plant that the engines they produce are imports for the purposes of domestic auto content.

This is wrong, plain and simple. How can Congress tell American workers that the job they perform each day is not part of the value of a product? If the facility in Anna, OH, were located in Canada and owned by one of the big three automakers, the engines produced at such a facility would be counted as domestic under this provision. For Congress to devalue the labor of a group of Americans because they work for a Japanese transplant is unconscionable.

Mr. Speaker, when foreign companies invest billions of dollars in the United States, they are making a strong statement about the productivity and quality of American workers. The money spent by Honda could have been invested elsewhere, yet they chose to invest more than $2 billion in Ohio, because the workers in my State are the most productive in the world. If Congress wants to destroy the incentives foreign companies have to invest here, I can't think of a better way than to pass legislation such as domestic content labeling requirements.

Finally, I would like to add that there were no hearings on this provision in the House. This amendment was added to the Senate version of the transportation appropriation. Had this action been taken in the House, it would have been a clear violation of the rules of the House. There are several serious policy questions involved with the domestic content language. This provision will increase the paperwork cost requirements for auto dealers and manufacturers. Also, it also appears that the language in the provision is in direct contradiction to the recently negotiated North American Free Trade Agreement. Finally, I question the definitions used to describe domestic and foreign under this measure. Since there were no hearings on this bill, these questions will remain unanswered.

Mr. Speaker, this is not the way we should conduct business in the House of Representatives. If this idea was so worthy, it should have gone through normal legislative process. As drafted, the domestic content provision is poor legislative policy, shortsighted public policy, and misdirected trade policy. I urge my colleagues to oppose this provision.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5192, VETERANS HEALTH CARE AMENDMENTS OF 1992

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 578 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5192) to amend title 38, United States Code, to make improvements to veterans health programs. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 8 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Veterans' Affairs now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. No amendment to the amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to demand for division of the question in the House or in the Committee of the Whole.

Any time specified in the report for debate on an amendment shall be equally divided and controlled by the proponent and an opponent. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

□ 1430

Mr. MOAKLEY. Mr. Speaker, I yield the customary one-half hour of debate time to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 578 provides for the consideration of H.R. 5192, legislation to amend title 23 United States Code, to make improvements to veterans health programs.

Mr. Speaker, the rule provides 1 hour of general debate time which will be equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs.

The rule makes in order an amendment in the nature of a substitute printed in part 1 of the report accompanying the rule as an original bill for the purpose of amendment. This substitute is the bill as reported by the Committee on Veterans' Affairs as modified by amendments recommended by the committee. The substitute will be considered as having been read.

Only three amendments are made in order under the rule. They are printed in par 2 of the report accompanying the rule. Each amendment shall be considered as having been read and shall be considered in the order and manner specified in the report. The amendments are not subject to amendment except as specified in the report.

The first amendment is a substitute for section 7 to be offered by Mr. PENNY of Minnesota or Mr. DURBIN of Illinois or their designee. The second amendment is to be offered by Mr. STAGGERS of West Virginia or his designee. The third amendment is to be offered by Mr. TRAFICANT of Ohio or his designee.

The Staggers amendment is a substitute amendment to the Penny substitute. Both the Penny amendment and the Staggers amendment are debatable for 20 minutes. The Traficant amendment is debatable for 10 minutes.

The rule waives clause 5(a) of rule XXI against the amendment in the nature of a substitute, prohibiting appropriations in a legislative bill, and also waives clause 8 of rule XXI, requiring a CBO cost estimate. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I rise in strong support of the rule and of H.R. 5192. Swift passage of this rule will allow us to debate the necessary provisions set forth by this bill to address the critical issue of improving health care for this Nation's veterans. I hope Members will join with me in supporting the rule and in supporting H.R. 5192.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I thank the good chairman of the Committee on Rules for yielding me the time.

I must say the gentleman from Massachusetts [Mr. MOAKLEY] is doing a fabulous job in the Committee on Rules, trying to get the bills out here in this rush to adjournment.

The Committee on Rules has had a tradition of bipartisanship which has allowed it to bring most of its legislation to the floor under suspension. This has worked to the benefit of veterans and their families and the Nation.

Balanced, well-thought-out legislation has been put together in such a way that it satisfies the overwhelming majority of Members on both sides of the aisle.

As the former ranking Republican on the Committee on Veterans' Affairs and even though I am the senior ranking Republican on the Committee on Rules, I want you to leave these bills in committee, work them out, and bring them to the floor. That is how we get good legislation.

I understand in this case, because of a division of opinion over the issue of smoking in veterans hospitals, that it was really deemed best, I guess, to go to the Committee on Rules. I believe we have come up with a procedure which would be fair to both sides of the aisle on this issue.

Under this rule, the base text would be the language unanimously adopted by the Committee on Veterans' Affairs, which does such an outstanding job under the leadership of SONNY MONTGOMERY, its chairman, and BOB STUMP, its ranking Republican. It would require the VA to sell tobacco in canteens and would require the VA to establish an indoor designated smoking area within each hospital. That is what the bill does.

Next, the gentleman from Minnesota [Mr. PENNY] and the gentleman from Illinois [Mr. DURBIN] will be able to offer their amendment, which maintains a no-smoking policy but which allows outdoor smoking. Then the gentleman from West Virginia [Mr. STAGGERS] will be allowed to offer an amendment to the Penny-Durbin amendment. That amendment would delete—in other words prohibit—the sale of tobacco products, while continuing to call for a designated indoor smoking area.

Mr. Speaker, the procedure in this rule would allow the House to choose among this full range of alternatives.

In making this decision, it is important to remember that many of our World War II and Korean war veterans—they smoke, they should not be forced to go out into subfreezing temperatures, as is often the case, especially in the part of the country which I represent, in order to continue a habit that may well have been picked up by them when they were in the Second World War or the Korean war. It is not up to us to force our morals on them. Let them do what they want to do.

I understand the desire of the Secretary of the Department of Veterans Affairs to improve the health of veterans. I recognize his right to offer smoking cessation programs. But for veterans who do not want to change, we should not force them out onto a sometimes-icy sidewalk, maybe they are in wheelchairs, just because they want to have a smoke.

Mr. Speaker, I support this rule as a fair way to permit the House to settle this issue.

I am going to strongly support the Staggers amendment because I think it is the fair thing to do.

Mr. Speaker, I yield 2 minutes to the distinguished ranking Republican on the committee, the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in reluctant support of the rule granted by the Rules Committee for H.R. 5192, as amended. I was reluctant to have this bill considered under a rule at all because it is a departure from the usual procedure followed for veterans legislation. But the situation is an unusual one because the bill was reported by the Veterans' Affair Committee with an amendment which some Members believe goes beyond veterans issues.

All sides would have a full opportunity to present their views under the rule granted. However, I believe that this rare situation should not be viewed as establishing a precedent for consideration of veterans' legislation. I fully expect veterans legislation to continue to be considered under expedited bipartisan procedures, which veterans service organizations and military associations overwhelmingly support.

I support passage of the rule.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished Member, the gentleman from Tennessee [Mr. SUNDQUIST], a former member of the Committee on Veterans' Affairs and a good member.

Mr. SUNDQUIST. I thank the gentleman from New York for yielding time to me.

Mr. Speaker, I would like to express my support for the Staggers amend-

ment to H.R. 5192 to mandate designated smoking areas for patients in VA hospitals.

I was privileged to serve on VA committee for six years. I strongly believe that prohibiting American veterans from smoking in VA facilities is an unfair and insensitive policy that denies those who have honorably served this country dignity and respect.

Sadly, antismoking advocates have attempted to characterize this as a health debate, when it is clearly an issue of fundamental right. We are all aware of the health risks associated with smoking. However, something has gone awry when Government policy dictates personal behavior to citizens. As long as smoking remains a lawful activity, hospitalized veterans should enjoy the same rights as every other American.

The men and women who served in our Armed Forces, like all Americans, are left to make their own personal decisions pertaining to smoking and their health. One-quarter of our veterans choose to smoke, yet those in VA hospitals are being forced outside, into shelters and parking lots in order to exercise this right. Many VA patients are frail and elderly, others are disabled or confined to wheelchairs, yet in order to smoke they are subjected to summer heat, winter cold, and other less than ideal health conditions.

Despite what some of my colleagues may have heard, implementing designated smoking policies for patients will not revoke the accreditation of VA hospitals. VA hospitals are accredited on numerous criteria, not one specific issue.

I commend VA hospitals for implementing smoking cessation programs to assist patients and employees who wish to stop smoking. Hoover, I reject the existing involuntary, de facto smoking cessation program that discourages veterans from smoking by forcing them outside to battle the elements. U.S. veterans deserve better treatment.

I plan to vote in favor of preserving the rights of our veterans and urge my colleagues to join me.

□ 1440

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just urge the Membership to vote for this rule. It is a fair rule. Then I would ask for support for the Staggers amendment when it comes on the floor.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I will do most of my debating during general debate and during debate on the Staggers amendment.

The rule permits a designee for the Staggers amendment. The gentleman from West Virginia [Mr. STAGGERS] is ill today and is not able to be in attendance in the House and has asked me to stand in for him to be his designee; so I just wanted to state that for the RECORD.

The Staggers amendment is something that the gentleman from West Virginia [Mr. STAGGERS] has championed through the Committee on Veterans' Affairs.

It was passed on a unanimous voice vote. It is a very important amendment that I think restores some dignity to our veterans.

We will debate the merits of the issue during general debate and during the debate on the pending Durbin amendment and the Staggers amendment.

I just want to rise an say that the gentleman from West Virginia [Mr. STAGGERS] has worked long and hard on this amendment. It is balance of fairness. It requires that veterans be given one single well-ventilated area within the hospitals, most of which already exist, in which they can smoke. Also at the same time it removes the requirement that tobacco products be sold in the canteens.

I think this strikes a balance. It is certainly fitting and I would urge that we pass this.

The gentleman from West Virginia [Mr. STAGGERS] wishes he could be here; but as I say, I will try to carry the ball for him; but I do want to acknowledge all that he has done to bring this before us today.

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Haller, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4178. An act to amend the Public Health Service Act to provide for a program to carry out research on the drug known as diethylstilbestrol, to educate health professionals and the public on the drug and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug.

H.R. 5673. An act to amend the Public Health Service Act to revise and extend the programs of the Agency for Health Care Policy and Research.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4996. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

H.R. 5013. An act to promote the conservation of wild exotic birds, to provide for the Great Lakes Fish and Wildlife Tissue Bank, to reauthorize the Fish and Wildlife Conservation Act of 1980, to reauthorize the African Elephant Conservation Act, and for other purposes.

H.R. 5258. An act to provide for the withdrawal of most favored nation status from the Federal Republic of Yugoslavia and to provide for the restoration of such status if certain conditions are fulfilled.

H.R. 5368. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4996) "An Act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. HELMS, and Mr. MCCONNELL, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5368) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. INOUYE, Mr. JOHNSTON, Mr. DECONCINI, Mr. HARKIN, Ms. MIKULSKI, Mr. BYRD, Mr. KASTEN, Mr. HATFIELD, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. NICKLES, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that pursuant to the provisions in House Concurrent Resolution 192, 102d Congress, second session, the chair, on behalf of the Republican Leader, announces the appointment of Mr. DOMENICI, vice chairman; Mrs. KASSEBAUM; Mr. LOTT; Mr. STEVENS; Mr. COHEN; and Mr. LUGAR; to the Joint Committee on the Organization of Congress.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1675. An act to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S 2679. An act to promote the recovery of Hawaii tropical forests, and for other purposes.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. MONTGOMERY. Mr. Speaker, I ask unanimus consent that the managers on the part of the House may have until 12 midnight tonight, Octo-

ber 1, 1992, to file the conference report on H.R. 5006, the National Defense Authorization Act for Fiscal Year 1993.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VETERANS HEALTH CARE AMENDMENTS OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 578 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5192.

□ 1444

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5192 to amend title 38, United States Code, to make improvements to veterans health programs with Mr. DIXON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 30 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I yield myself such time as I may consume.

H.R. 5192, as amended, would make several changes in current law relating to veterans health care services.

I will not explain all of the provisions of the bill. But I will mention several that I think will be of interest to Members of the House.

First of all, the bill would help correct a problem affecting pay for senior VA nurses. Many of my colleagues may have heard complaints from some nurses at medical centers in their districts.

Two years ago we passed legislation that made major changes in the way nurses are paid. In implementing the law, VA has caused many senior nurses to take a pay cut and some have little chance for promotion. This was not intended by the Congress.

H.R. 5192 is specifically designed to deal with the problem. I want to emphasize that most of the problems we have heard about are the result of VA's failure to implement the Nurse Pay Act of 1990 as Congress intended. The act gave the Secretary maximum flexibility. But VA failed to use that flexibility to the full extent.

This bill would help remedy these problems by creating a new pay grade for senior nurses. In addition, the bill would require VA to develop new qualification standards for its nurses.

Section 4 of the bill makes several changes to the VA's medical care cost recovery program or third-party reimbursement. The millions of dollars being collected by the VA from insurance companies each year now go to the Treasury. VA may only keep the cost of expenses that it takes to make these insurance collections.

As reported, the bill would have changed the collection authority after fiscal year 1995, allowing the VA to use collected funds for medical equipment and other high-priority areas. Frankly, I would like to rechannel all of the funds collected to VA hospitals now.

Because of objections raised by the leadership of the Budget Committee, this provision has been deleted from the bill. It seems we have little difficulty in finding funds for some things, but when we attempt to remedy some of the health care problems many veterans are confronted with, the funds to take care of the problems are not available because of the budget agreement adopted 2 years ago or because of a technical violation of the Budget Act.

The reported bill would reaffirm the intent of Congress that VA has authority to collect from insurers on MediGap policies. This provision of the bill is necessary only because some insurance companies are refusing to comply with the law previously passed by the Congress, and VA has been forced to go to court in many cases to collect funds for care provided to some veterans.

The bill would provide that most of the money VA collects from these MediGap policies shall be put back into the VA medical program.

As an incentive for hospitals to do a better job of collecting the revenues, 20 percent of the amount collected would remain at the local hospital.

Mr. Chairman, the bill also contains an amendment offered by the Honorable HARLEY STAGGERS that would reverse a recent policy put into effect by the former Secretary of Veterans Affairs.

Following my remarks on the bill, I will yield to the distinguished gentleman from West Virginia [Mr. WISE], who will explain section 7 of the bill and Mr. STAGGERS' reasons for offering the amendment during full committee markup.

Other provisions of this bill would extend several expiring programs and would solve a problem many veterans face because of income received in compensated work programs in many State veterans homes.

H.R. 5192 is a very important bill, Mr. Chairman, and I urge by colleagues to support it.

□ 1450

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 5192, as amended, the veterans health care amendments of 1992. This bill is a bipartisan effort which was unanimously reported by the Committee on Veterans' Affairs in June.

H.R. 5192 contains ongoing authority for the VA's Respite Care Program which allows primary caretakers of totally disabled veterans brief periods of relief from the enormous burden of providing long-term care. The bill also provides extensions to the Health Professional Scholarship Program and the State Home Construction Program.

Another important provision of this bill pertains to VA's authority to collect from health insurance companies for the care provided to veterans for treatment of nonservice-connected disabilities.

Also, the bill contains several provisions which will fine tune Public Law 101-366, legislation enacted to reform the pay structure of nurses employed by the Department of Veterans Affairs.

Finally, Mr. Chairman, I want to make very clear my strong support for the Staggers provision which the Committee on Veterans' Affairs unanimously added to H.R. 5192 at the committee markup. My colleagues have examined at some length the many good arguments in favor of the amendment.

Therefore, I briefly want to focus on what I believe is the essential issue—whether our veterans are treated with dignity. That is the real issue. Those who are opposed to the amendment appear to see the debate in simplistic terms of smokers versus nonsmokers, or solely as a health issue.

They miss the point. Yes, we are concerned about the health of veterans and anyone else who works in or visits a VA hospital. We do as much as possible to protect their health out of respect for each person. However, respect goes beyond health and medical treatment. Veterans in VA hospitals are there because they have earned the right to be there, and many of them have serious service-connected disabilities. Most of them have no real alternatives for other medical treatment. Thus, they are a special hospital population.

If veterans choose to smoke in a way which respects the rights of others, why should the VA tell them they must go outside, no matter what the climate or weather is, to have a cigarette?

Some opponents of the Staggers provision have the best of intentions, and are genuinely concerned about the well-being and health of our veterans. Among those, I would include my colleague from Minnesota, Mr. PENNY, for whom I have the highest respect. He now believes the Staggers provision should be considerably modified in hope of finding a compromise. But now Mr. STAGGERS is also offering a compromise amendment. I believe his offers the better compromise, although I frankly prefer his original provision.

Unfortunately, some other opponents of the Staggers provision have resorted

to distortions, misinformation, and scare tactics. So here are the facts.

The cost of the Staggers provision is minimal and far less than VA's wildly exaggerated estimate of $11 million. Its cost is also far less than the cost of building outdoor shelters, especially shelters which would afford much protection against the elements.

Nonsmokers will be fully protected from secondhand smoke. Some opponents have intimated that the Staggers provision would allow smoking all over VA hospitals. Nothing could be further from the truth. Smoking would be allowed in only one room in each VA hospital. It is a simple matter to deal with cigarette smoke in one room. Take a room with an outside wall at the end of a corridor, install an inexpensive exhaust fan to create a negative airflow, add smokeeater ashtrays, make sure the door has a good seal around it, close off any air-conditioning return duct, and no one outside the room is going to be exposed to any secondhand smoke. It is effective, feasible, and inexpensive.

VA hospitals would not lose their accreditation if the Staggers provision is passed. First, it is difficult to see how a hospital could lose its accreditation for complying with Federal law. And, second, the president of the Hospital Accrediting Commission has already admitted the Commission's criteria on smoking are a mistake for chronically ill patients in long-term care settings.

Many VA hospital outdoor shelters consist only of a canopy and concrete slab, and are inconveniently located or inaccessible for veteran patients whose mobility is limited. Yet, these elderly and severely disabled veterans are being forced to smoke outside in summer heat and winter cold, and in rain, snow, and wind. Few of the employees of VA hospitals are unsympathetic or hard hearted. Quite the contrary. The men and women who work in VA hospitals are caring and dedicated, and many of them are telling us they do not agree with this rule which has been imposed from Washington on their patients.

Moreover, the ban on tobacco sales at VA hospitals has resulted in a loss of $3 million in VA hospital canteen income in each of fiscal years 1992, 1993, and 1994. The shortfall is being made up by raising prices and subsidizing canteen operations through waivers of the occupancy and service charges the canteens normally pay the VA facilities they occupy. The results are that canteens are not as affordable for hospitalized veterans and that VA hospitals are going unreimbursed to the tune of about $9 million at a time when many of them are experiencing serious shortfalls in their operating funds due to chronic underfunding.

Veterans at VA hospitals are mature men and women. Like all of us, they have made choices about their personal habits. They are not children, and, like all of us, they do not like being treated like children.

Mr. Chairman what veterans fought for was the right of all Americans, themselves included, to be free from unwarranted interference in their lives by government. The Staggers provision has the same objective.

I want to thank the chairman, SONNY MONTGOMERY, and the ranking minority member of the Subcommittee on Hospitals and Health Care, JOHN PAUL HAMMERSCHMIDT, for their leadership on this important legislation. Also, I commend my colleague, Mr. STAGGERS, for his willingness to take on a difficult issue and see it through.

I urge my colleagues to support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 1 minute before I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. Chairman, I want to make it clear that I support the Staggers-Wise amendment. It is a compromise. I hate to oppose an outstanding subcommittee chairman's amendment, the gentleman from Minnesota [Mr. PENNY], but I feel the Staggers-Wise amendment is what we need to help these veterans, and that is the position I would like to take today.

Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, this is not a smoking amendment, and some may attempt to portray it as so. Basically what the Staggers amendment does is to say that within each veterans hospital there will be one single well-ventilated facility, a lounge area, that is set aside for veterans to smoke in.

What is the present situation? Well, for a period of time, by administrative edict, our veterans in veterans hospitals are told they must not smoke inside but must go outside. They must go outside regardless of the weather conditions.

This amendment, the Staggers amendment, removes the requirement in the original bill that would mandate the sale of tobacco products in canteens, so, if my colleagues are concerned about the sale of tobacco products in canteens, the Staggers amendment removes the mandate. This goes only to the right of a veteran to smoke in a single well-ventilated area, just one area, not every room, not a full hall, but one well-ventilated area within the hospital, which, incidentally, most of the hospitals had before the Derwinski edict.

Now what is the present situation? Visit a veterans hospital. The way I became aware of this was visiting the Marshall Veterans Administration facility in Huntington when it was about 10 degrees, and I could not figure out why it was that there were three veterans in nightgowns, elderly veterans, World War II veterans, why they were out there, one with an IV-pole, standing outside there in their bathrobes, and so I asked the question, and the answer was: because they were not permitted to smoke inside.

So, Mr. Chairman, the irony of this situation is that we have our veterans who are there to get well, who smoke, and who, at 70 years old, and maybe my colleagues want to argue with them, and maybe they want to impose their value system on them, but I do not think that is my job at this point. But at any rate they are there to get well, and so what are they told to do? They are told to go outside, and stand and smoke.

Now since then the VA system has built bus shelters for each of the VA hospitals. There are open shelters. They are not heated. At Martinsburg, VA they walk out a concrete sidewalk a number of feet to get to it, and so they are in the same exposed situation, and that is true for all the VA hospitals.

So, surely we can treat our veterans better than that.

My concern with the Penny-Durbin amendment is that it is a status quo. It maintains the exact same situation, and so it is time for Congress to step in, and I would just point out to my colleagues that most of the major veterans groups, including the American Legion, including the Veterans of Foreign Wars, support the Staggers amendment.

So, I would urge my colleagues to remember this is not a smoking amendment. Do not look at it that way. But look at it as a veterans' amendment and a veterans' dignity amendment and whether or not those who fought for our country, those who are in a hospital system dedicated to the unique care of a group of individuals, the veteran, whether they are entitled to certain privileges and whether they are entitled to make a basic choice. The VA hospitals will still maintain whatever smoking desensitization programs they have. There is no encouragement to smoke, but it does say, "If you are a veteran, and you choose to smoke, then you may go into one single well-ventilated lounge," and that is what the Staggers amendment does, and it removes the mandate that tobacco products be sold in the canteens.

So, that is all this amendment is, and I would urge my colleagues to support it. Think once again of those pushed outside to smoke simply because they smoke, veterans who served our country.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I support H.R. 5192, the Veterans Health Care Amendments of 1992, with the

Staggers amendment. This amendment will restore the rights of hospitalized veterans to smoke in designated areas in VA hospitals.

Our veterans, some of whom reside in these VA hospitals, have been denied the right to smoke indoors in such facilities. For months, these veterans have been forced to go outside in wheelchairs, with IV bags or on crutches to open air structures in unpredictable weather just to smoke. Our veterans do not deserve these conditions or this treatment.

In times of war and conflict, we have given support to our soldiers when they were called to duty. And now, years later, we are unwilling to grant those same individuals the right to choose whether or not they smoke. We seem to be adding to the sacrifices they have already made.

Our veterans are men and women capable of deciding whether or not to smoke. It is not up to us to deny them this choice, nor is it our place to make it difficult for them if they do decide to smoke.

At the same time, we must recognize the rights of those individuals who choose not to smoke and do not wish to be exposed to secondary smoke. During a House VA Committee hearing, VA Medical Center Directors advised us that an indoor smoking area could be accommodated by using a room at the end of a floor and that installing a window fan in the room would allow the smoke to be vented out of the hospital.

This appears to be a reasonable compromise for both smokers and nonsmokers. Veterans who wish to smoke would no longer be forced outdoors and nonsmokers would not be exposed to secondary smoke.

The Staggers amendment is supported by almost every veterans' organization, including the Veterans of Foreign Wars, The American Legion, the Retired Enlisted Association, the Non Commissioned Officers Association, and AMVETS.

Mr. Chairman, I will vote for H.R. 5192 because of my great respect for those who have served our country, and I urge my colleagues to do the same.

□ 1500

Mr. MONTGOMERY. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. PENNY], a member of the Committee on Veterans' Affairs and one of our subcommittee chairman.

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to use my time during general debate to outline the provisions of the amendment that I will be offering. First and foremost, the Penny amendment would reaffirm the VA's no-smoking policy. Fundamentally, this is a health care issue. I believe that it is an issue that ought to be decided by the Department of Veterans Affairs, which has management responsibility for 172 hospitals across this country. This is not a decision that we ought to be debating here on the floor of Congress where political considerations are brought to bear. This is a decision we ought to leave with the health care professionals within the VA system.

Mr. Chairman, let me read my amendment at this point just to make it clear what we are trying to achieve in terms of affirming the VA's policy toward smoking.

The amendment reads as follows:

The smoking policies implemented by the Secretary of Veterans Affairs for Department of Veterans Affairs health-care facilities shall be based on current scientific evidence and public health practices recognizing the risks of smoking to smokers and nonsmokers alike.

It goes on to state:

The Secretary of Veterans Affairs, in implementing a policy to prohibit or restrict smoking in the health-care facilities of the Department of Veterans Affairs, shall seek to ensure (consistent with accepted health goals) that patients in such facilities who wish to use tobacco products are accommodated to the degree practicable in areas that are convenient to the facility, taking into account climatic conditions, patient comfort, protection of nonsmokers, and allowing reasonable access for the patient.

So essentially we are strongly urging with this amendment that the VA use sensitivity and flexibility in implementing its no smoking policy, but we do affirm their right to maintain a no smoking policy for our facilities.

The VA began implementing a smoke-free environment in all VA facilities in 1990. Shelters outside the facility, but easily accessible for patients and visitors alike, have been constructed or soon will be constructed on all of the VA hospital campuses. Exceptions can be made on a case-by-case basis for those veterans who a physician feels ought to be allowed to smoke within a facility.

The VA also offers smoking cessation programs for staff and for patients.

Fundamentally, if we adopt the Staggers language we will place the VA health care system outside of the standards laid down by the Joint Commission on the Accredition of Health Care Organizations. The Joint Commission has made it clear that they want a no-smoking policy in all hospital facilities across the United States. The Staggers amendment, by requiring smoking indoors, would place the VA health care system apart from all other heath care providers in America by reintroducing smoking into the hospital environment.

Fundamentally, smoking and health care are incompatible. It does not make sense for us to mandate that smoking occur within any health care facility in the United States, particularly those that are run for public purposes and financed by public tax dollars.

Exposure to secondhand smoke is an immediate threat to all sick veterans. Seventy-five percent of our veterans do not smoke, and in these hospitals, where that ambient smoke will travel from room to room, we are putting at risk other veterans who are not smokers.

Secondhand smoke can increase heart rates, blood pressure, and carbon monoxide levels in the blood, and can exacerbate the health problems of people with asthma, pneumonia, and other lung or cardiovascular diseases.

It is not as simple as saying you can segregate a room and ventilate that room for people who wish to smoke. Many of our hospitals would have to construct additional ventilation systems in order to accommodate even one small room indoors for smoking purposes. That can run to hundreds of thousands of dollars throughout the VA health care system to designate just a very small space indoors.

In Minneapolis, where we have a new VA hospital, for 5 years now we have successfully implemented a no smoking policy. We do have space immediately adjacent to the hospital, and it is enclosed. It is heated and accessible and comfortable for those veterans who need to use it.

I think that is a policy that ought to be replicated across the country. By the end of this year, that no smoking policy, with easily accessible space next to the hospital, will be in place at all hospitals. We ought to reaffirm that policy with our vote today. Vote no on Staggers; vote yes on Penny.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from the Commonwealth of Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding to me, and I compliment the gentleman from Arizona [Mr. STUMP], the ranking Republican, and our friend, the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY], for their work in bringing this bill to the floor.

Mr. Chairman, I rise in strong support of the Staggers amendment and in opposition to the Penny-Durbin amendment. I believe the Staggers amendment represents a fair and equitable compromise for all of our veterans.

There is only one question we need to ask—What do our veterans want?

Let me tell you in their own words, what the major national veterans organizations have to say about the Department of Veterans Affairs discriminatory ban on indoor smoking areas.

American Legion Resolution No. 193 adopted at their 1990 national convention:

Whereas, Veterans defended the freedoms of this country. . . . The American Legion feels strongly that these rights should not be violated. . . . Be it resolved, The American Legion . . . support legislation to mandate designated smoking areas in such facilities.

Veterans of Foreign Wars Resolution No. 692, adopted at their 1992 national convention.

Many VA patients have been smoking many years . . . veterans who fought to secure our country's freedoms deserve the right to smoke. . . . Be it resolved that the Department of Veterans Affairs be requested to establish adequate designated smoking areas within all of its facilities.

And, in a letter from AMVETS to the Secretary of Veterans Affairs:

AMVETS will continue to protest the total ban on use of tobacco products in VA medical centers and nursing homes . . . we feel it is not unreasonable that an area . . . be set apart for those veterans who desire to partake in tobacco products during their hospitalization.

Mr. Chairman, the list goes on. The National Vietnam Veterans Coalition, representing over 60 Vietnam Veterans organizations, supports the Staggers amendment. The Retired Enlisted Association supports the Staggers amendment. The Non-Commissioned Officers Association supports the Staggers amendment.

Like me, they have seen the true impact of VA's no-smoking policy. They have seen 80-year-old veterans forced outside in freezing temperatures simply to smoke a cigarette.

Or, even more appalling, they have heard stories like the phone call I received from a constituent last week. This woman's husband was a veteran—dependent on the VA for care. Once the no-indoor-smoking policy went into effect, her husband refused to go back to the VA hospital. Unfortunately, he could not afford other care. She is now a widow.

Mr. Chairman, we are talking about policy which adversely affects one out of every four veterans. The Staggers amendment gives us the opportunity to reach a reasonable compromise which protects all of our veterans. The Staggers amendment simply says that each VA facility is required to provide a single designated indoor smoking area.

I say to my colleagues it is time to respect the wishes of the veterans, for whom we built these hospitals. And the positions of the organizations I've mentioned represent those wishes. Is it not time that we represent those wishes as well? Our veterans want the Staggers amendment and I urge my colleagues to support it today.

□ 1510

Mr. MONTGOMERY. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. HARRIS], a member of the Committee on Veterans' Affairs.

Mr. HARRIS. Mr. Chairman, I rise in strong support of the Veterans Health Care Amendments of 1992, known as H.R. 5192, and in particular in opposition to the Penny amendment and in strong support of the Staggers amendment.

My district is fortunate to have a VA facility located in Tuscaloosa, AL, and we also have two hospitals, one in Birmingham and one in Montgomery, which borders my district.

I have received complaints from a large number of veterans who use these facilities. They are strongly supportive of the Staggers amendment.

Mr. Chairman, the decision by Secretary Derwinski for nonsmoking in VA hospitals is a decision, as I understand it, that he and Secretary Sullivan came up with. And I might bring to my colleagues' attention that this deal also came to the conclusion that some veterans hospitals should have been opened to nonveterans, and they raised a hue and cry all across this country from our veterans organizations. Frankly, we have almost as much, if not the same amount of opposition, to this latest decision by the two Secretaries. Frankly, I must admit that I am surprised by this administration's action as far as our veterans are concerned in this regard.

There was a time when our veterans were provided cigarettes and C-rations and K-rations. And for us now to take as policy and take a position that these veterans should have to go outside the hospital facility to smoke is absolutely incomprehensible to me. I just do not understand it.

But the gentleman from Minnesota [Mr. PENNY] made a statement about the accreditation. I would point out to my colleagues that there is no legal requirement that Federal hospitals be accredited by any outside entity such as the joint commission that he mentioned. As a matter of fact, the president of the joint commission has acknowledged that the no smoking ruling is a mistake for chronic patients in long-term facilities which are, in fact, the patient's home.

Unfortunately, many in the VA system today fall in that category.

This is also a consideration, and I think it is important. There has been some talk about the expense involved. Well, there may be some expense involved, but we were not really concerned particularly about expense when we asked our veterans to go into war to protect our country. And a lot of us are able today to live in freedom, all of us that these people helped bring about and helped preserve and defend, we need to also understand that in a system of 172 hospitals, where in a lot of areas we are shorthanded, that we are going to end up taking employees away from their duties to take these veterans outside to smoke.

And if we are talking about health concerns, should we not also be concerned, a lot of these people are in bad health to start with. That is the reason they are in the hospital.

And for us to say that they have to be carried outside, whether it is sleeting or whether it is raining or whether it is cold, windy, whatever, and subject them to that to smoke. I think it is hard-hearted. I think it is cruel.

I hope that my colleagues will support the Staggers amendment. I think it is a meaningful, commonsense compromise, and that it will once again put some sense in a policy from the VA hospital or a VA administration that has gone astray.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member on the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise today in strong support of H.R. 5192, the Veterans' Health Care Amendments of 1992. This legislation contains measures to clarify the authority of the Department of Veterans Affairs [VA] to collect from third party insurers as well as amends Public Law 101–366, the Nurse Pay Act.

In analyzing the effects of Public Law 101–366, the Nurse Pay Act, it appears that overall, this legislation is working well. In fact, the turnover rate of VA nurses has dropped 5.5 percent and the VA has reported a negative vacancy rate.

Nevertheless, H.R. 5192 contains provisions to address some problem areas, specifically pay compression at the intermediate and senior grades. In fact, the nurses at the two VA medical centers in my State of Arkansas have been forced to contend with this unfortunate outcome of the Nurse Pay Act.

Therefore, H.R. 5192 will add an assistant director grade in the nurse schedule so that the system will have five grades. This additional grade will enable the VA to distribute its nursing personnel more evenly so as to alleviate some of the compression at certain levels of pay.

Furthermore, H.R. 5192 requires the VA Secretary to conduct a review of qualification standards used for nursing personnel and the correlation between those standards and pay compression at the intermediate and senior levels.

It is my hope that these measures will clarify the intent of the Nurse Pay Act, in order to ensure that the VA has the tools to both recruit and retain highly qualified nursing personnel.

Mr. Chairman, I urge my colleagues to support H.R. 5192.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, first of all, I would like to commend this committee for the great job that they do every year for our veterans.

I rise in support of the VFW, the American Legion, and all the veterans groups that are supporting the Wise amendment. I do not consider this a health issue.

Those of us that have been supporting the veterans for many years, in 1954, I started going to the VA hospital

in Salisbury, NC. And until this day, every chance I get, I go meet with the veterans. And back in those days, when we were all young, we would play volleyball and we would engage in the activities that the veterans were engaged in.

It would be one thing if all of our veterans were young men in their ages from the midtwenties to midthirties, when they would be engaged in a program that would encourage them not to smoke. But we are not talking about trying to get people to quit smoking, or we are not trying to encourage people to smoke. We are talking about here men that have a habit of smoking. Many of them are in their later years. Many of them have problems with depression and other situations that it is just not conducive to them to deny them a place, a small place in a large hospital to where they can go and something that is very important to them and very important to their peace of mind.

It is a habit that they developed over the years, and it just does not make any sense to go and say to these men, "You cannot have a place to smoke, if you want to smoke. You have to go outside in inclement weather," and make their families have to come in and take them outside and watch over them as they go out to a place just to have something they look forward to. Maybe they smoke a half a pack a day. To me this is something that is absolutely incomprehensible, that we would do this to our veterans that have served us so well over the years.

□ 1520

I want to commend the gentleman from West Virginia [Mr. STAGGERS] for offering this amendment. I would hope that every Member of this House would do what I consider to be something that is just basically fair to our people that serve this country. I think it is unfair to treat them as second class citizens, and I think it is only fair that we designate a place that our veterans can go if they wish to smoke, that they have a place that they can go and not harm anybody else and smoke when they want to. I think it is an excellent amendment, and I would encourage every Member of this body to do what I consider to be the humane thing to do and the thing that would not make our veterans second class citizens, let them know if they wish to smoke there is going to be a place made available that will not harm other veterans or offend other veterans, that they can go and they can smoke if they wish to. I think this is just the American way.

I would invite everybody to support the Staggers-Wise amendment.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I, like many people here, have nothing against people that smoke. They have the right to smoke, smoke where they want to. However, over the years I think we have grown up to the idea that possibly second-hand smoke is a very dangerous thing. I happen to remember when we passed the law here that a person could not smoke in airlines in the continental United States. Why did they do that? Anyone who flies a lot, a lot of us who are past pilots, we understand that that smoke in the back of the airplane is just as bad as it is in the front of the airplane. There is no way to get away from it.

The same thing applies in buildings. Having been a land developer, having seen how we develop buildings, I do not know of a way, or who has ever thought of a way, that we cannot have second-hand smoke go right through an entire building.

My father-in-law is 85 years old now. He is dying of emphysema. Why is he dying of emphysema? He worked for 25 years at Hill Air Force Base, and every day he rode in a car where there were smokers, and he worked in an office where there were smokers. This gentleman has never put a cigarette to his lips, but he is dying of it himself because he had to take secondhand smoke.

They talk about those people who are in these veterans' hospitals. They are in there because they are sick. Now are we going to turn around and perpetuate and enhance and make it worse and give them smoke on top of that? That is like going to a hospital and being put on the rack. I cannot understand why anyone would want to do that.

I wish that everyone here could have the experience of having Dr. Charles Edwards come in this room and show us what he does every day of his life. Dr. Edwards is the foremost surgeon responsible for taking care of people who have cancer of the jaw, the larynx, the neck, and the tongue.

He goes all over the West and he shows this picture. He puts it on the wall. He says, "Let me tell you young people," as he goes into high schools, "what this will do to you." Then he talks about secondhand smoke. Let me tell the Members, what it does, it makes people so sick they do not sit there very long.

They take their jaw off. All there is, is an opening in their esophagus. He starts off by peeling their face and putting it up over their head, and their face is sitting on top of their head. Then he dissects the jaw and takes it off. Then he says, "There is absolutely no evidence whatsoever that this is not caused by secondhand smoke. It definitely is." Then he comes to his statistics to explain it.

Look, I have nothing against people that smoke. Some of my best friends are smokers. That is fine. That is up to them. I have noticed that most smokers go out of their way to not put it onto other people.

However, why do we want to back out what the wave of the future is? Americans are catching onto the idea to stop smoking. We have less smoking in America than any other place, and it seems to me it is a giant step backwards if we do not accept the Penny amendment. To me this is a reasonable approach.

I would ask each and every Member to give this some serious consideration. Let us take a step forward. Let us show the rest of the world that we are moving forward on something that is extremely important to the health of Americans and especially to our veterans.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentlewoman from South Carolina [Mrs. PATTERSON], who is also a member of the Committee on Veterans' Affairs.

Mrs. PATTERSON. Mr. Speaker, one of the real pleasures that I have had since being a Member of Congress is serving on the Committee on Veterans' Affairs under the outstanding leadership of the gentleman from Mississippi [Mr. MONTGOMERY], and with the leadership of the minority member, the gentleman from Arizona [Mr. STUMP], and the wonderful staff on that committee.

Today I rise in support of a bill that has come through our committee; that is, the Veterans' Health Care Amendments of 1992, H.R. 5192. There are several things in that bill that are of special interest to me that I wanted to share with my colleagues.

One thing is the respite care program. I think many of us know that when someone is ill, it really helps if they can stay at home, if they can stay with their family. We know quite often our veterans want to stay at home, but sometimes their family members need a little break. One of the wonderful things that our VA facilities make available to veterans is care for a short while at one of our veterans' facilities to give the family a temporary break, so that veterans can continue to reside at home. I am pleased that the respite care program will become a permanent part of the veterans' affairs programs under H.R. 5192.

Also in this bill, something important to me is that the bill clarifies that the VA has the authority to collect on Medicare supplemental policies, known as Medigap, for care given since April 7, 1986, for nonservice-connected illnesses. I think this provision is so important because it would bring in much-needed dollars to purchase medical equipment for the Veterans' Administration.

Again, I rise in strong support of H.R. 5192, and commend my chairman, the ranking minority member, and the staff for bringing this important legislation to the floor, and urge my col-

leagues to support this worthwhile legislation.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Penny amendment and against the perfecting Staggers amendment to H.R. 5192.

There are many good reasons to support the Penny amendment. The most compelling of which is the fact that the Joint Commission on Accreditation of Healthcare Organizations, which develops standards for all hospitals in all of our districts, is implementing a smoking ban in all hospitals by January of next year. The intent of the ban is to reduce health risks of patients who smoke as well as other patients and staff who are subject to secondhand smoke, and to reduce the risk of fire. And yet in view of the Joint Commission's ban, we are considering a proposal to allow patients to smoke in VA facilities.

My colleague from West Virginia feels we can reach a compromise on this issue by setting aside well ventilated rooms in VA hospitals for patients to smoke. But, unless these rooms are separately ventilated with a direct external exhaust system, a move which would be very costly, the ventilation system would simply circulate the smoke throughout the building, subjecting other patients to unnecessary health risks. Supporters of the Staggers amendment feel it is a good compromise. But the VA has already implemented a program to reconcile the needs of smokers with those who don't. It has spent $10,000 to $12,000 building outdoor shelters for smokers at each VA hospital. Many of these facilities are heated so veterans can smoke in comfort.

In a letter to all members, Secretary Derwinski stated "You have delegated to the Department of Veterans Affairs the responsibility of providing the highest level of health care to our veterans. The way we can live up to that commitment is by banning both cigarette sales and smoking." I agree with Mr. Derwinski.

Mr. Chairman, I appreciate how many of our senior veterans are smokers and oppose this ban on smoking, but many, many senior veterans are complying with the very same smoking ban nonprofit and other hospitals have adopted. In an era of soaring health care costs in a hospital system which already suffers from inadequate funding, why would we support a policy which will exacerbate health risks and costs, not only for those who smoke, but also for those who don't smoke, but share the facility?

Let us bring the VA hospital system in line with the Joint Commission on Hospital Accreditation's requirements by supporting the Penny amendment and voting down the Staggers perfecting amendment.

□ 1530

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I wish to associate myself with the remarks of my colleagues, Mr. HARRIS and Mr. HEFNER, who spoke so eloquently to this important issue in their remarks just a few minutes ago. This is not an issue of smoking. It certainly is not any effort made to encourage smoking, but really is an issue of dignity.

These veterans have served our country well, and in many cases because of sacrifices that they made on the battlefield, now have acute illnesses or injuries which require that they receive medical treatment in our veterans' hospital facilities. It is unconscionable to me that we would expect those people who have served so well to now be required to go outside in the cold and damp if they want to have a cigarette.

I, like my colleague from North Carolina, Mr. HEFNER, visit veterans' hospitals in North Carolina from time to time. On a cold rainy day last winter I had occasion to visit a veterans' hospital where this policy had been implemented and saw veterans who were outside in bathrobes and with their IVs on a stand, risking further illness from a policy that in my opinion is misdirected.

I firmly believe that the policy of discouraging smoking will not be impeded by the Staggers amendment. It will allow these veterans the dignity of going to a well-ventilated place that is, in fact, separate and apart from all other employees and veterans in the hospital so that there is no danger to other people from secondary smoke. I encourage my colleagues to vote for the Staggers amendment, and I hope that this very fine piece of legislation thus amended will overwhelmingly pass.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to my good friend, the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I thank the ranking member for giving me this time.

Mr. Chairman, passing H.R. 5192—the Veterans Health Care Amendments of 1992—is very important. On that point, I think we all agree. The disagreement arises from an amendment which would permit indoor, designated smoking areas offered by my colleague from West Virginia, Mr. STAGGERS.

We are all familiar with the health issues associated with smoking, and I do not question that these are valid and legitimate concerns. I am a former smoker and a current asthmatic, and I have in the past supported strict antismoking legislation. But sometimes we have to just stop and think about what we are really doing.

We have heard from a number of veterans groups—Veterans of Foreign Wars, National Vietnam Veterans Coalition, The American Legion, AMVETS, Military Order of the Purple Heart, Non-Commissioned Officers Association, and Retired Enlisted Associated—and I have heard from individual veterans from my own district, and they're puzzled, just as I am, as to how we can deny them all that they ask for, one well-ventilated, designated smoking area indoors.

For a number of our older veterans—the VA hospital is home. As these patients—many of whom are in the hospital because of combat-related injuries—live out their days, is it reasonable or humane to make their lives difficult and strip them of their dignity? Is it fair to restrict their ability to enjoy an action that others outside of the VA can enjoy?

This is not a debate about making smoking illegal. This is a debate about a veterans' ability to decide for themselves.

I believe that we should restore the dignity of these adults who have given so much of themselves. I believe that we should give them credit for being able to make their own decisions. And, I believe that we cannot restrict their freedoms when they have fought for ours.

By supporting the Staggers amendment, we can respect the dignity of these men and women who served their country. I am going to vote for it, and I ask my colleagues to do the same.

Mr. STUMP. Mr. Chairman, I ask unanimous consent to yield 7 minutes of my time to the gentleman from Mississippi [Mr. MONTGOMERY], for the purpose of yielding that time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Chairman, I thank the gentleman for yielding me time. I am here to support the language of the bill, and failing that the Staggers amendment, because I think it is good public policy. Let me tell Members why.

I recognize that this is a very emotional issue, and I know there are some very impassioned arguments in favor of the Penny-Durbin amendment. But I think before we allow regulations like this to be enacted we need to examine the effect they have on individuals, on individuals.

I want to tell my colleagues a story that I experienced during the August recess that illustrates, I think, why a total ban is a big mistake. During the August recess a woman I know very, very well was hospitalized in a rural hospital in Iowa that had a no-smoking

policy. I think it might be because the Iowa Legislature passed a law, but I am not sure. She was very ill. She was frail, she was weak, she was suffering from a number of medical conditions that were very serious.

She also has been a smoker. She started smoking when she was 16 years old, and she was 76 years old in August. And off and on during her life she had tried repeatedly to stop smoking, and she was successful for about a 2-year period before her husband got sick and she started up again.

But the point is that when she was required by the hospital to stop smoking instantly, and she was smoking about 10 or 12 cigarettes a day, it created a very serious problem for her. She was then under a lot of stress, she was fighting for her life, and she had very serious medical problems. But there she was unable to smoke, and it preoccupied her. It preyed on her and it worked on her, morning, noon, and night. She could not watch television; she was distracted. She could not read the newspaper; she was distracted. All she could think about was her need to have a cigarette.

And since then I have visited with a psychiatrist, a prominent psychiatrist who indicates that smoking is the second toughest addiction to cure next to cocaine, that it is a very serious problem.

I spent several hours with her every day in the hospital, and she left the hospital a day early because she was under so much stress from her inability to smoke. She died 36 hours later.

Let me just say that I know there are a lot of good reasons to try and get people to stop smoking, but this is the limit. I mean Veterans Administration hospitals around the country have an elderly clientele, people who decided long, long ago whether they were going to smoke or not smoke. And for us to impose a blanket rule that allows a little exception is just a big mistake. And I can tell you it contributed to the death of this person that I knew so well, and it was a major policy error by the State of Iowa to impose that on the hospitals if that is where the rule originated. But I can tell you, let us not make that mistake here today.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I would like to thank the distinguished and capable chairman of the Veterans' Affairs Committee for yielding me the time.

Mr. Chairman, I rise in support of this legislation. Not only does the measure that the able chairman brings before the House today include provisions that would improve veterans' health care, but it also addresses a paternalistic policy that is being imposed on our Nation's veterans by this administration.

First let me tell my colleagues why I am joining the veterans in my district in strong support of this bill. The bill extends the VA health professional scholarship program, a program that ensures the quality of health care providers at VA medical centers.

This bill enables the VA medical centers to provide the compensation that is needed to attract and retain top-quality nursing professionals.

This bill, Mr. Chairman, clarifies the veterans' authority to receive payments from private insurers from treatment for veterans with Medigap coverage.

□ 1540

This bill allows veterans to participate in the work therapy program to receive their full disability pensions without penalty, and this bill extends the program that provides grants for the construction and improvement of VA residential nursing facilities.

Mr. Chairman, finally, this bill would allow our Nation's veterans the simple freedom and dignity to choose whether or not to smoke in a veterans' facility. It would do so, Mr. Chairman, without infringing upon the rights of nonsmoking veterans.

Mr. Chairman, this last provision is a flashpoint in my district, and I think across the Nation, and the problem arises like this, and it came to my attention one cold Valentine's day in February 1992, when I was invited along with Members of Congress across the country, and certainly those in West Virginia, to visit our veterans in our respective VA health care facilities. Mr. Chairman, I was absolutely shocked to look out the window as I was touring that facility to see two or three veterans and some of the staff out in a facility, that looked like an open bus stop, smoking cigarettes. I asked the director, "Why are these people out there in the cold?" And it was a cold, rainy day, as had been described here by many of my colleagues, and they explained to me that these people were not allowed to smoke in the veterans' facilities, and I ask why. They went on to say that Mr. Derwinski had laid down this edict.

We went out and visited those veterans and the support personnel who were in that facility, and they expressed the consternation that, frankly, I felt.

Well, I quickly came back and expressed my concern about this policy and joined the gentleman from West Virginia [Mr. WISE] in his legislation to reverse this policy. Today we find a very reasonable provision in this bill supported by the gentleman from West Virginia [Mr. STAGGERS] which would reverse that policy. It is reasonable, Mr. Chairman, because it allows veterans who want to smoke to smoke while not impinging upon the rights of other veterans, because it is in a well-ventilated facility within the hospital, and it does not create this problem of secondary-smoke exposure that some Members have spoken to.

Mr. Chairman, I hope we will support the provisions in this bill.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT], also a member of the Committee on Veterans' Affairs.

Mr. CLEMENT. Mr. Chairman, Chairman MONTGOMERY, is a great chairman and does such a fine job for the veterans and heads a great committee that I am pleased to serve on. I rise in strong support of the Staggers amendment to the Penny-Durbin amendment to H.R. 5192, the Veterans Health Care Amendments.

The Staggers amendment requires the Department of Veterans Affairs to provide areas at VA hospitals in which veterans can smoke.

Opponents of this amendment contend that setting aside such areas prevent VA hospitals from meeting the standards of the Joint Commission of Accreditation of Healthcare Organizations. This misses the entire point.

The real issue, in my view, is what rights and privileges do veterans surrender when they enter a VA hospital.

The real issue, in my view, is how far opponents of tobacco will go to deny their fellow Americans the legal right to smoke a legal product in a setting that minimizes the alleged effects of second-hand smoke.

The real issue, in my view, is whether the Secretary of Veterans Affairs and others will accommodate the desires of VA patients, or whether, the Secretary will exercise complete and total dominion over the VA medical system, and force a personal predilection on others.

Mr. Chairman, I am not a smoker. But I defend the right of veterans to smoke and I believe the Staggers amendment is an acceptable compromise that meets the legitimate wishes of a unique population served by the VA system.

I urge my colleagues to support the Staggers amendment.

Mr. Chairman, we all heard the gentleman from Nebraska [Mr. HOAGLAND] speak so eloquently a while ago about a lady that could not smoke but, yet, the tension, the pressure that she was experiencing by simply not having that opportunity and totally restricted against it. Let us ask ourselves the question: If someone lives to be a ripe old age, should they not have certain rights and privileges in society? Are we going to take all of those rights away from them because they happen to be in a VA facility, and we have these hard rules of conduct and deny them those basic privileges that they have enjoyed in the past?

Let them enjoy some dignity in the last few years of their lives.

Support this compromise legislation.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RIDGE], a member of the committee.

Mr. RIDGE. Mr. Chairman, I thank the gentleman for yielding me this time.

My colleagues, this is absolutely one of the most incredible debates I have ever heard dealing with veterans and veterans' issues. It is reaching the point, I think, of absurd, far past ridiculous. I do not smoke. I do not care to smoke. I hope my children do not smoke. I would like the world to quit smoking. I believe it is psychologically and physically addictive.

Mr. Chairman, I am not a born-again nonsmoker. I just do not care for it. Most Americans do not care for it, with justifiable and understandable reasons.

But we are talking about more often than not some aged veterans, older men and women, who do smoke, who are going into a VA medical center for treatment, not dealing necessarily with smoking problems, but some of their health problems might be smoking-related, no doubt about it, and a lot of them are out there, but they are not going in asking the VA to treat them to help them get rid of this problem with smoking. They are going in for other serious health-related matters.

What we are saying to these men and women is, "Oh, we spent hundreds and hundreds of billions of dollars on you to prepare you to fight to defend this country, and we spent billions of dollars to send you to Europe and to Asia and to Central America, and we spent hundreds of billions of dollars for you to get there, to wear that uniform proudly to defend us, oh, but incidentally, if you come into our VA health care facility and you are a smoker, we are going to treat you as a second-class citizen. We are a bunch of born-again nonsmokers, and forget the fact that maybe you are a World War II veteran, and you did not smoke until the Government gave you the Chesterfields on the boat on the way over. Forget about the fact that you have been doing it for 40 or 50 years. When you come into our facility for treatment, for care, forget about the fact that the VA system is supposed to give the benefit of the doubt to the veterans. No, that is different. Forget that we spent billions on training you. Forget that maybe we even get you hooked on the cigarettes to start with. You are a second-class citizen when you walk in here."

This is an absolutely ridiculous debate.

I know what the Joint Committee on Accreditation says. But if we cannot find some way, some dignified, low-cost way of honoring the requests of many of these veterans who may be in long-term health care, maybe have no other place to go for health care, so they can light up a cigarette, a couple cigarettes during the course of the day, then shame on us and shame on the VA.

I want to commend my friend, the gentleman from West Virginia [Mr. STAGGERS]. He and I talked about this on many occasions. I thank the gentleman from West Virginia [Mr. WISE] for bringing his amendment to the floor.

I know the concerns of my colleague, the gentleman from Minnesota [Mr. PENNY]. I know that there is some money involved in this, and I think in one of your "Dear Colleagues" you talked about a potential saving of $6 million, but I am just going to tell you that $6 million does not come close as far as I am concerned to the need for us to retain at all costs the simple dignity and the kind of treatment and the respect that these men and women are entitled to.

I wish they did not smoke. Doctors wish they did not smoke. But they do.

Let us just treat them with the dignity and the respect that they deserve.

Support the Staggers amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I wanted to point out the other things that are very important in this legislation. One of the provisions is nurses' pay for VA nurses. This needs to be corrected by this legislation, so we can keep our senior nurses in the system.

We have had a provision in here that we think we can bring more money into the VA health care system from insurance companies that have an obligation to the VA hospitals, but they are not paying. We think we are correcting this, and that we can bring more money into our hospitals.

So I certainly hope, after we have the smoking amendments, that all Members would support this legislation.

Mr. KOSTMAYER. Mr. Chairman, I rise today to support the Veterans Health Care Amendments of 1992. This important legislation will insure that those veterans who need special respite care will continue to get it. It will also extend the Department of Veterans Affairs [VA] health professions scholarship program, which provides incentives and assistance to people who want to enter the health profession, yet find it difficult to pay for.

I support this bill with the hope that one particular provision, which is not in the bill, but is in the Senate version, will be adopted in the conference.

I introduced legislation several months ago to require the VA to install bedside telephones as a pilot program in the Philadelphia VA hospital. The bill has been included in the Senate version of the Veterans health care amendments.

It is unconscionable that in order for a patient to make a telephone call in a VA hospital, one must search for quarters and wander up and down the halls searching for an available pay phone. That it is nearly impossible for a patient to receive a phone call from family or friends is equally disturbing.

The pilot program is included in the Senate version of the bill. Mr. Chairman, I look forward to supporting a conference agreement on this bill that includes the Philadelphia VA hospital telephone pilot project.

Mr. HEFLEY. Mr. Chairman, I rise today in support of the Veterans Health Care Amendments of 1992. My district has a high concentration of veterans who come there to breathe clean air and enjoy the sights of Colorado.

As we drawdown our military, we need to make sure that veterans receive the health care and other benefits that they deserve. When America beckoned, they answered the call. We need to hear their cries for adequate health care.

This bill would help those veterans who need help the most. It provides money to help homeless vets, improve mental health services and addresses post-traumatic stress disorder. The chairman and ranking member of the Veterans' Affairs Committee have done an outstanding job in protecting and expanding benefits for our Nation's veterans. This bill adds to their achievements.

Mr. Chairman, historically, Congress has expanded eligibility requirements to veterans benefits. This has put a strain on our ability to provide quality benefits to those veterans who most need our help. Those with service-connected disabilities have seen shrinking benefits because we are serving more veterans than before. Expenditures on veterans benefits continue to rise, but so do health care costs at a staggering rate. This legislation is needed to help bridge the gap between providing care and quality health care for our veterans who sacrificed so much for our country.

Mr. Chairman, I ask that my colleagues support those veterans who answered the call of their country and vote "yes" on the conference report.

Mr. POSHARD. Mr. Chairman, I rise in support of the amendment to H.R. 5192, offered by my colleague, Congressman HARLEY STAGGERS, which provides for indoor designated smoking areas in VA medical facilities.

I have heard from veterans and their families in my congressional district who have first-hand knowledge of the real difficulties and inconvenience experienced by those who, since the VA's policy change last year, have been required to leave the medical facility if they want to smoke. Such a policy is considered by many of our veterans to be discrimination and harassment, and I agree. Even VA medical center directors who were asked to comment on how the VA's smoking ban was being received, told the Committee on Veterans' Affairs that it creates a special difficulty for elderly veterans particularly in colder climates. In addition, many veterans find it hard to actually transport themselves to an outdoor shelter because of ambulatory problems.

As we know, in many facilities these veterans consider the VA hospital their home and, therefore, should have the privilege of smoking indoors. If we truly want to recognize the sacrifices of those who defended our country in war and peacetime, restoring a simple, compassionate allowance of designated smoking areas in VA facilities is a practical way of doing so.

Mr. RAY. Mr. Chairman, today the House of Representatives is considering H.R. 5192, the Veterans' Health Care Amendments of 1992.

I support this bill. In particular, I support the provision in the bill which allows veterans to smoke in designated indoor smoking areas. I support the Staggers amendment to preserve this provision in the bill.

Mr. Chairman, our Nation's veterans have fought for the freedoms we enjoy today. Many of these veterans call veterans hospitals home, and are there as a result of injuries suffered during war. I believe we must give them credit for being able to make their own decisions. If they choose to smoke, then I believe we must provide them with a safe environment in which to do that. It would be hypocritical of us to take away the freedom of our Nation's veterans to smoke in a VA facility after asking them to sacrifice their lives for our freedom.

The Staggers amendment is a reasonable approach for our veterans. It preserves their dignity without infringing on the rights of nonsmokers. I ask my colleagues to support H.R. 5192 and the Staggers amendment as I do.

Mr. MONTGOMERY. Mr. Chairman, I yield back the balance of my time.

□ 1550

Mr. STUMP. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in part 1 of House Report 102–907, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health-Care Amendments of 1992".

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) PERMANENT AUTHORITY FOR RESPITE CARE PROGRAM.—Section 1720B is amended by striking out subsection (c).

(b) FOUR YEAR EXTENSION OF STATE HOME CONSTRUCTION AUTHORITY.—Section 8133(a) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1996".

(c) TWO YEAR EXTENSION OF HEALTH SCHOLARSHIP PROGRAM.—Section 7618 is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

SEC. 3. TREATMENT OF EARNINGS OF VETERANS UNDER CERTAIN REHABILITATIVE SERVICES PROGRAMS.

Effective on October 1, 1992, subsection (f) of section 1718 of title 38, United States Code, is amended to read as follows:

"(f)(1) The Secretary may not consider any of the matters stated in paragraph (2) as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

"(2) Paragraph (1) applies to the following:

"(A) A veteran's participation in an activity carried out under this section.

"(B) A veteran's receipt of a distribution as a result of participation in an activity carried out under this section.

"(C) A veteran's participation in a program of rehabilitative services that (i) is provided as part of the veteran's care furnished by a State home and (ii) is approved by the Secretary as conforming appropriately to standards for activities carried out under this section.

"(D) A veteran's receipt of payment as a result of participation in a program described in subparagraph (C).

"(3) A distribution of funds made under this section and a payment made to a veteran under a program of rehabilitative services described in paragraph (2)(C) shall be considered for the purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.".

SEC. 4. MEDICAL CARE COST RECOVERY.

(a) RECOVERY OF CARE FURNISHED CHAMPVA BENEFICIARIES.—(1) Section 1729 is amended—

(A) by striking out "veteran" and "veteran's" each place they appear and inserting in lieu thereof "VA beneficiary" and "VA beneficiary's", respectively;

(B) by striking out "veterans" in subsection (h)(1)(B) and inserting in lieu thereof "VA beneficiary"; and

(C) by adding at the end of subsection (i) the following new paragraph:

"(4) The term 'VA beneficiary' means a veteran or a person eligible for care under section 1713 of this title.".

(2) The amendments made by paragraph (1) shall apply with respect to care and services furnished under section 1713 of title 38, United States Code, after the date of the enactment of this Act.

(b) RECOVERY OF MEDICARE SUPPLEMENTAL INSURANCE.—(1) Subsection (i)(1)(A) of section 1729 is amended by inserting ", including a medicare supplemental insurance policy," after "arrangement".

(2) The Secretary of Veterans Affairs shall compile a list of the names of each person that issues (or has issued) a medicare supplemental insurance policy and from which the Secretary has recovered the cost of care or services under section 1729 of title 38, United States Code, before June 1, 1992, by reason of the treatment of such medicare supplemental insurance policy as a health-plan contract under such section. The Secretary shall submit the list to the Committees on Veterans' Affairs of the Senate and House of Representatives as expeditiously as possible after the date of the enactment of this Act.

(3) The amendment made by paragraph (1) shall apply as if included in the enactment of section 19013 of Public Law 99–272 (100 Stat. 382).

(4) No recovery or collection under section 1729 of title 38, United States Code, of the cost of furnishing any care or service under chapter 17 of such title that is furnished after September 30, 1993, may be made with respect to a medicare supplemental insurance policy from a person that is not named on the list submitted pursuant to paragraph (2).

(c) USE OF FUNDS RECOVERED FROM THIRD PARTIES.—(1) Section 1729(g) is amended by adding at the end of paragraph (3) the following new subparagraph:

"(C) Payments for (i) the purchase of needed medical equipment, and (ii) such other purposes as may be specifically authorized by law, except that no payments may be made under this subparagraph after September 30, 1993, other than for a purchase for which a contract is entered into on or before such date.".

(2) Such section is further amended by adding at the end the following new paragraph:

"(5) The Secretary shall prescribe regulations for the allocation to the medical centers of the Department of funds for the purposes of paragraph (3)(C). Those regulations shall be designed to provide incentives to directors of medical centers to increase the recoveries and collections under this section by requiring that 20 percent of those funds be made available directly to the medical centers at which such recoveries and collections have been at above average levels. The remaining 80 percent of those funds shall be allocated as the Secretary considers appropriate.".

(3)(A) The total amount spent under paragraph (3)(C) of section 1729(g) of title 38, United States Code, as added by paragraph (1), during fiscal year 1993 and the first quarter of fiscal year 1994 may not exceed the amount determined under subparagraph (B). Any of such amount spent during the first quarter of fiscal year 1994 shall be attributed to collections and recoveries under section 1729 of such title during fiscal year 1993 (rather than fiscal year 1994) and shall not be considered for purposes of section 1729(g)(4) of such title to have been in the fund on September 30, 1993.

(B) The amount referred to in the first sentence of subparagraph (A) is the sum of—

(i) the amount (if any) by which—

(I) the amount in the Department of Veterans Affairs Medical-Care Cost Recovery Fund attributable to the recovery or collection during fiscal year 1993 of the reasonable cost of care and services by reason of the operation of section 1729 of title 38, United States Code (other than any amount recovered or collected under medicare supplemental insurance policies from issuers of those policies who are not named on the list submitted pursuant to subsection (b)(2)), is in excess of

(II) the 1992 CBO baseline; and

(ii) the amount in that Fund attributable to the recovery during fiscal year 1993 of the reasonable cost of care and services under medicare supplemental insurance policies from issuers of those policies who are not named on the list submitted pursuant to subsection (b)(2).

(C) For purposes of subparagraph (B)(i), the term "1992 CBO baseline" means the amount that was estimated by the Congressional Budget Office in February 1992 to be the total amount that would be recovered or collected during fiscal year 1993 by reason of the operation of section 1729 of title 38, United States Code.

(4) Except as provided in paragraph (3), no amount may be spent under paragraph (3)(C) of section 1729(g) of title 38, United States Code, as added by paragraph (1), during fiscal years 1994 and 1995.

SEC. 5. GERIATRIC RESEARCH, EDUCATION, AND CLINICAL CENTERS.

Section 7314 is amended—

(1) in subsection (c), by inserting "has considered the recommendations of the peer review panel established under subsection (d) and" after "unless the Secretary";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d)(1) In order to provide advice to assist the Chief Medical Director and the Secretary to carry out their responsibilities under this section, the Assistant Chief Medical Director described in section 7306(b) of this title shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this section.

"(2) The membership of the panel shall consist of experts in the fields of geriatric and gerontological research, education, and clinical care. Members of the panel shall serve as consultants to the Department for a period of no longer than six months.

"(3) The panel shall review each proposal submitted to the panel by the Assistant Chief Medical Director and shall submit its views on the relative scientific and clinical merit of each such proposal to the Assistant Chief Medical Director.

"(4) The panel shall not be subject to the provisions of the Federal Advisory Committee Act.".

SEC. 6. NURSE PAY.

(a) NEW ASSISTANT DIRECTOR GRADE IN NURSE SCHEDULE.—(1) Section 7404(b) is amended by inserting "Assistant Director grade" in the table in paragraph (1) under the heading "NURSE SCHEDULE" below the item relating to "Director grade".

(2) Section 7451(b) is amended by striking out "four".

(b) MINIMUM PAY DIFFERENTIAL FOR CHIEF OF NURSING SERVICE AT A FACILITY.—Section 7452(a)(2) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law (other than section 7451(c)(2) of this title), the Secretary may adjust the rate of basic pay payable to a nurse serving in the chief nurse position at a facility so as to be a rate of basic pay greater than the rate otherwise applicable to such nurse, but not greater than the rate that is six percent greater than the rate of basic pay applicable to any subordinate nurse at the facility.".

(c) SAVE-PAY AUTHORITY FOR NURSES TRANSFERRING TO ANOTHER FACILITY.—Section 7452(e) is amended by striking out the period at the end and inserting in lieu thereof ", except that in the case of an employee whose transfer to another health-care facility is at the request of the Secretary, the Secretary may provide that for at least the first year following such transfer the employee shall be paid at a rate of basic pay up to the rate applicable to such employee before the transfer, if the Secretary determines that such rate of pay is necessary to fill the position.".

(d) REVISION OF NURSING PERSONNEL QUALIFICATION STANDARDS.—(1) The Secretary of Veterans Affairs shall conduct a review of the qualification standards used for nursing personnel at Department health-care facilities and the relationship between those standards and the compression of nursing personnel in the intermediate grade and senior grade. Based upon such review, the Secretary shall revise those qualification standards—

(A) to reflect the five grade levels for nursing personnel under the Nurse Schedule, as amended by subsection (a); and

(B) to reduce the compression of nursing personnel in the intermediate grade and senior grade.

(2) The Secretary shall prescribe revised qualification standards for nursing personnel pursuant to paragraph (1) not later than April 1, 1993, or six months after the date of the enactment of this Act, whichever is later.

(3) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's findings and actions under this section. The report shall be submitted not later than six months after the date on which revised qualification standards for nursing personnel are prescribed pursuant to paragraph (2).

(e) REPORT ON PAY FOR CHIEF NURSE POSITION.—(1) The Secretary shall conduct a review of the process for determining the rate of basic pay applicable to the Chief Nurse position at Department facilities. The review shall include an assessment of the adequacy of that process in determining an equitable pay rate for that position, including an assessment of the accuracy of data collected in the survey process and the difficulties in obtaining accurate data.

(2) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the review and assessment conducted under paragraph (1). To the extent that the review discloses difficulties in obtaining accurate data in the survey process with respect to the Chief Nurse position at Department facilities, the Secretary shall include in the report recommendations for corrective action. The report shall be submitted not later than six months after the date of the enactment of this Act.

(f) REPORT ON PAY COMPRESSION.—Section 7451(g) is amended by adding at the end the following:

"(9) The number of nurses, shown by facility and by covered position, who are on pay retention or in the top step of any grade and, with respect to such employees, comprehensive information, by facility, as to whether an extension of the pay grades was sought for these positions, and with respect to each such request for extension, whether such request was granted or denied.".

(g) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect with respect to the first pay period beginning on or after April 1, 1993, or six months after the date of the enactment of this Act, whichever is later.

SEC. 7. USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

(a) IN GENERAL.—Each veteran who is a patient or resident in a facility of the Department of Veterans Affairs shall have the right (consistent with medical requirements and limitations) to purchase and use tobacco products.

(b) IMPLEMENTATION.—In order to implement this section, the Secretary of Veterans Affairs shall ensure that (consistent with medical requirements and limitations)—

(1) each facility of the Department that maintains a commissary or canteen (A) shall make available through the commissary or canteen tobacco products, and (B) shall assure that each patient or resident shall have the opportunity to purchase tobacco products from that commissary or canteen; and

(2) each facility of the Department shall maintain a suitable indoor patient smoking area and provide access to that area for patients or residents who desire to use tobacco products.

(c) APPLICABILITY.—This section applies with respect to the Department of Veterans Affairs medical centers, nursing homes, and domiciliaries.

(d) REPORT TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section, including a description of the steps taken at each facility of the Department to achieve compliance.

The CHAIRMAN. No amendment to the substitute is in order except those amendments printed in part 2 of House Report 102–907. Those amendments shall be considered in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for a division of the question. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

It is now in order to consider amendment No. 1 printed in House Report 102–907.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment offered by Mr. PENNY is as follows:

Amendment offered by Mr. PENNY: Amend section 7 to read

SEC. 7. USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

(a) POLICY.—The smoking policies implemented by the Secretary of Veterans Affairs for Department of Veterans Affairs health-care facilities shall be based on current scientific evidence and public health practices recognizing the risks of smoking to smokers and nonsmokers alike.

(b) IMPLEMENTATION OF POLICY.—The Secretary of Veterans Affairs, in implementing a policy to prohibit or restrict smoking in the health-care facilities of the Department of Veterans Affairs, shall seek to ensure (consistent with accepted health goals) that patients in such facilities who wish to use tobacco products are accommodated to the degree practicable in areas that are convenient to the facility, taking into account climatic conditions, patient comfort, protection of nonsmokers, and allowing reasonable access for the patient.

Mr. MONTGOMERY. Mr. Chairman, I have a unanimous-consent request which I have cleared with the parties involved. The request is as follows: that of the 40 minutes available, the gentleman from Minnesota [Mr. PENNY] will control 20 minutes, the gentleman from West Virginia [Mr. WISE] will control 10 minutes, and the gentleman from Arizona [Mr. STUMP] will control 5 minutes, and this gentleman from Mississippi will control 5 minutes.

Then after these amendments have been discussed, we would have back-to-back votes of 15 minutes and 5 minutes, the first vote will be on the Staggers-Wise amendment, and the second vote will be on the Penny amendment, as amended or not.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WISE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WISE. Mr. Chairman, is this the appropriate time for me to introduce the Staggers amendment?

The CHAIRMAN. Yes, it is.

AMENDMENT OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment to the amendment offered by Mr. PENNY.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WISE to the Amendment offered by Mr. PENNY: In lieu of the matter proposed by the amendment offered by Representative PENNY or Representative DURBIN, amend section 7 to read as follows:

SEC. 7. USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

(a) IN GENERAL.—Each veteram who is a patient or resident in a facility of the Department of Veterans Affairs shall have the right (consistent with medical requirements and limitations) to use tobacco products.

(b) IMPLEMENTATION.—In order to implement this section, the Secretary of Veterans Affairs shall ensure that (consistent with medical requirements and limitations) each facility of the Department shall maintain a suitable indoor patient smoking area and provide access to that area for patients or residents who desire to use tobacco products.

(c) APPLICABILITY.—This section applies with respect to the Department of Veterans Affairs medical centers, nursing homes, and domiciliaries.

(d) REPORT TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section, including a description of the steps taken at each facility of the Department to achieve compliance.

Mr. WISE. Mr. Chairman, if it would be appropriate, I would like to ask unanimous consent that my amendment be referred to as the Staggers amendment in honor of the Member who would have offered it had he been able to be here.

The CHAIRMAN. The RECORD will show the gentleman's statement.

Pursuant to the unanimous consent request, the gentleman from Minnesota [Mr. PENNY] will be recognized for 20 minutes, the gentleman from West Virginia [Mr. WISE] will be recognized for 10 minutes, the gentleman from Arizona [Mr. STUMP] will be recognized for 5 minutes, and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I yield 4 minutes to the gentleman from the State of Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, I rise in support of the Penny amendment. We spend millions of tax dollars on veterans' health care because we respect the sacrifices our veterans have made. But tobacco kills more Americans each year than all the wars we have fought in this century. Tobacco causes one out of five deaths in America. It is our leading preventable cause of illness and death.

I do not believe tobacco smoking has any place in any health care facility. I think the committee, with good intentions, did a disservice to veterans, both smokers and nonsmokers, as well as to the people who work in VA facilities.

The Penny amendment restores balance and common sense to the VA's policy on smoking. It bases that policy on scientific evidence and good public health practice, and it respects the fact that some patients are addicted to tobacco.

It is a powerful addiction. Nicotine is considered more addictive than heroin or cocaine. It can be very hard to quit. But nearly half of all adults who ever smoked, have quit smoking. You can quit at any age, and your general health will improve dramatically.

Three decades after the Surgeon General's report, everyone outside the tobacco industry knows how dangerous smoking is. And we now know that second-hand smoke can be just as deadly, and we know that you cannot confine smoke to separate rooms in a building. The Environmental Protection Agency is about to classify environmental tobacco smoke as a carcinogen.

Requiring Federal hospitals to expose their patients to a carcinogen is not good public health legislation. The Penny amendment restores common sense and scientifically based public health principles to this issue. I urge my colleagues to support the amendment.

The CHAIRMAN. The committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. TRAFICANT) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

VETERANS HEALTH-CARE AMENDMENTS OF 1992

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of the Staggers amendment and in opposition to the Penny amendment. So that we can understand the differences in effect, the Penny amendment is the status quo, it permits the administrative decision to remain in effect that would ban smoking in one single, well-ventilated lounge.

The Staggers amendment reverses that and says by legislation that our veterans in veterans hospitals are entitled to smoke in one single, well-ventilated lounge.

So if you want the present system as it is, veterans going outside, standing in bus shelters, no dignity, you support the Penny amendment. If you want to say to our veterans that, "We may not agree with smoking, we think it is a bad habit, many of us, but for whatever reasons that is where you are, at least you are going to be afforded the dignity of one single, well-ventilated lounge indoors that does not endanger your health further."

Mr. Chairman, I have heard a lot of arguments about Federal hospitals and accreditation. The fact of the matter is that veterans hospitals treat a unique population. They are designed by Congress, they are run by Congress, they are under congressional mandate, and Congress can certainly set the conditions under which our veterans conduct themselves.

In this particular case, I too am concerned about secondhand smoke, but one single, well-ventilated lounge may handle that situation much better than having veterans stand outside, having veterans go someplace else.

Finally, veterans hospitals are not general hospitals. General hospitals are hospitals where you treat a wide range of the population. Veterans hospitals are set up to treat a single population, veterans—not children, not people of all ages with all different types of illnesses—but they are set up to treat a particular group of veterans.

In this case, many of the veterans are World War II era. So I think there are some unique attributes to that.

Finally, I would say, in closing, have you ever worked in a psychiatric ward, a locked ward? I have. Try taking tobacco off of that ward.

Have you ever worked and talked with PTSS patients who are locked up in a room and when you try to work through a lot of the anguish and agony they are going through? I had that opportunity just a couple of weeks ago. Tell them that they cannot smoke.

Have you ever worked with the chronically ill when that is about all that they have got going for them, ladies and gentleman, when you are in a hospital week after week, sometimes that is all you have got, looking forward to a cigarette. Are you going to tell them they have got to go outside to the bus shelter, take that walk out to the sidewalk? I hope not.

So I would urge you to support the Staggers amendment and reject the Penny amendment.

Mr. STAGGERS. Mr. Chairman, let me thank the Members for showing good sense and compassion for those veterans who have served our Nation so proudly by supporting me in my attempt to offer what has been called the Staggers compromise amendment. My amendment is fair, balanced, and reasonable.

I am very interested in helping veterans retain their dignity while they stay within the confines of VA hospitals, nursing homes, and domiciliary. Members should understand clearly that the only way that a veteran who smokes many be ensured to do so within the confines of a VA facility is to adopt the Staggers amendment.

Others may tell you that their approach is better for veterans. That is nonsense. Sending a 75-year-old veteran across an icy path in subzero weather to a tin box with a window is not the compassion that most of my colleagues will support. Many of us are supportive of efforts to have persons quit smoking or never to start; however, I do not believe for 1 minute that my colleagues support the meanspirited efforts of VA Secretary Edward Derwinski to make veterans go to the outdoors in order to continue a habit they began, in many cases, more than a half-century or more before, through our Government supplying cigarettes to them.

A few may even claim that this is a sound decision by Secretary Derwinski. Don't you believe it. Ed Derwinski and his policies have been no friend to veterans. Ed Derwinski has been so unpopular that the President asked him to resign. Is this the friend of veterans with whom you are going to stand? If you are, consider that your friend, Secretary Derwinski, was asking that VA hospitals be opened to nonveterans, because there was unused space. That proposal, strongly supported by Derwinski, will be the second most unpopular idea proposed by Derwinski, if the House votes to approve the Derwinski smoking ban.

The former Secretary can say this is great for veterans. This is the same Secretary that has not written a single Member of this House about the thousands, and thousands, and thousands of beds that are not in service at VA hospitals. According to information compiled by the House Veterans' Affairs Committee, there may be up to 30,000 beds not in service for veterans. Has the Secretary contacted you about that? No! But he's made a livelihood while making tens of thousands of veterans miserable by forcing them to stand out in the cold if they choose to smoke. But where has Ed Derwinski been as VA hospitals have been servicing fewer and fewer veterans? Has he been here asking us to do more? No he has not. While your veterans have been asking you why it takes so long to get claims cases heard has Ed been here asking for more help?

The truth is that the policy that this Congress can reverse today does not cost millions of dollars. Some of you are being misinformed that it will cost more than $6 million to provide indoor designated smoking areas; what they fail to tell you is that outdoor shelters may cost more than twice that amount. Providing sufficient outdoor shelters is not only bad for veterans, but more costly.

Another bogus argument is that having smoking in the hospitals is somehow a danger to others. However, the draft EPA report opponents have used to justify not smoking indoors, suggests doing just what I have suggested, vent the smoke out of doors.

The third big myth used to defeat my amendment will be to say that if there is a designated indoor smoking facility, hospitals will not meet accreditation standards. Ladies and gentlemen of the House, there are more than 2,200 standards that will be used to accredit hospitals. Surely this one item will not make or break the world. Does anyone really believe that if the Congress says there is to be an indoor smoking area that the standard would not be modified for VA health care facilities? I think not.

The truth is that the Staggers compromise amendment we will be voting on in the next few minutes is extremely important to the veterans of our Nation. The issue here is not a referendum about smoking, it is not a smoking issue, it is an issue of dignity and compassion for all veterans.

The question is not one of cost. As I've already told you, the costs are minimal. And if the opponents are concerned about the costs, they could easily ask that any sale of tobacco, which amounted to nearly $6 million in the last reporting year, be used to provide safe indoor facilities so veterans can be treated with simple decency. The question before the House today is, Can we afford not to treat veterans with respect and dignity?

The Staggers amendment is clearly a vote to show compassion for veterans. The Penny amendment would force veterans into the cold, bone-chilling winters of the north and the blistering heat of the summers in the south. The Staggers amendment sends a clear message to America's veterans: Welcome back, you matter, you are important, and when you are treated worse than criminals, whom I might add parenthetically are allowed to smoke indoors, this Congress will stand with you.

Mr. Chairman, I am extremely pleased to be standing here today, with a fair, reasonable, and compassionate amendment. Let me make it clear to everyone that my amendment calls for deleting the language in the bill that requires the sale of tobacco products but retains the provision that requires that there be a designated indoor smoking area.

Let me urge the Members to support the Staggers amendment to H.R. 5192.

□ 1600

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Chairman, every day 1,000 people die from the effects of tobacco. One thousand people die every day. There is no doubt that tobacco is a killer. What we now know is that smoking is one the biggest causes of indoor air pollution. That is a killer. That is what we know.

My district in Houston includes the Texas Medical Center, more hospitals in one spot than any other place in the world, and every one of them is smoke free. That has happened just in a short period of time.

Frankly, the one hospital that held out was the Veterans' Administration Hospital. They would sell tobacco products in the lobby and treat cancer patients on the eighth floor. It is a ridiculous situation and so is this amendment.

Why do we want to put VA hospitals on a level below every other hospital in this country that is treating cancer patients, heart patients, people with emphysema and put those people at risk? That is a ridiculous argument to make.

It is time to keep veterans hospitals right where they are, on a level, on a par with all the other hospitals in this country.

It does matter that hospitals are accredited. It would be a shame because we want to let people smoke in a V.A. hospital that these important institutions would lose their accreditation.

We have got to work to upgrade all our hospitals, all our health care delivery systems, and we have to recognize a changing information flow.

The gentleman who spoke earlier is absolutely right. The only group in this country that says we have a debate about tobacco use and the causes of tobacco is the tobacco industry.

Let us not be fooled by some ridiculous argument. Let us recognize that we have got to upgrade our hospitals, all of them, especially the Veterans' Administration hospitals, to put them and keep them on a level with every other cancer hospital in this country.

Mr. Speaker, I urge defeat of the Staggers amendment. I urge support for the Penny amendment.

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Penny amendment. Passage of this amendment will eliminate the provisions within the veterans' health care amendments that require the sale of tobacco products in the canteens at veterans' facilities, as well as designating indoor smoking lounges.

The purpose of the amendment is to bring the VA facilities in line with the standards set by the Joint Commission on Accreditation of Health Care Organizations, which maintains that hospitals should establish standards that call for smoke free facilities. After all, I think we have to recognize that we are dealing with hospitals and health care facilities. I understand there can be exceptions made by the physician in exceptional cases.

As we all know, smoking has been undeniably identified as a primary cause of diseases and death. An estimated 434,000 Americans die each year from smoking-related diseases such as

heart disease, lung cancer and strokes. This figure translates into a mindboggling one in every five deaths.

Also at issue is the problem presented by secondary or passive smoke. The Surgeon General has reported that as many as 5,000 nonsmokers die each year of diseases caused by second-hand smoke. Secondary smoke is also known to cause an increase in blood pressure rates, heart disease or acute cardiovascular problems.

Many proponents of the smoking provisions in the bill have said that this is a matter of dignity.

I have been listening to some of these debates. This statement, however, I do not think is accurate. To the contrary, providing our Nation's heroes with ready access to a deadly substance seems to show little respect for the welfare of those who risked their lives for our country, not to say, of course, some 75 percent perhaps in the hospitals are not smokers and do not care to breathe passive smoke, either.

This is not a matter of dignity—this is a matter of health.

Mr. Chairman, the fact of the matter is this: Veterans deserve the best possible health care. The elimination of smoking in VA hospitals creates a health care policy that encourages non-smoking behavior among a population who already are suffering from health problems.

I commend the gentleman from Minnesota [Mr. PENNY] for his excellent work in bringing this issue to the floor. I urge my colleagues to vote for this amendment that will prolong the health and welfare of our Nation's veterans and those working for their care.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, as a person who represents the Harry S. Truman Memorial Hospital in Columbia, MO, where many veterans are taken care of and their medical needs are provided, many of those are veterans of the Second World War. They are now entering the ages of late sixties and early seventies. They have been smoking for 40 and 50 years, the few that go there.

About a year ago when the policy was put in place, many of those veterans had to tramp out in the winter if they wanted to have a cigarette, out in the snow. There was not any place for them to have that cigarette. If it was raining, they had to go out in the rain.

These people are in the hospitals for sickness. It has been said earlier by the gentleman from Texas that we have people in these hospitals.

Mr. Chairman, these are not just people. These are extraordinary, exceptional people. These are the people, the veterans who have preserved the freedoms that we enjoy today. They are exceptional people. They are people who if they want to have a cigarette, who is the gentleman from Minnesota or anybody else to tell them, "No, you go outside in the rain and the snow to have your cigarette."

They are the same people who during the Second World War who were furnished those cigarettes by the same government.

"Now, it's all right. You just preserved our freedoms. Many of you got shot up and wounded. Some of you may have one leg right now and one arm, but if you want to have a cigarette, you go outside in below winter weather. You go out and tromp in the snow in your housecoat and you have your cigarette."

Why can they not have a cigarette inside the building in a well-ventilated area, as well-ventilated as outside? It does not hurt anybody.

Mr. Chairman, I support the Staggers amendment.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time.

I want to say to my friend and distinguished colleague who represents the Harry S. Truman Medical Center in Columbia, MO, that I appreciate his remarks. I want to convey my thanks on behalf of those at the John J. Pershing Medical Center in Poplar Bluff who hold to the views of the gentleman who represents Columbia. I want to associate myself with his very eloquent statement.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in strong support of the Staggers-Wise amendment. I do so because I think the no-smoking policy established earlier this year by the former Secretary of Veterans Affairs is really harsh and unrealistic.

I do not smoke, and I might say that Members of Congress who do smoke do not have to go outside to smoke. They can smoke in the buildings. There are designated areas in which you can smoke, both Members and staff.

But really to tell older veterans who have smoked since World War II that they must go outside to smoke is really wrong, Mr. Chairman. I am a World War II veteran. I remember opening C-rations and there were cigarettes for the service personnel to smoke. We encouraged them, through the military we encouraged people to smoke. It is just kind of crazy now that we taught them how to smoke, in the veterans hospital, we are telling them they are going to have to go outside, no matter what the weather is, and do their smoking.

□ 1610

It is hard, I am told, to break the habit of smoking after so long, and it just does not add up to designated smoking rooms inside the hospitals being done away with. Right now, Mr. Chairman, these veterans have to go outside to smoke. Yes, the Secretary says he has furnished covered shelters outside. That is not exactly right. Only 5 to 10 percent, and we checked it with the Veterans Department yesterday, only 5 to 10 percent of these designated areas of 171 hospitals have any type of heating equipment in these shelters. We know none of them have any type of air-conditioning.

So, Mr. Chairman, even though this policy of the Secretary has been in effect, we are saying, "We give you shelter outside, we make it safe and warm," but that has not happened, and this policy went into effect in 1990.

So, I really cannot see anything wrong in designating a room in the hospital where these veterans can go. We are taking away the cigarettes under the Staggers amendment. I do not particularly like that. There is going to be blackmail because they cannot buy them in the canteens anymore under the Staggers amendment. But we are willing to give that up.

But certainly, my colleagues, do not send them out in the cold and send them out in the Deep South where it gets over 100 degrees in the summer and make them have to stand outside to smoke the cigarettes. We taught them how to do it, and now we are pushing them outside.

Mr. Chairman, I hope we will support the Staggers amendment.

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I thank the gentleman from Minnesota [Mr. PENNY] for yielding this time to me.

Mr. Chairman, I would say to my colleagues who might be following this debate, "If you have not spoken to the director of the V.A. hospital in your congressional district before you vote, I hope you will take the next few minutes and do that. Find out what the smoking policy is, what the implication is of that policy that has been implemented in your hospital and your district."

Here is what I found out about my own hospital in my own district. We have a hospital, and we have adjoining to that hospital a nursing home, and our nursing home patients may still smoke. There is a designated area within the nursing home itself. If verterans organizations or family members will not bring tobacco products to that member, then the hospital staff themselves will, upon a prescription, request by a physician, do that, and they actually have a place in the nursing home dedicated, set aside, for the residents of that nursing home. In the hospital itself next door I hear all these stories about people going out in the rain, the wind, the snow, the sleet. It reminds me of my own parents' stories about walking to school in 10 miles

of snow during their youth. Here is a situation in my hospital. We have adjoining our hospital a prefabricated building. It is heated in the winter. It is cooled in the summer. It is secure. It is lighted. It has ramp access. And that is where our veterans go if they want to smoke. That is where the staff goes if they want to smoke.

My colleagues, how unreasonable is that?

Every year, sometimes several times every year, I go through that VA hospital, and I shake the hands of almost every patient in that hospital. More often than not the hands of the veterans I shake are people who smoke, and they are in that hospital because of the damage to their health of smoking.

Unfortunately, earlier in our Nation's history, our Government policy, our military policy, was one to encourage people to take up the very habit that has led to their hospitalization, and I think a far better, a far better, approach, a far better policy for our Government, is a policy that discourages that kind of behavior, that discourages the very practice that has led to the hospitalization and, unfortunately, to the death of so many of our veterans.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I rise today in support of treating our veterans with dignity. I am strongly in favor of the Staggers amendment which will require that a well-ventilated indoor smoking room be provided for veterans who choose to smoke while in a Veterans' Administration health care facility.

Since the Department instituted the no-smoking policy in all VA health care facilities, I have received countless letters describing the hazards awaiting veterans who choose to smoke. As my colleagues surely are all aware, veterans are forced to smoke outside, often with no shelter nor any way to directly communicate with facility staff. This scenario needlessly puts veterans in harm's way.

Earlier this year, I joined my West Virginia House colleagues in introducing the Dignity in Health Care Act. This bill would require the DVA to provide veterans with a designated smoking room and allow the sale of tobacco products in the facility canteens.

I was pleased when the Veterans' Affairs Committee included these provisions in the Veterans Health Care amendments. The committee has acknowledged the outcry of our Nation's veterans. They listened to these men and women, some who chose to serve and protect this Nation, some who had this choice made for them, but they all served valiantly and with dignity when they were needed most. It is time that we treat them with the dignity which they have earned and which they deserve. The Staggers amendment which we are considering today represents a compromise between the language which is in the bill and keeping the status quo, at which so many veterans have expressed understandable outrage. This amendment would require the DVA to provide a smoking room for veterans in all health care facilities but it removes the requirement for selling tobacco products in the canteens. I feel that this is a reasonable compromise and one on which all Members should be able to come together.

Mr. Chairman, I urge my colleagues to take some time to listen to what veterans are saying. After risking their lives to defend this Nation, veterans deserve the freedom and power to make this most basic decision about their daily lives. This is not about health; it is about dignity and about assuring that our veterans have some autonomy over their own lives.

I urge all Members to vote to pass the Staggers amendment and assure our veterans their dignity.

Let me leave you with the sentiment that one of my constituents conveyed to me:

The battlefield upon which I fought was not environmentally sound and there was no warning label that bullets could be harmful to my health. But I stayed to fight anyway. Now it is your turn to fight for me on the battleground of self-determination for veterans who smoke. At least a vote for me and my rights will not put you in harm's way, nor have the potential of leaving you maimed or dead. It's the least you can do.

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Staggers amendment. Though I would have preferred the Staggers language in the original bill, I understand the need for a compromise on this very controversial issue.

Mr. Chairman, I know of not one veterans' organization in this country that does not support the Staggers amendment, and, if I am wrong, I wish someone would correct me.

Mr. Chairman, all our veterans are asking for is just one room in each hospital where they can smoke. Nonsmokers would be completely protected from secondhand smoke, and I think that is reasonable.

This is not a health issue, and it is not a smokers versus nonsmokers issue. This is simply whether we are going to treat our aging veterans with dignity.

Mr. PENNY. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN], a cosponsor of the amendment.

Mr. DURBIN. Mr. Chairman, What is the difference between the Penny-Durbin amendment and the Staggers-Wise amendment?

There are two differences, Mr. Chairman.

The Staggers-Wise amendment would mandate veterans hospitals to establish a smoking room within the hospital. We know that that will cost millions of dollars. We also know from the gentleman from Delaware [Mr. CARPER] that veterans hospitals have already established smoking facilities, heated in the winter, cooled in the summer, off the premises of the hospital, and they have done it to the satisfaction of patients. To mandate this is really unnecessary, and it is an expense we should not have to shoulder.

Second and most important, Mr. Chairman, the Penny-Durbin amendment designs the VA smoking policy to protect nonsmokers. Let me tell my colleagues that I have listened closely to this debate, and it can be characterized as a debate about compassion and dignity. My friends, the gentlemen from West Virginia, Mr. STAGGERS and Mr. WISE, raise this issue because of their heartfelt concern about smoking veterans. Those of my colleagues who have seen people hopelessly addicted to tobacco understand those feelings. We understand the pain and the suffering some smoking veterans must endure because others ask to be protected from secondhand smoke.

My colleagues, secondhand smoke is not some political myth. It is a medical reality. The Environmental Protection Agency has made it clear that up to 3,000 Americans a year will die from heart disease related directly to secondhand smoke, and thousands of others will have lung disease. It is a serious health hazard.

□ 1620

In 1987 I sponsored the legislation to ban smoking on airplanes because we came to realize the health hazards that it posed to nonsmoking passengers. This debate is about the same thing. The Stagger-Wise amendment would have us take a step backward before 1987 and expose innocent people to secondhand smoke.

Is there any dignity in exposing 75 percent of the veterans who do not smoke to cancer-causing secondhand smoke? Is there compassion in exposing doctors and nurses, visiting families and patients with lung disease, to secondhand smoke? I do not believe there is.

Many argue we caused the addiction in veterans by force feeding them cigarettes during the war, what a senseless tragedy that was, and we are responsible as the Government for it.

But let us not compound that problem. Are we to conclude that because these veterans had cigarettes in their K-rations they should now be exempt from the ban on smoking on airplanes? That they should now be allowed to smoke where others cannot? I think not.

The health issue is still there. The health issue is still critical. We are not doing our veterans a favor by exposing nonsmoking veterans to cancer-causing

secondhand smoke. How in God's name can we do this? How can we add a section to a so-called Veterans Health Care Act which will threaten the health of veterans? How can we threaten health care workers working with veterans with this action? How can veterans hospitals be asked to become second class facilities, because now they have to bring smoking back on the premises?

Mr. Chairman, you should see the letters from the administrators of these hospitals. They are begging us not to pass the Staggers-Wise amendment. They have made the decision that they are going to be first class medical facilities, just like every other hospital. They are going to ban smoking just like every other hospital because they know how dangerous secondhand smoke is. They respect their patients.

But we listen to a few people and say, "Let's turn the clock back. Let's start treating veterans a little differently. Let's say that we won't give them the same level of high quality medical care."

Please think twice. This is not dignity and compassion. If we make this move, what is next? Will we then have to exempt veterans in regular hospitals? Where does it go? This battle will go on for a long time because we are fighting a huge lobby in the tobacco lobby. We have to continue this battle because this is the number one avoidable cause of death in America, tobacco-related disease.

Until this Congress wakes up to that medical reality, we are not doing veterans or nonveterans a favor.

Mr. WISE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Illinois [Mr. DURBIN] speaks very movingly. Let me just say the 1987 amendment referring to smoking on airplanes is a totally different situation because you could not separate the smoke out. This is a single, well-ventilated lounge within a large hospital. It is a well-ventilated lounge.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. APPLEGATE]

Mr. APPLEGATE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Staggers-Wise amendment. Most of those veterans who are in hospitals today are there because of service-connected injuries or illnesses protecting our rights, your rights, and my rights. The American veteran has earned the right to be able to smoke in a hospital if he or she wants to do so without expending a lot of the taxpayers' dollars in building facilities outside of the hospital.

Mr. Chairman, this only makes sense. It is what they have been doing. It is not going to hurt anything. But it will at least add a little bit of dignity to the American veteran.

The CHAIRMAN. The Chair would advise Members that the gentleman from Minnesota [Mr. PENNY] has 6 minutes remaining, the gentleman from Mississippi [Mr. MONTGOMERY] has 2 minutes remaining, the gentleman from West Virginia [Mr. WISE] has 1½ minutes remaining, and the gentleman from Arizona [Mr. STUMP] has 3 minutes remaining.

Mr. PENNY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for 5 years the VA medical center in Minneapolis, MN, has implemented a non-smoking policy. This is a new medical center and from the day it opened it imposed a policy to restrict smoking within the hospital building.

Mr. Chairman, this policy has worked. There is no controversy in our region regarding the policy that has been implemented for the 5 years that this new hospital has been available to serve area veterans.

For the past 2 years the Veteran's Administration has tired to implement this no smoking policy throughout the VA health care system, and it has worked. They have done it with sensitivity. They have done it with flexibility. And on a case-by-case basis, where the physician has deemed it appropriate, they have allowed individual veterans or groups of veterans, based on their type of care, to have access to smoking indoors. But as a general rule we are trying to move these smoking facilities outside the main hospital building.

On about 90 percent of our hospital campuses, those structures have now been put in place. By the end of this calendar year every hospital in the system will have adjacent to that hospital a space, a shelter, for those who wish to smoke. Where climatic conditions demand it, those facilities will be heated.

We are now being asked to reverse a policy that has been in place for some time. We are being asked to again require our VA hospitals to set aside space within the hospital building to accommodate smokers.

If we adopt the Staggers-Wise amendment, we will supplant the considered judgment of health care professionals with our political judgment, and that is just plain wrong. It is not only wrong, it is costly. Because to reestablish space within the hospital building will require reconfiguring ventilation systems so that we do not circulate this hazardous smoke throughout the hospital building.

This is an expensive proposition. It is estimated that if we were to establish only a 300-square-foot space within each hospital, we would have to spend $1.72 million. On top of that we would have to spend $172,000 to maintain those new and separate ventilation systems, and we would have to spend upwards of $4.4 million each year to clean not only that room, but other spaces in the hospital that would be affected by ambient smoke. That amounts to $6.3 million annually just to accommodate indoor smoking. That is $6.3 million that we cannot spend to provide additional health care to additional veterans. In a time of tight veteran budgets, I think it is unconscionable to take that kind of money and put it toward this use when we have so many veterans waiting in line for health care.

Mr. Chairman, I also want to respond to the allegation that somehow by restricting smoking in VA hospitals we are treating the veteran population differently. We are not treating them differently. We are treating them exactly the same as any patient in any health care facility in the United States.

The Joint Commission on the Accreditation of Health Care Organizations has made smoke-free policies a part of their accreditation standards. Hospitals, in order to get accreditation, must have a smoke-free environment.

We will set the VA health care system apart from all other health care facilities in America if we reintroduce the right to smoke within these health care buildings. I do not think that makes sense.

Fundamentally, we have a policy in place today that is working. We have a policy in place today that does promote good health and sets an example of good health. Let us not overrule a policy that makes sense for all in America who are looking for health care that is of top quality. Let us reject the Staggers-Wise amendment. I urge adoption then of the Penny-Durbin amendment.

Mr. Chairman. I yield back the balance of my time.

□ 1630

Mr. STUMP. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. SOLOMON], a former member of the Committee on Veteran's Affairs.

Mr. SOLOMON. Mr. Chairman, I rise in strongest support of the Staggers amendment, not because I am a smoker, and I used to be. I smoked cigarettes for 30 years. I enjoyed it. But I quit smoking 7 years ago.

I am going to tell my colleagues something, I feel like a new man. I could go down with the gentleman from Mississippi [Mr. MONTGOMERY]. We could play 3 hours of ball down there. That makes me feel great. I would urge everyone to quit smoking.

But Members, this is not about smoking, not at all.

I am going to tell my colleagues something. As the ranking Republican on the Committee on Veterans' Affairs for a number of years, I traveled around this country in many, many cities. I bet I visited over 100 veterans hospitals. Most of the patients in these hospitals, they are people in their late sixties, late seventies, some of them in their late eighties, even older.

Listen to this, most of them are widowers or in some cases even widows. Most have no family at all.

Go into the veteran's hospital back home and ask them if they have a family. Most of them do not even have a family. If they do have family members, they do not live around the corner from that veteran's hospital. They live 25, 50, 75, 100 miles away. And sometimes even several States away. Sometimes all the way across the country. So the veteran's hospital is not just a home away from home. It is the only home that many of these men have.

The only company they have are the people that are in there, the patients, their fellow veterans. Their greatest enjoyment, and we are sitting around here right now, we ought to think about this, their greatest enjoyment is to sit around and talk about the hard times, 30 years ago, 50 years ago, talk about the good times. We do it right here on this floor. I was just talking to the gentleman from Kentucky [Mr. HOPKINS], a former marine. We were talking about what happened when we went through boot camp. That is called camaraderie. And we have it on this floor. And we sit around and we talk about these things that happened 30 and 40 years ago.

But we have a different life, another life. When we leave here, hopefully, we can go home. Those veterans cannot go anyplace. They have no home but right there. That is why we just cannot deprive them of this right. It does not hurt anybody.

If someone is not a smoker and smoke bothers them, they can go to other parts of the hospital. But if they want to sit there with their old crony from 40, 50, 60 years ago, the only friend, the only family they have, what is wrong with that?

Members, please, support the Staggers amendment. All it does is ban the sale of tobacco products in these hospitals, but it sets aside a small room for this kind of camaraderie that these old veterans enjoy so much. Go home and think about that.

Please vote for the Staggers amendment.

Mr. WISE. Mr. Chairman, I yield myself the balance of my time.

I rise in strong support of the Staggers amendment. Once again, if we support Staggers, we are for one single well-ventilated lounge inside the hospital. If we are for Penny, we are for the status quo, which is asking the veterans to step outside.

The fact of the matter is, I heard about these great shelters. They are not in my State. I do not know what State they are in. Maybe they are in a few places.

The gentleman from Mississippi [Mr. MONTGOMERY] has stated that 90 percent of the hospitals do not have these heated, ventilated, access-provided shelters. Indeed, what we are talking about are cheesy bus stops, prefab jobs with no ventilation or with lots of ventilation because they are open to the elements. So with no access to walk there.

I would urge my colleagues to grant our veterans that dignity. I would urge them to look at the veterans organizations, the American Legion, the American Veterans of Foreign Wars, AMVETS, Retired Enlisted Association, Paralyzed Veterans of America, who support the Staggers amendment.

Finally, I would just ask Members to put themselves in the place of a 70-year-old veteran who fought for his or her country in the hospital, in and out, they smoke. We wish they did not, but they do. The fact of the matter is, it is not easy being in a veteran's hospital or any hospital. Can we not bring these veterans in out of the cold?

I hope that my colleagues will remember a Dear Colleague letter I sent them way back of a veteran in a wheelchair, one leg, out in the parking lot being wheeled out for a cigarette because this country could not give him the dignity of one single, well-ventilated lounge.

I would urge support for the Staggers amendment, vote "yes," and vote "no" on Penny.

The CHAIRMAN. Without objection, the Chair will yield back to the gentleman from Minnesota [Mr. PENNY] the additional minute that he yielded back to the Chair.

There was no objection.

Mr. PENNY. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, without knowing too much about the issue, I called my veterans' hospital in Wichita, KS, and asked them about this.

They said, "We have been utilizing this policy of no internal smoking lounge for about a year and a half."

Frankly, I was told it works pretty well. The patients are used to it. The employees are used to it. And I got the impression from the gentleman at the hospital that I spoke to that it would actually be more disruptive to the operations of the hospital to do what the Staggers amendment is going to do than to leave the status quo alone.

I said, are there exceptions? They said yes, for psychiatric patients there are, for nursing home patients there are; doctors, in fact, will give prescriptions for cigarettes. There is a lot of flexibility under the current policy to allow people to continue to smoke, if it is needed for their physical or mental health.

But given the fact that we are discouraging people from smoking generally in America, given the health care crisis that we face, given the fact that at least the hospital itself—again, I only talked about my hospital, I cannot speak to all of them—seems to feel comfortable with the current policy, both for their patients and their employees, and given the fact that there are exceptions granted, I would urge the adoption of the Penny-Durbin amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I never lit up a cigarette, and I oppose smoking. But money was made a part of this debate.

Just let me say this to the Members: When our freedom was at stake, money was never an issue. Now that the dignity of our veterans is on the line, money should not be an issue either. I support the Staggers-Wise amendment. And let me say this: One thing we can give those veterans. Let us make sure those rooms have adequate ventilation and protect the safety of those other vets. But let us not strip away the dignity of our veterans.

Mr. MONTGOMERY. Mr. Chairman, I yield myself the balance of my time.

Let me state our parliamentary position. We find ourselves, we will vote first on the Staggers-Wise substitute, and then we will vote on the Penny amendment, as amended or not amended. So I would certainly hope that we would vote for the Staggers amendment and against the Penny amendment.

We talked to the veterans hospitals downtown this morning, the man who runs the hospitals; the 171 hospitals we have. He told us, 162 hospitals of the VA have outside smoking shelters. Only 10, listen to this, only 10- to 15-percent are heated and none of them have any air-conditioning.

That is what the Secretary promised us in 1990, we will do outside shelters. They will be heated. They will be protected. They will be covered. That did not happen. The Secretary did not follow up on his promise.

The bottom line is, these veterans who went out and fought the wars that did the job, it is just not right to send them outside and make them smoke. Let us give them the dignity. Let them have a smoking room, and that is all this Staggers amendment does.

□ 1640

Mr. Chairman, I ask for a vote for the Staggers amendment.

Mr. PAYNE of Virginia. Mr. Chairman, I rise in support of the Staggers amendment to H.R. 5192, the Veterans Health Care Amendments of 1992, which will give veterans hospitalized in VA facilities the right to smoke in an indoor, well-ventilated room. Supporting this amendment is only proper if we are to give our veterans the dignity and respect they deserve.

I understand there are many concerns about the use of tobacco. I recognize these concerns. However, to deny the right of a veteran to smoke indoors at a hospital designed to care for them is frankly, Mr. Chairman, a disgrace.

Many of these veterans have been hospitalized since World War II or Korea. To continue to prohibit indoor smoking in a specified area of VA hospitals, is a slap in the face of our veterans.

They deserve better than this.

This is not a protobacco amendment. This is an amendment to ensure that the dignity and honor of our hospitalized veterans who choose to smoke is upheld. I hope my colleagues will see this amendment for what it is truly is and support it.

Mr. LEWIS of Florida. Mr. Chairman, I rise in support of the Staggers amendment to the Penny amendment, and in support of allowing veterans to smoke in an indoor facility in veterans hospitals.

The harmful effects of primary tobacco smoke have been clearly proven, and most veterans, luckily, do not smoke. However, those who choose to smoke today do so with full knowledge of the health risks. For many World War II veterans, the majority of the smoking population of veterans hospitals, tobacco is one of the only comforts remaining in their lives, a luxury initially promoted and provided by the U.S. Government which unknowingly began their addictions while they fought for our freedom. Similarly, many Vietnam veterans prefer to use tobacco to relieve postcombat stress from their days in uniform. I do not smoke, but as a combat veteran myself I can understand these sentiments, and I support maintaining this freedom for these soldiers.

Today more than ever, the potential harm of secondary smoke to nonsmokers has become apparent. As a result, we need to find a creative solution. To insulate nonsmokers from this danger, I support separate, safe, easily accessible smoking areas. These allow the veteran smoker to enjoy tobacco without endangering their nonsmoking comrades. Testimony on this bill has explained it only takes a couple of fans in designated smoking rooms to direct secondary smoke out windows, protecting other residents of the hospital while maintaining the lifestyle of those who put their lives on the line for our great Nation.

I will work to ensure the indoor smoking areas authorized by this bill can be maintained in a manner which affords the greatest possible amount of safety to a hospital's nonsmoking veterans.

Mrs. VUCANOVICH. Mr. Chairman, I am here today to voice my support for the Wise amendment to H.R. 5192. This amendment is a bold effort to protect the rights and dignity of America's veterans.

The Wise amendment to H.R. 5192 will restore veterans' rights to smoke indoors in VA hospitals. Specifically, it will allow veterans to smoke in a well-ventilated designated indoor smoking area. For all our veterans have done for our country, I do not believe this is too much to ask.

This amendment is a very human look at our veterans and their living conditions today. As we all know, many veterans call VA hospitals home—not necessarily by choice.

Veterans have been forced to comply with rules at these hospitals that do not reflect the degree of respect that they deserve.

Veterans in VA hospitals who choose to smoke have been forced to do so in outdoor shed-like structures for months. These structures are not easily accessible, especially for those disabled veterans who depend on wheelchairs and medical devices. They also force veterans to expose themselves to inclement weather.

Many people seem to have forgotten that our VA hospitals were established specifically to meet veterans needs. Most veterans in VA hospitals are there to receive special care, not unsympathetic rules and regulations.

Though most policies are established with good intent, many fail to address personal needs. This failure can be recognized in the strict nonsmoking policy of VA hospitals. We are now being given the chance to reconsider the need of veterans in VA hospitals.

I will vote for the Wise amendment and urge my colleagues to do the same. Our veterans have put their lives on the line for our nation, let's give them the dignity they deserve.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. WISE] to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PENNY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair announces that pursuant to clause 2(c) of rule XXIII, the Chair will reduce to 5 minutes the time for a recorded vote on the Penny amendment, as amended, or not, if ordered, following this vote.

The vote was taken by electronic device, and there were—ayes 338, noes 71, not voting 23, as follows:

[Roll No. 450]

AYES—338

Ackerman
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Archer
Armey
Aspin
AuCoin
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Early
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Ewing
Fascell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Inhofe
James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Jones
Jontz
Kanjorski
Kaptur
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Marlenee
Martin
Martinez
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morrison
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schulze
Schumer
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Waters
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—71

Abercrombie
Andrews (TX)
Atkins
Beilenson
Broomfield
Brown
Campbell (CA)
Cardin
Carper
Chandler
Cox (IL)
Doolittle
Downey
Durbin
Eckart
Edwards (CA)
Evans
Fawell
Gibbons
Glickman
Gradison
Grandy
Hansen
Henry
Jacobs
Johnson (CT)
Johnston
Kasich
Kennedy
Kennelly
Kolbe
LaFalce
Levine (CA)
Lewis (GA)
Luken
Machtley
Mazzoli
McCurdy
McDermott
Morella
Mrazek
Olver
Orton
Packard
Pelosi
Penny
Porter
Pursell

Reed	Serrano	Washington
Riggs	Shays	Waxman
Rohrabacher	Smith (NJ)	Weber
Roybal	Stark	Wolpe
Savage	Synar	Wyden
Scheuer	Upton	Wylie
Schroeder	Vento	Yates
Sensenbrenner	Visclosky	

NOT VOTING—23

Alexander	Houghton	McCrery
Applegate	Huckaby	Miller (CA)
Barnard	Hyde	Murtha
Boxer	Ireland	Owens (UT)
Dellums	Lehman (FL)	Rinaldo
Dwyer	Lipinski	Staggers
Dymally	Matsui	Torricelli
Edwards (OK)	Mavroules	

□ 1703

Mr. RIGGS and Mr. SAVAGE changed their vote from "aye" to "no."

Mr. LEHMAN of California, Mrs. COLLINS of Michigan, and Messrs. COX of California, SKAGGS, and GUARINI changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, add the following new section:

SEC. 8. BUY AMERICAN REQUIREMENTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the Secretary of Veterans Affairs shall ensure that procurements authorized under this Act are conducted in compliance with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act to be made available; and

(B) solicitations for bids are issued after the date of the enactment of this Act.

(3) The Secretary, before January 1, 1994, shall report to Congress on procurements covered under this subsection of products that are not domestic products.

(b) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act, including any subcontract under such a contract pursuant to the debarment, suspension and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(c) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act should purchase only American made equipment and products, when expending grant monies.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, the Secretary shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

(d) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

Mr. TRAFICANT. Mr. Chairman, the amendment is to the point, regardless of where tobacco is to be smoked, it should be American tobacco, and the amendment states that the bill should be subject to compliance with the Buy American Act, and in being in compliance with the Buy American Act, there shall be no fraudulent labels placed on any item sold under the act, and there shall be a report to the Congress, and that all recipients, any recipient, of an award under the act be made and given notice that the Congress encourages the purchase of American made goods and products.

As you know, Mr. Chairman, it is standard procedure for me to attach my "Buy American" amendment to all authorization bills that reach the House floor for consideration. My "Buy American" amendment has passed on a significant number of bills. My amendment would do three things.

First, my amendment makes ineligible for Federal contract or subcontract under this act any company or person that is found to have fraudulently affixed a "Made in America" label to a product that is not manufactured in the United States.

Second, my amendment reminds the Secretary of Veterans' Affairs that all procurements under the act should comply with the Buy America Act of 1933. It also requires a report to Congress on procurements covered under this section of products that are not domestic products.

These provisions of my amendment apply to H.R. 5192 because H.R. 5192 stipulates that reimbursements from insurers that have withheld payments may be used by the Department of Veterans Affairs [VA] to purchase medical equipment or support operations of pertinent facilities.

Lastly, my amendment expresses the sense of Congress that any recipient of grants under the act purchase American-made equipment and products and requires that recipients be furnished with a notice of this sense of Congress. This is not a mandate, but an encouragement. I believe that it is a good message for the Congress to deliver to the states and/or medical centers that will receive grants under the act.

Overall, "Buy American" amendments are good for the American worker, industry and the economy.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, we accept the amendment. We think it is a good amendment on this side of the aisle.

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from Arizona.

Mr. STUMP. Mr. Chairman, we have no objection. We are willing to accept it on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. No further amendments are in order.

The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DE LA GARZA) having assumed the chair, Mr. DIXON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5192) to amend title 38, United States Code, to make improvements to veterans' health programs, pursuant to House Resolution 570, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PLACEMENT OF MEMBERS' REMARKS IN THE RECORD ON H.R. 5192

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the remarks of the gentleman from West Virginia [Mr. STAGGERS] appear in the RECORD immediately after the beginning of debate on the Staggers amendment as offered by Mr. WISE.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1354

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Washington [Mr. CHANDLER] be removed from the list of cosponsors of H.R. 1354.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1710

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M., FRIDAY, DECEMBER 4, 1992, TO FILE 22 INVESTIGATIVE REPORTS

Mr. WISE. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until 6 p.m. on Friday, December 4, 1992, to file 22 investigative reports. This request has been cleared with the minority.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

VACATING 60-MINUTE SPECIAL ORDER AND SUBSTITUTING A 5-MINUTE SPECIAL ORDER

Mr. OBEY. Mr. Speaker, I ask unanimous consent that my name be removed from those listed for 60-minute special orders this evening and that I may be allowed to substitute a 5-minute special order instead.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5368, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1993

Mr. OBEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5368) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

The Chair hears none, and, without objection, appoints the following conferees: Messrs. OBEY, YATES, MCHUGH, LEHMAN of Florida, WILSON, SMITH of Florida, VISCLOSKY, ALEXANDER, WHITTEN, EDWARDS of Oklahoma, PORTER, GREEN of New York, LIVINGSTON, and MCDADE.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair reserves the right to appoint additional conferees and to change the designations.

There was no objection.

BLACK LUNG BENEFITS RESTORATION ACT OF 1992

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 584 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 584

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act. The first reading of the bill shall be dispensed with. Points of Order against consideration of the bill for failure to comply with clause 8 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 584 is the rule providing for the consideration of H.R. 1637, the Black Lung Benefits Act.

The rule waives points of order against consideration of the bill for failure to comply with clause 8 of rule XXI, which requires a Congressional Budget Office pay-as-you-go cost estimate to be included in any legislation providing for or changing receipts or direct spending.

It provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

Further, the rule makes in order the Committee on Education and Labor amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment. The substitute shall be considered as read.

No amendments to the substitute are to be in order except those printed in the report of the Committee on Rules. The amendments are to be considered in the order and manner specified in the report. The amendments are not subject to amendment nor to a demand for a division of the question.

Mr. Speaker, the Rules Committee made in order all the amendments submitted to the committee except one. That amendment was opposed by the chairman and ranking member of the Budget Committee because of its cost, $4.55 billion over 5 years, would cause the Education and Labor Committee to exceed its allocation of entitlement authority. If adopted, the amendment would cause an end-of-session sequestration from programs such as Medicare, guaranteed student loans, vocational rehabilitation and social services block grants.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1637, the bill for which the Rules Committee has recommended this rule, would amend the Black Lung Benefits Act to ensure that process of determining eligibility for black lung benefits is objective and that beneficiaries and their families and survivors are treated fairly.

In six oversight hearings over the last 2 years, the Education and Labor Committee discovered that the Black Lung Benefits Program had been restricted to the point that fewer than 5 percent of the miners' claims are approved. The Committee heard repeated testimony that retired miners and their families have been terrorized by unscrupulous collection agencies hired by the government to reclaim benefits legally paid to claimants while their cases were on appeal.

H.R. 1637 is designed to make the determination of eligibility for black lung benefits fairer and speedier. In addition, the bill would remove the over-

payment repayment requirement if those receiving interim benefits are later found to be ineligible.

Mr. Speaker, I ask my colleagues to support this rule so that we may proceed with consideration of the merits of this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, I thank my good friend, our great chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no objection to this rule, because it makes in order four Republican amendments that were submitted to our committee. I point out that had these four amendments been incorporated into H.R. 1637 by the Committee on Education and Labor, it is likely that there would be very little opposition to the bill.

I want to congratulate the authors of our Republican amendments, the gentleman from North Carolina [Mr. BALLENGER], the gentleman from Ohio [Mr. BOEHNER], for their leadership and their sincere desire to produce a workable black lung benefits reform bill.

As my colleagues know, this bill is unacceptable, as currently written, and it will provoke strong veto response from President Bush. It provides an unjustified expansion of new benefits without prescribing a method for paying for them.

□ 1720

It declares in effect that every mine worker in America has won the lottery.

Mr. Speaker, I have a letter here from Richard Lawson, the president of the National Coal Association, that points out that the 20-year cost of this legislation could be as high as $8 billion.

Mr. Speaker, I will incorporate this letter into the RECORD at this point, as follows:

NATIONAL COAL ASSOCIATION,
Washington, DC, September 22, 1992.

Hon. DAVID DREIER,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE DREIER: Shortly the House will consider H.R. 1637, the "Black Lung Benefits Restoration Act of 1991". We urge you to oppose this measure.

Since inception of the black lung program the coal industry has pursued two basic objectives: (1) elimination of coal workers pneumoconiosis (CWP); and (2) equitable compensation for its victims. We believe dramatic strides have been taken to reach both of these objectives and believe that those disabled from CWP are receiving or will qualify for benefits under the current program.

Contrary to the statements of the proponents of H.R. 1637, the bill as drafted will dramatically alter the program providing almost guaranteed entitlement to thousands of individuals whose claims were previously denied. Its financial impact on the coal industry and electric utility ratepayers will be substantial. Counter to the statements of the sponsors, the independent actuarial accounting firm of Milliman and Robertson estimates that the bill will result in minimum short-term (five years) costs of $300 million with twenty-year programmatic costs of up to $8 billion dollars.

These costs would result from:

The imposition of an artificial limitation on the amount of evidence that can be entered into the record by an operator in defense of a claim;

The return to pre-'81 eligibility criteria where survivor benefits are provided regardless of actual cause of death; and

The statutory mandate that every claim filed and denied since 1982 (86,000) can be refiled for reconsideration of entitlement regardless of whether a person's medical condition has changed.

The coal industry cannot and will not support a measure which will return to the days prior to 1981 where benefits were awarded without establishing a casual relationship between exposure and medically diagnosed CWP. We urge you to oppose H.R. 1637.

Sincerely,

RICHARD L. LAWSON,
President.

Mr. DREIER of California. Mr. Speaker, I also include the following material:

STATEMENT OF ADMINISTRATION POLICY

If H.R. 1637 were presented to the President, the Secretary of Labor would recommend a veto. The most objectionable provisions of H.R. 1637 would:

Require the Department of Labor to refund to beneficiaries any interim disability overpayments it has recovered. This would cost the Black Lung Disability Trust Fund, which is now approximately $3.5 billion in debt, an additional $30 million.

Repeal the Department of Labor's existing authority to collect interim disability benefits it pays to black lung survivors whose claims are ultimately disallowed. The Government has fiduciary obligations as administrator of the Black Lung Disability Trust Fund. This requires collection of overpayments from recipients who have the resources to make repayments without undergoing hardship.

Provide benefit entitlements to survivors of disabled miners, even if the cause of death was unrelated to black lung disease. This would reverse 1981 amendments to limit such benefits to cases where the cause of death was due to occupational respiratory disease. It would also, for the first time, require continued payments after the surviving spouse remarries.

Expand the circumstances under which fees are payable to claimants' attorneys. No fees should be paid until and unless the individual claims are ultimately found to be meritorious.

These provisions would be costly and violate the pay-as-you-go provisions of the Omnibus Budget Reconciliation Act of 1990 because no offsets are provided.

SCORING FOR THE PURPOSE OF PAY-AS-YOU-GO

H.R. 1637 would increase direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA). No offsets to the direct spending increases are provided in the bill. A budget point of order applies in the House against any bill that is not fully offset under CBO scoring. If, contrary to the Administration's recommendation, the House waives any such point of order that applies against H.R. 1637, enactment of this legislation would add to the end of year pay-as-you-go requirement, which must be met to avoid sequester.

OMB's preliminary scoring estimates for this bill are presented in the table below. Final scoring of this legislation may deviate from this estimate. If H.R. 1637 were enacted, final OMB scoring estimates would be published five days after enactment as required under OBRA. The cumulative effect of all enacted legislation on the pay-as-you-go requirement will be issued in monthly reports transmitted to Congress.

ESTIMATES FOR PAY-AS-YOU-GO

[In millions of dollars]

	Fiscal years						
	1992	1993	1994	1995	1996	1997	1992–97
Outlays	.....	28	15	10	7	7	67

Mr. Speaker, that cost will be passed on to electric utility customers in the form of higher monthly bills.

The letter also makes note of the fact that this legislation awards generous benefits without establishing even a casual relationship between exposure and medically diagnosed black lung disease.

Mr. Speaker, I am pleased that we will make in order the Ballenger and Boehner amendments, and I urge my colleagues to support these amendments. I urge support for the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding me this time.

Mr. Speaker, yesterday I testified before the Rules Committee that while H.R. 1637 would make significant inroads in addressing the plight of coalfield citizens afflicted with black lung, I had two amendments that I would have liked to offer to the bill.

The rule we are considering today to govern debate on H.R. 1637 does not afford me the opportunity to offer these two amendments. While I believe these amendments would have strengthened the measure, I will support the rule because the bill as reported by the Committee on Education and Labor is still a measure that must be considered by this House, and deserves our support.

However, for the record, I would like to advise my colleagues of what my proposed amendments would have accomplished. In order to understand the context of these amendments, it should be noted that Congress passed the Black Lung Benefits Reform Act in 1977 because of its dissatisfaction with the low approval rate for black lung benefits.

Today, in 1992, in part because the Labor Department did not fulfill its mandate under the 1977 act, we are once again seeking legislation.

The 1977 statute required the Labor Department to adopt interim eligibility standards that were to be no less

restrictive than what had been in effect on June 30, 1973; a reference to a set of standards previously used by the Department of Health, Education and Welfare.

The problem is that the interim standards promulgated by the Labor Department were far more restrictive than HEW's. Moreover, the permanent standard adopted in 1980, and the 1981 amendments to the act, further aggravated the situation and the number of claims approved continued to plummet.

According to a 1990 GAO report, between 1973 and 1988 less than 10 percent of claims were approved.

This low claim approval rate does not attest to any reasonable and unbiased comportment of the facts. As evidenced by recent allegations of widespread tampering with dust monitoring devices, it must not be interpreted as meaning less people are being afflicted with black lung.

Rather, the low claim approval rate that Congress sought to address in 1977, and that we are again seeking to rectify with H.R. 1637, is due to years of administrative maneuverings over the program's eligibility criteria.

Under H.R. 1637, we will return to a program that more closely reflects the statutory commitment Congress, and indeed, the Nation, made to compensate those coal miners who suffer from the crippling effects of black lung. I commend the Education and Labor Committee for reporting this measure.

However, and with all due respect to the committee, while section 3 of the bill contains helpful provisions relating to the evidence a claimant or opposing party must provide, my great fear is that these provisions could be subject to the type of misinterpretation that would once again thwart our purpose.

My first amendment, on the other hand, would have clearly imposed the type of eligibility standard originally intended by the Congress in the 1977 act by reiterating that a claimant can establish a rebuttable presumption of black lung with a single piece of qualifying evidence.

The second amendment I sought to offer would conform this change with the provision of H.R. 1637 that provides for a de novo review of refiled claims. Under section 8 of the bill, claims originally filed between January 1, 1982, and the date of enactment of the bill, if refiled, would be reviewed under the legislation's standards.

My amendment would have conformed the scope of this provision with the changes envisioned by my first amendment by providing for the refiling, and review, of claims originally filed after January 1, 1974. I use this date because the 1977 act required a review of claims previously denied under what is known as part C of the Black Lung Benefits Act, meaning those claims filed after January 1, 1974.

As with my first amendment, this date is premised on the need to correct the injustices that were done in the Labor Department's implementation of the Black Lung Benefits Reform Act of 1977.

Mr. Speaker, I would note that in the event H.R. 1637 is not enacted into law this year, it is my intent to continue this battle next year.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I rise in support of the rule House Resolution 584, providing consideration of H.R. 1637, the Black Lung Benefits Resolution Act of 1992.

I testified yesterday before the Committee on Rules to brief the members of that Committee on our work. They are aware of the fact that for the past 3 years, the Subcommittee on Labor Standards has been working on legislation to reform this program. As the committee report makes clear, we conducted a series of hearings throughout the coal fields. Eventually we drafted and introduced a comprehensive bill that addressed all of the problems that had been brought to our attention. That legislation, which bore the same resolution number as the measure before the House today, was vastly different in the scope of complaints that it sought to correct and especially in its budgetary impact.

This measure addressing the most acute needs of our disabled miners was approved by the Education and Labor Committee on July 29, 1992, and comes before you today with a CBO estimate of $65 million over 5 years. In negotiations with all parties interested in this issue we discussed the possibility of working out a bipartisan compromise. We came close to achieving that goal, even though Mr. BALLENGER and Mr. BOEHNER were most cooperative, we were still unable to achieve a universally acceptable agreement.

House Resolution 584 provides adequate opportunity for discussion and approval. All of the amendments offered by minority members of our committee were made in order to assure complete consideration. Budgetary impediments precluded making in order an additional amendment that would have restored many of the generous provisions of our earlier bill, reluctantly conceded during committee consideration of this bill. I understand the basis for the Rules Committee decision to limit amendments to those printed with the rule. I have also received a copy of a letter from the Budget Committee which further explains the Rules Committee decision with respect to amendments.

In conclusion, I am satisfied with the rule and urge my colleagues to expeditiously ratify the rules that we may proceed to consider the substantive merits of this important proposal.

Mr. DREIER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DE LA GARZA). Pursuant to House Resolution 584 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the Whole House on the State of the Union for the consideration of the bill, H.R. 1637.

□ 1726

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act with Mr. HUGHES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will continue to support this legislation, but I ask unanimous consent to yield control of the bill to the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MURPHY], who has worked so long on preparing this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MURPHY] will control the time, and is recognized.

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Michigan [Mr. FORD] for all his cooperation in this respect.

Mr. Chairman, today I rise in support of the passage of H.R. 1637, the Black Lung Benefits Restoration Act of 1992. We are near the end of a long road. The Subcommittee on Labor Standards initiated hearings on black lung at the beginning of the second session of the 101st Congress. These hearings highlighted the frustration of America's miners and gave impetus to our original legislation, and it still guides our efforts today.

Too many people have told me that they feel ignored by the very system that was established to offer them help. The U.S. Congress intended black lung benefits to be a means of support for miners broken by years of coal mine service. To unfairly deny miners access to these funds is a travesty. Miners and their families have come to

believe that the administrators of the Black Lung Program over the last decade have forgotten that the Government is there to help. In many instances, the Government has become the adversary. The authors of this program never would believe that any of this is happening.

Over the past 3 years, the subcommittee has worked diligently to craft compromise black lung legislation that would return fairness to this program while living within budgetary limits. We have consulted numerous groups and organizations with an interest in this legislation and worked hard to take into account the concerns of the unfortunate people served by this program.

I had hoped that I would be able to bring a bipartisan substitute before the House. H.R. 1637 was reported unamended by the Committee on Education and Labor earlier this month, and I believed this was a signal that most people were finally interested in remedying the many ills afflicting the Black Lung Program. Unfortunately, this was not the case. While many parties showed genuine good faith and willingness to compromise, others refused to budge.

While this situation saddens me, I believe H.R. 1637 is still a good bill for miners. The purpose of H.R. 1637 is to establish a more objective process for determining entitlement to black lung benefits, to ensure that survivors of beneficiaries are fairly treated and properly cared for, to encourage legal representation for claimants, to avoid hardships for initially approved but subsequently denied claimants, and to restore basic fairness to the program.

In closing, I would like to commend the hard work and distinguished leadership of the National Black Lung Association and Education and Labor Committee Chairman, WILLIAM FORD. His efforts on behalf of America's retired miners are truly outstanding examples of compassion and courage. I encourage my colleagues to pass H.R. 1637, and return justice and fairness to a long neglected and deserving group of people.

□ 1730

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 1637. While this represents a significant improvement over the provisions contained in H.R. 1637 as introduced, I still have serious concerns about many of the provisions in this legislation.

Over the past years, we have seen reduced dust in coal mines and improved health of coal miners to the point that it is now rare that a miner is totally disabled by complicated black lung disease.

Keeping that in mind, I believe it is important to award compensation to miners who are totally disabled from black lung disease provided that the disease arose out of coal mine employment. Regulations for determining this level of disability have been changed from time to time, but current rules require several medical procedures and tests to determine eligibility for benefits. This bill, however, goes far beyond congressional intent concerning the Black Lung Benefits Program.

As we consider H.R. 1637, it is important to remember the original purpose of the program. It began almost as an afterthought to the passage of the Federal Coal Mine Safety and Health Act of 1969. It was intended to be a temporary program of limited size, cost, and duration. It was designed to compensate for disability and death due to occupational exposure to coal mine dust. Claims filed through 1973 were handled by the Social Security Administration. Those filed after 1973 were to be the responsibility of State workers' compensation programs.

Under the law, if a State did not provide adequate coverage for claims filed after 1973, the benefits were to be provided by the coal company responsible for the miner's illness. If no such company could be clearly identified, the benefits became the responsibility of the Department of Labor.

It should not surprise anyone that no State stepped forward to develop adequate coverage. At the same time, 8 years after the start of the program, the Department of Labor had been about to identify only 25 to 30 percent of the responsible coal companies, and even in these cases most of the liability was being argued in court.

In response, Congress established the black lung disability trust fund in 1977. The trust fund is supposed to be financed by taxes on coal operators. Despite a doubling of the tax rates in 1981, a 10-percent increase several years later, and $1½ billion bailout in the 1986 Reconciliation Act, the trust fund was $3.6 billion in debt as of the end of fiscal year 1992.

The current program, as amended in 1981, requires medical diagnostic testing and evaluation to prove the disability. The principal purpose of the 1981 amendments was to ensure that entitlement on claims filed in the future would be based not on presumptions, but on actual proof of total disability due to black lung disease arising from employment in the coal industry.

In a March 1990 report, the General Accounting Office concluded that medical experts found the current medical criteria to be reasonable for determining whether or not miners are totally disabled by black lung disease.

I remain concerned about the cost of this bill. While it is significantly less costly than the earlier version of the bill, it carries a price tag of $65 million over 5 years. Since the bill increases direct spending, it would also violate the pay-as-you-go provisions of the Budget Enforcement Act. The Congressional Budget Office estimates a 3-year pay-go impact of $51 million.

Presently, the Department of Labor is required to collect overpayments from claimants who have the resources to make repayments without undergoing hardship. Claimants who qualify for a waiver by meeting certain criteria are not required to pay back benefits.

The bill would require the Department of Labor to refund to beneficiaries any interim disability overpayments it has recovered. CBO has estimated that the cost of returning benefit repayments to claimants going back to 1973 would be $30 million over 3 years. This could involve 800 to 850 cases at an average cost of $30,000 to $40,000 per case. Additionally, the black lung trust fund would lose $5 million per year in overpayment collections which could not be pursued under this bill.

Another section in the bill provides for the payment of benefits in instances where none are justified. Specifically, it would provide for the payment of survivor benefits even where the cause of death was totally unrelated to black lung disease. It would also, for the first time, provide for continued payments after the surviving spouse remarries.

This bill requires the payment of attorney's fees during the pendency of a claim and would require payment by either the trust fund or the responsible operator to the claimant for reimbursement of attorney's fees—even if the claim is unsuccessful. This would be an open invitation to the filing of frivolous or fraudulent claims.

Lastly, section 8 of the substitute would allow for the refiling of any claim filed under the Black Lung Benefits Act between January 1, 1982 and the date of enactment of this substitute. Any claim denied since 1982—which could involve as many as 86,000 claims—could be refiled for reconsideration. The law currently permits refiling of cases with new medical evidence or material change. Under H.R. 1637, new law would be applied to old cases that had previously been denied.

I have always admired the devotion of the subcommittee Chairman MURPHY to this issue; however, I simply cannot support his bill for the reason discussed. I believe that in this time of fiscal restraint, we should not be gouging the taxpayers in this fashion.

Mr. Chairman, I reserve the balance of my time.

Mr. MURPHY. Mr. Chairman, for purposes of debate only, I yield 3 minutes to the gentleman from West Virginia [Mr. RAHALL] who has been exceptionally helpful in crafting this legislation during the past 10 years.

Mr. RAHALL. Mr. Chairman, as it now stands, disabled miners who suffer

from the crippling effects of black lung disease are faced with a Federal bureaucracy so totally lacking in compassion to their plight, that it appears intent upon harassing their efforts to obtain just compensation at every single step of the claim adjudication process.

Today, according to a recent General Accounting Office report, we are witnessing less than a 10-percent approval rate on claims for black lung benefits.

This figure does not attest to any reasonable and unbiased comportment of the facts.

Rather, it represents nothing less than a cruel hoax being perpetrated against hard working citizens who have dedicated their lives to the energy security and economic well-being of this Nation.

We are faced with other problems as well. Among them: the long period of time it takes the Labor Department to process a claim, the inability to find legal representation, the denial of benefits to widowers, and perhaps one of the most insidious of them all, government attempts to seek repayment of benefits paid under claims that are appealed years after the initial payment was made.

This was, however, originally envisioned by Congress as being a fairly straightforward program.

Yet, through years of administrative maneuverings aggravated by some extremely harmful judicial interpretations, there can be no denial of the fact that black lung proceedings before the Labor Department today are extremely adversarial in nature against the claimant.

This type of philosophy certainly does not represent the statutory commitment we made to compensate coal miners and their families.

The pending legislation, H.R. 1637, contains a number of provisions aimed at addressing the bona fide concerns of those who are afflicted with black lung.

I urge the House to approve this legislation. Make no mistake about it. Victims of black lung disease are not people who are looking for a handout.

They are people who worked their lives in one of the most dangerous occupations in this country.

They are people who were promised compensation by their government. And they are people who now see their government break that promise.

It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows and families who are being victimized by this program, the very program that was intended to bring them relief.

□ 1740

Mr. PETRI. Mr. Chairman, I yield 6 minutes to my distinguished friend and colleague, the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 1637, the Black Lung Benefits Restoration Act of 1991.

As a cosponsor of this measure, I wish to commend Congressmen MURPHY and RAHALL and Congressman PERKINS for their leadership in bringing this bill to the floor. It is long overdue.

I also want to pay tribute to a special group that has worked long and hard on this bill—the Kentucky Black Lung Association—without their determination and absolute commitment, I am convinced that we would not be on the floor today debating this bill. So to them, thank you.

The current process for applying for black lung benefits is too long, too expensive, too burdensome and simply unfair to thousands of coal miners.

It is an extremely adversarial procedure for coal miners who do not have the expertise or the money to substantiate their claims.

Finally, we—the Congress—have an opportunity to correct inequities that have developed over many years in this program. Let me mention a few.

First, the current approval rate of less than 5-percent discourages many miners from even applying for benefits. Typically, a coal miner must put together a medical file, gather expert testimony, submit to numerous repetitive medical tests, and obtain medical witnesses in order to rebut the mountains of evidence that coal companies typically present.

This bill makes changes in the program which streamline the process, making it simpler for coal miners to get the black lung benefits they deserve.

Second, it ends the requirement that benefits be repaid if they were once authorized and later—sometimes years later—reversed. The financial and emotional burden caused by this policy is overwhelming and unfair, because almost all of the coal miners who receive black lung benefits are people with limited resources. The bill restores fairness to the Black Lung program for miners, widows and their families, by acknowledging that the government authorized these payments based on the evidence submitted.

Third, the bill sets reasonable limits on the evidence which both the miner and coal company can offer. At each of its oversight hearings, the House Subcommittee on Labor Standards heard the same story: Volumes of medical reports by armies of doctors are used to refute a single piece of evidence submitted by the miner. Rarely can a miner match a company's ability to accumulate evidentiary exhibits.

This legislation stops a well-financed coal company from submitting numerous examinations and reams of expert testimony against the miner whose personal resources are so obviously limited.

Finally, this bill allows any miner whose black lung claim was denied after January 1, 1982, to have his claim resubmitted under the new criteria that this bill provides.

H.R. 1637 restores balance in the program. It will help disabled coal miners and their families. And it's urgently needed. Support the bill.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from southeastern Ohio [Mr. APPLEGATE], who has long shown a great interest in preserving the interests of mine workers in his State and mine.

Mr. APPLEGATE. Mr. Chairman, I thank the gentleman for yielding. I wish to state the appreciation that I have for the hard work that the gentleman from Pennsylvania [Mr. MURPHY] and the gentleman from West Virginia [Mr. RAHALL] have put into this.

Mr. Chairman, coal miners who have earned their living in the coal mines are now getting the shaft. Working under the dirtiest possible conditions, breathing in coal dust, clogging their lungs and forced out of work.

Mr. Chairman, if you have never been down in a mine, you know nothing about it. But it is the absolute pits when it comes to working. Ninety-five percent of these people who are put out of work and file for black lung are denied. Only 5 percent of those who apply are getting it, and they are subjected to the absolute worst kind of conditions to work in.

If a miner's claim is OK, he gets the benefits. But if it is contested, then they become interim payments. If the company wins that appeal, then those interim payments have to be paid back.

Mr. Chairman, let me tell my friends, that is a lot of money. Many times the miners just simply do not have it. It is a terrible hardship on these people and on their families. With no income and no way for these coal miners to work, it is very difficult for them not to have to spend that money. So then what happens is that many of them are forced to go on welfare and collect food stamps, and this destroys the dignity of the coal miner, hardworking people who just want to do what everybody else does.

Their own Government is working against them. I can tell Members that since the Reagan and Bush administration came in in 1981, they have provided the legislation and the leadership to choke off these benefits from these people just to protect the companies. They do not give a damn.

Mr. Chairman, let me tell Members, up until the time that this legislation first went into effect, there were 400,000 coal miners who died of pneumoconiosis. Many of these are veterans. Many of these are veterans who gave their working life.

These people, all they want to do is house, clothe, and feed their families, just like any other working people.

Then to get black lung and then not be able to provide for their families, I have seen it in my own family. My wife's father and her brother-in-law both had black lung, and it is a terrible thing.

Mr. Chairman, I therefore rise in support of H.R. 1637. It will correct some of these very terrible inequities for these coal miners. I would hope that this House would see fit to pass it overwhelmingly and send a message back saying to America's coal miners that we support you and understand the problems that you are facing, and we want to be there to help, as we were in the early 1970's.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. BALLENGER], a member of the Committee on Education and Labor.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we are considering H.R. 1637, and we are urging Members to oppose this measure.

Mr. Chairman, since inception of the black lung program the coal industry has pursued two basic objectives: First, elimination of coal workers pneumoconiosis [CWP]; and second, equitable compensation for its victims. We believe dramatic strides have been taken to reach both of these objectives and believe that those disabled from CWP are receiving or will qualify for benefits under the current program.

Contrary to the statements of the proponents of H.R. 1637, the bill as drafted will dramatically alter the program providing almost guaranteed entitlement to thousands of individuals whose claims were previously denied. Its financial impact on the coal industry and electric utility ratepayers will be substantial. Counter to the statements of the sponsors, an independent actuarial accounting firm estimates that the bill will result in minimum short-term—5 years—costs of $300 million with 20-year programmatic costs of up to $8 billion.

These costs would result from:

First, the imposition of an artificial limitation on the amount of evidence that can be entered into the record by an operator in defense of a claim;

Second, the return to pre-1981 eligibility criteria where survivor benefits are provided regardless of actual cause of death; and

Third, the statutory mandate that every claim filed and denied since 1982, 86,000, can be refiled for reconsideration of entitlement regardless of whether a person's medical condition has changed.

□ 1750

We should not support a measure which will return to the days prior to 1981, where benefits were awarded without establishing a causal relationship between exposure and medically diagnosed CWP. I urge my colleagues to oppose H.R. 1637.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I first want to compliment the chairman for his efforts over many years on behalf of coal miners and his whole committee for bringing this legislation to the floor. I rise in support of it and the release it will bring to many miners who have suffered physical disability from years of labor in our Nation's coal mines.

This measure will expedite the process by which black lung benefits are provided. By doing so, it would make that process more equitable, more accessible and more in keeping with the intent of the black lung program as initially conceived.

Today, unfortunately, many miners whose claims have been overturned are forced by the Government to repay benefits they received during the appeals process.

Mr. Chairman, these are not wealthy people and repayment of benefits, benefits which in many cases were being received for years and accumulated to large amounts of money, imposes a real hardship, an unfair burden.

Miners should not be penalized because the Labor Department has failed to resolve their cases in a reasonable amount of time. The Government should pay for its own delay and this bill does that.

Also this measure reduces the time it takes to resolve black lung claims by limiting opinions and counteropinions offered by the medical community. Widows are protected in this legislation. The bill makes it easier for widows to receive survivor benefits and would protect most benefits upon remarriage by a widow.

Over the years, Mr. Chairman, I have witnessed first hand the injustices of the current system. The black lung benefits program is in desperate need of improvement. The remedial purposes of this legislation have been frustrated by the processes which miners have had to go through in order to receive their benefits. In many cases, the process has been so long that miners are either invalids or are deceased by the time the issue is resolved. This legislation addresses those inequities, returns the legislation to its original purpose, and I strongly support it and ask the support of our colleagues.

Mr. PETRI. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Illinois [Mr. FAWELL], a member of the committee.

Mr. FAWELL. Mr. Chairman, I come not from a coal-mining area. I think one of the beauties of being in Congress is that one learns a lot by listening to Members from other parts of the country. I will be presenting a view that looks at this, the black lung trust fund, as some kind of a legal trust and a legal entity that we have to respect.

Certainly, the substitute of the gentleman from Pennsylvania [Mr. MURPHY] is a much improved bill than what we started out with, but I still see, and this is somewhat from the view of an attorney, that there are inequities in the bill. And I know that it wil cost a great deal more of expenditures of black lung benefits.

I see this as a movement, and understandably, I guess, back toward an entitlement program. But it was not intended to be that. It is a program that was supposed to be looking at the liability aspect of it. I think also we are approaching the black lung trust fund as if it were an unlimited source of benefits where there is just no bottom and regardless of the eligibility of a claimant for benefits.

I wish that all of the amendments that are being presented would be accepted. I understand one is being accepted and that is to the credit, I think, of the proponents. As has already been pointed out, according to the view of Nohman and Roberts and actuaries, and I have not seen anything to the opposite, that the total cost of operators of the coal companies in the black lung trust fund over the next 20 years could amount to $8 billion. That would cover all of the various provisions of this bill.

Not all of that, of course, affects the black lung trust fund, but it does represent increased costs for both operators and the trust fund, and there is no such thing as a free lunch. Those increased costs will pop out and be represented in higher utility fund costs and a number of other ways.

The bill waives recovery of interim payments made to claimants, and this is while the litigation process is taking place, even though they have not proved their eligibility. The law has afforded to the claimants interim payments. But then when ultimately one loses the case, the final determination is that no eligibility has been proved, it has been the law that one has to return those payments. To me that seems quite fair.

The fund, I repeat, is a trust fund. It is not there for those who are ineligible. It is there, hopefully, it is now $3.5 billion in the red and getting redder, for those who are truly eligible. I hope that we will have enough for those who are eligible without supporting, too, those who are unfortunately or fortunately, I guess, are not eligible, because if they are not eligible, they do not have complete disability. If this is not the case then we should change the basic purpose of the act which is to give awards to those who are totally disabled or a result of black lung disease.

I ask on what possible basis of law can we say, "Well, you didn't prove your case. You are not entitled to any

benefit whatsoever, but nevertheless, we are going to let you keep all these interim benefits." Unfortunately, these cases take 5 and 6 years, I understand. That is unfortunate. That ought to be altered, because justice delayed is justice denied.

The alterations in regard to the rules of evidence. I think, the proponents make the best case there, because quite probably with large coal companies, they are able to have more experts who interpret x rays and blood tests and things of this sort.

On the other hand, as I look at any law and realize we are talking about rules of evidence. I think we need to be very cautious and very clear. It says in this bill, for instance, that the coal company can have only one medical examination, and then it says the claimants could have up to three. The majority report says, well, if the claimant has three, the coal company could have three, too, but it is very unclear. It is not a very well-written law.

□ 1800

Mr. Chairman, my point is that I think the Department of Labor has the regulatory authority, for instance, as the initial hearing officer, to be able to set forth rules of evidence and can set restraints, as in any other litigation. Whether it is an administrative law judge or a judge, discovery is controlled by the court and nobody should be allowed to use it or can use it to harass the other party.

I do not believe it is a good thing to freeze these kinds of evidentiary rules into Federal law. I do not think the Members will see us doing it anywhere else in the law, at least not specifically in regard to a certain kind of case. We will approve general rules of procedure and evidence of the Federal courts, for instance but we do not set special rules for certain kinds of cases in order to level the playing field.

Probably the toughest of all the issues pertains to the right of claimants to refile old claims of years ago, long since determined. Section 8 of the bill provides that any claim filed after January 1, 1981, but before the enactment of this act, which found that the claimant was not eligible may now be refiled to determine if the claimant now is going to be deemed eligible. I may be off on these figures, but I understand there were some 80,000 old claims that are now potentially renewable. I understand that claims currently take up to 6 years to go through the whole process, through the administrative law judge and then a benefits review board, and currently claimants can already file for benefits if they can demonstrate that there has been a change of condition.

Nobody knows what kind of a deluge this is going to bring upon the whole administrative system, but I think that it is going to be extremely unfair for those who have not had a hearing at all, who are standing in line, having to wait 4, and 5, and 6 years, and now we add, say, just half of the 86,000, and let us say we have 43,000 more cases, there is just going to be years added to complete a claim. I do not know. It could take 10 to 12 years.

I do not think this is a wise thing to do. It is going to cost a great deal of money. Once again, the trust fund, which is in debt, is the one which is going to have to pay this. I see these kinds of imperfections, and I see it, as I have mentioned, as one who does not come from the coal-mining country, but one who does recognize that inflation and costs eventually are passed on to the taxpayers and to the consumers. The coal companies expect to make a profit, and they will pass their costs on to consumers.

I think it is an ill-conceived bill even yet. It is going to cost business people a tremendous amount of money. It is going to probably deplete that trust fund so we will be back here later to try to figure out how in the world we are going to rescue the trust fund. I hope the Members do not expect the taxpayers of America to bail out the trust fund.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. McCLOSKEY]. Although not a member of the committee, he has been very helpful to us in crafting this legislation.

Mr. McCLOSKEY. I thank the distinguished chairman for yielding time to me, and commend him for his leadership in structuring and moving this bill; also a special tribute to the gentleman from Kentucky [Mr. PERKINS] and his staff.

If there is one Federal program that cries out for reform, it is the Black Lung Benefits Program.

Only a minuscule number of deserving and ailing applicants are ever certified for the program. Especially tragic is the Department of Labor demanding a more immediate repayment of sums for benefits paid under the interim benefit procedure. One elderly widow of Mitchell, IN was told by the Department of Labor to repay $60,000 in interim benefits or she would be turned over to private bill collectors. Can you imagine the stress and strain these people go through after initially being awarded benefits? Black lung sufferers are senior citizens. They certainly do not have the resources or the energy to do constant battle with the system. These retired miners and their widows, who have devoted their lives to working in the coal mines, should not have to suffer so terribly.

There is a man in Indiana who spent more than 10 years of his life fighting to receive black lung benefits which he desperately needed. Ultimately, it was determined he did suffer from black lung and owed nearly $40,000 in back benefits. He initially received those benefits because of his condition. This man was nearly 80 years old. To repay his back benefits depleted his entire savings.

In another case, the DOL harassed a miner for 8 years to repay his interim benefits. Ultimately he died, the DOL then filed a case against his estate and the deceased miner's house was sold to repay the DOL.

In the Eighth District, it is estimated that 120 retired miners or their dependents are being hounded to repay $3.5 million in interim black lung benefits.

Many of these miners were not made aware that the interim benefits they received during the claims process were subject to repayment. They are being punished for bringing forward their appeal to the Government and for having devoted their lives to the coal mines.

Section 2 of H.R. 1637, the Black Lung Benefits Restoration Act, rectifies this unjust situation. It provides that if a miner or his dependent receives interim black lung benefits during the claim processing period and the final decision provides that the miner is ineligible for benefits, any interim benefits paid will not be subject to repayment. In addition, any miner who has already repaid the interim benefits to the Government will be refunded. I might add that this provision is based on legislation that I introduced in past Congresses, the Black Lung Benefits Equity Act.

Some have claimed that this provision is a giveaway and incompatible with the integrity of the Black Lung Program. This is simply untrue. If someone receives interim black lung benefits, the DOL and its doctors have decided that the retired miner suffers from black lung. It is only after a long, adversarial appeals proceeding that it is determined that the miner does not suffer from black lung. The coal companies spend thousands of dollars on doctors and lawyers to fight initial awards of black lung benefits. One must realize that the retired miners or their widows do not have the resources to fight the claims of the coal companies' doctors and lawyers. Section 2 gives the program some basic fairness.

As the Education and Labor Committee report says, the purpose of H.R. 1637 is to establish a more objective process for determining entitlement to black lung benefits, and restore basic fairness to the program. Each section of the bill is important and makes strides toward eliminating the problems that plague the Black Lung Benefits Program. Plain and simply, this bill eases the requirements necessary to qualify for black lung benefits and provides relief for dependents and survivors of black lung victims. In addition, under the legislation, any claim filed after January 1982 and denied can be refiled based on the new requirements.

H.R. 1637 is vitally important to our Nation's retired miners and their survivors. My colleagues on the Education and Labor Committee have worked tirelessly to bring this measure to the floor. I strongly commend their efforts. I urge my colleagues to vote in favor of this legislation and against amendments offered by Mr. BALLENGER.

Mr. PETRI. Mr. Chairman, I yield 9 minutes to my friend and distinguished colleague on the committee, the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me first of all say that I can identify and agree with a good deal of what the advocates of this legislation are saying on its behalf. There is no doubt that the current determination process for establishment of a black lung disability takes too long, it is too burdensome, it is too costly, and the system is unfair. I agree with much of that.

I also find some of the innovative steps that this act envisions relative to trying to speed up the process by way of changing the procedures for the process of discovery and limiting the amount of material that can be submitted by either side something that will, I think, speed up the process, create a greater sense of balance between the potential claimant and the defendant company. I think these are all very intriguing approaches to real problems.

What I am concerned about, however, are questions that have not been raised and I think must be raised if people are going to understand what in fact makes this a contentious piece of legislation. First is the issue of benefit overpayments.

If the Members or I held an annuity that came due and suddenly found ourselves inadvertently the beneficiary of getting an extra $100 a month in our monthly annuity payment, we would, under any standard of civil law, have an obligation to return that money once the insurance company or the bank discovered that it had inadvertently been giving us more money than we were due.

What this legislation says is that when a beneficiary has been receiving an overpayment, the beneficiary is simply credited with it. The beneficiary simply keeps it. That is going to cost money and it is not necessarily a very good legal precedent.

There has been a lot of talk suggesting that the Reagan Administration cracked down and made the black lung process some tortuous process that denied benefits to deserving workers. That is not what happened. What happened is the black lung benefit fund was bankrupt. It was billions of dollars in cumulative debt.

In 1981 the Congress, not the administration, the Congress, passed legislation which increased the assessments on the coal producers to put moneys back into the fund, and likewise, it was the Congress then that changed the process by weighing which determinations were made.

It is true that there are those in some instances who were getting overpayments, and then the Department of Labor comes and says, "Hey, I am sorry, you owe the Department of Labor, you owe the fund x number of dollars." It is true that in many cases that creates hardships where these families or individuals, survivors, do not have ready capacity to repay.

What we should point out is that the Department of Labor, in two-thirds of all such instances, does not seek to collect the overpayment, makes an administrative determination that it would impose an undue hardship. However, to simply, by way of statute, suggest that any and all overpayments ought to be forgiven seems to me a very poor precedent, but that is indeed what this legislation would do.

The second is how eligibility for benefits is determined. This goes back again to the changes in 1981. In 1981 Congress established that the eligibility benefit would be determined on the basis of some nexus of having worked in a coal mine and some relationship to that and the disability, and not simply give disability benefits because someone worked in a coal mine. What we are doing is changing this from a disability benefit associated with a form of employment to an entitlement based on the fact that one did or did not work in such a situation, without a medical determination of any kind or a legal determination of a nexus between the two. That strikes me as wrong and inappropriate.

Third, there are entirely new concepts of rendering legal judgment here. I am not an attorney, but it is unfamiliar to me. I know we have such standards as "beyond reasonable doubt" or "balance of the evidence," but in the new evidentiary and discovery standards we put in here, each side, the plaintiff, the coal company, puts in up to a maximum of three pieces of medical testimony, as it were; the company saying, "No, the lungs look okay to us," and the plaintiff saying, "That is not what my doctor tells me."

And by holding it to this you get some degree of parity between an individual who can only afford so much medical testing with the help of the union and the company that presumably can fight this with huge stacks of medical tests, and put any claimant at a tremendous disadvantage before any kind of administrative judge or hearing process.

But what the law does is establishes a new standard saying once there is true doubt, if there is true doubt the benefit goes to the claimant, not a balance of evidence, not clear and convincing.

Mr. Chairman, this is an area in which I have no great expertise because I am not an attorney, but this concept of basic doubt is indeed a different kind of standard, and I am very surprised that this kind of standard for the determination of a disability, and this procedure on the process of discovery and presentation of evidence, which are also limitations on the part of either party in terms of what they can offer on either side, would come to this floor without any consideration or review of the Rules Committee.

Finally, let me just talk about cost. The CBO and the committee report estimates 3 year paygo impact of $51 million, and a total 5 year cost of $65 million. As I said, in 1981 these procedures which were changing were established because the black lung trust fund was in substantial debt, on the verge of bankruptcy. Today it is almost $3.6 billion in debt, and now in the 11th hour of the session we are adding at least another $65 million to the debt.

However, note that the estimate does not incorporate the cost of the presumed inclusion of the 82,000 people who will be automatically having their claims refiled under the expedited procedures. And let us say we get a 35-percent approval rate of those 82,000. We would have a cost of $1 to $2 billion which would result from the refiling process, and annual costs of approximately $300 million would continue as long as the courts allowed these new theories of law to be applied, and across a 20-year continuation of the program more than $7 billion could, therefore, be added to the cost of the program, a program that is already $3.5 billion in debt.

So my colleagues, I think there is definitely some need for reform. I think there are some intriguing and positive proposals being breached in this legislation and put forward in the legislation. But I hope we will also consider some of the dangers and precedents associated with the bill before us. For those reasons, I feel constrained to urge a no vote form my colleagues.

Mr. MURPHY. Mr.Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. POSHARD], in whose district we had a very interesting and lengthy hearing which led to the formation of this measure.

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 1637, the Black Lung Benefits Restoration Act. I thank my colleagues in the coal caucus for all of the work they have performed on behalf of this bill, and I thank Chairman MURPHY who came to my district in southern Illinois to hold a hearing on this very legislation. I would like to think that his visit to the coalfields of Illinois helped further the advance of this piece of legislation.

Not long ago I visited the Southern Illinois Respiratory Clinic. Every individual with which I visited was frustrated by the Black Lung Program and feared either losing disability benefits

or never seeing them in the first place. One elderly woman who I spoke to in that clinic, whose husband had passed away just a couple of years earlier, and who had been determined eligible for these benefits, said that she had never spent the first penny of the disability benefit checks that she had received because she was afraid she would have to pay them all back, because everyone she knew that had been determined eligible had received a letter to pay their benefit checks back of the Government, and she was scared.

I would say to my good friend from Michigan, Mr. HENRY, this is not just a matter of recouping overpayments. This is a matter of receiving an award which sometimes took the Department of Labor 7 years to make, and now having to give it back to the Government at a time of dire stress perhaps on the family.

Mr. Chairman, if you spend a moment with a 70-year-old man who reaches painfully for each breath, you will know why this bill is right, and just.

Let me just speak a moment to my colleagues who do not represent coal country. This Nation did not get to be the industrial power of the world without the coal mines which powered its engines. Now we have a generation of people who worked under severe conditions to bring the coal up out of the belly of the earth to drive the energy needs of this Nation, and now they have serious health problems as a result of all of those years of toiling in the dust at the face of the mine. We cannot turn our back on our obligation to them.

We talk about the cost of this program being $300 million. That is not even half the cost of one B–2 bomber, which is very suspect as to whether or not we even need a B–2 bomber.

While our work is not done, we have made great progress in the working conditions of our coal mines, and those improvements have been paid for by the men and their survivors who breathed the dusty air that would eventually result in what we know as black lung disease. Ladies and gentlemen of the House, ease the minds and the bodies of our people. Pass this bill.

Mr. MURPHY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MCCLOSKEY] having assumed the chair, Mr. BRUCE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5095, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1993, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–967) on the resolution (H. Res. 587) waiving points of order against the conference report to accompany the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency retirement and disability system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–968) on the resolution (H. Res. 588) waiving points of order against the conference report to accompany the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 3144, MILITARY HEALTH CARE INITIATIVES ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. No. 102–969) on the resolution (H. Res. 589) providing for consideration of the bill (S. 3144) to amend title 10, United States Code, to improve the health care system provided for members of the Armed Forces and their dependents, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1696, MONTANA NATIONAL FOREST MANAGEMENT ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. 102–970) on the resolution (H. Res. 590) providing for consideration of the bill (S. 1696) to designate certain National Forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4 (b) RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. 102–971) on the resolution (H. Res. 591) waiving the requirement of clause 4(b), rule XI, against consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1820

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5677, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, October 1, 1992, to file a conference report on the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The SPEAKER pro tempore (Mr. MCCLOSKEY). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9:30 a.m. on tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BLACK LUNG BENEFITS RESTORATION ACT OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 584 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1637.

□ 1821

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House

on the State of the Union for the further consideration of the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act, with Mr. BRUCE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the gentleman from Pennsylvania [Mr. MURPHY] had 11½ minutes remaining, and the gentleman from Wisconsin [Mr. PETRI] had 1½ minutes remaining in general debate.

Mr. MURPHY. Mr. Chairman, I yield 4½ minutes to the gentleman from Kentucky [Mr. PERKINS] with whose father I worked on the 1977–78 amendments to this very important legislation which we are attempting to partially restore.

Mr. PERKINS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it is with a great deal of pleasure that I stand in front of you, my colleagues, this evening with this particular piece of legislation that is in front of us tonight.

I would thank the distinguished chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MURPHY] for his diligent work in bringing this piece of legislation to the House, and I would again thank my staff for their tireless efforts during this process as well. I would like to thank my dear friend, the gentleman from Indiana [Mr. MCCLOSKEY], without whose vital contributions this bill would not be the piece of legislation that it is today. I would like to thank the gentleman from West Virginia [Mr. RAHALL] and the gentleman from Illinois [Mr. POSHARD] and numerous others that I cannot even begin to name for working tirelessly to bring this type of legislation, pushing constantly, to bring this legislation to the House.

I will tell you, frankly, my friends, this legislation is not the type of bill that I would like to see the House of Representatives and the Congress of the United States pass. It is a weakened, watered-down piece of legislation, but it is something.

I have watched through the 1980's miners coming into my office, many times having difficulty in walking because the exertion created lung problems aggravating the black lung to the extent that it was impossible to walk, and sit in front of me and tell me how they had been denied benefits, not once, not twice, but week in, month out, year in, year out, during a decade.

I say that this has gone too long. The legislation that we have in front of us basically corrects some inequities that have long since been overdue to be corrected.

You can send a miner, and they have sent miners, the coal companies, to 10 doctors for 18 x-ray readings, for a mound of evidence that reaches up almost as high as this lectern in some cases, while the evidence that the miner could provide is only limited to what his financial resources are that are available. I will tell you, frankly, that is something that is not fair. It is not fair to see the miners who have provided the energy needs of this Nation treated in a fashion whereby, because they do not have the financial ability to compete with the coal companies, that they are, in fact, looked down upon ultimately in the decisions that have been arrived at during this process.

It is not fair to see that what has happened in this Nation, where the disparity is created, where less than 5 percent of available claims are, indeed, finally honored, and where, in some cases, 7, 12, 15 years I have seen claims go on without resolution because of this process that seems interminable, and all that it goes on.

My friends, I stand before you today as one not from another area of the country. I am from the coalfields. I am from the Appalachians. I have seen with my eyes on a regular basis the pain, the agony, the suffering that this lack of an effective program has created.

I will tell you that it is time that this stopped. It is time that we once again institute something that will give a dignified program to those who have toiled and labored so hard for the energy needs of this Nation. That, my colleagues, is what is just, and ultimately I believe that the House of the people, the House of Representatives, is here for justice, to give those who do not have other alternatives a chance for their voice to be heard.

My colleagues, my distinguished friends, I ask for your support. I ask for your assistance for the miners, for the people who need your help this evening.

Mr. PETRI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, as one of the first cosponsors of H.R. 1637, the black lung benefits restoration bill we are considering today, I rise to urge all my colleagues to join me in supporting this long overdue and badly needed legislation.

As the Representative of Pennsylvania's 11th Congressional District, which contains the heart of the anthracite coal region, I represent tens of thousands of disabled mineworkers and their widows whose lives have been irreparably damaged by pneumoconiosis, also known as black lung disease.

Of all the diseases known to man, black lung is one of the most seriously debilitating. It drastically reduces life expectancy while at the same time severely diminishing the quality of life in the years before death. Men who usually spend decades doing back-breaking work under extremely harsh and hazardous circumstances are frequently left gasping for breath for years. It is a slow and painful death.

In 1969, under the able leadership of my predecessor, the Honorable Dan Flood, Congress recognized the seriousness of the black lung problem when it passed the Federal Coal Mine Health and Safety Act of 1969, which became Public Law 91–173. The underlying statute was amended in 1972, 1978, and 1981, but no significant changes have been made since then.

When I was first sworn in as a Member of Congress, in January 1985, I knew that there were serious problems with the Black Lung Program. It was taking far too long for cases and appeals to be decided, and many deserving mineworkers and their widows were having legitimate claims denied for technical reasons.

Accordingly, I asked my friend and colleague from Pennsylvania, the Honorable AUSTIN MURPHY, chairman of the Education and Labor Subcommittee on Labor Standards, which has jurisdiction over the Black Lung Program, to come to northeastern Pennsylvania to hear first hand from disabled mineworkers, their widows, and representatives.

In response to my request, the Labor Standards Subcommittee came to Wilkes Barre on September 9, 1985, and held a major hearing on the Black Lung Program. I want to thank Chairman MURPHY for bringing the subcommittee up to northeastern Pennsylvania to hear from my constituents about the serious problems they have faced.

As a result of the Wilkes Barre hearings, and other similar hearings held around the country by the Labor Standards Subcommittee, a number of bills were introduced to improve the Black Lung Program.

This year the best elements of those various bills have been consolidated into one omnibus bill introduced by Chairman MURPHY, H.R. 1637, the bill we are considering today. Thirty-five of my colleagues from as far north and east as Vermont and as far south and west as Hawaii, have joined me in cosponsoring this bipartisan bill.

Among the major improvements in Federal law contained in our bill are:

First, repayment relief for recipients who are determined eligible for initial benefits but who are subsequently denied benefits on appeal. In the past these claimants had to repay their initial benefits even thought they were usually received and spent in good faith. Among other problems, this practice penalizes disabled mineworkers and their widows for delays caused by either the Government or the coal companies.

Furthermore, unscrupulous collection agencies frequently made the lives of these individuals a living nightmare. The recipients were inevitably old, frequently totally disabled, without any other major sources of income, and in very poor health. Often they were widows who no longer had the resources to fight their claims in court, particularly when their husbands had died and additional new evidence was difficult to obtain.

According to testimony received by the subcommittee, on at least one occasion the exist-

ing policy caused a recipient to commit suicide rather than face what he knew would be a life of impoverishment.

Second, the bill limits the endless series of medical test that a claimant can be subjected to. Under current law, a seriously disabled mineworker can be harassed by being forced to take one test after another in order to prove he is disabled. The bill provides that the opposing party, either the Government or the coal company, can only require one medical test for each test the claimant submits, and that the claimant cannot submit more than three tests. It also allows the administrative law judge to require one additional medical exam if there is good cause for such an examination.

This adequately balances the need for medical evidence against the burden of intrusive tests on severely disabled individuals. It ensures that medical tests will not become either a delaying tactic or a form of punishment. It ensures that the claim process will be both fair and efficient.

Third, the bill makes it easier for widows to receive benefits if their husbands die while receiving benefits. This will prevent many of them from becoming destitute. Under current law the widow may be required to prove that black lung was the actual cause of death or a substantial contributing factor to death. This may be difficult to prove once the miner is dead, and can be delayed by legal challenges.

Under the bill, if a miner dies while receiving benefits or was disabled with pneumoconiosis at the time of death, it is presumed that he died of pneumoconiosis thus entitling his widow to benefits. As a result, the widow would be automatically eligible to receive benefits without delay. In order to protect against abuse, the bill requires that a widow had to have been married to the mineworker for at least 9 months prior to his death, or to have had a child as a result of the marriage.

Fourth, the bill requires quicker identification of so-called responsible operators, the primary company responsible for the mineworker's disease. Under current law a mineworker or his widow may face a gauntlet of everchanging opponents whose resources far outstrip their own. The bill requires the first person who adjudicates a claim to designate a responsible operator, but gives the person so designated a reasonable opportunity to appeal.

Fifth, the bill changes the way attorney's fees are paid. Under current law, many disabled mineworkers and their widows have trouble finding an attorney to represent them because the attorney is not paid until after a case is fully and finally adjudicated. This can take years.

Black lung claims and the medical evidence necessary to prove them are very technical areas and require specialized legal experience to file. Without an attorney, claimants stand no chance of receiving benefits. Yet few attorneys will take such cases if they have to wait until final adjudication to take place in a system that stretches out the decisionmaking process for years. According to the committee, in the entire State of West Virginia, one of our major coal-producing States, only 12 attorneys will take black lung cases.

Under the bill, attorney's fees will be awarded after each stage of the process if the attorney is successful in obtaining benefits for the claimant. This will provide timely compensation whenever a legal decision is rendered.

Sixth, the bill streamlines the appeals process by prohibiting direct appeals from the Office of Workers' Compensation Programs to the Benefits Review Board. Under the bill, only orders issued by the Office of Administrative Law Judges can be appealed to the Benefits Review Board. It also prevents the Secretary from delegating the responsibility to decide whether or not to appeal a decision by a Federal court. This will provide greater consistency in the Department's decisions on whether or not to appeal.

Seventh, the bill provides that any claim filed after the effective date of the 1981 amendments, that is, January 1, 1982, which was subsequently denied, may be refiled as a new case and receive a de novo review on the merits under this new law. No entitlement to retroactive benefits would be provided.

Mr. Chairman, a full decade has passed since Federal black lung law was last changed. In that decade, many disabled miners have died penniless and their widows have had to rely on family, friends, or public assistance to survive. After the year of hard work and suffering these families have had to endure, these families deserve more. The bill we are considering today will give them a fair chance to prove their disability and receive the benefits they deserve. It should receive the support of every Member.

Mrs. LLOYD. Mr. Chairman, I speak in full support of H.R. 1637, the Black Lung Benefits Restoration Act of 1991. This legislation restores to the program a number of important improvements and returns a sense of fairness to the program.

Mr. Chairman, this bill eases the requirements necessary to qualify for black lung benefits. Further, it provides relief for dependents and survivors of black lung victims. Most importantly, it provides that disability claimants who are found to be ineligible for black lung benefits will not be required to pay back any of the interim benefits they may have received prior to a determination of ineligibility. Seldom do black lung applicants have the means to put aside benefit payments in the event of a later negative decision in their case. Most people who receive these benefit payments find they must use them to pay for daily living expenses—making it impossible to recover these funds. I have heard from several miners and their families in my district alone who often complain of the financial hardship of trying to repay moneys long ago spent to supplement their daily living while waiting for their claim to be approved. In some cases a levy is placed against a miner's home in an effort to recover payments. Mr. Chairman, I cannot in good conscious ask the coal miners and their families of the third District of Tennessee to suffer the devastating effects of such actions.

Coal miners have given so much for our country. They fueled American industry to a position of world leadership. They have worked hard and some have died with such a disability. I believe a witness before the Labor Standards Subcommittee hearing on black lung said it best:

> Coal miners who were strong and vigorous workers have been reduced by years of inhaling coal dust to broken bodies, to strain for every breath. They are forced to go through degrading, humiliating and seemingly endless contests in a generally futile effort to obtain monthly benefits and medical care, a paltry compensation for the destruction of their health.

It is long past time that we move legislation on behalf of the thousands of miners, their widows and families who are suffering financially under a program that was intended to bring them relief.

Black lung disease is caused by the inhalation of coal mine dust. The original intent of Congress in enacting legislation to compensate victims of black lung disease was for it to be a fairly straightforward program. The program would make payments of benefits to coal miners found to be disable due to black lung and to the widows and dependents of those who died with such disability, or from the disease caused by coal dust. However, over the years, the program has seen several changes. This bill does an excellent job of returning to a program that more closely reflects the commitment of Congress—to compensate those coal miners who suffer from the crippling effects of black lung. It is in the best interests of those directly affected and enjoys the tremendous support of the Third District of Tennessee.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of H.R. 1637, the Black Lung Benefits Restoration Act of 1992, as reported by the committee, and in opposition to any amendments. The bill before you represents a compromise several months in the making. It has been modified, compromised and severely scaled back to meet both substantive and budgetary considerations. There are many provisions left out of this package that I personally favored and would like to have had included but gave up in a sincere effort to bring to the floor a bill that could and should pass.

Black lung is an occupational disease that destroys the lives of those who mine the coal on which this country depends. It is a savage disease that debilitates tens of thousands of once strong and energetic miners by denying them the very breath of life. No one who has visited the coal fields of this country can deny the horrible consequences of pneumoconiosis.

In 1969, under the leadership of my former chairman and good friend CARL PERKINS, who cared deeply for the people of the coal fields, we passed the first Black Lung Act, as part of the Federal Coal Mine Health and Safety Act of 1969. The need for a compensation program for disabled miners was compelling then and is no less compelling today. Over the years, we have amended and reamended this law as we have attempted to better balance the demonstrable need for disability compensation with fiscal responsibility by ensuring that the legal standards establishing eligibility and causation were clear. This has not been an easy task. Unclear and inconsistent evidence with regard to work histories over long periods of time and the lack of conclusive medical evidence in this field has always plagued this program through no fault of either the miner or the operator.

In 1981, following other changes to the act in 1972 and 1977, this Congress severely re-

stricted the presumptions of causation used to determine eligibility. As a result, the approval rates for claimants has dropped dramatically, virtually nullifying the act. This is especially true for the widows and survivors of miners.

Mr. Chairman, I do not argue that there should be automatic approval of claims if the evidence is insufficient to prove a case for benefits, but I do argue that the current system is so stacked against the claimant that even the clearest case is often difficult to establish. The evidentiary standards and the lack of presumptions as to work histories and causation almost ensure that the party with the most money for the greater number of examinations and the greater number of expert witnesses wins—wins not on the basis of the factual weight of the evidence, but simply by the poundage of the evidence. My colleagues, the party with such funds available is not the miner or his or her survivors.

The bill before you is a small attempt, and I mean small, to ensure a fairer and more balanced claims system for both parties to these cases. Specifically, the bill limits for all parties the number of medical examinations that can be required and the pieces of similar medical evidence that can be introduced which are derived from the same medical procedure.

It reestablishes the widows/widowers presumption—that if the miner was receiving benefits at the time of death, the miner's death shall be considered to have occurred as a result of the pneumoconiosis. It establishes a procedure for early designation by the Secretary of the named responsible operator so that the claimant does not have to litigate against an array of operators, all of whom wish to avoid liability.

Mr. Chairman, this is a good bill, a budget-conscious bill, and one that all my colleagues should support. If we believe that over time we have eliminated the cause of black lung and therefore need not continue to provide compensation, may I just remind you of the recent dust sampling scandal which exposed miners to dust levels well above those allowed by law. Until the causes of black lung are remedied, we, as a Nation, must be ready to care for our miners and their survivors. I remind you that the need is as compelling today as it was in 1969. Just ask the miner whose life is dependent on a respirator that must be carried by his side forever. We need to show compassion for these hard-working people.

Mr. GRADISON. Mr. Chairman, as Congress rushes to complete legislation prior to adjournment in a few days, it may be hard for Members to keep track of the money they are spending, where it comes from, and where it goes. I have pointed out several instances of legislation with budget implications in the CONGRESSIONAL RECORD, most recently on September 17, at page 25422.

Today, I want to call attention to the budget impact of H.R. 1637, the Black Lung Benefits Restoration Act. This bill causes direct spending, which is not subject to appropriators' discretion, of $65 million in fiscal years 1993 through 1997. Technically this legislation does not violate the Budget Act because $100 million of direct spending allocated to the Education and Labor Committee remained unused after enactment of the Higher Education Reauthorization Act of 1992. In other words, the $100 million was intended for higher education. In my view, it should be devoted to reducing the deficit.

Even if the House passes this bill, consideration of the legislation in the Senate would violate the Budget Act because the Senate Labor and Human Resources Committee has already used up its allocation of new entitlement authority for fiscal year 1993.

Should this legislation somehow get past the Senate, it would confront the pay-as-you-go discipline. As I mentioned in a "Dear Colleague" earlier this week, Congress is dangerously close to exceeding the pay-as-you-go limit. In these final days, there is an enormous amount of legislation awaiting final action. Unless Congress is very careful, the pay-go balance could be exceeded and a pay-go sequester would occur. Then, the spending in this bill, instead of increasing the deficit, would cause offsetting reductions in such programs as Medicare, family support payments, veterans' benefits, and student loans.

We in Congress need to remember that we are spending the American people's money. Most taxpayers would look at the $100 million of unspent funds and see $100 million of deficit reduction. Some in Congress look at it and see the chance to spend $100 million. Perhaps this is why the deficit is so intractable. Perhaps there is a lesson here.

Mr. HARRIS. Mr. Chairman, I rise in support of H.R. 1637 and urge my colleagues to vote for its passage.

As the representative of a coal producing region, I and my district staff have had more than enough firsthand experience with the injustices caused by the present standards and their administration.

I have personally dealt with a retired miner, who had already had to have half a lung removed, who was denied black lung benefits.

I have seen many retirees, old people with little formal education, who worked all their lives in the mines, and who had received their disability rating years ago, and who are now being told that some change will not only cost them their benefits but that they must repay all past benefits as well.

These old people, none of whom are accused of any deception, are being told they must do without necessities and that they face the loss of their homes and life savings. They are being told this even when the law allows forgiveness of debts in the case of financial hardship.

Many of these reversals are unwarranted by any medical standard and this legislation would make clear the intent of Congress as to the relevant medical evidence. It will also address the issue of repayment of benefits where final adjudication has been delayed and no fraud or deception was involved in obtaining benefits.

Mr. Chairman, again I say I know first hand the need for this legislation and I cannot say strongly enough this bill will correct a terrible wrong and save much human misery.

Mr. BEVILL. Mr. Chairman, I rise in support of H.R. 1637, the black lung benefits restoration bill. And I want to say that I appreciate the time and effort that my friend and colleague, AUSTIN MURPHY, put into this legislation. He held one of his hearings on the Black Lung Program in Alabama where we have so many coal miners. Many of them are afflicted with black lung and so many of them have been denied benefits.

My father was a coal miner, I grew up among coal miners and my hometown is located in Walker County which is one of the three largest coal mining counties in our State.

I have been a strong supporter of the Black Lung Program over the years, because I have seen the suffering of miners afflicted with this disease. Black lung is a terrible, crippling disease. That's why Congress saw the need to create the Black Lung Program in 1969 to ease the suffering of coal miners disabled by this disease.

Unfortunately, many, many coal miners and their families have suffered even more because of the unnecessary bureaucratic redtape that has plagued the Black Lung Program for many years.

Today, the program is almost gone. Very, very few coal miners are approved for black lung benefits. The denial rate is about 90 percent. This program was created to help people, but, the system throws up so many hurdles, very few miners can prove they qualify for help. Coal miners are very frustrated because this system puts them at a disadvantage.

Certainly, this was not the intent of Congress. It was not our intent to create a bureaucratic maze making it virtually impossible for disabled miners to get benefits.

We know that there are thousands of coal miners out there today who are disabled with black lung disease. A vast majority of them cannot get attorneys to argue their cases because the attorney can't get paid unless the appeal is successful.

The way the system is set up, many miners who lose their appeals have to repay benefits they initially received. All too frequently, this amounts to thousands of dollars. I have heard some mighty heartbreaking stories over the years about people who lost everything.

This program was not designed to be meanspirited. At the same time, it was not designed to throw money away. It was designed to help those who deserve help.

I believe that this legislation is the best opportunity we have to help those who deserve the benefits to get them. It makes provisions to clean up the bureaucratic mess.

We need changes in the system to reduce the lengthy delays experienced by those seeking benefits. In short, this legislation will inject fairness into this process which has been lost in recent years.

In closing, I'd like to say that I believe it is the intent of Congress to help coal miners. If they are sick because of black lung, they deserve a fair shake.

I strongly urge my colleagues to support this legislation.

Mr. YATRON. Mr. Chairman, I rise today to express my deepest appreciation to my colleagues for the passage of H.R. 1637, the Black Lung Benefits Restoration Act of 1992. I am proud to have been a cosponsor of this bill, which will provide fair compensation to black lung victims.

There are many residents of my district who suffer from black lung-related effects, but have been denied fair compensation. This bill will provide those individuals suffering from black

lung-related problems the benefits that they rightly deserve. This bill will make needed adjustments to the Black Lung Act by easing the requirements to qualify for benefits, providing survivor benefits to spouses, allowing for refiling of previously denied claims based on old evidence standards, and increasing the protections for individuals who receive overpayment of benefits. This bill is a significant accomplishment for the hard-working former miners who suffer from black lung effects but who have been denied just compensation or have had their financial situation threatened because they are told that their benefits have been overpaid.

Mr. Speaker, I would also like to thank my Pennsylvania colleague, Congressman AUSTIN MURPHY, for all of his hard work on H.R. 1637. Congressman MURPHY's leadership has resulted in the passage of this much needed bill. As I end my tenure in the House, I am delighted to have been part of the passage of this critical legislation. I am pleased by the passage of H.R. 1637, which will rectify the injustices that have been suffered by too many Americans who should have been entitled to black lung benefits or have been mistreated in the processing of their claims.

Mr. MURPHY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The test of the committee amendment in the nature of a substitute is as follows:

H.R. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Black Lung Benefits Restoration Act of 1992".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Black Lung Benefits Act.

SEC. 2. BENEFIT OVERPAYMENT.

Part C is amended by adding at the end the following:

"Sec. 436. (a) In the administration of the benefits payable under this part, if a claimant received benefits under this part before final adjudication of the claim for benefits is made and if the final adjudication is that the claimant is ineligible for benefits through no fraud or deception of the claimant, the payment of such benefits to the claimant shall not be considered an overpayment of benefits and the claimant shall not be legally responsible for the return of such benefits.

"(b) If a claimant received benefits under this part before final adjudication of the claim for benefits was made and was required under regulations of the Secretary to repay the benefits as an overpayment of benefits because the claimant was adjudicated as not being eligible for benefits, the fund shall refund to the claimant the amount repaid by the claimant.

"(c) If the benefits paid as described in subsection (a) to a claimant who was adjudicated as not being eligible for benefits were paid by an operator, the fund shall reimburse the operator for the benefits paid.".

SEC. 3. EVIDENCE.

Section 422 (30 U.S.C. 932) is amended by adding at the end the following:

"(m)(1) To controvert medical evidence presented by a claimant on the basis of a medical examination in a proceeding on the claim of the claimant, the operator designated as responsible for the payment of benefits under such claim or the trust fund, as the case may be, may only require one medical examination.

"(2)(A) Except as provided in subparagraph (B), any party in a proceeding for benefits under this part may not offer more than 3 similar items of medical evidence which present information derived from the same medical procedure, including readings of chest roentgengrams, evaluations of blood gas and pulmonary function studies, or reviews of the same medical evidence.

"(B) If a party in a proceeding for benefits under this part offers one or more items of medical evidence which present information from a medical procedure, the opposing party in such proceeding may only offer the same number of items of medical evidence which present information from the same medical procedure.

"(3) Any claimant in a proceeding for benefits under this part may not offer more than 3 medical examinations, except that an administrative law judge may require the claimant in a proceeding to submit to an additional medical examination if the administrative law judge determines there is good cause for requiring such examination.".

SEC. 4. SURVIVOR BENEFITS.

(a) DEATH.—Section 422 (30 U.S.C. 932), as amended by section 3, is amended by adding at the end the following:

"(n) If a widow or widower of a miner files a claim for benefits under this part and if the miner was receiving benefits for pneumoconiosis or was disabled by pneumoconiosis at the time of the miner's death, the miner's death shall be considered to have occurred as a result of the pneumoconiosis.".

(b) RULES FOR WIDOWS AND WIDOWERS.—Section 422 (30 U.S.C. 932), as amended by subsection (a), is amended by adding at the end the following:

"(o)(1) The widow or widower of a miner who was married to the miner for at least 9 months preceding the miner's death or who had children as a result of such marriage is qualified to receive survivor benefits under this part.

"(2) The widow or widower of a miner is not disqualified to receive survivor benefits under this part if the widow or widower remarries after attaining the age of 50. Such a widow or widower may not receive an augmentation in survivor benefits on any basis arising out the remarriage of the widow or widower.".

SEC. 5. RESPONSIBLE OPERATOR.

Section 422(h) (30 U.S.C. 932(h)) is amended by inserting "(1)" after "(h)", by striking out the last sentence, and by adding at the end the following:

"(2)(A) The first person, designated by the Secretary, who adjudicates a claim for benefits under this part shall designate as the operator who shall be liable for the payment of benefits under such claim the operator who was the last employer of the miner with respect to whom the claim is made and who employed such miner for at least a year. The period of a miner's employment by an operator shall be determined on the basis of cumulative periods of employment by such operator.

"(B) If the person required to designate an operator under subparagraph (A) determines that the evidence is not clear as to which operator is described by subparagraph (A), such person shall, to the extent possible, designate a responsible operator.

"(C)(i) An operator designated under subparagraph (A) or (B) shall be given by the designator notice of the designation together with the basis for the designation. Such an operator may, within 30 days of the operator receiving notice of such designation, request a hearing before the Secretary on such designation. The Secretary, acting through the Office of Administrative Law Judges, shall within 5 days of such request set a date for a hearing on the record which shall be not later than 60 days after the date of such request. After the hearing, a decision shall be made not later than 120 days of such request. The decision shall not be appealable.

"(ii) If the Secretary determines that an operator who requested a hearing under clause (i) did not have reasonable grounds to contest the operator's designation, the Secretary may assess the operator for the costs (not to exceed $750) of the proceeding undertaken upon such request.".

SEC. 6. ATTORNEY FEES.

Section 422 (30 U.S.C. 932), as amended by section 4(b), is amended by adding at the end the following:

"(p)(1) If in any administrative proceeding a determination which may be appealed is made, or in a court proceeding a determination is made that the claimant is entitled to such benefits—

"(A) the Secretary acting through the person who made the determination in the administrative proceeding, or

"(B) the court, shall determine the amount of all costs and expenses (including expert witness and attorney's fees) incurred by the claimant which are reasonable and shall assess the operator responsible to the claimant for such reasonable costs and expenses or if there is not an operator responsible to the claimant, shall assess the fund for such reasonable costs and expenses. Such determination shall be made within 60 days of the date the claimant submits a petition for the payment of such costs and expenses. The Secretary or court shall take such action as may be necessary to assure that such costs and expenses are paid within 45 days of the date of such determination.

"(2) If an operator pays costs and expenses assessed under paragraph (1) and if the claimant for whom such costs and expenses were paid is determined in a later proceeding not to be eligible for benefits under this part, the fund shall pay the operator the amount paid for such costs and expenses.".

SEC. 7. ADMINISTRATION.

(a) APPEALS TO THE BENEFITS REVIEW BOARD.—No appeal of an order in a proceeding under the Black Lung Benefits Act may be made by a claimant or respondent to the Benefits Review Board unless such order has been made by an administrative law judge.

(b) ACQUIESCENCE.—The Secretary of Labor may not delegate the authority to acquiesce in a decision of a Federal court.

SEC. 8. REFILING.

Any claim filed under the Black Lung Benefits Act after January 1, 1982, but before the date of the enactment of this Act may be refiled under such Act after the date of the enactment of this Act for a de novo review on the merits.

The CHAIRMAN pro tempore. No amendment to the substitute is in order except those amendments printed in House Report 102–961. Each amendment shall be considered in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for a division of the question. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BALLENGER: Page 2, strike out line 11 and all that follows through line 9 on page 3 (and redesignate succeeding sections accordingly).

The CHAIRMAN pro tempore. Under the rule, the gentleman from North Carolina [Mr. BALLENGER] will re recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I would like to just take a few minutes to explain what this would do and why I think it is appropriate.

Current law allows claimants to receive benefit payments when a claim is filed. If a person is deemed ineligible for the benefits then the claimant must repay the Department of Labor all benefits.

The bill changes current law.

The bill says, if the claimant is determined to be ineligible for benefits, the claimant may still keep the benefits paid out.

The bill says, if a claimant received a benefit, was determined to be ineligible and paid it back as an overpayment, then under the bill the black lung trust fund must refund the entire overpayment.

My amendment would strike section 2 from the bill and return to current law.

The price tag for this bill is $65 million over a 5-year period. The Congressional Budget Office estimate of returning benefit repayments to claimants going back as far as 1973 would require an expenditure of $30 million over 3 years.

CBO further estimates that the trust fund would lose $5 million per year in overpayment collections which would not be collected under H.R. 1637. This is an added burden on a trust fund that is already $3.6 billion in debt. Despite a doubling of the initial excise tax on coal in 1981 and a further 10-percent increase in the mid-1980's, the trust fund has never been able to meet its obligations without having to borrow, that is, take advances, from the general revenues of the U.S. Treasury.

H.R. 1637 provides for a giveaway that is totally incompatible with the financial health of the trust fund or the integrity of the Black Lung Program designed to help miners who are disabled. It should not just be a program designed to help just anyone merely who decides to apply for benefits. By striking the benefit overpayment provision, the total cost of this bill would be reduced by $55 million.

I urge my colleagues to support this amendment.

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Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Let me clarify for the Members that when we talk about the interim payment of benefits, those benefits are not paid until the claimant has filed his claim, gone through a very lengthy process of submitting his medical records, his employment records, and many, many months later, sometimes years later, the Department of Labor, through the office of Workers Compensation, will make a ruling. These benefits are then paid to the claimant based on that ruling.

They are not erroneous payments, they are not overpayments, as stipulated by the gentleman from Michigan, an overpayment in annuity or a mistaken payment to the claimant. They are payments made to that claimant for just cause and as determined by the Federal Department of Labor.

Then, many months later, after perhaps an ALJ will review the case and then make a temporary reversal of the process, the claimant is notified by the department, "Send us the money back."

The money has been spent, it has been spent for medical bills, for the care of the miner and his family, spent on food, spent on his necessities of life. Then he receives a collection notice to send the money back.

All we are attempting to do is to say that once the Department of Labor has made a determination based on valid cause and the miner has been paid, that ends that particular phase of it.

Obviously, the miner can have his future benefits interrupted if it goes to a court of appeal or other appeals and he is then denied future benefits.

Incidentally, in that regard the Department of Labor already admittedly by the figures submitted to our committee, does not recover two-thirds of those benefits. So they are out there harassing one-third of the interim claimant benefits for their repayment. We think it has been a very unfair system during the past 12 years, and all we are seeking to do is to level the playing field, let them keep the benefits properly awarded and then go on from there.

Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr HUBBARD. I thank the gentleman for yielding. And I certainly, in supporting House bill 1637, I do oppose these weakening amendments. I understand the amendment by Mr. BALLENGER, this indeed would strike section 2 of the bill, which exempts claimants found to be ineligible for benefits for responsibility of repayment of interim benefits. This opposition position to the amendment was explained very adequately by our colleague and friend from Pennsylvania, Mr. MURPHY.

The coal miners in the area I represent in Congress, that being the first Congressional District of Kentucky are hurting. They need this legislation. They very much want the Black Lung Benefits Restoration Act of 1992 and they want it, of course, without these crippling amendments.

We need to help these coal miners nationwide, and certainly I am proud to speak for the coal miners of the nine coal-producing counties of the first Congressional District of Kentucky.

Mr. BALLENGER. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois.

Mr. FAWELL. I thank the gentleman

I just want to bring this out: It occurred to me when we discuss these interim payments that basically we have a problem because of the procedures we have. It will take 5 or 6 years. They tell me that the Benefits Review Board is basically responsible for most of this delay.

Now, it would seem to me therefore, that if we all put our heads together and were able to have a streamlined procedure where you do not have these delays, then you are not going to have the interim payment problems that are of the magnitude that they are here.

As I understand it, this bill goes all the way back to 1973 and says also in instances where you have even repaid, that now the trust fund is going to cough up the money and have to pay or repay the repayers. That strikes me as an awful big bill that the trust fund is going to have to carry here, and in a rather elongated arm of trying to rectify some errors of the past.

I see nothing in here—I would join with the gentlemen to perhaps eliminate that review board if it clogs things up for 5 or 6 years. This is what I have been told.

Why not have binding arbitration, do something so that these people can get a quick decision? If we would do that, perhaps that would give them quick justice.

I do not know what we are going to do when you have all of these 86,000 new claims I believe it is theoretically being filed, refiling on top of all that we have right now. How in the world—you are going to have 12-year delays if that is the case.

I would suggest that I would be more than glad to work with the chairman, who I know is dedicated to this area, to try to get some justice that is not so damnable delayed as is the case here, apparently.

Mr. MURPHY. I thank the gentleman from Illinois [Mr. FAWELL] and hope that next year we can have an Administration in the benefits review board that will do their job properly and expedite the treatment of those claims.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. I thank the gentleman for yielding.

Very briefly, I just thoroughly concur with the excellent statement of the opposition coming from Chairman MURPHY. Obviously, it should be realized that these were not spurious claims, that people in good faith had every reason to believe they had the condition. They probably did. They were certified as such by both doctors and the Department of Labor. And to think we would put on the working people of America, after 3, 4, 5, 7, or 8 years, an arbitrary demand, as was the case in my district, to pay back $70,000 by a 78-year-old widow, pay $70,000 back within 60 to 90 days. I think that is just ridiculous. I think doing this would also be in the long run better economically because you give the Department of Labor incentive to speed up the program and save cost to the system.

Mr. BALLENGER. Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The amendment was rejected.

□ 1840

The CHAIRMAN pro tempore (Mr. BRUCE). It is now in order to consider amendment No. 2, printed in House Report 102–961.

For what purpose does the gentleman from North Carolina [Mr. BALLENGER] rise?

AMENDMENT OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BALLENGER: Page 3, strike out line 10 and all that follows through line 12 on page 4 (and redesignate succeeding sections accordingly).

The CHAIRMAN pro tempore. Under the rule, the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 5 minutes, and a Member opposed to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, my next amendment would strike section 3 of this bill. This amendment deletes the provision that limits the amount and type of evidence introduced by any party.

To be more detailed, section 3 limits evidence in three ways: First, it would limit the responsible operator to one medical exam of the claimant; second, it would limit the number of readings of x rays and other medical exams to three by each party, and third, if the claimant submits less than three items of medical evidence, then the operator may only submit the same number of items as the claimant.

I believe it is unprecedented in American compensation law that a party who will be getting the bill has such an arbitrary limit placed on presenting relevant evidence. While there have been limits on evidence where the Government pays the benefits, never before has there been a limit for private parties.

This arbitrary limit is particularly unfair in the Black Lung Program. It would represent another intrusion of Government into private proceedings. Currently under this program, if both sides produce equal evidence—meaning equal in numbers and probative weight—then the claimant wins. Under this legislation, the only question for the administrative law judge left to answer is whether to give the medical opinions equal weight since there would be equal numbers of evidence.

Mr. Chairman, while I understand the intentions of the majority in this section, I would have to say my amendment would keep the balance that is currently in place concerning medical evidence. If section 8 is allowed to take effect, that balance would be severely tipped toward the claimant.

This is an area in which we should not be legislating and I urge the adoption of my amendment to strike this section.

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this goes to the very heart of what we are attempting to do in leveling the playing field and offering the disabled coal miner some opportunity of winning his case.

At the present time and since 1981, the weight of evidence being the way it is under current law and interpretation, the miner is compelled by the coal company to go to an endless number of hospitals, clinics, doctors, sometimes many, many miles away.

Generally, the coal miner can only afford to go to his family physician or a local physician to have himself examined. He is diagnosed as having black lung disease by that local physician who knows him well, who knows his case well; but when the company is able to send him, by the sheer weight of their dollars versus his, to numerous medical examinations, x rays and pulmonary examinations and breathing examinations, by that time they have wore the miner down, and they go before the ALJ. The company has 12 experts and so forth that they have paid for.

The miner has his family doctor that he has paid for. Obviously, the weight of the evidence is against him.

What we do in the bill is say that if a miner goes to a doctor, the company, his antagonist, is allowed to send him to a medical expert.

If the coal miner goes to two doctors or a doctor and a clinic, the coal company may send him to a doctor and a clinic.

If the coal miner goes to two doctors and a clinic, the coal company can.

What we are saying is they both have the opportunity for the same number of witnesses to come in under medical testimony; no more in three in number, unless the ALJ, the judge who is hearing the case, then orders another examination, at which time he may do so.

We believe that this is leveling the playing field and not allowing the weight of dollars to defeat the miner's claim.

Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

Again, I oppose the Ballenger amendment. Hopefully, the Members of Congress realize how difficult it is for coal miners to obtain black lung benefits. It is difficult, many times the cases take years. They have attorneys to file their claims and to work with them. The process is drawn out. The coal companies in many ways have the advantages. Certainly the coal companies at the present time have the advantage when it comes to medical evidence being produced for the coal miner to obtain black lung benefits.

As Chairman MURPHY said, we are trying to level the playing field here and give the coal miners a chance to obtain their black lung benefits through medical proof that is not outweighed by the money of the coal company and their medical witnesses.

Mr. Chairman, I urge my colleagues to vote no on this amendment and again urge them to vote "yes" for H.R. 1637.

Mr. BALLENGER. Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 3, printed in House Report 102–961.

For what purpose does the gentleman from Ohio [Mr. BOEHNER] rise?

AMENDMENTS EN BLOC OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer amendments en bloc made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. BOEHNER; Page 6, line 24, insert "(a) AMENDMENT.—" before "Section".

Page 8, after line 2 insert the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only with respect to claims which are filed for the first time after the date of the enactment of this Act and shall not apply with respect to any claim which is filed before such date and which is refiled under section 8 of this Act after such date.

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. BOEHNER] will be recognized for 5 minutes, and a member opposed to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, with regard to legal fees paid in the Black Lung Program, under current law black lung claimants attorneys only receive fees after they win their cases, so they have to go all the way through the review process, and if and when that plaintiff wins, the attorney fees are then in fact paid.

Under H.R. 1637 we expand attorney fees and pay those fees at each step in the process. So in fact if an attorney wins at the Labor Review, if he wins at the Administrative Law Judge level, and at each step along the way he in fact is paid his fees that are incurred up to that point.

Even if the claim is ultimately denied, those steps that the plaintiff did in fact win, the attorney fees would be paid.

In section 8 of this bill, we grant those 86,000 claims that have been denied since 1982 the opportunity to be refiled.

Under this issue of the attorney fees, all those cases would be allowed attorney fees at each step along the way in the process. That is where my concern is.

The amendment that I have at the desk that I am offering tonight provides that the expanded attorney fees would be paid to those cases filed after enactment of this bill. What it says to those 86,000 claims that were denied, which under the bill we are going to allow those claimants to have another bite at the apple, it would not pay the expanded attorney fees and they would only be paid if in fact they win their cases.

I believe this is fair. This was part of the compromise package that had been worked out earlier between members of committee.

What we are trying to do here is not till another fertile field to allow claimants attorneys to go out and to entice those 86,000 claimants to take a bite at the apple.

Frankly, I think if we do not change this, what we are going to do is allow them to take a very big bite out of the apple.

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose this amendment because it denies an entire class of people, potentially as large as 80,000, adequate legal representation. These individuals, who filed under the harsh 1981 amendments with their stricter standards, were unfairly excluded from eligibility. To deny these people sufficient representation on a rehearing is tantamount to justice denied.

The attorney's fees section was incorporated into H.R. 1637 in response to testimony received throughout our oversight hearings. Numerous witnesses discussed the great difficulty they and their fellow miners have had in finding legal representation. Under the current system, attorneys are not paid until after the claim is fully adjudicated, which can take 5 to 10 years. This fact discourages many attorneys from taking black lung cases at all. H.R. 1637 is meant to provide prompt payment for the attorney at each step in the administrative claims procedure whenever a formal decision is rendered. I believe this enticement of timely compensation may encourage attorneys to persue the meritorious claims of many neglected miners, and I urge my colleague to oppose this amendment.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Ohio [Mr. BOEHNER].

The amendments were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4, printed in House Report 102-961.

For what purpose does the gentleman from North Carolina [Mr. BALLENGER] rise?

□ 1850

AMENDMENT OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. BRUCE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BALLENGER: Page 8, strike out lines 12 through 17.

The CHAIRMAN pro tempore. Under the rule, the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I would like to explain what this amendment would do and how it would address some of my concerns with the bill. This amendment would delete a provision in this bill allowing for the refiling of any claim filed under the Black Lung Benefits Act between January 1, 1992, and the date of enactment of the bill.

H.R. 1637 broadly expands the opportunity for previously unsuccessful claimants to refile a claim. The language in this bill overlooks the fact that claimants are not barred today from refiling, if circumstances warrant. Section 8 eliminates that requirement and permits unrestricted refiling authority which would become a tremendous administrative burden to the program. Some 86,000 cases could be refiled under this provision. These are cases that have already had their day in court.

It is apparent that the reopening of cases has to result in some differences in how those cases would be decided, otherwise the majority would not have pushed so hard for this provision. I would also like to note that the original Civil Rights Act of 1990, H.R. 4000, provided for the reopening of closed cases but the majority ultimately found that position was not defensible.

Realizing that some black lung cases have been reopened in the past, I don't believe it is necessary that we should continue to do so on every occasion. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. MURPHY] is recognized for 5 minutes.

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must oppose this amendment. Removing this section adds insult to injury for the many miners who bore the full brunt of the unfair 1981 amendments. This section gives those miners a well-deserved second chance. Some critics have claimed that this section is unnecessary because of the existing right to refile under current law. However, I am concerned that any refiling of old, previously denied cases would impose an unfair burden on claimants who may have to overcome evidence submitted during prior adjudication of their claim. In drafting H.R. 1637, we wanted to provide an opportunity for claimants denied under the 1981 amendments to file their claim under the law as modified by these amendments with no entitlement to retroactive benefits. The adjudication of these claims would be conducted as a de novo review, with full consideration of the case on its

merits in light of the evidence subsequently produced supporting or contesting the refiled claim. This is the least we can do to promote fairness for these victims and I urge my colleagues to oppose this amendment.

Mr. BALLENGER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, again I thank the gentleman from Pennsylvania [Mr. MURPHY] for having yielded to me.

Mr. Chairman, those of us who represent coal miners, disabled coal miners, of course oppose this amendment by our friend and colleague, the gentleman from North Carolina [Mr. BALLENGER]. What we are trying to do with this legislation is to level the playing field so that the coal miners have a better chance to more expeditiously receive the black lung claims to which they are entitled.

The coal companies do have an advantage. This legislation, the Black Lung Benefits Restoration Act of 1992, H.R. 1637, is trying to level the playing field.

This amendment, as has already been stated, strikes section 8 regarding filing for de novo review. This is an unfair advantage for the companies against the coal miners.

Mr. Chairman, I would urge my colleagues to vote no on this amendment which was offered by the gentleman from North Carolina [Mr. BALLENGER].

Mr. MURPHY. Mr. Chairman, just as we close debate on this last amendment, I want to compliment the gentleman from Wisconsin [Mr. PETRI], my ranking member on the Subcommittee on Labor Standards. He has been most courteous and cooperative as we have gone through the process of numerous hearings on this bill, at subcommittee markups, committee markups. He has attempted to forge many compromises with us and has been certainly very diligent in his duties, and I do thank the gentleman very personally for this, and I also thank the gentleman from North Carolina [Mr. BALLENGER] for his efforts in attending the hearings. I had him in my district for a tour of a deep coal mine. I know he shared our experiences of learning the handicaps that many miners work under, and I do appreciate this although we have been on opposite sides of the amendments. He has been most cooperative in his efforts as we drafted this very fine legislation.

So, Mr. Chairman, I thank both gentlemen very much.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The amendment was rejected.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. BORSKI) having assumed the chair, Mr. BRUCE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act, pursuant to House Resolution 584, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The CHAIRMAN pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motior to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 1637, the Black Lung Benefits Restoration Act.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Haller, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5427. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5427) "An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes" and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REID, Ms. MIKULSKI, Mr. ADAMS, Mr. BYRD, Mr. GORTON, Mr. BOND, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5678) "An act making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes."

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5482, REHABILITATION ACT AMENDMENTS OF 1992

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the mangers may have until midnight tonight, October 1, 1992, to file the conference report on H.R. 5482, the Rehabilitation Act Amendments of 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MAKING IN ORDER ON FRIDAY, OCTOBER 2, 1992, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 707, COMMODITY FUTURES IMPROVEMENTS ACT OF 1991

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that it be in order to consider the conference report on H.R. 707, Commodity Futures Improvement Act of 1991, tomorrow, or on any day thereafter; that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as having been read when it is called up for consideration, provided, however, that consideration of the conference report shall not be in order unless it shall have been available for not less than 2 hours.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT OF CERTAIN DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report seven deferrals of budget authority, totaling $930.9 million.

These deferrals affect International Security Assistance programs as well as programs of the Agency for International Development and the Departments of Agriculture, Defense, Health and Human Services, and State. The details of these deferrals are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *October 1, 1992.*

□ 1900

CLINTON'S DRAFT STATUS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, over the last four nights that the House has been in session I have done four special orders on honor, military service, draft dodging, and this Presidential race.

Today, an Annapolis graduate entered the race who began his military service a year ahead of myself, so he was fortunate, like myself, to serve 8 years on active duty during the Eisenhower years when no despots around the world were anxious to take on a man who had worn five stars on each shoulder, President Eisenhower, and we were lucky that we did not have to sail or fly in harm's way, Mr. Ross Perot and this Member.

I am hoping that because of his Vice President, James Bond Stockdale, retired admiral, that maybe more focus will come on the draft-dodging issue as it pertains to Governor Clinton.

I am going to do another special order tonight, another hour. I just wanted to tell my colleagues I have gotten over 1,000 letters in the last 6 days, 1,000 letters.

MILITARY EQUIPMENT TO JORDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, the General Accounting Office has provided me with information that has caused me to conclude that Congress has systematically been given misinformation by the administration concerning the delivery of military equipment to the Government of Jordan and its impact on the Iraqi war.

During debate on the Persian Gulf supplemental in March 1991, legislative amendments were offered to cut off military aid to Jordan, because of Jordan's statements in support of Iraq.

On the basis of administration assurances that the President on his own initiative had cut off all aid, I and a number of Members of the House and the Senate supported administration efforts to modify legislative language to permit Presidential discretion in providing aid to Jordan.

In fact, I regret to say that I was not told the truth and because I was not told the truth I gave Members of Congress information that was not the truth.

First, we were told that between August 2 and February 6, United States military equipment to Jordan had been stopped. Later we were told that items in the pipeline had continued and that new orders had been stopped.

GAO has now found that in fact the administration not only continued to deliver multimillion-dollar military equipment to Jordan, they also initiated 12 new equipment orders totaling more than $5 million—including ammunition and Cobra missile component repair parts.

Second, the administration had told us that on February 6 they had stopped military assistance to Jordan.

However, GAO has found that in fact the order to stop military transfers to Jordan's shipper did not take place until March 4—after the war was over.

During that period, more than $550,000 in military equipment was transferred to Jordan's shipper—including spare parts for C–130 transports, F–5 aircraft, and Hawk missiles.

Third, on March 7, only 3 days after the order to not ship had finally been given, equipment deliveries were resumed. Congress was not told of this resumption. But when we found out 6 months later, we were told that the resumption did not include ammunition and items on a restricted list.

But, GAO has found that not only was equipment delivered without notification to Congress, but, in fact, ammunition, missile components, and other items on a restricted list were delivered during this period.

This much is unclassified.

I also want to inform the House that there is a classified annex to the GAO report which brings into question assurances I had given concerning military equipment to Jordan in connection with the consideration of the Persian Gulf supplemental appropriation in March 1991.

The key information in this report is classified. I have asked that relevant portions be declassified, but the administration has not done so.

I have learned from the GAO report, which is based on what I judge to be accurate, compelling information, that during the war the United States Government did in fact provide military equipment to Jordan. At the same time—I do not know how—military assistance obtained by the Jordanians found its way into the hands of the Iraqis. Officials of our Government were aware of this fact during the war.

While I will not disclose publicly the underlying classified information which supports my statement, I am compelled to inform the House of the existence of that information and its character, which is, in my view, utterly damning.

Because I have consistently supported the administration on the need to keep open the option of aid to Jordan to facilitate the peace process, I feel a special obligation to inform the Congress when it has been mislead by information provided by the executive branch of Government. I persuaded the conference to follow my lead in supporting the administration position. Although I believe that decision to be correct, it was nevertheless reached on the basis of misinformation provided to the Congress by the administration.

I did not feel I could continue to support administration policy on the issue without informing the House on this matter. I will continue to support administration policy to Jordan because it is important to the peace process, but as chairman of the Foreign Operations Committee I feel an obligation to inform the Congress when it has been misled.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to relay an unfortunate event which occurred last night after we had completed our legislative business.

On my way home, I stopped at a local shopping mall. As I was crossing the street, I was struck by a vehicle and taken by ambulance to the National Hospital for Orthopedics. The doctor's evaluation revealed that I had sustained a minor head injury and a broken collarbone. I thank the Lord that I was so lucky.

I would like to take the opportunity to express my gratitude to the hospital staff for their efficiency and kindness. The very capable Doctors Jim Eskew and Thomas Clark should also be congratulated for their expert handling of my care.

My doctors have ordered bed rest for at least 3 days and to begin the 6-week healing process. I have consented, as movement is very difficult and painful. I truly regret my absence in the House these next few days. I was looking forward to tackling important issues as we bring the Congress' business to a close.

Many thanks for the well-wishes and concern expressed by my colleagues. Please be assured I will be on my feet as quickly as possible to return to work in my district.

PERSONAL EXPLANATION

Mr. SANDERS. Mr. Speaker, earlier today, because I was participating in an important Senate hearing on the danger of carpet emissions to human health I missed the votes on the con-

ference reports on H.R. 5678 and H.R. 5488.

Had I been present, I would have voted "aye" on both of these conference reports.

TRIBUTE TO RETIRING PENNSYLVANIA REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. MURTHA] is recognized for 60 minutes.

Mr. MURTHA. Mr. Speaker, I want to say how appropriate it is that the distinguished gentleman from Pennsylvania [Mr. BORSKI] is chairing the House at a time when we are honoring four of our retiring Members, one of whom is with us today, Congressman GAYDOS, who has been such an outstanding legislator, who spent over 20 years in the Halls of Congress, who goes home every week and keeps in close contact with the people in his district. His accomplishments have been many.

□ 1910

He has been without comparison when it comes to accomplishing things for the steel industry and for the people in western Pennsylvania. As a matter of fact, he has probably been the most important person in stabilizing the steel industry in the United States. He has moved the steel industry toward modernization, increased productivity, and increased investment until now we have a steel industry that is stable, a steel industry that is productive, and the most competitive in the world.

I want to commend an individual who has probably had a dramatic impact on so many different areas. His work on labor and education, his work on House administration, has benefited not only the Congress but the entire country. I want to yield to him so he can make any comments that he might want to make at this time.

Mr. GAYDOS. Mr. Speaker, I want to thank my colleague for yielding. It is somewhat awkward, being one of the five members of the Pennsylvania delegation that is retiring this year, either voluntarily or involuntarily, but I do have some important remarks that I think are important, having served with this delegation for over 24 years.

First, I want to thank my colleague, Mr. MURTHA, who has been so capable a leader in the steel caucus and also the delegation, and who holds a very, very important position in the Pennsylvania delegation on the Committee on Appropriations.

I also want to extend my thanks to JOE MCDADE, who is tied up at this particular time, but will insert his remarks formally in the RECORD, so let me make these prepared remarks.

Mr. Speaker, It was back in 1968 when I first entered this great Chamber following a special election to complete the term of the late Elmer Holland. A few months later on the election day of November 5, 1958, my constituents chose to return me to this body, where I have served them 12 consecutive terms.

Having been elected in 1958, I had the honor of beginning my service with two particular individuals who, like myself, believed that a career in public service was worth the sacrifices that all of us would have to make with respect to family, friends, and other opportunities within our professions. These two individuals are GUS YATRON and LARRY COUGHLIN. I think I can speak for both Congressman YATRON and Congressman COUGHLIN by saying it has been a long, interesting and productive 24 years.

These two gentleman and I have served in the Senate of Pennsylvania, served through the Vietnam war, Watergate, the Iran hostage crisis, the demolition of the Berlin Wall, the breakdown of the Iron Curtain, and the Persian Gulf war, among some other things. Yes, we have witnessed a part of history. We have also missed many things in our personal lives that would not be written and cannot be written in the books for the benefit of future generations. We have missed events that can only be written in our memories.

I am not only here to reminisce about events that GUS YATRON and LARRY COUGHLIN and I have worked through, I am here to honor two other Members from Pennsylvania who have truly been assets to their constituents back home and to what we have tried to accomplish as a delegation here in Pennsylvania. I am referring to JOE KOLTER and DICK SCHULZE.

JOE KOLTER was an accomplished legislator back home, very dedicated, and helped us in our reapportionment, helped us recently in the last month or two on the great needs we have in western Pennsylvania and eastern Pennsylvania, throughout the whole State: the roads and dams and things like that.

DICK SCHULZE is an excellent colleague, having worked on the steel caucus from morning until evening. He served on a very important committee, the Committee on Ways and Means. He helped to give us the leadership, and also to make us effective as a delegation.

All of these four gentlemen over here, and as I said before, it is somewhat awkward being one that is leaving also, these four gentlemen deserve these very quick remarks on my part. We can all, as a delegation, fill the rest of the evening by raining platitudes and praise on one another regarding personal accomplishments and goals, but I think it is a far greater tribute to indicate what we as members of the Pennsylvania delegation, as a unit, have done as a whole for the betterment of the State of Pennsylvania.

Being one of the few delegations which formally organized here in the House, it was the bipartisan commitment of men like GUS YATRON, DICK, LARRY, and JOE to the citizens of Pennsylvania that enabled us to realize the many accomplishments which ultimately would benefit all Pennsylvanians. That leadership we are now entrusting to individuals like my good friend, JOHN MURTHA, and also JOE MCDADE.

We not only as Republicans and Democrats but as a delegation utilized our collective abilities to work with each successive administration and the House and Senate leadership to achieve many initiatives to help our State and the citizens of Pennsylvania. As the Members know, Pennsylvania is one of the States hardest hit by the recession of 1980, and many of our efforts focused on attempts to revitalize the State's distressed areas.

Whether we are working on the Philadelphia Naval Shipyard or pushing for voluntary restraint arrangements through the leadership of JOHN MURTHA on such things as machine tools or steel, addressing Medicare-Medicaid inequities, all of those things, we strived to acquire many, many things for Pennsylvania. We did this together as a team and we crossed party lines.

Just to use a few examples of what we have been able to accomplish this year alone, we have secured funding for the Low Income Home Energy Assistance Program, prioritized public works projects to create roads, bridges, dams, et cetera. We have all done something to help the thousands of Pennsylvanians to better working conditions.

We helped stop the Department of Commerce from statistically adjusting the 1990 census figures. If the Department of Justice did this, it would have lowered Pennsylvania's overall population, and would have required our State Legislature to eliminate three Congressional seats rather than two. If this had occurred, it is my belief that the citizens of Pennsylvania would have been grossly underrepresented in this body.

The ability to work as a unit rather than a group of individuals is that basis for success that we have enjoyed here in Pennsylvania. Even when we have disagreed on issues, we have maintained a very positive working relationship, with the lines of communication always open.

I hope in the years to come that the Members who take our place obtain and never lose the vision that has guided us in our many productive years of public service.

In closing, I would like to again extend my personal best wishes to DICK, JOE, LARRY, and GUS. The best of luck in the years to come, and I want to thank all the Members in our delegation who have made my time personally as a U.S. Representative from Pennsylvania a success.

Finally, in conclusion, I want to wish those that are remaining that they may achieve what we have as a group, even build upon it, and hopefully even be more effective. The Pennsylvania delegation has a good reputation here in this House. I know they are going to keep that reputation and even accomplish a lot more than we did as a delegation in the last 24 years. It has personally been truly and honor to serve, and I wish to thank all of the individuals participating in these special orders, and in particular, my good friend, JOHN MURTHA.

Mr. MURTHA. Mr. Speaker, I see LARRY COUGHLIN here. Let me just say he is one of the few people that surprised many of us by his retiring from Congress. Most Members we knew would retire, but he is in the prime of life, he is at the height of his seniority and his experience and his influence. It is a real loss to the Pennsylvania delegation to have an individual of such stature, in a position of such influence, that decides he has used up all his energy and he is going to go after another career.

His work on the Committee on Appropriations has been of such impact and has had such an effect for Pennsylvania. The whole Commonwealth is in debt and gratitude for the work that he has done, not only for eastern Pennsylvania but for all of Pennsylvania. All of us wish him well.

I can only say that there is no harder worker, no more dedicated individual, no person that has been more influential in the Pennsylvania delegation than LARRY COUGHLIN. He has been very quiet in some cases, but when he says something, people listen, and we appreciate his hard work and dedication for the delegation and for this great country.

With that, I yield to the gentleman from Pennsylvania [Mr. WELDON], representing JOE MCDADE, who has submitted some information for him but cannot be with us this evening because of another function.

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Mr. WELDON. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, having been one of the newest members of the Pennsylvania delegation, I have had the pleasure of working with each of these gentlemen and the entire delegation for the last 5 years, and I will tell you that when I came to Washington very quickly I learned two things about the Pennsylvania delegation. That was that we had stature among the Members and among ourselves working together, and the delegation had the respect of the entire Congress, be it the Republican side or the Democratic side. And that is because of the quality of the leadership presented by our dean of the delegation, Congressman JOE GAYDOS.

JOE, it has been a pleasure to work with you. Mr. Speaker, we in Pennsylvania have been very fortunate to have a person of the stature of JOE GAYDOS leading our delegation through some tough times, someone who has been there to reach out to new Members, be they Republicans or Democrats, to make sure that we are doing what is best for our State and our constituents. JOE, we are going to miss you. We know you will do well in whatever you choose to do beyond your tenure here.

Your reputation on the Education and Labor Committee is known well beyond the boundaries of Pennsylvania. Your work on wage legislation, and I guess most of your work on ERISA will go down in history. You have made a major contribution to this country and certainly to Pennsylvania, and all Americans are better off because of your tenure here in Washington.

Mr. Speaker, GUS YATRON is someone I came to respect as a young member on the Foreign Affairs Committee, and a leader in terms of speaking out against Saddam Hussein, and an active opponent of China trade, and a human rights activist known throughout the country, and someone who set the tone for all of us, not just in Pennsylvania, but throughout this country on human rights issues.

JOE KOLTER is a strong member of the Public Works and Transportation Committee who fought hard for his district, fought hard for Pennsylvania. One of the things that I think is a trait of all of the Pennsylvania Members is hard work, and fighting collectively for what is good for our State, what is good for the people throughout our State, whether it is our district or another district, and JOE KOLTER exemplified that.

I want to pay my special respects as well to two Members that helped me very much in my early tenure in this body, and who through apportionment I am picking up a part of both of their seats, LARRY COUGHLIN and DICK SCHULZE.

LARRY is known in our part of Pennsylvania as the gentleman from the Main Line. Everyone respects LARRY COUGHLIN. I have walked the streets of his towns. I have been throughout Upper Merion and King of Prussia, and walked into a store and you see a photograph of LARRY COUGHLIN, and you hear people talk about their Congressman with a great deal of respect and pride. LARRY is someone who puts his country first, his people first, and has worked hard for this country, especially on transportation issues and issues affecting drug interdiction and drug prevention and drug enforcement. LARRY, your tenure in this body is going to be second to none, and we are all going to miss you.

LARRY is also one of our premium Marines, as is our good friend, JACK MURTHA, and they form the backbone of the marine caucus in Congress, and that is why we are so successful on so many issues very important to that vital service. And I want to applaud both of them for their work in that regard.

Finally, my good friend and colleague, DICK SCHULZE. I pick up a substantial part of the district and have the greatest respect and admiration for DICK SCHULZE. He has been a terribly hard-working individual on tax and trade issues, speaking out on conservative issues, but being very tough and thoughtful and independent when it came time to fight for toughness on trade to make sure that American workers were not being shortchanged.

DICK is also someone who early in his career sat on the Armed Services Committee and fought hard to make sure that our State was being given its proper support on defense issues.

We are going to miss DICK, and we are going to miss LARRY, and we are going to miss JOE, and we are going to miss GUS, and JOE, we are going to miss you especially as the dean of our delegation. All of you have left a mark that none of us are going to be able to top. Thank goodness we still have people like JACK MURTHA and JOE MCDADE who are sticking around so that we can all look up to them, and it is going to be a pleasure to work with them. But we are surely going to miss these Members of Pennsylvania who could not have served more proudly than by the work they all have done.

Mr. MURTHA. Mr. Speaker, I yield to the distinguished gentleman from western Pennsylvania who has done so much for the coal miners and who has done so much for labor, and has such an impact in this House, AUSTIN MURPHY.

Mr. MURPHY. Mr. Speaker, I thank the incoming dean of our delegation for yielding. It is with a great deal of sorrow that we stand here tonight and bid an official farewell to five of our Members who have a collective service in this Congress of 100 years.

I know that our dean, JOE GAYDOS, often would address our joint meetings, and we had many harmonious meetings between the Republican and Democratic Members of this House representing Pennsylvania, and JOE would always say to our guests at those meetings that we have a delegation that truly gets along. We have a delegation that chose by their committee assignments to divide the responsibilities that we have to our State, to our Commonwealth. JOE, as the dean of the delegation, is the second senior member on the Education and Labor Committee, the second senior member on the House Administration Committee.

GUS YATRON is the second senior member on the Foreign Affairs Committee. DICK SCHULZE, serving nine terms as a member of the Ways and Means Committee, the tax-writing

committee, and LARRY COUGHLIN served nine terms as a member of the House Appropriations Committee. JOE KOLTER served six terms as a member of the Public Works and Transportation Committee. They were all working together for the benefit of the Commonwealth of Pennsylvania. And all of these gentlemen served in the State legislature, and I am pleased to say that I served some time there with each of them where they distinguished themselves again in service of their Commonwealth.

There are so many things we could say about these five Members, except that it is a real challenge to the five persons who will replace them in this House to carry on the traditions and carry on the integrity and in the manner that they have represented our Commonwealth.

Mr. MURTHA. Mr. Speaker, I yield to the distinguished gentleman from northeastern Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I will not be lengthy because I know there are other Members on the floor who have something to say. But just in the nature of personal remarks I would say to JOE GAYDOS that as a young Pennsylvania Member when I first came, he was sort of the granddaddy of the delegation and he treated us as grandchildren, and he led us through the minefield of the House of Representatives. We will never forget that, JOE. And we know that all your assistance and advice has been given from the heart, and from the best legislative mind. And I think it is a tribute to the success of the Pennsylvania delegation that you were able to be here and give my colleagues that follow you such great advice. We will miss that.

To the gentleman from the south of me, GUS YATRON, I would only say he should be really called Gentleman GUS, because truly he is always a man of impeccable manners, never wanted to disturb or hurt anyone, and worked hard and in a quiet way accomplished so much, particularly for human rights in the world. We will miss GUS. I will miss him in northeastern Pennsylvania because he was a special help over these last years that I have served here.

Finally we have the third Member of the Democratic side, Mr. KOLTER. I grew to learn that JOE was a hardworking Representative of western Pennsylvania with a heart of gold, and always involved with economic development for his district and for the Commonwealth of Pennsylvania.

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How he has helped my district and my area has been just beyond measurement, but how he has worked for all of Pennsylvania has been exceptionally well.

Finally we run over to the Republican side, and I am going to take LARRY last, because DICK SCHULZE is Ways and Means, and we pay respect to the guys who write taxes. He has been one of those Republicans that was not ideological in his way, but thought first of Pennsylvania, but most of all, first for the Nation, and was always there as a friend to help us when needed it and did not think about party.

Mr. Speaker, finally, I come to LARRY COUGHLIN. Now, it is exceptional that I should be able to say I am really LARRY COUGHLIN's Congressman, because he was born in Dallas, PA. His family, his grandfather, who lends his name to the Coughlin High School in Wilkes-Barre, PA, to this day, having served as one of our most outstanding superintendents of schools.

When I came to the Congress, LARRY's hand of friendship was stuck out there, and even though he is a Republican and we differ ideologically, I knew I could always seek the assistance and advice of my good friend, LARRY COUGHLIN.

I would be remiss to say, LARRY, as you leave Congress, you cannot imagine, and I know how disappointed your constituents are, but you have a whole set of shadow constituents in northeastern Pennsylvania in the 11th Congressional District, and they love you no less than your own, and they respect you no less than your own.

We are going to miss your service on the Committee on Appropriations, but most of all to Pennsylvania and to junior Members like myself that you were so willing to be helpful to.

All in all, Mr. Speaker, I have tried to encompass a few more remarks and anecdotes in the material that I am offering for the RECORD.

I would just like to say to all of my colleagues who are on the floor that being one of the junior Members other than CURT, you know, there is something special about Pennsylvania. We have this Pennsylvania corner on the Democratic side, but we also have a relationship with our friends on the Republican side that transcends politics, transcends a lot of things. It is just that we all work for Pennsylvania, and I know when it comes my time to leave this body, I will never forget the people who are leaving it now, because they have served in a special way to help my service here be something better.

Mr. Speaker, five of my distinguished colleagues from the Commonwealth of Pennsylvania will not be returning to the 103d Congress.

I stand here in tribute to them.

Their dedicated service to the country, to the Commonwealth and to their districts span, in the aggregate, a full century. Their individual accomplishments over that period of time reflect their abiding concern with the rights and happiness of all people, not only in their districts and in this country, but around the world. Their unflagging support of, and encouragement for, business and economic development brought needed job opportunities to longstanding, depressed areas. Indeed, their compassion for the unemployed and underprivileged was the hallmark of their service in this House. Those of us who will continue to serve here would do well to strive to attain the high standards of caring and concern maintained by our distinguished colleagues who are leaving.

Let me touch briefly on some of the highlights of the work they have done here.

Since the 18th century the heart and soul of western Pennsylvania have been the mighty Monongahela, Allegheny, and Ohio Rivers. George Washington eloquently described the area in his writings as far back as 1753, concluding that "nature has well contrived this place."

For the last 24 years, however, the heart and soul of western Pennsylvania has been the respected dean of our delegation, JOE GAYDOS. JOE is also our senior retiree this year.

JOE GAYDOS is a lawyer by profession, a former Pennsylvania deputy attorney general and general counsel of United Mine Workers of America. He has dedicated his abilities and talents to this House and to the needs and concerns of workers and their families for more than a quarter of a century.

As chairman of the Education and Labor Subcommittee on Health and Safety, JOE GAYDOS was instrumental in having this House pass legislation requiring notification to workers who might have been exposed to hazardous chemicals or other materials while on the job. In the same capacity he watches over OSHA's implementation of its statutory responsibilities to safeguard the health and safety of the American worker. In this connection, JOE GAYDOS has become a respected expert on construction safety practices, mining safety practices, and repetitive motion injuries suffered on assembly lines.

As a powerful spokesman for workers, JOE GAYDOS has staunchly supported adequate pension security programs. His work in drafting ERISA—the Employee Retirement Income Security Act of 1974—has been considered the shining jewel of his career. Because of his concern for the people of his district, and the Nation, Congressman GAYDOS has unfailingly defended the buy-American policy. "Lost companies, lost jobs, lost manufacturing capability," he has said, "inevitably results from the one-sided and so-called free-trade policy."

LARRY COUGHLIN is the senior Republican from our delegation who will be leaving Congress this year. His two dozen years of public service in this House have been marked with distinction. He has risen to the ranking Republican position on the important Transportation Appropriations Subcommittee where his expertise and performance have won him well-deserved accolades from both sides of the aisle.

LARRY COUGHLIN's pioneering work has been legendary in the field of mass transit. He has been a powerful champion of continued and increased Federal funding for urban mass transit and for Amtrak. He has sponsored a House resolution to assure funding for urban mass transportation and highway construction in a 1:4 proportion; and he has introduced a bill to allow Federal railroad-bridge construction funds to be used for the construction of highway bridges.

LARRY COUGHLIN was personally convinced that these transit projects were worthwhile and economically feasible. At the same time, he has not hesitated to oppose other projects he viewed as wasteful, environmentally questionable boondoggles. He moved swiftly, for example, to help kill excessively costly projects such as the infamous and expensive 4.2 mile highway on Manhattan's West Side known as Westway and the Clinch River breeder reactor in Tennessee.

On the international level, LARRY COUGHLIN was persuasive in opposing antisatellite weapons [ASAT]. An amendment he coauthored banned ASAT testing for yearly periods, provided the former Soviet Union maintained its then-existing test moratorium. In mid-1989, the House passed a resolution urging international talks with a view to eliminate all ASAT systems around the world.

LARRY COUGHLIN is also the ranking Republican on the Select Committee on Narcotics. In that role, he has taken major steps to combat drugs: he has sponsored a bill authorizing the Coast Guard to compel aircraft used in drug trafficking to land; he introduced a bill to furnish additional aid to foreign countries to interdict drug traffickers in those countries; finally, he has sponsored legislation calling for drug-testing of operators of aircraft, trains, and commercial motor vehicles.

The retirement by a second eastern Pennsylvania Representative, my good friend and neighbor to the south GUS YATRON, will also be a loss for our delegation.

GUS YATRON's ability, energy and strength have been devoted for over two decades here to more than just advancing the immediate needs of his Sixth District. In addition to being a world class prizefighter for northeastern and central Pennsylvania, GUS YATRON has also been a champion of human rights around the world.

Foreseeing the slaughter Saddam Hussein was capable of causing, GUS YATRON stood up in this House as early as 1988, long before it became fashionable to do so, to denounce Hussein's use of poison gas against the Kurdish minority.

Our colleague from Reading was also calling out, in a time of need, to help those who had no one else to aid them. As chairman of the Foreign Affairs Subcommittee on Human Rights and International Organizations, GUS YATRON, taking a bipartisan and nonideological position, crafted legislation to give aid and comfort to human rights abuse victims around the globe.

As a result of the 1989 Tiananmen Square massacre, GUS YATRON was on the forefront of efforts to impose strict sanctions against China, including revocation of its most-favored-nation trade status. He has shown the special skills necessary to work with international organizations, like the United Nations, to reach those peoples who are victims of the abuses of their own governments—from China and Tibet to the Philippines, to Kuwait, to Iraq, and to Chile.

To shore up his efforts on behalf of human rights, GUS YATRON succeeded in having the House approve his resolution condemning the Chinese Government's harassment of foreign journalists. This should open the way to candid worldwide disclosure of human rights violations. Perhaps even more important, in this connection, is his work in having the Congress enact the Torture Victim Protection Act of 1991, creating a civil action for recovery of damages from an individual who engages in the torture or extrajudicial killing of a victim in a foreign country.

GUS YATRON has also gone into the ring on many occasions to fight to protect our fragile ecosystem. He is vigorously opposed to the threatened extinction of whales, to the declination of the Amazon rain forest, and to the worldwide danger posed by hazardous waste. He has sponsored a concurrent resolution expressing the sense of the Congress with respect to the need to protect and conserve the world's whale, dolphin, and porpoise populations.

Like the other Congressman in the Pennsylvania delegation, GUS YATRON has strongly supported trade legislation to protect employers and their employees in his district against unfair competition from foreign countries using labor at substandard rates.

For the last 8 years, GUS and I have shared a common border between our districts, as well as several counties. With redistricting, I hope to offer his constituents in Carbon County who will be in the new 11th Congressional District, the quality service they have come to expect from GUS.

Another Representative from eastern Pennsylvania we shall sorely miss when Congress reconvenes is our good and affable friend DICK SCHULZE. To further and protect the interests of working men and women and their employers in his district, west of Philadelphia and in Chester, and in fact throughout America, DICK SCHULZE has strenuously advocated throughout his career in the Congress a fair trade policy for our Nation. DICK knows first hand from his work on the Ways and Means Committee, as well as from his constituents, the many creative ways foreign nations have subsidized their industries to the detriment of American workers and the U.S. economy.

From mushrooms to steel, DICK SCHULZE has demonstrated his vigilance in guarding against the inundation of subsidized foreign goods. His district includes the mushroom capital of the world and he has assiduously worked to protect the mushroom farmers in his district from being forced out of business by unbridled Chinese competition. Similarly, as an officer of the Congressional steel caucus, he has taken the lead in preventing the dumping of Canadian steel on the United States market. He has aptly and eloquently expressed his "disappointment that it took a $170 billion trade deficit to finally remove our rose-tinted glasses." It would be of no surprise to him that the poor in America cannot find their counterpart in Japan.

DICK SCHULZE has also been a leader in the fight for tax reform, introducing a comprehensive restructuring proposal known as the uniform business tax. He has had the courage to say that we can no longer afford to tinker with the Tax Code, but rather that we need a wholesale restructuring. His thoughtful and comprehensive bill provides a blueprint for such a restructuring of the Tax Code.

Also to DICK SCHULZE's credit is his sponsorship of both the original Taxpayers' Bill of Rights, and the recently enacted revisions to that statute. This bill of rights is designed to assure individual taxpayers that they are treated fairly and decently by the IRS. Paying taxes is never a pleasant experience, but DICK SCHULZE's efforts to pass the Taxpayers' Bill of Rights has made that experience less painful for millions of taxpayers.

Western Pennsylvania is also losing the services of JOE KOLTER, whose decade of service has been capped by his accession to the chairmanship of the important Economic Development Subcommittee of the Public Works Committee, where he has steadfastly spoken out for the need for additional economic development to alleviate the plight of unemployed workers in economically depressed communities in western Pennsylvania and the rest of our Nation.

He has devoted considerable time and energy to improve the economy of his region by fighting to obtain adequate funding for important projects in his district, such as new airports, a new post office, an armory and a road bypass. He has been a true friend of working men and women, voting to pass the minimum wage increase over the President's veto.

But his concern was not limited to workers' interests. In fact, to protect the blind, he promoted legislation which would required Braille imprints on $5 and $10 bills. He also sponsored a bill requiring food and drug manufacturers to set up a toll-free telephone line to make information more readily available to consumers.

In addition, JOE KOLTER has introduced legislation to eliminate environmental damage in the disposition of hazardous waste. Moreover, to cut back on the number of accidental automobile deaths and injuries, he authored and introduced a bill mandating audible reverse warning devices on passenger motor vehicles.

Mr. Speaker, we will miss each of these Members when we reconvene in January. We salute them for their service to districts, their Nation, and this body, and we wish them Godspeed in the years ahead.

Mr. MURTHA. I now yield to the gentleman from Pennsylvania [Mr. COUGHLIN], who I have said some words that are less, that would never meet his stature, but we are all just thankful he was here, and it went fast, and he has done such a great job. All of us appreciate his work for Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, I want to thank my colleague, the gentleman from Pennsylvania [Mr. MURTHA], whom I have known for more than the 24 years that I have served in this body. We go back a long, long way.

I have the greatest, greatest respect and admiration for him, for his leadership in this body, for his leadership for Pennsylvania, for his leadership for this Nation, and I am grateful for his having this special order tonight.

I also want to thank my other leagues for their kind remarks here, particularly the gentleman from Pennsylvania [Mr. KANJORSKI], who, indeed, does represent the district that is the place of my birth and the place where most of my family have been from, and where I lived until I graduated from school.

When I first came here, and the gentleman in the well will well recall those times, there was a period of time when the Pennsylvania delegation was sometimes the subject of articles in newspapers that were not highly complimentary in terms of its ability to get things done in this Congress and its clout, if you will. It is funny, I have not seen one of those articles for a lot of years now. I have not seen one for a lot of years. It is thanks to people like the gentleman in the well and the gentleman from Pennsylvania [Mr. GAYDOS], the gentleman from Pennsylvania [Mr. YATRON], the gentleman from Pennsylvania [Mr. KOLTER], and the gentleman from Pennsylvania [Mr. SCHULZE] who will be leaving us, but it is thanks also to each and every one of the members of the Pennsylvania delegation that are still continuing on here.

Mr. MURTHA. And thanks to the gentleman from Pennsylvania [Mr. COUGHLIN] for the work that he has done.

Mr. COUGHLIN. They all hold positions of extreme importance.

I look at my colleague, the gentleman from Pennsylvania [Mr. GOODLING], here, and the gentleman from Pennsylvania [Mr. RIDGE], and I realize that the Pennsylvania delegation is in good hands, and when I see the gentleman in the well and the other members who are here who will carry on.

It is a rare honor to serve in this body, and it is a privilege to have been a member of the Pennsylvania delegation.

I thank the gentleman very much, indeed, for having this special order and for his kind words.

Mr. MURTHA. Mr. Speaker, I now yield to the distinguished gentleman from York, PA, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I thank my distinguished leader for yielding.

Mr. Speaker, I think I could probably sum up very quickly what the loss of the members that we are honoring this evening means to this delegation. This is a very powerful delegation, and it is powerful because gentleman like the gentleman from Pennsylvania [Mr. GAYDOS] and the gentleman from Pennsylvania [Mr. MCDADE] and their leadership positions have always held us together to work together no matter which side of the aisle we sat on.

As was mentioned, the gentleman from Pennsylvania [Mr. GAYDOS] always said every time he ever introduced us to anybody at a luncheon, and we are probably the only delegation that has one, two, and sometimes three luncheons with our constituents every week, but he always mentioned that we worked together for the good of Pennsylvania. It does not matter which side of the aisle we sit on.

And so we are losing some very powerful people. When I think of the number of times I have gone to the gentleman in the well, to the gentleman from Pennsylvania [Mr. MCDADE], and to the gentlemen, one of which we are honoring this evening, the gentleman from Pennsylvania [Mr. COUGHLIN], to help residents in my district, because they were in very influential positions in relationship to appropriations.

I can remember with LARRY, a long time ago, leading the fight in 1979, I think, in 1980 in Pennsylvania for the election of George Bush, and we carried Pennsylvania. We did not carry too many other States, but we did carry Pennsylvania, no question about that.

I have served with the gentleman from Pennsylvania [Mr. GAYDOS] on the Committee on Education and Labor for 18 years. He was there 18 more than I, but I served with him the last 18, and it was very easy to work out problems with the gentleman from Pennsylvania [Mr. GAYDOS]. If his legislation or my legislation did not quite suit each other, we could always sit down and work those problems out.

The gentleman from Pennsylvania [Mr. SCHULZE] is not here this evening, but the biggest story I know about DICK is he came here when I came in 1974, arriving in 1975, and Herm Schneebeli retired soon after that and left the Pennsylvania seat on the Committee on Ways and Means, and he came up to me with a two-headed coin, and he said, "We will flip coins to see which one of us," since we were the two seniors, I guess, "gets that slot." Of course, I did not realize it was a two-headed coin. I did not also realize that he was going to make the call. I thought if he was going to flip the coin that at least I would get the chance to make the call. It did not work that way. He flipped the coin. I later discovered it had two heads, and he has served on the Committee on Ways and Means and served very well on the Committee on Ways and Means.

The gentleman from Pennsylvania [Mr. YATRON] and I have served on the Committee on Foreign Affairs, GUS a little longer than I, and I the last 16 years, and as was mentioned earlier, you will never find a finer gentleman probably than GUS YATRON. I do not believe there could be a mean bone in his body, and with that gentle manner in which he proceeded, he accomplished a lot, not only for his district but for Pennsylvania.

The gentleman from Pennsylvania [Mr. KOLTER] and I have not served on any committees together, but JOE and I have discussed many issues many times. I always found him as someone who, no matter how strongly he felt about a position, he was not obnoxious about that feeling. We could sit down and talk about different issues where we had a totally different opinion but could relate very well to each other.

So we are losing five strong members of this Pennsylvania delegation. We are losing two seats, unfortunately, and if the gentleman from Pennsylvania [Mr. RIDGE] would ever get his lawsuit in order so that we do not count illegal aliens, that would not happen, but, nevertheless, we are sacrificing Pennsylvania for those who are not even legitimate residents of the country.

So again I want to thank all five for what they have done for their own districts, but more importantly, what they have done for Pennsylvania and what they have done for the United States.

Mr. MURTHA. Let me now yield to the gentleman from Pennsylvania [Mr. BORSKI], one of the senior members of the Committee on Public Works and Transportation.

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding.

I want to thank him very much for calling this special order. I want to associate myself with the remarks made by the gentleman in the well and all of my colleagues here as we salute our retiring Members from Pennsylvania.

First, I want to say a word about my friend, the gentleman from Pennsylvania [Mr. KOLTER]. JOE and I have served together for 16 years, 6 years in the Pennsylvania House. We both ran for election to the Congress in 1982. We were both elected. His was a sure thing that year back in 1982. Mine was a little more of an upset. But we served in the Pennsylvania Legislature and on the transportation committee. JOE was the chairman of that committee when I was a junior member, and when we both got elected here to this House, we served together on the Committee on Public Works and Transportation for the past 10 years.

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I have enjoyed his friendship, his ability to work with others, his ability to work as hard as humanly possible for the people he represents.

It is going to be strange for me next year when I walk back into the Public Works and Transportation Committee room to not have JOE KOLTER with me.

My good friend, GUS YATRON, as has been said here many times tonight, is a perfect gentleman. I have enjoyed his leadership in foreign affairs matters and his leadership in the Committee on Post Office and Civil Service.

My good friend, DICK SCHULZE, who worked so hard for all of us in Pennsylvania for so many years in the Committee on Ways and Means. I will never forget, several years ago when we were working to try to save Frankfort Arsenal in Philadelphia, we brought in the developers to meet with DICK SCHULZE, and he was extremely helpful as he was in all projects that affected the people of Pennsylvania.

My good friend, LARRY COUGHLIN, whom I had the opportunity very early in my career here to appear on a television show with. He was giving the

Republican viewpoint, and I was giving the Democratic viewpoint. We argued back and forth. It was a real good program, I thought.

Afterward LARRY reached over and he said, as we shook hands, he said, "We can disagree without being disagreeable." He is a perfect gentleman, someone who has done an enormous amount of work for those of us in southeastern Pennsylvania. He has often been referred to as the Congressman from southeast Pennsylvania.

We are going to miss his leadership very much.

Finally, to my dean, JOE GAYDOS, who taught me as much about this body, I think, as anyone else. I will forever look back to the Pennsylvania corner in that seat where the dean of our delegation always sits and think of JOE GAYDOS. He gave me some of the best advice as a new Member here than anyone else that I know of. He taught me to be bipartisan, to work hard for the people you represent, to stay in close contact with the people you represent.

He told me that the people who came down here and forgot where they came from did not last very long. He told me to go home, do your workshops, work with people on a frequent basis. I will always remember his leadership and appreciate the work he has done for all of us in Pennsylvania. I thank the gentleman for yielding me this time.

Mr. MURPHY. I yield to the gentleman from Erie, the distinguished member, TOM RIDGE.

Mr. RIDGE. I thank my friend and colleague for arranging this special order.

I know I would much prefer singing the praises of my friends in this instance, friends and colleagues while they are alive and able to listen and to enjoy them rather than going to funerals and saying some things that you wish you had said when you had the opportunity before.

This is a sad day for Pennsylvania and for the delegation. I am sure it is a sad time for the five men with whom I have been associated for the past 10 years. I certainly welcome the opportunity to share a few remarks about them.

There is, I believe, within the Pennsylvania delegation a rather unique harmony among its members. We are all very proud partisans. I do not think there is any question about that. We can fight as hard and as aggressively from a philosophical or political point as any delegation in the House of Representatives. But that unique harmony comes, I think, from a very special relationship that all of us have, a mutual respect for one another, and the opportunity to learn from one another, to become better friends as the years have gone by, which is a tribute, I think, to the openness, particularly in the case of junior Members, of the senior Members when we first came to the Hill.

I remember thinking in terms of JOE GAYDOS always holding court to the rear of the Chamber in the Pennsylvania delegation arena. He is actually in many respects my Congressman from the Steel Valley. I still have many friends and relatives there. I appreciate the good work that he has done and the representation he has given them over the years.

I can think of the approach JOE always gave to his work and the effort he put into accommodating those constituencies and groups that wanted to spend time with members of the Pennsylvania delegation. I know it took enormous amounts of time and energy from him and his staff to arrange those many delegation meetings. It can be very distracting work, but he did it. He did not do it for his benefit, because he was not running for statewide office, he did not do it for his benefit, because a lot of his constituencies had nothing to do with the Steel Valley; he did it because he thought it was in the interest of Pennsylvania and in the interest of the Pennsylvania Members. So I am grateful for that.

I am also grateful for his openness, very grateful for his being open to all of us, for his counsel on matters of mutual interest where we had perhaps a disagreement politically, but his wariness and sensitivity and the political maturity that goes along with being with this body for a long time and his willingness to share that advice with people such as myself.

So, JOE, you have been a good friend. I thank you. I look forward to seeing you after you leave this Chamber. We never did get a chance to play that round of golf together, but you will have a little more time to do that in the future. I appreciate your friendship.

When I think of GUS YATRON, I do not know GUS very well. I have not served on any committees with him in a direct way. We have not worked on legislation together. I do know that whenever our paths crossed, it was more often than not at these delegation lunches and in the hallway, there was always a genuineness and decency that just exuded from GUS; an interest in people and an interest in service. There is not a malicious bone in his body. That is just GUS. He took his responsibility as a legislator very, very seriously. Many people have applauded with appropriate accolades his work in the area of human rights. When I think of GUS, I always think of a man of quiet strength, somebody who is a real solid man. I know while serving here over a couple of years he endured quite a bit of physical pain because of physical problems and operations that he had. But never once, never once did I ever hear him utter a complaint, a self-serving use of his pain as an excuse for being unable to do something. That just was not in GUS's nature. He did what he was elected to come down here to do, and I am always grateful for his friendship.

JOE KOLTER and I, in 1982, were elected together. They divided one county adjacent to both of us, Lawrence County. We had a pact at that time that if they were from Lawrence County and they went into his office or they went into my office, there was no problem, they were our people, they were Pennsylvanian, and it was our mutual responsibility to take care of them.

Over the years we have appeared on many occasions together, and he has always done it in a spirit of openness and friendship that I will always appreciate. He was always extremely solicitous of me, just personally and politically; he was always encouraging to me in every possible way. I enjoy being his neighbor, and I think I enjoyed even more being his friend.

DICK SCHULZE, of course a lot of people have talked about his stand and his work in the Committee on Ways and Means on tax issues and trade issues, and as I take a look at DICK and try to think of some personal things that I will remember and cherish, again you learn from our colleagues. You never left a conversation with DICK SCHULZE not understanding completely how he felt about this matter and why he felt the way he did. I will always respect his candor. It probably over the years may—he is in a better position to judge this than I am—may have gotten him into some political difficulty at one time or another. But just his candor, his candor as a refreshing and admirable trait, I would like to think I take with me as I serve in this body as well.

I will always appreciate his personal counsel and advice politically, and I will miss him as a friend.

Finally, LARRY COUGHLIN was the first Republican Member of the delegation I met when I was seeking the support of the National Congressional Committee back in 1982. He was helpful then. On those rare occasions—on those occasions where I needed his help, no questions asked. If it was good for me and good for the people I serve, he would put forth the maximum amount of energy as if it directly affected him and his constituency.

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I have enormous respect for this man, a man in a body such as this is a man with little or no ego, a very quiet man, a very accomplished man who saw to it just to get things done in a very unassuming, quiet kind of way, to benefit all of us in Pennsylvania.

There are a couple other things I would like to share with you as a matter of record that are pretty important to me as I think of these five men.

If I heard it on one occasion, I heard it on a multitude of occasions when I talked to them, stories about their families. The family was always some-

thing pretty important to these men. In the tumult of politics and in the give and take of what we do around here, it is nice to be able to sit down and see that the men with whom you serve have not lost touch with the other important things of life, and that is the men and women and children that they love.

So these five particularly, I can remember individual conversations with them about their families which I will always cherish.

I also thought there was an interesting trait. I think it goes through the entire Pennsylvania delegation. They are all very good listeners. That is a trait that a lot of people do not have. I think it is an important communications skill. I do not think it is unique to Pennsylvania, but particularly in our delegation and particularly these men, I know JOE GAYDOS and GUS YATRON, JOE KOLTER and DICK SCHULZE and LARRY COUGHLIN always had time to listen. As far as I am concerned, if you have time enough to listen, you obviously have something in you that cares, because those who choose not to listen I feel do not particularly care about the people that they serve. If you care enough to listen, you are halfway to being a very successful and a very effective legislator.

All these men have listened to me and listened to my constituents and have tried to help them, even though being from the furthest northwest part of Pennsylvania many of them had no direct relationship to my district whatsoever, but whenever I asked them to help me or help my constituents, they listened and they did the best they could to help.

So I will miss each and every one of them. They have become good friends. I will always be grateful for their counsel, for their encouragement. I will be grateful for what they have helped me do on behalf of the people I represent. I am just grateful for having had the opportunity to serve with them in this magnificent body, an opportunity tonight to tell them how much I appreciate their friendship.

I wish each and every one of them the best of every possible future endeavor that they may undertake. Good health, much happiness and Godspeed.

Mr. MURTHA. Mr. Speaker, let me just say that when I came here almost 20 years ago, we had seven Members, two Republicans and five Democrats who had all over 20 years. We lost all of them in a period of 2 or 3 years.

What LARRY COUGHLIN just said, we were berated in the Philadelphia newspaper because we had very little influence.

JOE GAYDOS was the senior Member after they all left, and he had 14 years at that time.

We have made up for that loss of seniority by trying to put people on the right committees and trying to spread the work and each of us trying to do what was right for the Commonwealth.

TOM RIDGE just talked about GUS YATRON. GUS YATRON is without a doubt one of the toughest people I have ever met. He did not complain and he did not get riled up very often, but if he did, you knew it. He took a very firm position, as much of a gentleman as he was. All of us will miss GUS YATRON's counsel.

DICK SCHULZE certainly was a key member of the Ways and Means Committee. DANNY ROSTENKOWSKI thought so much of him, all of us had such high regard for DICK SCHULZE and believe that whatever he decides to do, he will do well.

And of course, JOE KOLTER was such a valuable member of the Public Works Committee and has done so much for western Pennsylvania, and all of us will miss him.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, all of us five who are retiring, again is somewhat unique that we are here on the floor, and usually it is the accepted thing not to be on the floor, but because of circumstances we are; but all five of us got together. We wondered after all these years whether or not we had any concern about passing the so-called torch, and who was going to do what we had been doing, and would there be a continuation.

We all came to the conclusion unanimously that we were leaving it in good hands.

Particularly I want to mention JACK MURTHA who we have on the Appropriations Committee and who listens to everybody's complaints. He does, as we all know here in the House, that is where all the action is. He is one of the cardinals, and as one of the cardinals you have to discharge your responsibility, and that is to respond to those who need help, and he has done that.

JOE MCDADE serves right with him, both of them together.

We feel in unison, unequivocally, we believe that we are leaving this business of ours in Pennsylvania in good hands.

I want JACK to know that I appreciate all the time that he has spent making very close relationships with all our speakers, all the Presidents. A lot of our colleagues here in the delegation and also on the floor of the House do not know or are not cognizant of the fact that on many occasions he had invites to go to baseball games with Carter, and Tip O'Neill did not have the invite. When he found out about it, here is the Speaker of the House who had to go to JACK MURTHA to get on the plane to fly down to a particular baseball game.

But I want this to be as a matter of record here. It was somewhat unique and different for me to be talking about someone who is going to stay.

Again I want to emphasize the fact, having been involved all these years, we want to make sure that we leave what we have done in capable hands. We are sure, all of us have concluded, again unanimously, we know we are going to have an even better record in the years to come.

Let me conclude by saying, JACK, that I appreciate personally and most of the delegation appreciates personally what you have done when you served on our special committees, when you served and you got all our individuals, both on the Republican and on the Democratic side, I know you even crossed over there, to get them on to meaningful committees. I know there have to be an awful lot of exchanges, a lot of cross-promises. You have to be a master at that.

The newspapers have done you justice in the past. They have said on many occasions, twice in fact I remember, the best backed venture in the House is JOHN MURTHA. He gets things done and does not ask for credit.

So JACK, again I am concluding by saying, you are in good hands, like Allstate. You and JOE MCDADE are really going to make this delegation work.

Mr. MURTHA. Mr. Speaker, it is a privilege to serve with you, JOE. I appreciate those kind remarks, but I do not want anybody to think I am retiring because of those nice remarks.

Mr. MCDADE. Mr. Speaker, I was pleased to call this special order today, along with my colleague JACK MURTHA, to honor the five Members of the Pennsylvania delegation who are leaving the House of Representatives.

My five colleagues: JOE GAYDOS, LARRY COUGHLIN, GUS YATRON, DICK SCHULZE, and JOE KOLTER, have served their country and their constituents with distinction and honor. They have enhanced the House of Representatives with their service, and I know that their colleagues will miss having them with us on a daily basis.

Those of us in the Pennsylvania delegation pride ourselves on the harmonious relationship we maintain. As a delegation, we meet regularly on issues of importance to our State, and we put partisan differences aside to serve the citizens of the Commonwealth.

The influence of the delegation spreads over a multitude of House committees allowing our State to place its stamp on virtually every piece of legislation passed by this body. We have 9 House subcommittees chaired by Pennsylvania members, and 3 full committees, and 10 subcommittees have Pennsylvania members who serve as ranking Republicans.

I know that my colleagues will want to speak on the contributions of the departing Members, but I want to first to take a minute to express my appreciation to the five Members for their outstanding work and their cooperative approach to serving the citizens of our State. Combined, they represent over 100 years of service. It will be a long time before we can replace their expertise and influence.

JOE GAYDOS

JOE GAYDOS has championed worker health and safety, labor, worker pension, and education issues for the past quarter century. He has left his imprint on numerous pieces of legislation, including the Federal Coal Mine Health and Safety Act, the Occupational Safety and Health Act, and the Employment Retirement Income Security Act. As chairman of the Subcommittee on Health and Safety, he has been in the lead on such important issues as high risk occupational disease notification and the identification of hazards in the workplace. JOE GAYDOS has also distinguished himself as an active member of the Postsecondary Education Subcommittee, chairman of the House Subcommittee on Accounts, founder of the steel caucus, and former dean of the Pennsylvania delegation.

LARRY COUGHLIN

I have had the honor and good fortune of working with LARRY COUGHLIN on the Appropriations Committee. I have seen firsthand his effective leadership as ranking member of the Transportation Subcommittee and as an active member of the subcommittee responsible for housing, community development, environmental programs, science, space, and veterans programs. LARRY used his influence on the committee to improve the lives of millions of Americans. Larry will also be remembered for his dedicated work as Republican chairman of the House Select Committee on Narcotics Abuse and Control.

GUS YATRON

GUS YATRON, the only Member of Congress to have been a professional boxer, has fought hard for the interests of Pennsylvania. On the national level, he plays an active leadership role on the Foreign Affairs Committee, and serves as chairman of the Subcommittee on Human Rights and International Organizations. He also serves on the House Post Office and Civil Service Committee and has been an effective member of the steel caucus, the textile caucus, the congressional coal group, and the Northeast agriculture caucus.

DICK SCHULZE

DICK SCHULZE has been a strong voice for Pennsylvania as a senior member of the House Ways and Means Committee, where he has been a leading spokesman for tax relief for middle income Americans and small business people. He has worked for tax simplification and tax policy to make America more competitive. He has also used his platform on the committee to further the goal of fair trade in the international marketplace. DICK was a two-term chairman of the Republican Study Committee, and currently serves as chairman of the congressional sportsman's caucus and vice chairman of the congressional steel caucus.

JOE KOLTER

JOE KOLTER has served the State and the Nation well as an effective member of the Public Works and Transportation Committee. He currently serves as chairman of the Subcommittee on Economic Development and is active as a member of the Subcommittee on Aviation and Water Resources. He will be remember for, among other things, his successful effort during his first term to shepherd high-speed rail legislation through Congress. JOE has also served with distinction on the House Administration Committee and on the congressional steel and coal caucuses.

Pennsylvania, the Nation, and the House of Representatives is losing a great deal with the departures of these five Members, but we can certainly look back over their congressional careers and know that we have gained a great deal from their service. I know I speak for the entire Pennsylvania delegation in saying that I am grateful for their friendship and their achievements as legislators. I salute them for their accomplishments, and I wish them the very best in their new endeavors.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize the significant accomplishments of an esteemed Member of this body for the last 18 years, and a good friend. The gentleman from Pennsylvania [Mr. SCHULZE].

As a member of the House Ways and Means Committee, Mr. SCHULZE has worked diligently to advocate and enhance trade in this Nation, as a member of the Ways and Means Subcommittee on that issue. While serving on the committee, he has worked tirelessly in the true spirit of bipartisanship.

DICK SCHULZE has worked to protect and preserve our natural resources, as a member of the Interior and Insular Affairs Committee. His dedication to protecting those great lands, both in his district and across the country, is unparalleled.

While serving with DICK SCHULZE for the last 8 years, I have been fortunate enough to share some of his thoughts on the many complex issues faced by this Congress.

His sound advice has always been welcomed while his good counsel has always been appreciated, as we have worked together in a number of areas.

Mr. Speaker, I want to take this opportunity to thank our two colleagues, Mr. MCDADE and Mr. MURTHA from Pennsylvania for their leadership and dedication in organizing this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the gentleman from Pennsylvania [Mr. SCHULZE], and join with them to wish him all the best.

Mr. SHUSTER. Mr. Speaker, today I come to the floor to honor one of our great Members in the House of Representatives from the Commonwealth of Pennsylvania, Congressman GUS YATRON.

Congressman YATRON began his public service in 1955 by serving on the Reading School Board, and later in 1968 came to Congress after several success-filled years in the Pennsylvania General Assembly and State Senate. During his tenure in the House of Representatives he has served his country and fellow constituents with distinction. His service on the prestigious Foreign Affairs Committee as the third ranking member is a testimony to Mr. YATRON's commitment to insuring America's role as a leader of Nation's on the world stage.

In addition to Mr. YATRON's commitment to the country's strength and international standing comes his devotion to his constituents in the Commonwealth of Pennsylvania. It is obvious by his tenure, that Mr. YATRON is highly regarded in his district, and has served his constituency well. His home Reading, PA being an old mill town, he has fought religiously for jobs in the textile and apparel industries through his membership on the House textile caucus. As a comember of the House steel caucus, I have seen his commitment to fight for American jobs personally and know that it is beyond reproach.

In a time of great domestic uncertainty this country will miss the tested leadership that Congressman YATRON possesses and I must say that with many new Members who will reconvene for the 103d Congress, they will do well to embrace Mr. YATRON's style and resolution.

I know that I speak for myself as well as the rest of the delegation in wishing GUS and his wife Shirleen all the success and happiness in their future endeavors, and in expressing a heartfelt thank you for his service to Pennsylvania and our great Nation.

Mr. BROOMFIELD. Mr. Speaker, among the pleasures of serving on the Foreign Affairs Committee I'd include working not only with some of the most fascinating issues that come before Congress, but also working with some of Congress's most thoughtful and congenial Members.

Among those at the top of this list is GUS YATRON, who is retiring this year from Congress. GUS and I served together for nearly a quarter century on the Foreign Affairs Committee. He is a real gentleman, one who brings deeply held convictions but an open mind to the work of the committee.

For much of the past quarter century GUS and I have worked together on issues concerning relations between Greece and Turkey. GUS has devoted a lot of his time and energy to this issue and he has provided some real leadership in the search for a just and lasting peace on the island of Cyprus.

GUS is also an advocate of bipartisanship, and he practices what he preaches. He knows that American political life benefits from the consideration of many opinions, but that in its foreign policy, America must speak with one voice. I know that I could always count on him to give the legislative proposals of Republican administrations and individual Republican Members a fair hearing.

As my fellow Members are well aware, GUS was a professional boxer. Much of the strength of purpose and persistence he learned in the ring have been put to good use on behalf of his constituents in southeastern Pennsylvania.

Not only has GUS been a conscientious and effective legislator, but he is a truly decent human being. I will miss him.

Mr. BEVILL. Mr. Speaker, it as an honor to join my colleagues in congratulating our friend and distinguished colleague, JOSEPH M. GAYDOS, for his outstanding service in Congress. JOE is leaving the House after serving the 20th District of Pennsylvania for almost 24 years.

During those years, JOE has dedicated himself to the cause of worker health and safety and he is highly regarded for his work on many labor issues. JOE has served as chairman of the House Education and Labor Subcommittee on Health and Safety since 1977. In this role, he has authored and shepherded through Congress important pieces of labor legislation.

JOE founded the congressional steel caucus and has been in the forefront of many trade issues. He has pushed for fair trade and understands the uphill battle that American manufacturers have faced in recent years.

I have enjoyed a close friendship and working relationship with JOE over the years and I will personally miss him. The Nation will miss his leadership as well, but his accomplishments will long be remembered and appreciated, especially in the workplace.

Mr. FASCELL. Mr. Speaker, it is my pleasure to join with our colleagues in paying a fond farewell to members of the Pennsylvania delegation who will not be returning to Congress next year.

I have enjoyed my association through the years with JOE GAYDOS, LARRY COUGHLIN, GUS YATRON, and DICK SCHULZE. Their dedication to the work of the Congress, their leadership and their solid contributions to our deliberations here will be remembered and emulated.

Beyond my own good wishes, I am sure that the people of Pennsylvania, and indeed of the entire Nation, go with them as they prepare to take their leave of us.

I would be remiss if I did not seize this opportunity to pay a special tribute to my good friend and long-time colleague on the Committee on Foreign Affairs, GUS YATRON.

I can easily think back to the 70's when Gus and I teamed up to bring pressure on the warring parties in Cyprus so that they would settle their differences in the political arena, instead of on the battlefields of that beleaguered land.

Beyond that, GUS was always steadfastly at my side, and I at his, through the years when we saw to it that the cause of human rights were included as an integral part of U.S. foreign policy.

We did the same to assure that human rights were always a top priority whenever the United States aligned itself with social and semigovernmental systems being put in place through the United Nations.

I think it would be fair to say that GUS and I were in the forefront of the human rights brigade before it became quite so popular.

In recent years, GUS has served ably and with enthusiasm as the chairman of our Subcommittee on Human Rights and International Organizations.

I will treasure my association with GUS and I wish him the very best as he starts off in a new direction in life.

Mr. BLILEY. Mr. Speaker, I would like to take the opportunity of this special order to say a few words about two of my good friends and esteemed colleagues, Representatives LARRY COUGHLIN and DICK SCHULZE. I have had the great pleasure of knowing these two outstanding leaders who hail from Pennsylvania for the 12 years that I have served in the House.

LARRY COUGHLIN has the revered position of being a fellow member of the highly regarded congressional bow tie caucus. As members of this fashionable group, LARRY and I realize the advantages of wearing this easily recognized trademark. However, on more than one occasion some reporter or tourist has approached me, reached out to shake my hand, and said, "It's nice to meet you Representative COUGHLIN." I surmised it was because LARRY and I share this distinctive fashion statement.

LARRY has provided his constituents in the suburbs of Philadelphia with superb leadership and service for 24 years now. As a senior member of the House Appropriations Committee, he leaves behind a long record of accomplishments in this House. We will miss him as he bids farewell to this institution in pursuit of retirement and some well-deserved relaxation.

Representative DICK SCHULZE also represents an area outside of Philadelphia, which he has loyally served for 18 years. DICK and I have become very good friends over the years. He and I are both members of the Republican Acorns organization and have worked together on numerous legislative initiatives, particularly in the health care arena. As one of the senior Republicans on the Ways and Means Committee, DICK'S leadership on Republican endeavors has been invaluable and will be greatly missed. I will miss his constant friendship as well.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize the significant accomplishments of an esteemed Member of this body for the last 24 years, and a good friend. The gentleman from Pennsylvania [Mr. COUGHLIN].

As the ranking Republican on the Appropriations Subcommittee on Transportation, LARRY COUGHLIN served tirelessly in consistent protection of mass transit, housing subsidies, and the multitude of other critical programs. He has worked diligently to preserve the spirit of bipartisanship in the Congress.

LARRY COUGHLIN has recognized the increasing problem of drug abuse in urban areas, and is now serving as the ranking Republican on the Select Committee on Narcotics. His dedication to solving the increasing drug problem of America is a true sign of his dedication to his work and to his country.

As a fellow member of the Appropriations Committee, I have had the great fortune of working with LARRY COUGHLIN. His advice has always been sound, and his counsel has always been greatly appreciated. His dedication to his constituents, his job, and his country is truly second to none.

Mr. Speaker, I want to take this opportunity to thank our two colleagues, Mr. MCDADE and Mr. MURTHA from Pennsylvania, for their leadership and dedication in organizing this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the gentleman from Pennsylvania, Mr. COUGHLIN, and join with them to wish him all the best.

Mr. SHUSTER. Mr. Speaker, it is with great regard I come today to honor Congressman DICK SCHULZE of Pennsylvania. DICK is a nine-term Member of the House of Representatives. As a freshman Member in 1974 DICK was appointed as an adviser to the Conference on Disarmament, and to the ongoing Strategic Arms Limitation Talks [SALT], both held in Geneva. He was the only freshman Member asked to serve for this great purpose.

His attitude and dedication on this issue showed early on that DICK was headed for and did not shrink from his responsibility of leadership. Leadership which has been evident through his tenure on the powerful Ways and Means Committee. We all know that writing the tax laws in this country can more often than not be a thankless job. Yet DICK'S hard-working demeanor and commitment on tax issues have become vanguards for many middle-income Americans and small businessmen.

Due to his many duties on the Ways and Means Committee along with his unprecedented two terms as chairman of the Republican Study Committee, Congressman SCHULZE has been at the forefront of many momentous pieces of legislation this body has debated. One of the areas we looked to DICK for guidance was trade. He realized the importance of American competitiveness abroad and believed that if America is forced to compete, American innovation will not only win the peace, but also make our country a leader in production and development of new technologies. And just now as exports account for more of our economic activity than at any other time in history, are we beginning to realize what Mr. SCHULZE has been fighting for on trade policy over his 18 years as a Member of this House.

It is obvious that a man with as many wide and varied talents as DICK, will be sorely missed in this Chamber. And I know that wherever he chooses to serve in the future, it will be filled with success.

Mr. GILLMOR. Mr. Speaker, I am pleased to take this opportunity to pay tribute to Congressman LARRY COUGHLIN, who will retire at the conclusion of the 102d Congress.

The Almanac of American Politics called LARRY COUGHLIN one of the lead Republicans on anti-drug legislation. As a member of the Select Committee on Narcotic Abuse and Control, where LARRY serves as the ranking Republican, I have had the opportunity to see this leadership first hand. It has been impressive, competent, and energetic. I can say without hesitation that LARRY COUGHLIN has made a real difference in the war on drugs.

In the time I have known LARRY COUGHLIN, one thing has become very clear: It is no wonder why his Pennsylvania constituents have repeatedly reelected him by comfortable margins. He is honest, he is friendly, and he has an exemplary commitment to the principles on which America was built.

It has been a pleasure to work with LARRY COUGHLIN. I wish him a happy retirement, a retirement blessed with the fond memories that come with an accomplished public career.

Mr. YATRON. Mr. Speaker, I rise this evening with a profound sense of sadness mixed with a deep sense of joy. The 103d Congress will convene next January, and the Pennsylvania delegation will be without four of its most distinguished and elegant voices. My good friends and great colleagues Congressman JOE GAYDOS, Congressman LARRY COUGHLIN, Congressman DICK SCHULZE, and Congressman JOSEPH KOLTER will be leaving this august institution.

It has been an honor for me to be associated with these four energetic Representatives, as indeed it has been rewarding to be associated with the entire Pennsylvania delegation. I have no doubt that the House of Representatives and the great Commonwealth of Pennsylvania will suffer in their absence.

My good friend JOE GAYDOS and I came into Congress at approximately the same time, he 2 months before me. We weren't strangers as

we had served in the Pennsylvania State Senate together. JOE and I have shared fond memories of working in Congress—sitting on the back bench listening to debates, working together to better the interests of all Pennsylvanians, and seeing Congress change in many different ways.

JOE GAYDOS has worked to preserve the safety of workers through his strong and unbending protection of workers' rights as chairman of the Subcommittee on Health and Safety. He knows the importance of keeping people safe on the job, and he has done an outstanding job as chairman. The people he represents from McKeesport, New Kensington, and other cities and towns in southwestern Pennsylvania have re-elected a Congressman who carries their interests at heart. JOE GAYDOS has served his constituents well—they will surely miss his fine representation, as I will miss a true friend.

My good friend and neighbor DICK SCHULZE has served the fifth District with vigor and distinction. DICK has been a strong and active voice for Pennsylvania on the House Ways and Means Committee. I have approached DICK many times for assistance with important tax and trade legislation and he has always extended an open hand to me and my constituents. He did this out of the sheer kindness of his heart, and because he knew we both were trying to help business survive and succeed in Pennsylvania.

DICK always had a strong voice for fair and free trade, and never shied from leading the fight against those countries who would take advantage of this Nation's trading policies. Dick has also been an aggressive and successful advocate of the environment. Our districts share much of the same verdant beauty that is associated with eastern Pennsylvania, and DICK leaves behind him an admirable record of working hard to protect and preserve that environment for future generations.

I also feel lucky to have had the privilege of serving with LARRY COUGHLIN. Along with JOE GAYDOS, LARRY and I served together in the Pennsylvania State Senate and came to the House as freshman in 1968. LARRY is a true Pennsylvania gentleman, and has been an outstanding representative for the people of the Pennsylvania area.

His distinctive bow tie and hard work on the Appropriations Committee and Select Committee on Narcotics Abuse and Control have distinguished him as a true force in the House. All Americans are in his best debt for his efforts on the Transportation Subcommittee and his leadership with the many far-reaching, forward—looking highway bills he has worked on. LARRY's congenial spirit has won him many friends on both sides of the aisle. At the end of this session, the House is losing a truly outstanding Member with the retirement of LARRY COUGHLIN.

I have also had the honor of serving with JOE KOLTER. JOE has been a good friend to me and to Pennsylvania since he came to Congress in 1982. His friendly nature and warm personality have made him a well-liked and much sought-out member of the Pennsylvania delegation. JOE has also been an excellent Representative for western Pennsylvania and a wise and compassionate voice for the working men and women of America.

JOE KOLTER's name is synonymous with spirited and effective constituent service and his dedication will be missed on the Public Works and Transportation and House Administration Committees. Always a gentleman, JOE KOLTER's hard work, kind smile, and devotion to the Commonwealth has earned him the tremendous respect and admiration of his peers.

Mr. Speaker, I will miss the camaraderie of my colleagues almost as much as I will miss serving the people of Pennsylvania's Sixth District. It has been a labor of love for me these past 24 years, and that labor was made all the more easier through the wisdom and fellowship of my colleagues. I wish JOE GAYDOS, LARRY COUGHLIN, JOE KOLTER, and DICK SCHULZE only the best of health and happiness in the coming years. I also extend to them my heartfelt gratitude for allowing me to join them in service to the citizens who make the Commonwealth of Pennsylvania that great place it is.

Mr. SHUSTER. Mr. Speaker, it is with great respect and admiration that I come here today to honor Congressman JOE KOLTER of Pennsylvania. JOE is a five-term Member of the House who has represented the people of the Fourth District with distinction and honor. He has been a powerful and adamant voice for the concerns of his constituents for the past 10 years.

If anything epitomizes JOE'S service, it is his efforts on behalf of the working men and women of the Fourth District. He has never wavered in his support for the unemployed and worked diligently to increase unemployment compensation for displaced workers. He has also repeatedly led legislative efforts to keep U.S. jobs from moving south of the border and overseas, and to protect American Jobs from unfair competition from abroad. These efforts culminated in the closing of a loophole allowing unlimited imports on electrical steel.

One of my great honors I have had during the last 10 years has been to serve with JOE on the Public Works and Transportation Committee. JOE'S dedicated service to the committee paid off early when his high-speed rail magnetic levitation train system legislation was passed into law in 1984. Recently, I had the pleasure of working with JOE to write and pass the Intermodal Surface Transportation Efficiency Act of 1991. JOE'S contribution to the successful enactment of this monumental legislation, which completed the Interstate Highway System, cannot be overestimated. Likewise his efforts on behalf of aviation funding and his tenure on the Government Operations Committee should not go unheeded, for hereto he has left his mark of excellence.

The members of our committee, the members of the Pennsylvania delegation, and the Members of this Chamber will certainly miss JOE. I am certain that JOE will take his passion, his caring, and his joviality to wherever he chooses to serve in the future.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman JOSEPH GAYDOS of the 20th District of Pennsylvania for his 24 years of outstanding service in the House of Representives.

Mr. GAYDOS has served his constituents well, rising to the second ranking position on the Education and Labor Committee, where he chairs the Subcommittee on Health and Safety, the panel that oversees OSHA and provides protection for the workers in his district, and spearheaded the Employee Retirement Income Sercurity Act.

I have also had the opportunity to observe firsthand his leadership on the Committee on House Administration. In addition to serving on my Printing and Procurement Subcommittee, he chairs the Subcommittee on Accounts.

As executive committee chairman of the congressional steel caucus, Mr. GAYDOS has fought for the survival of the domestic steel market and the economy of his district, demonstrating that he has not forgotten his roots as an attorney for the United Mine Workers.

As many of us are preparing to depart this year, it is appropriate to stop for a moment and salute Mr. GAYDOS, one of the veteran legislators among us, and to whom I give my best wishes for a happy retirement.

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Congressman JOE GAYDOS, who will retire at the conclusion of the 102d Congress.

As the ranking Republican on the Committee on House Administration's Accounts Subcommittee, I have had the good fortune to work extensively with the gentleman from Pennsylvania [Mr. GAYDOS]. As chairman of that subcommittee, he has always been fair, gregarious, judicious, and honest.

JOE and I have worked together to set the budgets of the various committees of the House. I think he would agree when I say that this task has not made JOE and I the envy of this institution. Our job has not been easy.

For JOE, this task has sometimes involved saying "no" to the most powerful Members of the House. It has involved addressing the grievances of those of us in the minority. In my work with JOE, he has always had the resolve to do the former, and the patience and attentiveness to do the latter.

This year offered a unique challenge for the Accounts Subcommittee. With the Federal deficit at an all-time high and confidence in Congress's ability to manage itself at an all-time low, JOE took an admirable leadership role in passing a funding resolution that froze committee spending at last year's levels.

Getting that kind of resolution passed would be a daunting task under any circumstance. But it is especially so when you are dealing with committees that have come to expect large, sometimes massive budget increases. In one case, a committee came to us with a request for a 41-percent increase. But in his quiet, steady way, JOE GAYDOS did his part to tighten the belt, to get the job done.

When I became ranking member of the Accounts Subcommittee, one of my goals was to increase the proportion of committee funds allocated to the minority. We have made significant progress in this area, in no small part due to the willingness of JOE GAYDOS to listen and cooperate.

Mr. Speaker, I will miss serving with JOE GAYDOS. In addition to his professional courtesy, he has been a good friend. Working with him and his outstanding staff his been a true pleasure. I wish him all the best in the years ahead.

Mr. QUILLEN. Mr. Speaker, I rise tonight to pay tribute to my distinguished colleague from

Pennsylvania, my good friend LARRY COUGHLIN. LARRY is retiring this year after 24 years as a Representative from eastern Pennsylvania, and we will all miss him.

I can think of few Members of Congress who work harder or are more giving than LARRY COUGHLIN. He matched a distinguished career in the Korean war with degrees from Yale and Harvard, and he worked his way through law school working on an assembly line. He also served with distinction in both houses of the Pennsylvania Legislature before his election to this body in 1968.

As vice-chairman of the Transportation Subcommittee of the House Appropriations Committee, LARRY has provided critical leadership in the building and support of America's public works and infrastructure. His conscientious efforts have reaped major successes in this country's transportation policy. LARRY has also been one of the Members of Congress who is always ready to assist other Members. He has always been there for a friend in need, and we will never forget that.

As he departs this House, I want LARRY to know how much he has meant to all of us on both sides of the aisle. I wish him well in his return to private life, and I want him to know that I will always remember him and his accomplishments with fondness and gratitude.

Mr. SCHULZE. Mr. Speaker, as the clock ticks down the final moments of the 102d Congress, many thoughts have crossed my mind regarding the unresolved issues and problems facing this Nation, my tenure in this Chamber and my fellow retiring colleagues. When I walk down Statuary Hall here in the Capitol Building, I see the figures of many great statesmen who sacrificed and struggled to lead this country towards peace and prosperity. They fought to guard States' rights and individual liberty. They struggled to mold a government which would not transform itself into a twin of the oppressive governments from which they and their ancestors fled. They sought to fortify freedom through limited Government and individual liberty.

Their examples have been my credos. My fellow retiring Pennsylvanians and I hail from the cradle of these liberties. We labored separately and together to lend continuity to this heritage, a heritage which at times appears to dissolve into conditions perilously similar to the oppressive regimes which despised our freedoms and disdained our people. Only an educated and vigilant citizenry can preserve this experiment in liberty and representative government, only a citizenry which practices personal responsibility, the indispensable companion to our rights.

The challenges we face are remarkably the same today as they have been for hundreds of years. Taxes and trade practices have been topics of controversy from their beginnings. While my friends—Congressmen JOE GAYDOS, JOE KOLTER, LARRY COUGHLIN, and GUS YATRON—and I represented the Commonwealth of Pennsylvania, taxes and trade issues have been a staple of our work.

The mushroom growers and processors constitute a major industry in southeastern Pennsylvania and employ many of its residents. When foreign producers have endeavored to use unfair trading practices and preferential tariff programs to drive the American mushroom industry into extinction, the entire Pennsylvania delegation has rallied together to set things right. This esprit de corps of bipartisan unity is an important example of objective legislation, in contrast to the increasingly acrimonious partisanship practiced in today's Congress. I credit my Commonwealth colleagues with their vision and integrity to do what is right for America and our fellow Pennsylvanians. In particular, with regard to the mushroom industry, GUS YATRON deserves special recognition for his leadership and initiative in combatting unfair trade practices so injurious to the U.S. industry.

These practices are not confined to the mushroom industry, but also afflict the American steel industry. As vice-chairman of the congressional steel caucus, I credit my retiring companions, and other delegation members, for the successes we won for the steel industry—not just in Pennsylvania, but across this Nation. Unscrupulous foreign steel manufacturers sought every stealthy angle to undermine this industrial base which is so critical to our national security.

In this regard, I must make particular mention of Congressman JOE GAYDOS' leadership, as chairman of the steel caucus, in addressing foreign threats against thousands of American steelworkers, many of whom are Pennsylvanians. Together, we secured voluntary restraint agreements which bought time for American steel producers to retool, modernize and comply with federally mandated environmental regulations. As a result, our air, water and soil is cleaner, our workers are healthier, our steel factories are the most efficient and cost-competitive in the world, and thousands of Americans are still employed in steel production. Again, this was a shining example of the Pennsylvania delegation's unity and resolve.

Nobody understands better how a community hurts when steel jobs are lost, than Congressman JOE KOLTER. When the steel caucus lined themselves up along the line of scrimmage, JOE was with us, shoulder to shoulder. Thank you for your consistent and faithful support.

Mushrooms and steel are only a part of the challenges confronting the legislators of the Commonwealth. In southeastern Pennsylvania, industry and business have grown tremendously, along with increased population. The resulting traffic gridlock has been stifling. As vice chairman of the House Appropriations Subcommittee on Transportation, Congressman LARRY COUGHLIN has played a leading role in unstopping the gridlock. Hundreds of thousands of commuters whisk to work because of his leadership. Numerous critical transportation projects in Pennsylvania are underway today because of LARRY'S good work. As a testament to his service, LARRY COUGHLIN is a household name in my congressional district.

In my last days of traversing the halls of the U.S. Capitol, the world's symbol of representative government, my reflections are on continuity—the perpetuity of a free society. My conscience is clear; I've done my best, and I and proud to have served at the side of my distinguished Pennsylvania colleagues and friends. I and the citizens of the Fifth Congressional District will always be grateful for your support.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman GUS YATRON, who is retiring this year after serving Pennsylvania's Sixth Congressional District since 1968.

During the years he served on the Committee on Foreign Affairs, and as chairman of the Subcommittee on Human Rights and International Organizations, Mr. YATRON has consistently worked for human rights in all corners of the world, from the Middle East to China. In addition, he favored the United Nations long before that organization achieved its current level of recognition. Proud of his heritage, he has supported the interests of Greek-Americans with the same persistence he formerly demonstrated in the boxing ring.

Through all of his global involvements, he has never forgotten the concerns of his constituents. At home, he has helped the many coal miners in the region with black lung cases, and in Washington, he has defended the textile industry in his district from unfair foreign competition.

GUS YATRON has compiled an excellent record of achievement during his service in the Congress. As he leaves this body, I congratulate him and wish him well in all of his endeavors.

Mr. SHUSTER. Mr. Speaker, I am here today to pay tribute to a very special person. JOE GAYDOS and I grew up in the same small town in the steel valley of western Pennsylvania—Glassport. We attended the same schools and, in fact, at different times, we even lived in the same apartment. So, I have known JOE GAYDOS longer than I have known any other Member of the U.S. Congress. He was outstanding as a young man in Glassport High School, he was outstanding as a lawyer in the steel valley, and he has been an outstanding Member of Congress. In fact, some years ago when I returned to the steel valley, a reporter observed that had I continued to live there, I might have been running against Congressman GAYDOS. I quickly replied that had I still been living there, in all probability I would have been voting for Congressman GAYDOS. This of course got me in some trouble with the local Republican Party, but facts are facts.

Congressman JOE GAYDOS has spent over half of his life in the service of others. First in the Armed Services during the Second World War and then in the Pennsylvania Senate and from 1968 to present as a U.S. Congressman from the 20th District.

Throughout his career JOE has been a constant friend to the workers of America and Pennsylvania. As a freshman Member he was instrumental in the passage of the Occupational Safety and Health Act of 1970. In 1977, he took the subcommittee chair of the Health and Safety Committee, and continued his lifelong fight to insure a safe and productive workplace for the 119 million workers in our country today.

Mr. Speaker, to consider the seasoned legislator is to recall JOE GAYDOS' tremendous legislative accomplishments, and the legacy which our Congress is losing by his retirement. The commitment that JOE brings to his work in Washington and back in his district, is truly an inspiration to both the hard-working men and women of Pennsylvania and to his

colleagues. Mr. Speaker, as the saying goes, JOE makes the art of compromise look easy and he has been throughout his tenure in the House without a doubt a true statesman in every sense.

In closing Mr. Speaker, I would like to convey just how much I and the Pennsylvania delegation will miss working with JOE GAYDOS. JOE has been the cochair of our delegation and his leadership there has been most helpful in directing our common initiatives. JOE, I extend to you and your wife all the hopes for a rich and rewarding retirement from the U.S. House of Representatives, and a commitment to you that the Pennsylvania delegation will continue on in your spirit of bipartisanship.

Mr. CLINGER. Mr. Speaker, this evening I am pleased but also saddened to join in this special order honoring our retiring Pennsylvania colleagues—JOE KOLTER, GUS YATRON, LARRY COUGHLIN, and DICK SCHULZE. Each in their own way has made important contributions to the work of the House.

I have enjoyed serving with JOE on the Public Works and Transportation Committee where he has ably led the Economic Development Subcommittee in recent years. As a former EDA employee and one who believes in the mission of the agency to generate private sector jobs with a modest federal investment, I have appreciated Congressman KOLTER's strong support of the agency and his efforts to have it reauthorized.

JOE and I have adjoining districts and for the past decade have shared one county. Though we are of different parties, I always found him very cooperative and we have worked together to address the problems of the area. I wish him good fortune in the future.

Congressman YATRON is anther good friend and valued colleague who will be missed. Throughout his 12 terms in Congress, GUS has been an effective and hard-working Member especially in his leadership of the Human Rights and International Organization Subcommittee of the Foreign Affairs Committee. For a former outstanding boxer, GUS YATRON is a surprisingly gentle and engaging person. I have enjoyed his friendship and I know that his constituents, who have routinely and overwhelmingly reelected him term after term, are as sorry as I am that he has decided to move on.

Our long-time dean, JOE GAYDOS, is also signing off at the conclusion of this Congress. I probably owe him my life because it was JOE'S needling that finally got me to do something I was unable to do before, to give up smoking.

As dean of the delegation, JOE was always completely fair and generous to we Republicans. The nonpartisan nature of our delegation was totally due to his generosity and character. His leadership mattered and resulted in good things for Pennsylvania. I consider JOE a close friend, to whom I owe much and to whom the Commonwealth owes even more. Both the Commonwealth and I will miss his smiling face and outstanding service.

Congressman SCHULZE, how to describe him: hard-nosed, hard-working, smart, funny, principled, stubborn. All in all, a hell of a good legislator. It takes a while to get to know DICK SCHULZE. I remember when I first met him, it was a very intimidating experience because he seemed pretty brusque, rather forbidding. But I soon learned that my first impression was totally deceiving. He is a thoughtful and loyal friend who has been enormously helpful to me as a mentor and to the Commonwealth of Pennsylvania as a senior member of the Ways and Means Committee. He has made extraordinary contributions to the State with little fanfare and without seeking personal credit or recognition.

As chairman of the sportsmen's caucus, DICK has worked tirelessly to bring the concerns of the millions of sportsmen and women to the forefront of congressional attention. I know that he will continue to be a forceful and articulate spokesman for sportsmen's issues in the years ahead.

It has been a joy to serve with DICK SCHULZE. This place will be a lot less interesting and a lot less fun without him.

Finally, I am also going to sorely miss LARRY COUGHLIN. Without his support and counsel I would not have come here 14 years ago to be able to bid him farewell today. As Pennsylvania's representative on the Republican Congressional Campaign Committee, LARRY was willing to take a chance on a wet-behind-the-ears neophyte, and urge the committee to provide me with financial support. Throughout that first campaign LARRY was an invaluable counselor and I really doubt I would have won the election without his advice and support.

He has been a superb asset for Pennsylvania in his key role on the Appropriations Committee and most especially as the ranking member on the Transportation Subcommittee. The high quality of Pennsylvania's infrastructure, from highways to airports, waterways, and rail systems owes much to the effectiveness of LARRY COUGHLIN on the subcommittee. Beyond Pennsylvania, LARRY has been a leader in shaping transportation policy for the entire Nation. In a demanding and challenging assignment, LARRY has executed with uncommon skill.

He is probably the most reliable and selfless member of the delegation. He has never been too busy to undertake any job on behalf of the group whether it was raising money or hosting functions or coming to the aid of a colleague, he has always been there.

This is a man who has served his country long and well, first as a U.S. Marine officer, then as a leader in his community and State, and for the last 24 years as a respected national leader in the U.S. Congress.

This body is diminished in ability and intellectual vigor by his departure.

Mr. CRANE. Mr. Speaker, our good friend and colleague of almost two decades is about to retire from this Chamber. DICK SCHULZE of Pennsylvania has decided to bring to an end a distinguished congressional career which began with his election in 1974.

DICK SCHULZE has an outstanding record of protecting the interests of the constituents of his Fifth Congressional District in Pennsylvania, and those constituents recognized his efforts by continually returning him to the House of Representatives by large margins.

His knowledge of local problems back home can be traced to his proprietorship of a business in Paoli as well as his service to area citizens in such posts as Chester County Register of Wills and clerk of Orphans Court before his election to the Pennsylvania House of Representatives. Three terms in the Pennsylvania House gave him a legislative foundation for service in this Chamber.

I have had the privilege and the pleasure of serving with DICK on the House Ways and Means Committee. It is on the House Trade Subcommittee, on which we both currently serve, that I have seen the purpose, the drive and the results of the efforts of DICK SCHULZE.

And he has been a leader on the full committee on tax legislation to help the small businessmen who employ so many millions of American workers.

Besides serving his country in the national legislature, DICK also saw 2 years of duty with the Army.

DICK SCHULZE has been an outstanding Member of the House of Representatives and we, his friends, wish him well in his retirement.

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to distinguished members of the Pennsylvania delegation who will depart from the House at the end of the 102d Congress.

I am pleased that we have this opportunity to honor men like LARRY COUGHLIN, JOE GAYDOS, JOE KOLTER, DICK SCHULZE, and GUS YATRON who have played such an active role in the daily activities of this Chamber. As Members labor to finish the business of the House before adjourning, it is appropriate that we should pause to take stock of the immense public contribution made by these gentlemen.

The Commonwealth of Pennsylvania is fortunate to have been represented by men of such diverse backgrounds and varied interests. While there may be differences among them in personal experience, party affiliation, and residence, they all share a common commitment to providing the people of their districts with dedicated representation on issues of local and national interest.

Representative LARRY COUGHLIN has chosen to leave the House this year after a long and distinguished period of service in the House which began in 1968. As one of our delegation's senior members, he has provided an outstanding example to new members from Pennsylvania who would aspire to follow this standard of independence and personal integrity.

While always a loyal member of his party, LARRY COUGHLIN has displayed on many occasions a willingness to look beyond party labels. While facing at times opposition from an administration of his own party, he has been a champion of Federal support for mass transit and a leader in arms control efforts, especially during the debate over antisatellite weapons.

As the ranking member on the House Appropriations Transportation Subcommittee, LARRY COUGHLIN has played a central role in promoting investment in America's infrastructure. Urban areas like Philadelphia and Pittsburgh have benefited significantly from his forceful advocacy in support of mass transit. He has also earned the gratitude of many Members, including myself, for his support of priority transportation projects in various parts of the United States.

Representative JOE GAYDOS will leave the House this year after serving 12 terms on behalf of the people of the 20th District. Since he

came to the House in 1968 with LARRY COUGHLIN, he has labored with equal dedication on behalf of his constituents. JOE GAYDOS has been a fighter for the rights of working men and women and has been a forceful voice during efforts to preserve America's industrial base in the face of unfair foreign trade practices.

Since JOE GAYDOS welcomed me to the House in 1980, I have had many occasions to work with him on issues vital to our neighboring districts in western Pennsylvania. Steel workers and industrialists in Pittsburgh and the Mon Valley gave birth to America's industrial revolution. While our region has diversified into many new economic fields, I am pleased that I have had the benefit of working with JOE GAYDOS as fellow members of the House steel caucus to promote tough U.S. trade policies. As executive committee chairman of the steel caucus, JOE GAYDOS has helped ensure that American steel has a fair opportunity to compete in the marketplace. He has preserved our industrial heritage and helped to ensure its future.

As chairman of the House Education and Labor Subcommittee on Health and Safety, JOE GAYDOS fought successfully to defeat efforts made by the Reagan administration to weaken irreparably the Occupational Safety and Health Administration. He won House passage of ground breaking legislation to protect workers from exposure to hazardous chemicals or materials and established the foundation for future action on this issue. Whether it be on issues ranging from workplace safety, pension rights, or unfair trade, working men and women have always known that they have a champion in JOE GAYDOS.

Representative JOE KOLTER has served the people of the Fourth District in western Pennsylvania since 1982. He has labored on behalf of his constituents to ensure that they are not forgotten when Federal priorities are established. He and I share a history of city council service in our respective communities and I know that he understands as well as I do the vital need for America to have an urban policy. JOE KOLTER has been a part of this fight and I am happy that I have had an opportunity to serve with him in the House.

As chairman of the House Public Works Subcommittee on Economic Development, JOE KOLTER has worked successfully to focus America's attention on the need to invest in our country's roads, bridges, airports, and waterways. He has made clear to his colleagues and the Nation the important and central linkage between a strong infrastructure and a strong economy.

Representative DICK SCHULZE has represented the Fifth District of Pennsylvania since 1974. While I know that many of his constituents will miss his active efforts to represent them in the House, I will miss especially the opportunity to work with him as a fellow Ways and Means Committee member. We have joined together on many issues of importance to Pennsylvania and the Nation, and I regret that we shall no longer be able to present a bipartisan Pennsylvania voice on the Ways and Means Committee.

DICK SCHULZE has been a forceful advocate of a tough U.S. trade policy. He has been for many years a leader in the struggle to ensure that free trade is matched with fair trade. DICK SCHULZE has always known how important exports are to the Commonwealth of Pennsylvania and to the overall economic strength of the United States. He has also been a leader in efforts to focus national attention on human rights abuses in China and the need for the United States to consider such outrages during debates over United States-China trade relations. DICK SCHULZE deserves the thanks of workers and business leaders for his tireless efforts to make sure that unfair foreign trade practices are not ignored by policy makers in both the Congress and the administration.

Representative GUS YATRON came to the House in 1968 along with LARRY COUGHLIN and JOE GAYDOS. As the Congressman from the Sixth District of Pennsylvania, GUS YATRON has always maintained a sharp focus on the needs of his constituents. He has fought on behalf of the many textile and sheet-metal workers in eastern Pennsylvania. GUS YATRON exemplified the best tradition of the House by never losing touch with the people of his district.

GUS YATRON has been a leader in maintaining America's respect for human rights and stressing the need for the United States to speak with moral authority in world affairs. As chairman of the House Foreign Affairs Subcommittee on Human Rights and International Organizations, he has been relentless in his efforts to focus the attention of the Congress, the administration, and Nation on reports of human rights abuses in countries governed by both friends and foes.

GUS YATRON deserves special commendation for his efforts to warn America of the threat posed by the Iraqi regime of Saddam Hussein. He was a leading voice in the fight for a United States condemnation of Iraqi human rights abuses at a time when the Bush administration was still committed to pursuing the friendship of Saddam Hussein. He also labored for many years to preserve a strong U.S. commitment to an effective United Nations even while the Reagan administration was attempting to withhold funds from this world body. GUS YATRON helped to ensure that there would still be a functioning United Nations when the United States and the world joined together in a United Nations-sponsored campaign to overturn Iraq's invasion of Kuwait.

Mr. Speaker, I want to thank each of these department members of the Pennsylvania delegation for the pleasure and honor of having served with them in the U.S. House of Representatives. There is not enough time in the remaining days of the 102d Congress to acknowledge fully their efforts on behalf of their constituents, the Commonwealth of Pennsylvania, and the Nation. Still, I am pleased that I have had this opportunity to join with my colleagues in expressing our continued respect for these gentlemen from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, at the close of this the last session of the 102d Congress we begin to realize that a record number of our colleagues which we have served with for many years, will not be returning to the next Congress. It is for this purpose that we gather here on the floor today to pay tribute to these Members from the State of Pennsylvania.

Mr. Speaker, unfortunately LARRY COUGHLIN will be one of those Members who will be retiring after the end of the 102d Congress. He has served in this body with distinction. Evidence of his great service are his 12th consecutive terms, representing the 13th District of Pennsylvania.

Before his days as a U.S. Congressman, LARRY worked in a coal mine, on his family farm, served in the Army during the Korean War, and worked his way through law school. As though that was not a life already filled with great accomplishment he later sought public office and was elected to serve in the Pennsylvania General Assembly and State Senate before coming to Congress in 1968.

As the ranking Republican on the Appropriations Subcommittee on Transportation, he aided me in every way to direct critical financial resources to the paramount infrastructure needs of this country for the next decade. Likewise his efforts on the Select Committee on Narcotics Abuse and Control, have helped to pinpoint where our Nation's resources must be placed to stem the tide of illegal drugs coming to this country.

Mr. Speaker, this Chamber truly is losing one of its finest Members. One who has committed his life to the betterment of his country and its people. One who has fought for freedom on the battlefield and on the floor of this great House. In closing Mr. Speaker, I want to take this opportunity to wish LARRY and his wife, Susan, all the best in their future endeavors.

Mr. REGULA. Mr. Speaker, today provides an opportunity to express our gratitude to departing Pennsylvanians, JOE GAYDOS, LARRY COUGHLIN, GUS YATRON, DICK SCHULZE, and JOE KOLTER for their exemplary service and leadership as Members of the House of Representatives.

As a member of the Appropriations Committee and the steel caucus, I have been directly involved with JOE, LARRY, and DICK and have always appreciated their thoughtful approach to the challenges of these activities.

Pennsylvania will greatly miss the dedicated service they have provided to their constituents and all citizens of our Nation.

Mr. PANETTA. Mr. Speaker, I would like to join in the tribute to my distinguished colleagues from the State of Pennsylvania, who will be leaving us after so many years of faithful service. Their record of achievement serves as a tribute to the people of Pennsylvania, and to their office.

I would like to take this opportunity to thank each and every one of these gentlemen for their service to the Nation. GUS YATRON deserves our warmest accolades for his years and years of determined work on behalf of human rights around the world and his leadership in forcing international organizations to remain responsible to the nations they serve.

DICK SCHULZE is notable for his fine and steady work in economic issues. I have appreciated DICK'S grasp of economic issues as they relate to the American family, and I have also enjoyed his good humor and collegiality.

JOE KOLTER I will always remember as the man I could count on to cosponsor my bills. JOE and I see eye to eye, and I want to thank him for his warm support for my legislative initiatives.

JOE GAYDOS has established a record of which he and his constituents can be proud. It

has been a pleasure and privilege to have worked with JOE.

Finally, LARRY COUGHLIN and I have disagreed on a few issues, but I have respected LARRY'S hard work and fair-mindedness. I believe that he served his constituents honorably.

It is with regret that I find myself paying tribute to yet another group of fine men who have contributed so much to this body, and yet I welcome this chance to pay tribute to men who have served honorably for so long in the Nation's National Legislature. To all my fellow colleagues from Pennsylvania, departing after so many collective years in the House, I offer my deepest thanks for your service and your fellowship, and I wish you the best in all your future endeavors.

Mr. HORTON. Mr. Speaker, today I would like to pay tribute to GUS YATRON who will be retiring from the Congress at the end of the year. GUS YATRON has served this Nation with distinction as a Member of this body for 24 years.

Through his work on the Committee on Post Office and Civil Service, GUS YATRON has helped move this Nation's business forward. GUS and I served together on this committee and the Human Resources Subcommittee. Throughout the years, GUS has proven himself to be a friend of the working man and woman. His commitment to the little guy was certainly evident in his committee work.

GUS was also a distinguished member of the Foreign Affairs Committee. He is to be saluted for his outstanding work as the chairman of the Human Rights and International Organizations. Many of my Jewish constituents who emigrated from the former Soviet Union have benefited from his leadership in pressuring that government to permit the refuseniks to leave. On behalf of them, I want to thank Chairman YATRON for his leadership in this area.

My wife, Nancy, joins me in extending our best wishes to GUS YATRON and his family. We wish him the best of luck in all of his future endeavors.

Mr. Speaker, today I would like to pay tribute to LARRY COUGHLIN who will be retiring from the Congress at the end of the year. LARRY COUGHLIN has served this Nation with distinction as a Member of this body for 24 years.

Through his work on the Committee on Appropriations, LARRY COUGHLIN has helped move this Nation's business forward. As the ranking Republican on the Transportation Subcommittee and a member of the VA–HUD Subcommittee, LARRY has been a leading Republican on urban issues and needs. His voice of support and thoughtful advice will certainly be missed next year.

And although it is fashionable in some circles to denigrate this institution and its Members, our colleagues who remain behind and our successors would do well to look to the career of LARRY COUGHLIN as one to emulate. The essence of the Congress is for Members of different views to discuss the issues, hash out the differences, and forge public policy that incorporates the best elements of the varying positions. LARRY COUGHLIN has done that.

My wife, Nancy, joins me in extending our best wishes to LARRY COUGHLIN and his family. We wish him the best of luck in all of his future endeavors.

Mr. Speaker, today I would like to pay tribute to JOE GAYDOS who will be retiring from the Congress at the end of the year. JOE GAYDOS has served this Nation with distinction as a Member of this body for 24 years.

Through his work on the Committee on Education and Labor, JOE GAYDOS has helped move this Nation's business forward. Although I did not serve with him on a committee, I nevertheless know of his reputation for commitment to public service and to the working man and woman.

Through his position as chairman of the Education and Labor Subcommittee on Health and Safety, JOE GAYDOS has worked hard to ensure that workers will be safe in the workplace. Though there is no way to quantify the number of men and women who will be helped by his efforts, it is clear that a large number were spared from serious injury and possible death as a result of his leadership. As one who shares his commitment to the working man and woman, I applaud Chairman GAYDOS for his outstanding work.

My wife, Nancy, joins me in extending our best wishes to JOE GAYDOS and his family. We wish him the best of luck in all of his future endeavors.

Mr. Speaker, I would like to pay tribute to JOE KOLTER who will be retiring from the Congress at the end of the year. JOE KOLTER has served this Nation with distinction as a Member of this body for 10 years.

As the ranking Republican on the Government Operations Committee, I have had the honor and privilege of working with JOE KOLTER who also serves on that distinguished panel. And though we do not serve on the same subcommittees, we did work together on a number of issues before the full committee. JOE KOLTER has been a hard working, dedicated member of the Government Operations Committee who has contributed much to its success.

My wife, Nancy, joins me in extending our best wishes to JOE KOLTER and his family. We wish him the best of luck in all his future endeavors.

Mr. Speaker, today I would like to pay tribute to DICK SCHULZE who will be retiring from the Congress at the end of the year. DICK SCHULZE has served this Nation with distinction as a Member of this body for 18 years.

Through his work on the Committee on Ways and Means, DICK SCHULZE has helped move this Nation's business forward. Although I did not serve with him on a committee, I nevertheless know of his reputation for commitment to public service.

From his position on the Ways and Means Subcommittee on Trade, DICK SCHULZE has been a tireless advocate of fair trade relations with other nations. As one who shares that position, I want to thank him for his continued efforts over the year. His advice on trade policy will certainly be missed on our side of the aisle.

My wife, Nancy, joins me in extending our best wishes to DICK SCHULZE and his family. We wish him the best of luck in all of his future endeavors.

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous material on this special order.

The SPEAKER pro tempore. (Mr. BORSKI) Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, I have had a request or two here to defer to some of my colleagues. I am very willing to do that, because my special order is extensive, and I understand some people have some good short ones that I am anxious to listen to also.

Mr. Speaker, I ask unanimous consent that my special order be deferred to the gentleman from Alabama [Mr. CALLAHAN], and then to the gentleman from New Jersey [Mr. HUGHES].

The SPEAKER pro tempore (Mr. KANJORSKI). Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO RETIRING MEMBERS FROM ALABAMA

The SPEAKER pro tempore (Mr. BORSKI). Under a previous order of the House, the gentleman from Alabama [Mr. CALLAHAN] is recognized for 60 minutes.

Mr. CALLAHAN. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. DORNAN] for yielding and giving us the opportunity to have this special order for those of us from Alabama and those colleagues of ours throughout the country to pay tribute to, to honor and say a few words tonight about two of our colleagues from Alabama who are retiring at the end of this term, one of them being CLAUDE HARRIS from Tuscaloosa, AL.

Mr. Speaker, at this time I yield to the gentleman from Alabama [Mr. BEVILL], the chairman of the Alabama delegation, to handle the HARRIS portion.

Mr. BEVILL. Mr. Speaker, I thank my friend and colleague, the gentleman from Alabama, for yielding to me.

Mr. Speaker, I rise to pay tribute to my good friend and fellow Alabama colleague, CLAUDE HARRIS. CLAUDE is leaving the House after representing Alabama's Seventh Congressional District for three outstanding terms.

I have enjoyed working with CLAUDE and I am really going to miss him. He is one of the best-informed members I have ever known.

He pays close attention to legislation when it is on the House floor. He knows the fine details of most bills and how they are likely to affect his district, our State and the Nation as a whole.

He also knows everything that is happening back home. Very little has escaped his attention and interest. Whenever I see him, I can always count on him to tell me something I did not know already.

CLAUDE was first elected to the 100th Congress in 1986. He had practiced law in Tuscaloosa, AL, and had served for many years as an Alabama circuit judge. He brought his fine talents and even temperament to Washington and he has made an excellent record here in a very short time.

I have had the good fortune to work very closely with CLAUDE and I have admired him for his determination and dedication to getting the job done.

□ 2000

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of these two special orders, one for the gentleman from Alabama [Mr. HARRIS] and one for the gentleman from Alabama [Mr. DICKINSON].

The SPEAKER pro tempore (Mr. BORSKI). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BEVILL. Mr. Speaker, may I have 1 more minute to pay tribute to the gentleman from Alabama [Mr. DICKINSON]?

Mr. CALLAHAN. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Speaker, I join my colleagues in congratulating our friend and distinguished colleague BILL DICKINSON on his outstanding career in the U.S. Congress. BILL has decided to retire after faithfully serving the people of Alabama's Second Congressional District since he was first elected in 1964, during the Goldwater sweep.

BILL has been a most outstanding Member of Congress and he has done an excellent job not only for Alabama, but for our entire Nation. He has demonstrated his leadership and expertise in military matters over the years.

For the past 12 years, he has exercised extremely good judgment in his role as the ranking Republican on the House Armed Services Committee. We all have been well-served by his commitment to ensuring our national security.

I have enjoyed working with BILL over the years. Our Alabama congressional delegation is a tight-knit group and we do what is best for our State without regard to partisanship.

BILL DICKINSON has made his mark here and his accomplishments will long be remembered. We will miss him and we wish him all the best.

He spearheaded the legislation to authorize a new metal casting research program. Many universities across the country participate in this program, including the University of Alabama. Metal casting is an important American industry and he has looked for ways to help improve the technology.

CLAUDE also has been persistent in his support for Alabama's waterways. During his tenure, the new Oliver Lock and Dam on the Black Warrior River at Tuscaloosa was completed. This project has eased the flow of barge traffic through the area and has helped promote the export of American products, including Alabama coal.

CLAUDE has also been a very strong supporter of our Nation's veterans. As a member of the House Veterans Affairs Committee, he has taken a special interest in health care issues and has sought improvements in veterans' hospitals.

He also has a special concern for the welfare of children and has worked to call attention to the high infant mortality rate.

Recognizing that Alabama has a huge poultry industry, CLAUDE was instrumental in organizing an annual chicken dinner on Capitol Hill. My colleagues certainly have acquired a taste for Alabama chicken and this event has given our poultry industry well-deserved recognition.

CLAUDE's contributions as a fine public servant will always be remembered here and appreciated. With his experience and abilities, CLAUDE has a very bright future ahead of him and I know he will be highly successful in his endeavors.

Mr. Speaker, I respectfully ask permission to submit for the RECORD a dedication to CLAUDE HARRIS from his staff. Their comments are as follows:

GOODBYE AND THANKS

Today, his fellow Members of Congress have spoken about working with Claude Harris, and now, courtesy of Congressman Tom Bevill, we staff members can add our views, based on working for him, most of us for the full 6 years he has been in Congress.

Claude Harris is a man for whom all of us have been proud to work. His true commitment to public service and his absolutely unimpeachable personal integrity were an example and source of strength to all of us through these times which have seen this institution and many of its leaders brought low. However widespread the problem, we always knew our boss was the exception to the rule. With Claude Harris we truly never had to apologize, never had to explain.

Best of all, he was always the same person. Whether in public or in private, whether dealing with the highest officials or an individual constituent, he was always the same, he always listened with an open mind, and he never betrayed his own principles.

But don't think Claude Harris was some remote paragon either. No Member of Congress has a greater, more genuine interest in people and no Member of Congress was less affected by the prestige and trappings of office. Every staff member always felt free to bring their problems—professional or personal—to the Congressman. His door was always open.

We all learned from his example. It is so easy to get caught up in the press of work, to actually believe in our own importance, and then we would see our boss taking the time to do some task we might have thought was beneath us, or taking the time to speak with that troublesome caller we had hoped would go away. It was the Congressman who by his example reminded us that the only reason any of us were here was to be of service.

With Congressman Harris "pride of office" literally meant leading us in cleaning and polishing the brass to make 1009 Longworth shine. As he often said, "We may not be the best looking, but we can always look our best."

We had fun these last 6 years. We became more like an extended family because that is how he treated us. Like a family we developed some common traits he would remark upon. Our enthusiasm for receptions, dinners, and "care packages" led him to label us "good eaters." Most staffers had their own nicknames as well, and we called him "Judge," in honor of his previous service on the bench.

Congressman Harris will be remembered by us for his many pet phrases which greeted our work or actions. If we missed some point of a discussion he would employ an imaginary microphone and intone "Earth to (whomever)." A draft letter that was too caught up in jargon would elicit the comment that we needed to "put the hay down where the goats could get it." Loyalty to an ally might be described as "dance with the one that brought you." "Too much sugar for a dime" meant that some legislative proposal was too good to be truly as described and if it wasn't good at all, he might say "that dog won't hunt." Unexpected political consequences of a bill were described as "ploughing up a snake."

All of us on this staff are better for having worked for this man. His example has set a standard for us. The memories we take from this time will last long after we walk out the office door that final time. Serving Claude Harris has been our privilege and our gain. It is a loss to both our State and Nation that he will not be returning to the House.

Thank you, "Judge."

Mr. CALLAHAN. Mr. Speaker, as I mentioned, this has been an unusual year in terms of the large number of Members who have announced plans to retire at the end of the Congress. However, none have been more unfortunate in terms of personal loss than the announcement earlier this year by my friend and colleague from Alabama, Congressman CLAUDE HARRIS.

To know CLAUDE HARRIS is to know what public service is really all about.

He has been unselfish, constantly lending his time and many talents to whatever cause would advance the communities and the people that make up his current seventh Congressional District.

He has been tireless in his work habits, studying the issues, meeting with constituents, going back home and staying in touch with those people who elected him, and bridging a gap even with his political opponents, all to guarantee nothing short of first-class representation.

And he has been dedicated to place principle above politics, always striving to make the right decision, not just the most politically expedient decision.

CLAUDE came to Congress following in the footsteps of some other highly respected lawmakers from the Tuscaloosa area. Both Armistead Selden and Walter Flowers before him set the standard of constituent service and statesmanlike decisions.

However, CLAUDE brought his own style to governing and is one of the finest, most decent men to ever seek elected office. He never let it go to his head that he was a Member of Congress. Instead, CLAUDE returned as often as possible to his beloved Tuscaloosa, whether it was to serve in the National Guard, to go to the local cafe to have coffee with a group of constituents, to attend church with his family, or to meet with a civic club. I know CLAUDE traveled back home a lot, because he and I were often traveling companions as far as Nashville. Then he would get on board a small plane headed to Tuscaloosa while I would catch my flight to Mobile.

While I am personally going to miss CLAUDE HARRIS' friendship, the State of Alabama is going to be an even greater loss.

When CLAUDE was first elected, he represented our State on the Agriculture Committee and the Veterans' Affairs Committee, two very important committees especially to the people of Alabama. Two years ago, he secured a position on the Energy and Commerce Committee, on which I serve, and together we have worked even more closely for the common good of the people of Alabama.

While CLAUDE and I might have been from different parties and of different backgrounds, he being a lawyer and I a businessman, I knew I could always count on him for strong moral support and solid counsel on whatever issue was at hand. He has always been there, not just for me, but for all of Alabama.

At a reception in his honor the other night, CLAUDE HARRIS said with humility, yet pride, that few young boys from Shannon, AL, ever dreamed of being elected to the U.S. Congress, much less made it here. CLAUDE HARRIS has lived the American Dream and we are the better for it.

I salute my good friend from Tuscaloosa, and hope there are many paths he will consider traveling in furthering the cause of promoting and serving the people of Alabama.

Mr. Speaker, I now yield to our colleague from Birmingham, AL [Mr. ERDREICH].

Mr. ERDREICH. Mr. Speaker, I rise, with all of my Alabama colleagues, to pay tribute and say goodbye to a true friend, the Honorable CLAUDE HARRIS.

CLAUDE and I have worked side by side to represent the interests of all Alabamians since he was first elected to Congress in 1986. An example of our partnership is the Metal Casting Center at the University of Alabama. This center applies high technology to a very basic Alabama industry. The idea may sound simple, but it is an idea that is helping a basic Alabama industry become competitive, an industry that employs close to 20,000 in our area and over 250,000 nationwide.

To me, this represents the ideals of CLAUDE HARRIS—applying Alabama common sense, which he is tremendously blessed with, to the complex issues we all deal with in Congress to ensure that all Americans have a brighter future.

Retirement was not an easy decision for CLAUDE. He has told me many times that he would have liked to continue to serve the people of Alabama. But, unfortunately for us all, because of partisan efforts in Alabama, CLAUDE HARRIS was forced to retire.

All of us in Congress will miss CLAUDE and his wife, Barbara.

CLAUDE HARRIS has been a good friend to all of us, from the time he first walked into our Chamber, until the time, regrettably, that he leaves. He has become one of my closest friends, as he is a friend to so many on both sides of the aisle.

Mr. Speaker, in a speech announcing his retirement, CLAUDE said: "Being chosen by the people of the Seventh District to represent them in the Congress has been the greatest honor of my life." CLAUDE, the honor has been all ours.

In addition, Mr. Speaker, I rise to pay tribute to an old friend, and the senior Republican member of the Alabama delegation, the Honorable WILLIAM L. DICKINSON.

BILL has served with us in Congress since 1964. He has been an outstanding Representative for the Second District and the State of Alabama.

This native of Opelika, AL has worked hard to help us maintain a strong national defense. In the past 20 years, the three military installations in his district, Maxwell Air Force Base, Gunter Air Force Base, and Fort Rucker, have experienced tremendous growth.

His commitment to our defense has earned him numerous awards, including the Peace Through Strength Award from the Army Aviation Association and the Distinguished Service to Soldiers Award for the U.S. Army.

Mr. Speaker, it has been an honor for me to serve and work beside BILL DICKINSON. I wish him well as he returns home to the great State of Alabama. BILL, I can speak for all of my colleagues; we will miss you.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Alabama [Mr. ERDREICH], and I would like to yield now to the newest member of the Alabama delegation from north Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I rise today to join my distinguished colleagues from Alabama in saluting Congressman CLAUDE HARRIS for three outstanding terms of dedicated service to this institution and the great citizens of the Seventh District of Alabama.

A driving force on the House Committee on Energy and Commerce and on the Committee on Veterans' Affairs, CLAUDE is a remarkable leader who has given Congress his experience and expertise. He is a champion for veterans and has led the fight against infant mortality in Alabama, the Southeast, and the country.

CLAUDE's service has been recognized by constituents and by prominent groups and organizations.

He was honored as Alabama 1990 Congressman of the Year by VOCAL and received the 1990 Service to Agriculture Award from Alabama Farmers Federation.

CLAUDE has received the National Security Leadership Award from the American Security Council Foundation and Watchdog of Treasury Awards for 1988 and 1989.

His impressive list of accomplishments includes the Eagle of Freedom Award from the National Security Council, the Alabama District Attorney's Association commendation for leadership, and the Alabama Forestry Commission and Volunteer Fire Departments Award for support to the enhancement of Alabama's wildfire response capabilities.

I can only echo the remarks of my colleagues when I say that CLAUDE HARRIS is a great man and a great Member of this institution. CLAUDE can be justly proud of his years of excellent service in Congress on behalf of his district and the entire Nation. He has a superb record of leadership in which he can take great pride.

As a freshman Congressman, I have leaned on CLAUDE for advice and strength. He has been a good friend and I will truly miss him.

However, I believe my colleagues will agree when I say that, while CLAUDE HARRIS may be leaving this institution, he has definitely left a mark on Congress and this country.

I proudly commend CLAUDE for his exemplary public service and wish him well as he returns to Alabama to embark on a new journey.

□ 2010

Mr. CALLAHAN. Certainly we all share your sentiments.

At this time I yield such time as he may consume or may want to consume to another Congressman and a great one from the State of Alabama, Mr. BROWDER.

Mr. BROWDER. Mr. Speaker, it is hard to follow the comments that have been made about our colleagues, CLAUDE HARRIS and BILL DICKINSON, as they will not be returning to this body. It is hard to follow those comments and say anything new. That is because CLAUDE HARRIS and BILL DICKINSON are well known to all of us and respected by all of us.

I met CLAUDE HARRIS about 6 years ago when he and I both were campaigning for office in Alabama. Our paths crossed a lot. I learned to respect him during that time, and I learned to respect him more as I served in Alabama and he served in the U.S. Congress.

But I really grew to appreciate CLAUDE HARRIS as a person and as a public servant when I joined him here in the U.S. Congress 3 years ago. CLAUDE and I participated in a lot of meetings, breakfasts, task forces, a lot of assignments together. Because we were both from Alabama, we both shared a lot of the same interests.

CLAUDE is known out here on the floor as the Judge. That is because of his experience as a prosecutor and as a judge in Alabama. We all looked to him for guidance on issues relating to law enforcement and our justice system.

But it went much beyond that. Every time an issue came up on agriculture or the National Guard, volunteer firefighters, a lot of issues, we turned to CLAUDE and we asked him, "CLAUDE, is this one OK? What about this one?"

He has had a tremendous influence on all of us here in the delegation. Not only on our votes, but on ourselves as persons.

The same is true of BILL DICKINSON. I have known BILL DICKINSON for 3 years. I served with him on the House Armed Services Committee.

BILL DICKINSON made tremendous contributions to our national defense, just as my predecessor, the late Congressman, Bill Nichols, did.

BILL DICKINSON not only made contributions to a strong national defense, but BILL DICKINSON has the courage and the insight to question our national defense when those questions need to be asked. I cannot recount for you all the times in our committees when BILL DICKINSON asked the probing question, the question that needed to be asked but that other people did not know enough to ask. He has really served this country and this delegation well.

Both CLAUDE HARRIS and BILL DICKINSON are ideals that the rest of us should follow, and it is going to be hard to—no, it is going to be impossible—for them to be replaced.

All I can say is that for CLAUDE and Barbara and for BILL and Barbara we all salute you, and you will be missed.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman and certainly share that.

Let me tell you, Mr. Speaker, I know it has caught a lot of Members by surprise, but through the grace of Congressman DORNAN from California, we are up a little bit earlier than when I anticipated. When I sent out the "Dear Colleague" to all Members of Congress and told then tonight I wanted to pay tribute to Congressman HARRIS as well as Congressman DICKINSON, I literally got dozens of calls from Representative ANNUNZIO, Congressman KYL, even Congressman DORNAN from California called, who said he wanted to say some kind words about BILL DICKINSON. Also Congressman ORTIZ, and it goes on and on and on.

We have already gotten permission for all of these Members to enter into the RECORD their comments about BILL DICKINSON, but I am sorry that they were probably caught by surprise and are unable to get here.

I am glad, Mr. Speaker, to have the opportunity to sort of lead this conversation tonight, this dialogue that we have been given the opportunity to present. I tonight stand with mixed emotions. BILL DICKINSON is a great friend, and I am going to miss him, but certainly he deserves retirement.

BILL DICKINSON first came to the Congress in 1964 during what they then called the Goldwater sweep, the Goldwater landslide—in south Alabama, anyway. Then he served in this body consistently and continually for 28 years.

BILL is a former veteran of the U.S. Navy and rose from a city court judge to the court of common pleas judge, a juvenile court judge, and a circuit court judge in Alabama. In all he has been in public service for over 40 years.

But I think most importantly, one thing that all of us should remember, is that it was BILL DICKINSON who was the ranking Republican on the Armed Services Committee during all of the military buildup of the Reagan and Bush years. It was BILL DICKINSON whose voice was heard representing the Presidents, representing the Pentagon. He was, I guess, the man most responsible from the Republican point of view for spearheading the effort to do what President Reagan wanted to do, and that was to prove to the world that the way to gain strength and to gain peace was through military might.

With the efforts of BILL DICKINSON and his colleagues on the Armed Services Committee, but certainly with BILL's leadership handling the administration's bill, we did rebuild the military might of the United States of America.

When we talk about the Patriot missiles and we talk about the sophistication of our Air Force and our Navy and we talk about world peace that we have now, when we talk about the end of the cold war and talk about the fact that the Berlin Wall has crumbled, somewhere in history it must reflect that BILL DICKINSON was there and one of the chiefly responsible people in the entire United States of America for making certain that the Pentagon had the adequate direction and resources to make this country the military might it was and is as he leaves us this year.

So I am going to miss him. He was my mentor. He was on the committee of committees, which is the committee here in Congress that determines where a Member is going to sit. I leaned on BILL, and he was instrumental in seeing that I got the best committee assignments that he could possibly get for me, and he was quite successful there.

His wife Barbara and he have visited in my home in Mobile. We have vacationed together. We have shrimped together.

□ 2020

I know a lot of people up here who think shrimp grow on trees, but we actually catch them, and we had an opportunity to go and spend many hours on the beautiful waters of Mobile Bay and that type of fellowship.

Let me tell the Members, I am going to miss him, the United States of America is going to miss him, certainly his district, who has leaned on him to make certain that the military installation that is the No. 1 chief economic factor of his district was preserved, and that Maxwell Air Force Base, Gunter Air Force Base, and Fort Rucker always received their fair share of representation.

As he leaves, my wife Karen and I join with our colleagues in wishing him the very best and wishing him a very relaxed vacation that he so richly deserves.

At this time, I yield to another colleague from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I rise today to join my distinguished colleagues from Alabama in honoring Congressman BILL DICKINSON for 28 years of excellent service to the Second District of Alabama and the Nation.

The senior Congressman, most commonly known as the Dean, represents a southeast district of Alabama, which includes our State capital, Montgomery, and three important military installations—Maxwell Air Force Base, Gunter Air Force Base, and Fort Rucker.

A ranking Republican for the last 11 years on the powerful House Armed Services Committee, Congressman DICKINSON has exercised great responsibility in shaping national defense issues. He was even chosen by President Bush to be his personal representative at the Paris International Air Show in 1989. The Reserve Officers Association of the United States presented BILL with their most prestigious award, Minuteman of the Year.

BILL DICKINSON'S impressive list of accomplishments is lengthy. It includes seeing aviation become a full-fledged branch of the Army and Fort Rucker becoming the permanent home of Army aviation; getting the Nation's eighth Trident submarine named after Alabama; transforming Gunter Air Force Station in Montgomery into an Air Force base; securing authorization for military aircraft to fly civilian traffic and accident victims to hospitals; and helping to establish an Air

Force School of Law at Maxwell Air Force Base in Montgomery and the Senior NCO Academy at Gunter. I commend and congratulate BILL on his life of exemplary public service. He has served his district, Alabama, and our Nation well.

Mr. CALLAHAN. Mr. Speaker, I yield to the person, ironically, we have been honoring tonight, the gentleman from Tuscaloosa, CLAUDE HARRIS. He, too, wanted to join with us tonight in saying some words of tribute to Mr. DICKINSON.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding to me.

I am in the unique situation, Mr. Speaker, of coming here and telling people "thank you for the good things you have said."

Also, tonight I want to note the end of an era in my State's political history and the end of an era of service in this House.

In 1964, for the first time since reconstruction, voters in Alabama sent Republicans to Congress. As a matter of fact they chose Republicans in five of the nine House districts we then possessed. BILL DICKINSON, along with Jack Edwards, John Buchanan, Jim Martin, and Glen Andrews were elected to the 89th Congress.

Martin left in 1966 to run for Governor, Andrews was defeated by the late Bill Nichols, but DICKINSON, Edwards, and Buchanan remained and ably represented our State for many years.

Now, with his retirement, BILL DICKINSON becomes the last of that pioneer group to leave the House. I am also told that he is the last serving Republican member of the class of 1964.

BILL leaves a visible legacy in our State and his contributions to our Nation's security through his service on the Armed Services Committee will be felt for years. BILL'S commonsense approach to the business of this House served all Members well during his tenure on the House Administration Committee.

On a more personal note, BILL has been a friend to me in a way that transcended political lines. In our delegation he exemplified a tradition of cooperation in pursuit of the interests of Alabama and our Nation.

We had much in common, having graduated from the same law school, and having both served as circuit judges before coming to the House. Now we have one more thing in common, we are both leaving the House.

BILL, I appreciate having had the opportunity to serve with you and I look forward to many years of comradeship in the future.

Mr. CALLAHAN. Mr. Speaker, I yield to one of our colleagues from North Carolina, the Honorable MARTIN LANCASTER.

Mr. LANCASTER. Mr. Speaker, I thank the gentleman for the opportunity to participate in the special order that the Alabama delegation has requested to honor two of my favorite people and two excellent and fine colleagues in the House.

CLAUDE and Barbara HARRIS came to Congress when Alice and I did, and instantly became good friends. We are going to miss them greatly, because we had opportunities to get to know them not only through service here on the floor of the House and in our committees, but also in other ways as well.

CLAUDE and I served together on the Committee on Agriculture for a while, during which time I learned of his great commitment to the agricultural economy of Alabama and this country, and was able to see that commitment at work every day as he served so ably on that committee.

We also had an opportunity to travel together on several occasions, and though travel for Members of Congress is often derided by political opponents, I saw in CLAUDE and Barbara HARRIS the kind of commitment to representing their country well when they are traveling in other lands that serves our country in such a magnificent way. CLAUDE and Barbara were always hard at work doing what was necessary to make clear to our host their commitment to a better relationship between our countries, always being willing to participate in events that to some might seem strange, but in foreign lands was expected by our host. He was conscientious in foreign travel just as he was in his committee assignments, and always both he and Barbara served as outstanding representatives of their Government.

As a member of the Committee on Armed Services, I had an opportunity to work with CLAUDE from time to time on National Guard issues. As the Members know, CLAUDE is a colonel in the Alabama National Guard, and his commitment to a strong national defense is not only unquestioned but is also unsurpassed. He was always talking with those of us on the committee to make certain that the National Guard as an institution received the support that it needed from Congress.

I also observed about CLAUDE something that I think should be observed more often in all of our colleagues; that is, a real struggle to make certain that on each vote he cast he was representing the views and interests of the people of his district. Oftentimes CLAUDE would be late in voting, and as he would wait and see others vote, it was obvious the great struggle that was going on in his own mind to make certain that the vote he cast was cast seriously and with an eye toward what was best for his constituents and what would best reflect their interests and views on the issues.

I have always had an opportunity as a member of the Committee on Armed Services to serve under the leadership of BILL DICKINSON as the ranking Republican on that committee. He and the gentleman from Wisconsin, LES ASPIN, as chairman of that committee were not only worthy leaders, but also represented, each in their own way, the views of their party on national defense issues, and oftentimes BILL would take positions in the interest of his party that, for members of the committee, would be difficult for us to follow, but we always knew that BILL was committed to doing what was best and that he was seriously considering the ramifications of his position and of his party's position on our national security.

I also had an opportunity with my colleague, the gentleman from North Carolina, CHARLIE ROSE, to travel to BILL'S district to have a hearing on peanuts, a program that is important to his district because of the large number of peanut farmers and the many acres of peanuts grown each year in his district.

On that occasion we had an opportunity on the night before the hearing to have dinner with many of BILL'S constituents. I came away impressed with the great affection that BILL DICKINSON enjoyed with his constituents, and knew when I came back that here was a man who did in fact enjoy the love and respect of his constituents.

I know that in both of these cases, with CLAUDE and with BILL, that their constituents will greatly miss the fine representation they have had from their Congressmen, but I am sure that in both cases they are going to be glad to have two very fine sons of Alabama back home where they will continue to make great contributions to their communities, to their State, and to their Nation.

□ 2030

Mr. CALLAHAN. I thank the gentleman. I certainly know Congressman HARRIS and Congressman DICKINSON as well appreciate very much those comments.

I would now like to yield to the gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Mr. Speaker, I thank the gentleman for yielding.

This is a very special time for me, and I appreciate being included in these special orders as we honor two fine gentlemen from Alabama. But I would like to focus my remarks on CLAUDE HARRIS, the judge, and let me tell you why.

I think the folks that we all remember the most in our lifetime are the folks that we meet at certain milestones in our life. CLAUDE HARRIS is one of those for me. When I was elected to the House of Representatives in 1986 and came to Washington, one of the first persons I met was a fellow classmate, CLAUDE HARRIS. From the time

of our orientation here in Washington until the time we were sworn in on the House floor, CLAUDE was a person that I felt that I was going to like, and was going to know better as we served together.

We are classmates, and we will always remember that class of 1986.

One of the things that stands out in my mind about CLAUDE is as we talk about families in America I think CLAUDE and Barbara are such a perfect example of an American family, a true American family. They have worked side by side in everything they have done. He would tell me quite often, "Well, you know, Barbara is at home this evening. She keeps the campaign records, and she's at home making certain that everything is ready for the FEC report." Or "Barbara had to go back to the District since I cannot be there, and she's going to represent me."

I just saw a real, true team in Barbara and CLAUDE HARRIS, a team that I know will continue to work together.

Another way that I have gotten to know CLAUDE that is very special, very special to me through a weekly meeting that we attend in the Congressional Prayer Breakfast. I have stood by CLAUDE, talked with him in those meetings and listened to him, and shared with him, and I know how important those Thursday morning meetings are to him.

I have also had the opportunity of serving on the Committee on Veterans' Affairs with him, and have appreciated his leadership as we talked about issues that affected our National Guard and all of our veterans. He has truly been a person that I could turn to and ask for advice on veterans affairs and on many other issues that face this House of Representatives.

To CLAUDE I would say as I think about the times we have shared, I suppose this week when we joined together in the Prayer Breakfast and we were called on to sing a hymn, a hymn, that many of us know so well, "Blest Be the Ties That Bind," it made me think of the tie that does bind us together as Members of Congress, all of us, but those very special ties that are there between classmates and friends. As we sang that hymn this morning, we sang the first and last verse, and the last verse alludes to parting and separating, and how it is sad that there are times that we must separate. But the last phrase of that last verse of "Blest Be the Ties That Bind" says, "But we shall meet again."

To CLAUDE and to Barbara, we are not going to say goodbye, but we are going to say blessed be that tie that binds, because we truly are going to meet again.

Mr. CALLAHAN. I thank the gentlewoman for those very beautiful words in tribute to our two colleagues.

I yield to our colleague from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Speaker, I thank our colleague from Alabama for taking out this special order to pay tribute to our two retiring Alabama Members whose colleagueship we treasure so much, BILL DICKINSON, the distinguished ranking Republican on the Armed Services Committee, and CLAUDE HARRIS, who I particularly want to honor tonight as a classmate, someone I have known since my first day in the House. As Mrs. PATTERSON and Mr. LANCASTER had already indicated, those ties that bind those of us who come into this institution together, and who learn the ropes together, and who give one another counsel and support, those are ties that mean a great deal to us.

CLAUDE has been a fine colleague, a supportive colleague, one who we could always call on and whose friendship we valued a great deal. CLAUDE, as has been said by others here tonight, came to this House from a distinguished career as a lawyer, a prosecutor, and a judge. He has put in many years of service with the Alabama Army National Guard. His first committee assignment in the House was the Agriculture Committee, where he displayed considerable expertise, on which all of us drew. He has served for years on the Veterans' Affairs Committee, making certain that we live up to our obligations as a country to those who have served us so well. And more recently he obtained a coveted spot on the Energy and Commerce Committee where he has continued to serve with great distinction.

I have particularly appreciated my association with CLAUDE in our German study group, which is a group of Members who share an interest in Europe and in German affairs. We took two trips together to West Germany at a very opportune time, first in 1989, when we visited Berlin, and then a little over a year later in 1990 when we visited Bonn, Berlin, and Budapest as part of an exchange with our counterparts in the German Bundestag. Those were exciting times. Those were times when the Berlin Wall was coming down, and when German unification was being realized, a wonderful time to be there. And that was an experience that we shared that I am sure neither of us will ever forget, a time when I came to appreciate this particular aspect of CLAUDE's interest and talent, that which has to do with world affairs. And he indeed, as Mr. LANCASTER has said, represented us very well, and working with the German study group was an important part of his service here.

CLAUDE is as hard working a Member as I know. He is not a man who demands the limelight, and he is not a man who seeks headlines. But he is a man who works very, very hard and conscientiously, and who looks out for his constituents, makes certain that their interests are protected. He is a dedicated public servant, a public servant in the full meaning of that term, one who puts the common good ahead of his own interests, and is willing to put in long hours and dedicated service in order that his district and the people of this country might be well served.

We regret very much that he is leaving us, largely due to the vagaries of redistricting in his home State. He is leaving us prematurely, I think many of us feel, but he is leaving us with 6 solid years of service to his credit. He is leaving behind many colleagues who are all better for having known him.

So I am happy to join here tonight in wishing CLAUDE HARRIS and Barbara the very best, and am looking forward to their continued contribution to our public life.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman, and once again want to thank the gentleman from California [Mr. DORNAN] for permitting us this opportunity to go before him tonight.

But before we close, I have two more speakers that I would like to yield a few minutes to, and one of those is the gentleman from California [Mr. DORNAN] who is going to talk about Congressman DICKINSON and Congressman HARRIS.

Mr. DORNAN of California. Thank you, SONNY. First of all, let me make an observation, with some envy. It is a joy to see the entire delegation of Alabama, of both our great parties with such a warm feeling of comraderie and such a special feeling for a retiring Member of the majority party in this House, and a leader in our Republican Party.

□ 2040

I only wish every State in the Union would feel that cohesiveness and unity that binds you Alabamians together.

You know, my dad took my brother and I on a tour through all of the Southern States. It was 1941. We were not in the Second World War yet. My dad was concerned that he might be reactivated even though he was about turning about 50 years of age, 49, and he took my older brother and I, left the little brother behind, and we went all the way through the South.

I can remember swimming in those big public plunges, those gigantic pools everywhere.

My dad said, "You know in World War I," to my brother Don and I, he said "I commanded a unit from South Carolina." He said, "Some of these boys were from the hills and had never worn shoes in their life." He said, "They complained about the shoes, but they never complained about combat or the freezing cold in France in the early spring. They never complained about the wounds and the combat," kind of like Alvin York from Tennessee, a Medal of Honor winner.

My dad said, "You know, as a first-generation Irishman from Newburgh,

NY, and New York City," he said, "I have always kept note when the South is being criticized that there are more Medal of Honor winners, more volunteers," and part of it came from wanting a good job after the War Between the States, which some of you still call the War of Northern Aggression, to find a decent way of life, so we had most of our cavalry units in what was then the wild, wild West with young Southern soldiers, Confederate officers who took the rank of corporal, and led some of the same men they led at Shiloh.

I have never forgotten, and I have found the same thing in my 6 years of active duty and many years in the Reserve and my eight trips to Vietnam as a journalist, that where you had men from the South, African-American descent, a lot of Irishmen down there in the hills of the South, Scotch-Irish, English descent, wherever you went in the South you found people that loved loyalty and tradition, and when I told our good friend, Jack Kemp, on this House floor that I did not think he could win the primary of 1988, he said, "Tell me why, Bob. I am a tougher conservative than the Vice President." I said, "The President will sweep the South because of loyalty. He has been loyal to Ronald Reagan, and they love Ronald Reagan," and a lot of conservative Democrats still call themselves Reagan Democrats. I said, "In addition to loyalty, the South loves tradition, and without a reason to dump the No. 2 man, the chief operating officer under the CEO, they are not going to dump George Bush," and I said, "On March 8 of 1988, you watch him sweep every one but one." And I will not tell you the one I did not think he would take. He took it. Well, I will tell you: It was AL GORE'S State. He took them all. It was on the Republican side.

I want to add about the special order for CLAUDE and BILL DICKINSON, my own work with BILL DICKINSON on the Committee on Armed Services, they called them these journals of record, these books, the almanacs and all the politicians, I have noticed that you can be guilty of heinous perversion and be described as a brainiac, as a sitting Member, but if you are a Republican leader on something like the Committee on Armed Services, and I was talking to Barbara Dickinson, they will put in something as incorrect and as cheap a shot as, "Not effectual, an ineffectual and nonsubstantial Member," or something like that.

What I heard today here confirms what I have always known about BILL DICKINSON. This man is a patriot, and for 28 years, following the Goldwater sweep, I like that term, Arizona and five good Southern States, that he has stood tall for the defenses of our country and for the standards, the quality of life, as Cheney has come to call it, and before we had that little simple expression, it was just how the men and women are making out in our armed services, and BILL always defended that.

He went through the terrible period after the Vietnam war where we began to create the same mistake we did after World War I and World War II, Korea, Vietnam, and here we were going to shut down the military as though Aristotle, or Plato, was an idiot when he said, "Only the dead have seen the end of war."

I am afraid that those ringing words of Plato, although I had a liberal Member on the other side say that Plato was a cynic, and, well, I am afraid he is correct. There may be a time again, maybe in the not too distant future, when a handful, hopefully only a handful, or maybe more than a handful of young men and women may have to go in harm's way, and BILL DICKINSON served during those years of a hollow army, when ships could not sail for want of spare parts, when planes could not fly, and the pilots' lives were in jeopardy because they were not getting enough flying time in the air. You get down to 8- to 10-hours a month in a supersonic fighter, you are saying your prayers every takeoff roll.

These years have been tough years. He enjoyed the fruits of President Reagan's 2 years of 1981 and 1982, but after that he has fought and fought and fought and fought in that conference to come up with a pretty darn good defense authorization bill. It is the first one I voted for in 5 years. This time I was able to vote for it, because BILL DICKINSON fought for the B–2, the B–1, F–16's, F–18's, for what is left of strategic defense, to hold off that errant, crazed missile by some Qadhafi or Saddam Hussein.

It has just been a real joy for me to get to know Barbara and serve with BILL DICKINSON, and see the quality on the floor of the Democrats from Alabama like CLAUDE, and I am sure glad, SONNY, that you took out this special order, and I am glad you are not going away.

Mr. CALLAHAN. Well, I am glad I am not going either.

Let me thank the gentleman very much for those kind words.

Mr. Speaker, I am going to yield in just 1 second to the gentleman from Pennsylvania, but just to close out some comments about Congressman DICKINSON and Congressman HARRIS, let me tell you, America is a better place because of both of them. As I mentioned earlier on in this conversation, the fact that BILL DICKINSON was the man who stood in this very spot and fought for the very programs that made this country and this world a better and safer place and made the United States of America the military might it is, and because of the fact that Barbara permitted it, and Barbara supported him, the world is a better place.

And when Congressman HARRIS' wife, and he is also married to a Barbara, the fact that Congressman HARRIS was here and that Congressman HARRIS, especially in the area of judicial matters, was so respected in this body, and both of these men are leaving this body not because of any check scandal.

Neither of them had the first check that was ever questioned. Neither of them have ever been questioned about integrity or honesty. They are two great individuals who have chosen to retire on their own from the Congress, and the people of the Untied States and this body are the ones that are going to miss them.

Mr. Speaker, I yield to my good friend and colleague, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I want to thank the gentleman for yielding.

Mr. Speaker, let me begin by adding my thanks to him for taking this special order tonight and also my thanks as a Member of this body to both CLAUDE HARRIS and BILL DICKINSON for their able service here.

I think the tributes to the colleagues here this evening are some measure of the kind of influence that they exerted in this body while they were here.

I appreciate the gentleman for yielding, because I missed by about 20 seconds, I am told, the tributes to my Pennsylvania colleagues who are retiring, and I would like to take a couple of minutes at the gentleman's indulgence to make a couple of comments about my Pennsylvania colleagues who are retiring this year.

GUS YATRON, LARRY COUGHLIN, JOE KOLTER, JOE GAYDOS, and DICK SCHULZE are all leaving this body this year. I would be remiss not to spend a few minutes talking some about their service here.

Mr. Speaker, I am going to remember GUS YATRON as being the embodiment of a good-guy Congressman. I served in a county where we shared a jurisdiction, and everywhere I went, people who did not necessarily share GUS' political philosophy would say, "He is a good guy, and he serves us well." I really found that.

I worked with him, and he was somebody that I always found to be a real friend, somebody that you talked to, somebody that you shared things with. He will be greatly missed here by this Member, because you do not find somebody who is truly a good guy the way GUS YATRON is very often.

I am going to remember LARRY COUGHLIN as being somebody who provided quiet and effective leadership in this body. LARRY is not one who often came to debate the issues. Obviously he did when he had a bill on the floor, but he was one who, behind the scenes, was very determined to make certain the right things were done, and he was willing to stand up and to battle in those areas where he believed change

was needed or where he believed that the forces of right needed a champion.

Mr. Speaker, he was extremely effective in that regard in this body. He has always been someone looked up to by other Members of Congress, because they knew they could count on LARRY for good advice, good counsel.

I am going to remember JOE KOLTER as truly a guy of his district and for his district. JOE KOLTER is one of these people who believed, first, that his obligation was to the folks back home, and he came here, and day in and day out represented their interests.

□ 2050

He did not necessarily talk a great deal on the big national issues. What he did was he felt out his district and he came here and he cast their vote in the Congress. You know, those kind of folks are sometimes few and far between in Congress, too, because they are people who are representatives in the truest sense of the word, in a kind of Burkean tradition of people who are truly agents of their district in Washington. That is JOE KOLTER.

I am going to remember JOE GAYDOS as somebody who was the very able leader of a very diverse delegation. Pennsylvania is a diverse State. It has great political diversity, cultural diversity, and has great political diversity. Our delegation was very much out of that tradition. We are a very diverse lot.

Yet there is a need from time to time to pull us together to do what is right for the Commonwealth. JOE GAYDOS was the dean of our delegation when the majority of members were Democrats. He shared responsibilities with JOE MCDADE during that time; when JOE became dean of the delegation, he shared those responsibilities with JOE GAYDOS.

The two of them helped weld us together.

JOE GAYDOS was very effective at that. He showed leadership in places like the Committee on Education and Labor, where he served, and, in a number of other places where he really put his mark upon legislation.

I am going to remember him as somebody who welded this diverse lot and really made Pennsylvania an effective presence in the U.S. Congress. I am going to remember DICK SCHULZE as a friend and as a neighbor and ultimately a fighter for many different causes in which he deeply believed.

DICK is somebody with whom I have shared a friendship because we, too, shared a county together that we represented. In that neighboring county we had a lot of opportunities to work together on behalf of issues that we both shared; farm preservation issues and a lot of things like that.

What I learned from DICK is what sometimes you have to dig your heels in and you have to fight for the things that you believe are important. DICK was very good at that. Sometimes he took on the big giants of the Nation, sometimes he took on the big institutions because what he was doing was something he thought was right.

I think that kind of fighting spirit is also something that is badly needed in Congress and very much exemplified by DICK SCHULZE.

I am sorry that the way the reapportionment in our State worked out basically deprived DICK of a district. I am going to end up with a large piece of the district that he had. I am determined to do my best to try to represent well the people that he served with such dedication. I am sorry he will not be with us, in large part because of that circumstance, but he is somebody who served the Commonwealth of Pennsylvania and the Nation very, very well.

I am going to, as I say, remember all these folks as people who made their mark in this body. I appreciate the gentleman from Alabama giving me the time to make these few remarks and add to the tribute of my other Pennsylvania colleagues earlier this evening.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman. That is going to conclude our remarks. But once again I cannot help but say to the people of south Alabama, especially the Tuscaloosa area, Dothan, Montgomery area, that I think something that would indicate some degree of appreciation for what these two gentlemen from Alabama have done, would be if you would just drop a note in the mail or a postcard to these retiring Members and say, "Thanks for a job well done."

Mr. MICHEL. Mr. Speaker, once again we find ourselves bidding farewell to a distinguished colleague and good friend. This time it is BILL DICKINSON of Alabama whose 12-year leadership as ranking Republican on the House Armed Services Committee helped to strengthen our National's security and bring about an end to the cold war.

During the 1980's, BILL played a major role in one of the greatest continuing national debates this country has ever seen, the debate over national security. From strategic weapons to battlefield readiness, from the cold war to the very hot war in the Persian Gulf, the House was split on major issues. Time after time, in committee and on the floor, BILL DICKINSON led the fight for a strong national defense, for Armed Forces whose morale was high, and for the proposition that in a tough world, the United States must be prepared to use force if necessary to protect our security, our values, and our interest.

As BILL retires, I am glad to join so many of our colleagues, on both sides of the aisle is saying: Well done, BILL. We will miss your leadership and your example.

Mr. SPENCE. Mr. Speaker, for 28 years as a Member of this body, BILL DICKINSON has been a mighty force for everything good and decent about our wonderful country. Now that he has decided to pass the torch, it hardly seems possible that a long and distinguished career is drawing to a close.

Over the years I had the privilege of working closely with BILL on efforts to promote a strong and capable national defense. BILL was one of the few who knew long before the demise of the former Soviet Union and the fall of the Berlin Wall, that strength and a commitment to national security are imperative toward the construction of any true and lasting peace. And it is in no small part due to this conviction that our Nation and its citizens no longer need to live with the fear instilled by the cold war.

In retrospect, our national security needs have changed greatly over the last few decades. We have participated in global conflicts, liberated countries suffering under repressive regimes, and have built truly remarkable and advanced defense systems. BILL was always aware, however, that regardless of the weapons, your troops are only as good as the individual soldier, and has championed legislative efforts on behalf of the men and women in our Armed Forces.

As ranking member, BILL DICKINSON has been an active leader in spearheading the policies which have resulted in our numerous military successes. He has witnessed the metamorphosis of our bipolar world to a global and vastly more complex world order. Throughout that time, he has served this institution with comity, dedication, and integrity.

Always a champion for the military, BILL guided us through some of the most contentious defense bills ever. His rock-solid leadership has earned him our admiration and our respect.

Although BILL upon his retirement will face challenges of a different kind, I wish him and his wife Barbara continued success, and my heartfelt friendship in the years to come. BILL, we are going to miss you around here.

Mr. SENSENBRENNER. Mr. Speaker, once again, we rise in this Chamber to pay tribute to another retiring Member of this great body. Congressman WILLIAM DICKINSON is retiring after 28 years of faithful service to the Second District of Alabama.

BILL DICKINSON'S dedication is reflected in his tiresome work on the Armed Services Committee, on which he has spent the last 12 years as ranking Republican. His expertise and tenacity to assure the United Sates maintains a strong national defense have been instrumental in shaping policy.

Clearly, BILL'S constituents are pleased with the work he has done by reelecting him as their representative since 1964. This constituency has been nationally assertive on civil rights and national defense issues and BILL DICKINSON has carried their concerns to Washington. He leaves behind a void that will be difficult to fill.

I take this time to extend my appreciation for his hard work and wish he and his wife, Barbara, all the best for what lies ahead.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize the many significant accomplishments of our esteemed colleague for 28 years, and a good friend. The gentleman from Alabama [Mr. DICKINSON].

As the ranking republican on the House Armed Services Committee for the last 12 years, BILL DICKINSON has used his expertise on military matters to greatly enhance the security of this Nation.

BILL DICKINSON'S consistent, wise advice and good counsel in matters concerning our national defense have always been very much respected and appreciated by me and I know by many of our colleagues. I have enjoyed the opportunity to have worked with BILL on several different issues.

BILL DICKINSON'S 10-year focus and dedication on the resolution of the cold war has contributed to the changed world we are experiencing today. His hard work has definitely not gone without notice.

His equal dedication to the people of his district and his State have also been a hallmark of his years in Congress, and deserve our recognition as well.

Mr. Speaker, I want to take this opportunity to thank our colleague Mr. CALLAHAN from Alabama for his leadership in initiating this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the gentleman from Alabama [Mr. DICKINSON], and join them also in wishing him all the best.

Mr. ROE. Mr. Speaker, I am highly pleased to join with my colleagues today to pay high tribute to BILL DICKINSON, the retiring dean of the Alabama congressional delegation and one of the great leaders in Congress during the past quarter century.

I also wish to express thanks to Representative SONNY CALLAHAN for arranging for this special order so we could honor BILL DICKINSON before the end of the 102d Congress.

BILL has been a great leader in Congress for many years because of his outstanding personal qualities of integrity, decency, and common sense. Those qualities, combined with his great energy and vast knowledge and expertise on military issues have made him a truly effective and valuable Member of Congress for the people of Alabama and the entire Nation.

He has been one of the chief architects of our Nation's defense policies while, at the same time, working to preserve and promote the military bases in his district as first-class facilities for the entire Nation.

BILL's work clearly gained the confidence of the President who appointed him as his personal representative to the 1989 Paris International Air Show and the Asian Aerospace '92 exhibition in Singapore.

BILL has received numerous awards from outside organizations for his outstanding congressional service. He has been the recipient of the Statesman Award from the American Conservative Union, the Congressional Appreciation Award from the Army Aviation Association of America, and the Distinguished Service to Soldiers Award from the Association of the U.S. Army.

He has also received the Peace through Strength Award from the American Security Council, the Defense Industry Medal from the American Defense Preparedness Association, the Nathan Hale Award from the Reserve Officers Association of Alabama, and the Minuteman of the Year Award from the Reserve Officers Association of the United States.

BILL had a distinguished legal career in Alabama before beginning his 28 years in Congress. After receiving his law degree from the University of Alabama, he practiced law in his hometown of Opelika. He also served as a judge on the Opelika city court, on the court of common pleas, on the Lee County juvenile court, and on the Alabama fifth judicial circuit. He was also a vice president of Southern Railway.

BILL and I have served together in this House for more than 20 years. His departure from Congress will be a loss for the State of Alabama and the Nation.

I am proud to salute BILL DICKINSON for his outstanding 28 years in Congress and I wish BILL, his wife Barbara, and their 4 children all the best in the future.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman BILL DICKINSON of the Second District of Alabama for his 28 years of outstanding service in the House of Representatives.

Mr. DICKINSON and I both arrived here in Washington at the start of the 89th Congress, and since then I have had the privilege of serving with him on the House Administration Committee, where he is currently the longest serving Republican on that panel. I have witnessed firsthand his diligent and astute work and have benefited from his legislative input over the years.

On the Armed Services Committee, Mr. DICKINSON has risen to the position of ranking minority member, and has worked hard to provide economic support for the several military installations in his district. The American Security Council, the Army Aviation Association, and several other related organizations have recognized the work he has done for the defense of our country, and awarded him numerous citations, medals, and awards.

As he retires from a long and fruitful career in Congress, I wish BILL DICKINSON the best of luck and happiness for the future.

Mr. QUILLEN. Mr. Speaker, I am pleased to be able to rise with my colleagues this evening to wish a fond farewell to my good friend from Alabama, BILL DICKINSON.

BILL has served with distinction as a Member of the House since the 89th Congress, following a distinguished career as an attorney, a judge, and a railroad executive. In addition, since 1981 he has been the ranking Republican member of the House Armed Services Committee, one of the most important committee assignments in Congress, where he has served with distinction.

The Armed Services Committee has long had a reputation as one of the most bipartisan in Congress, and BILL DICKINSON exemplifies this spirit. BILL has always been one of the most honest and fair-minded Members of this body. His pivotal leadership on defense issues during the Reagan administration helped America win the cold war and has kept our Armed Forces strong enough to deter aggression in the changing times that have followed. However, BILL has never been one to hog the spotlight, so most Americans will never know what a great debt they all owe to BILL DICKINSON.

Mr. Speaker, BILL DICKINSON's sound advice and ready assistance have always been there for other Members of this House. As he leaves us, I wish to take one last opportunity to bid him farewell and to thank him for a job well done. BILL, we will all miss you and remember you fondly.

Mr. ORTIZ. Mr. Speaker, I join my colleague from Alabama [Mr. CALLAHAN], to salute, and to thank, the very distinguished gentleman from Alabama, BILL DICKINSON. I thank the gentleman for arranging this special order so we can all thank the ranking minority member of the House Armed Services Committee, a committee on which we both serve.

Politics can be a bitterly partisan game, if one would believe all stories told about us. But partisan differences aside, I can say flat out that BILL DICKINSON is my friend, and an outstanding statesman. Over the years we have both watched partisans on our committee fight over pieces of legislation—but when it came to matters of national security, BILL and I joined forces to ensure that the United States remained prepared militarily.

If Members of Congress were left to our own devices, we might not have the opportunity to forge a friendship like the one BILL DICKINSON and I have made. Many times, Members are criticized for time spent examining our bases and our national security assets around the world. This is a necessary duty of those of us who are charged with maintaining the level of security for our Nation. This duty is accompanied by an almost necessary bonding between the members of the committee in another land. BILL DICKINSON is a man with whom I have spent much time, and shared many laughs during this tour of duty for House Armed Services Committee during our tenure on the committee.

When House Armed Services Committee members came down to inspect the Naval Air Station at Ingleside, TX, adjacent to my congressional district, the distinguished gentleman from Alabama [Mr. DICKINSON] joined us, amidst his other duties. His advise, his counsel, and his support were invaluable in the legislative maneuvering of securing Naval Air Station Ingleside. Thank you, BILL.

We will all miss your wisdom, your humor, and the political savvy you brought to all of our deliberations and our duties. I will not say goodbye to you—I will merely say, godspeed, and invite you to visit when you are back in town. Muchas gracias, mi queido amigo!

Mr. MAVROULES. Mr. Speaker, I rise today to join my colleagues in saluting the outstanding career of my good friend BILL DICKINSON. Since 1964 BILL has served in the House with great distinction. For the past 12 years, I have had the honor to work with BILL on the House Committee on Armed Services. Within Armed Services, BILL has worked closely with his colleagues on both sides of the aisle to mold our Armed Forces into the world's best and brightest combat force. The recent victory in the Persian Gulf indicates the level of success that we have achieved since the sordid days of hollow force, Pentagon waste and abuse, and DOD supplier fraud. As the ranking minority member of the committee during the past 12 years, BILL has played a key role in the accomplishments of the Armed Services Committee.

But I also want to point out that BILL DICKINSON's success goes beyond his official duties. BILL has been a true friend to myself and numerous colleagues. The friendships that he has forged go beyond party lines—a difficult achievement in light of the partisan environment of Capitol Hill. With BILL's retirement, this

House is losing one of its brightest minds and hardest workers.

Mr. CARR. Mr. Speaker, I rise today to pay special tribute to CLAUDE HARRIS, the Congressman from Alabama's Seventh District. When this Congress closes, we will be losing one of the most honorable and caring legislators to grace these halls. While CLAUDE is leaving the House in person, his spirit, one of absolute integrity and honesty, will remain.

CLAUDE worked in Alabama's sixth circuit court for 8 years, serving as presiding circuit judge for 3 years. While there, he helped implement a complete revision of Alabama's legal and judicial system. CLAUDE brought that same earnest dedication to fair play with him to the House. He has worked tirelessly on behalf of our Nation's veterans and has helped to bring the issue of infant mortality into the spotlight.

CLAUDE has been a friend of mine for several years and through our contact, I have seen firsthand the actions of a man devoted to helping others. In a time when personal success is too often built upon the misfortunes of others, CLAUDE has constructed a career out of caring. His personal involvement and outstanding dedication have helped many, many people over the years. He will be sorely missed, but CLAUDE should know that his actions will serve as a model to us all.

Mr. BENNETT. Mr. Speaker, I do not remember a Member of Congress coming here with more achievement in a few terms than CLAUDE HARRIS. Though he has not been with us for that many years he served in a leadership capacity which speaks eloquently for him and also for his constituents who sent him here. He has taken a strong stand for our Nation's defense, its economic opportunities, and for humanitarian causes which have been passed by Congress with his effective help.

CLAUDE HARRIS, in 6 short years in Congress, has established a record of which he can well be proud and all of us wish him every happiness in his new endeavors. Our good wishes extend not only to him but to his fine family whose friendship we have so well enjoyed.

Mr. STENHOLM. Mr. Speaker, I wish to join my colleagues in paying tribute to Judge CLAUDE HARRIS, the distinguished Member from the Seventh District of Alabama, upon his departure from this body. Since he first came to the House of Representatives in 1987, Congressman HARRIS has truly set himself apart. His voting record reflects the character of a man devoted to those he serves and it has been a pleasure to work with him.

Because of his legal expertise, I have often turned to him for his thoughts on legislation relating to crime and other important issues. His assistance with health care and budget legislation has been particularly invaluable.

The people of Alabama were fortunate to have had CLAUDE represent them for the last several years. I join my colleagues in wishing him and his family the very best for the future. He is a good friend and he will be missed.

Mr. MAVROULES. Mr. Speaker, I rise today to salute the distinguished career of CLAUDE HARRIS. His service in the House caps a career that has been dedicated to serving the people of Alabama.

As a member of the Veterans' Affairs Committee, CLAUDE has been an outstanding supporter of veterans rights, providing vital leadership to the House on this important issue. This House will surely be losing one of its tireless and most effective workers with CLAUDE's retirement.

Mr. CLEMENT. Mr. Speaker, it is an honor to join my colleagues in wishing CLAUDE HARRIS our very best on his retirement from the House of Representatives.

I know the decision to retire was not an easy one for CLAUDE. He rightly took pride in the service he rendered the citizens of Alabama's Seventh Congressional District. He was a conscientious legislator and has many accomplishments to his credit. His intellect and diligence will be sorely missed here in the House.

More importantly, CLAUDE has been a friend to me and many others in this institution. He is well known for his personal gestures, whether it is just saying hello, offering advice, or listening to one's concerns.

I know CLAUDE will do well in his next undertaking. Whether he returns to Alabama or stays here in Washington, CLAUDE will continue to serve his fellow citizens. And I look forward to hearing news about his work, if not seeing him on what I hope will be his frequent visits to the Capitol.

My best to CLAUDE and his wife, Barbara. And I also want to commend CLAUDE on his fine and friendly staff whom I had the pleasure to come to know.

Mr. MONTGOMERY. Mr. Speaker, I want to thank our colleague, TOM BEVILL, for taking this time to honor the gentleman from Alabama, CLAUDE HARRIS. I met CLAUDE and his wife Barbara in Livingston, AL, when he was running for Congress for the first time. We became close friends and have remained close over the years we have served together.

CLAUDE fit right into the routine here in Washington very quickly. He learned the system and became involved, especially on veterans issues. He joined the Veterans' Affairs Committee and has always had a strong commitment to helping the Nation's veterans. You could always count on CLAUDE to come to all of our committee meetings on time and to contribute greatly to the shaping of legislation to benefit veterans.

He sponsored and helped pass legislation to extend national cemetery burial eligibility for certain National Guard and Reserve personnel and he also was instrumental in crafting the bill to provide eligibility for veterans housing programs for members of the National Guard and Reserve.

As a former judge and a colonel in the National Guard, CLAUDE has helped bring a commonsense approach to the discussion of bills relating to judicial matters, the National Guard and Reserve, and veterans issues.

He has made a great contribution in the short time he has served in the House. We all will miss CLAUDE HARRIS but we wish him and his family all the best in his future endeavors.

Mr. DICKINSON. Mr. Speaker, when RICHARD SHELBY decided to leave us in the House and move over to the other body, Judge CLAUDE HARRIS decided to take his seat after spending some 21 years in the judicial branch. CLAUDE spent those 20-odd years as an assistant district attorney and State circuit judge in the town where I lived as an undergraduate and law student at the University of Alabama. CLAUDE has also served his country in the Alabama Army National Guard as lieutenant colonel and has been an active member since 1967.

It has been a pleasure to work with CLAUDE HARRIS. He is a sincere and energetic legislator who has pursued a wide legislative agenda with thoughtfulness. From health issues to energy policy, his hard work and leadership have been low key but effective. Whatever avenue he decides to follow, I wish CLAUDE and his family all the best, and continued success.

Mr. HUTTO. Mr. Speaker, I am grateful for the opportunity to participate in this Special Order for our departing colleague, Congressman BILL DICKINSON, who will be retiring from the Congress at the end of this session.

Congressman DICKINSON and I have adjoining districts. The northern boundaries of my northwest Florida district abuts with his south Alabama borders. As a matter of fact, I was born and raised in the district that BILL represents and many of my relatives are still there around Ozark, AL. I know that BILL DICKINSON, who has served in the House since 1964, is much appreciated for his service to the people of Alabama and particularly to his constituents in south Alabama where Fort Rucker is located. This is territory that is very familiar to me since I sold papers at Fort Rucker when I was in high school and later worked at the PX there.

Ironically, it was a matter relating to Fort Rucker that caused me to become better acquainted with BILL. In 1979, BILL was seeking to add Navy undergraduate helicopter pilot training to Fort Rucker, AL. This was a problem for me since the helicopter program would have been moved from my District to his. Although this was quite a battle, it was friendly competition between the two of us. Later, when I was able to get on the Armed Services committee, BILL and I worked together for many years in providing a strong defense for our Nation. He, as the ranking minority member of the committee, is well recognized as a leader on defense matters and I appreciate his dedicated service to our Nation.

BILL DICKINSON, besides being a very knowledgeable person on the issues, is a person with a great sense of humor who relates well to others. We will greatly miss him on the Armed Services Committee. As he leaves the Congress I want to wish him and his family God's richest blessings in his retirement.

Mr. HUTTO. Mr. Speaker, I rise to pay tribute to CLAUDE HARRIS, one of our many colleagues who is retiring from the Congress at the end of this session. Although CLAUDE has been with us for a relatively short time of 6 years, I am pleased that I have had the opportunity to know and work with CLAUDE HARRIS during this period. CLAUDE has been very active in our conservative Democratic forum on many issues that affect our Nation. Likewise, he has done good work on the committees on which he has served, including the Veterans' Affairs Committee for a number of years and, more recently, on the Committee on Energy and Commerce. CLAUDE is very sensitive to the needs of our Nation and to the people of the Seventh Congressional District in Alabama.

Congressman CLAUDE HARRIS was a distinguished attorney and, prior to coming to the

Congress, was an outstanding judge in Alabama. He has a long record of distinguished public service. CLAUDE HARRIS has been active in his attendance at the weekly prayer breakfast here in the House, and his dedication to God and country is evident to his colleagues as well as his constituents back home.

CLAUDE has been diligent in working to serve people and I am sure that he will continue to pursue public service in some way when he concludes his service here in the House at the end of the 102d Congress. CLAUDE HARRIS will be greatly missed by all of us here in the House. I want to take this opportunity to wish him, his wife, Barbara, and their family much happiness and God's richest blessings as they return to Alabama.

Mr. PANETTA. Mr. Speaker, I would like to pay tribute today to my esteemed colleague and friend, CLAUDE HARRIS. It has been a pleasure to work with CLAUDE over the past 6 years. The people of Alabama's Seventh District can be proud of the sound judgment and personal integrity CLAUDE exhibited in his service in the House of Representatives. His distinguished record of public service, starting as a prosecutor for the Alabama district attorney, has been characterized by CLAUDE's selflessness, generosity, and personal dedication to the common weal.

CLAUDE's work on the Committee on Energy and Commerce and the Committee on Veterans' Affairs in particular contributed to the resolution of several critical issues affecting veterans, health care for newborn infants, and other groups. In every discussion, every venue, his judicial temperament and good humor leavened the politics of the day in his characteristically constructive way. He will be missed by his colleagues. He is a testament to the good will of the people of Alabama, whom we can thank for electing him to join us. Once again, it has been a true pleasure and privilege to work with CLAUDE, and I wish him and his family all the best in all their future endeavors.

Mr. WOLF. Mr. Speaker, I rise today to recognize the fine service of one of our colleagues, Representative WILLIAM DICKINSON, who is leaving the House following the conclusion of the second session of the 102d Congress.

For almost three decades, BILL has been a hard-working and devoted representative for his constituents in the southeastern part of Alabama. BILL came to Congress in 1964 following a career as a lawyer and judge, and has earned the well-deserved reputation among his colleagues as a superb legislator concerned about his constituents and our Nation.

As the ranking Republican on the House Armed Services Committee, BILL was instrumental in the implementation of Reagan-Bush defense policies which helped win the cold war and bring freedom and democracy to millions around the world. He did this while maintaining a strong sense of fiscal responsibility and understanding the need to build up our Nation's defense and military while at the same time avoiding expensive and wasteful pet and porkbarrel projects. His leadership and wisdom will be sorely missed.

I know I join many of my colleagues as I thank BILL for all his dedication and service over the last 28 years and wish him all the best as he begins his retirement.

Mr. RINALDO. Mr. Speaker, I rise today to pay tribute to our distinguished colleague, and my dear friend, CLAUDE HARRIS.

First elected to Congress in 1987, CLAUDE has provided very able service to the people of Alabama's Seventh Congressional District. It has been a pleasure working with CLAUDE on the Energy and Commerce Committee, and he has also provided very diligent service to our Nation's veterans on the Veterans' Affairs Committee.

CLAUDE attended college at the University of Alabama, and later received his law degree from the University of Alabama School of Law. He entered service with the Alabama National Guard in 1967, rising from the rank of private to colonel, and continues to serve today with the Judge Advocate General Corps.

From 1965 to 1976, CLAUDE was a prosecutor with the district attorney's office in Tuscaloosa, and later became a circuit judge, serving from 1977 to 1985. In this capacity, he worked to implement the new Judicial Article of the Alabama Constitution, the new Criminal Code, and the Revised Alabama Rules of Civil Procedure, which, taken together, represented a complete modernization of Alabama's judicial and legal system.

Despite an active public service career, CLAUDE has made time for community service as well. He is a member and past president of the Tuscaloosa Exchange Club; a volunteer with the Tuscaloosa Spouse Abuse Network; a member of the American Heart Association; active in local efforts to assist the homeless in Tuscaloosa; a Sunday school teacher at the Forest Lake Baptist Church; the director of the Tuscaloosa division of the American Red Cross; an Advisory Board Member, Salvation Army; and served as the board chairman, West Alabama Easter Seal Rehabilitation Center, from 1985 to 1986.

CLAUDE has also been honored for his work in Congress by VOCAL, the Alabama Farmers Federation, the American Security Council, the National Security Council, the National Taxpayers Union, the Alabama District Attorney's Association, and the Alabama Association of Conservation Districts.

CLAUDE will be departing at the end of the 102d Congress, but he will leave behind a fine legacy of achievement from his service in the House of Representatives. He has honored this institution by his work, and I want to extend my very best wishes to him, his wife, Barbara, and their two sons.

Mrs. MORELLA. Mr. Speaker, I wish to pay tribute to Congressman CLAUDE HARRIS, of Alabama's Seventh District. He has been a conscientious Congressman and colleague who has worked on many issues of national importance. I regret the American people will no longer have the benefit of his leadership.

Arriving in Congress after having been a judge, Congressman HARRIS became a member of the Veterans' Affairs and Energy and Commerce Committees. He has been a strong supporter of our veterans and has worked to bring attention to the high infant mortality rate. He supported the 1990 Civil Rights Act and worked to pass the family and medical leave bill.

As a colleague and legislator, Congressman HARRIS will be missed. He has exercised reason and moderation and represented his district well. He and I were elected to the 100th Congress and shared orientation experiences. Our friendship developed—built on respect, a sense of humor, and perspective. I will miss my good friend, CLAUDE HARRIS, and I offer him my best wishes for success with his future plans.

Mr. HORTON. Mr. Speaker, I want to pay tribute to BILL DICKINSON who will be retiring from the Congress at the end of the year. BILL DICKINSON has served this Nation with distinction as a Member of this body for 28 years.

Through his position as ranking Republican of the Committee on Armed Services, BILL DICKINSON has played a key role in making our Nation's Armed Forces the best in the world. BILL DICKINSON's leadership in this area showed real results in the Gulf war. Our fighting men and women were able to defeat a large, well-equipped, battle-hardened Iraqi Army because of excellent training and superior technology. Our Armed Force's stunning success is a testament to BILL DICKINSON's tireless leadership of the Armed Services Committee throughout the years.

And though the Congress tends to get little credit for successes such as Operations Desert Shield and Desert Storm, we who participate in the legislative process know of BILL DICKINSON's contributions. When the history books are written on the Gulf war victory, many will point to the military buildup of the 1980's as one reason for the stunning victory. It is my hope that the historians will also take note of the man who led those efforts here in the House, the gentleman from Alabama, BILL DICKINSON.

My wife, Nancy, joins me in extending our best wishes to BILL DICKINSON and his family. We wish him the best of luck in all of his future endeavors.

Mr. JENKINS. Mr. Speaker, I would like to join the members of the Alabama Delegation and the others who have come to the floor to lament the retirement of and to praise our colleague, CLAUDE HARRIS.

As the 102d Congress draws to a close and CLAUDE and I prepare to leave our service here, he after three terms and I after eight terms, I did not want to miss the opportunity to tell him publicly how much I have enjoyed our association, both personally and professionally. People of the stature of CLAUDE HARRIS command respect, no matter where they choose to serve. And he certainly has commanded respect here from me and other Members of this House.

He came to us from the judicial branch of government where he served as an assistant district attorney and a circuit judge. For many, crossing to the legislative branch would have been difficult, and adjusting would have taken too long to be effective. But the judge showed us the exception rather than the rule.

CLAUDE HARRIS is a unique legislator, one of a kind. He is effective, first of all, because of his honesty and, second, because he is persistent. Third, he is a continuous advocate for the people of the Seventh District of Alabama. His reason for being here is to represent his constituents.

Our country will be well served if those who follow in this body are of the caliber of CLAUDE HARRIS and choose to follow in his footsteps.

TRIBUTE TO NEW JERSEY'S RETIRING MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. HUGHES] is recognized for 60 minutes.

Mr. HUGHES. Mr. Speaker, let me first thank our colleague, the gentleman from California [Mr. DORNAN], for deferring to me. It was kind and generous of him to do that. I appreciate that very much.

Mr. Speaker, tonight I rise to pay tribute to four of New Jersey's finest public servants, four men who have served our country, their native State, and their congressional districts with great honor and distinction over the years that they have served in Congress. I am talking about Congressmen BOB ROE, MATT RINALDO, BARNEY DWYER, and FRANK GUARINI.

Congressman BOB ROE is one of New Jersey's true giants, a man who has served this House and the people of the Eighth District of New Jersey with great dignity for 23 years.

BOB ROE is truly a classic. His hard work and dedication are legendary. BOB's reputation as a hard-working, fair, and effective Representative is well known and well deserved. It was under his guidance that we saw the passage of the Intermodal Surface Transportation Efficiency Act, our most comprehensive and innovative infrastructure legislation.

Indeed as chairman of the Science, Space and Technology Committee and during this term as chairman of the Public Works and Transportation Committee, BOB ROE has crafted far-reaching and landmark legislation that will leave a lasting imprint on America's landscape and people.

BOB's career as a public servant spans several decades. Prior to being elected to Congress, he served as the New Jersey Commissioner of Conservation and Economic Development, which we now know as the Department of Environmental Protection. He also served as director of the Board of Chosen Freeholders of Passaic County, and as mayor of Wayne, NJ.

While I am sure that the people of the Eighth District greatly appreciate BOB and all of his efforts, we in southern New Jersey owe him a special debt of gratitude as well. During his time in office, BOB and I joined forces several times to work for the betterment of southern New Jersey. One of our most important battles and greatest successes was ending the decades old discrimination against south Jersey when it came to the allotment of Federal highway funds. BOB was also very helpful in forming the South Jersey Economic Development District. This development gave Atlantic, Cape May, and Cumberland Counties the opportunity to look beyond their boundaries and become a competitive economic force.

To BOB the Congress means a lot; to all of us who know BOB, he means a lot. Indeed, when I first came to Washington it was BOB to whom I looked for support and confidence. I don't know if BOB ever realized just how much he meant to me. It is with great sadness that I stand here tonight and wish farewell to a good friend and a great Congressman.

Mr. Speaker, I also join with my fellow colleagues in recognizing the many accomplishments of my friend MATT RINALDO who has served this body well for 19 years. His advocacy for the people of New Jersey has been tireless.

Over the years MATT'S contributions have been numerous. His spirit of cooperation and rare ability to forge workable compromises have been a tremendous legislative asset to MATT. As the ranking member of Commerce Subcommittee on Telecommunications and Finance, MATT has endeavored to protect the consumer on a wide variety of issues, from seeking to reduce cable television rates, to preventing unsolicited automated telephone sales calls. His legislation to increase the strength of securities and exchange commission provided much needed confidence to investors in the late 1980's.

As chairman of the Subcommittee on Retirement Income and Employment I have had many opportunities to work with MATT who is the ranking member on the Select Committee on Aging. His concern for the needs of older Americans is genuine and his dedication to protecting the integrity of Social Security for present and future generations is vitally important to all Americans. His leadership has been invaluable to the committee.

MATT RINALDO has effectively served the people of New Jersey with distinction for almost 30 years. In the State Senate, he was highly regarded, and the same is true of his record here in the Congress. His constituents will miss his dedication, and so will the Members of this House. As he leaves Congress, I wish him well in whatever new challenges lie ahead.

Mr. Speaker, I also rise today to pay tribute to my friend and colleague, BARNEY DWYER. After 12 years of exemplary service in this House and an extensive record of accomplishment in New Jersey State government, BARNEY has announced his retirement. New Jersey will surely miss his dedication and leadership.

Representing our State on the Energy and Water Appropriations Subcommittee. BARNEY has worked tireless on issues of importance to New Jersey residents. I had the opportunity to work with BARNEY on the development of the recently approved network of undersea research centers around the United States, including a center at Rutgers University in New Jersey. As a result of Rutgers selection, New Jersey will play a key role in future scientific research in the fields of marine pollution and ocean floor and mineral resource studies.

I am also grateful to BARNEY for his work in helping me to secure funding for dredging our waterways and restoring New Jersey beaches. Providing full, expansive beaches for our residents and tourists to enjoy is vital to southern New Jersey, as tourism represents our number one industry. BARNEY'S assistance in obtaining funding for the Army Corps of Engineers' beach restoration projects was essential.

BARNEY is a wonderfully quiet, kind and caring loving being and a good legislator. He has served New Jersey's Sixth District with distinction. I am proud to call him my friend. I join with the House in expressing my sadness at his departure and my best wishes for success in all of his future endeavors.

Mr. Speaker, FRANK GUARINI has ably served the people of the 14th Congressional District and the people of New Jersey for 14 years.

As the only New Jersey Representative on the Ways and Means Committee, FRANK has played an important role in assuring that the people of New Jersey are well represented on tax matters. As a senior member of the Budget Committee he has worked hard to assure that tax dollars are spent wisely. FRANK has been a strong advocate for responsible government spending while being careful to protect vital community development programs.

One of Frank's greatest concerns has been fair and equal trading policies. He cochaired a congressional Friends of the Caribbean Basin and he supported the United States-Canadian Free-Trade Agreement. However, he has been quick to step in when he felt that trade agreements were not in the best interest of this Nation.

From 1965 to 1972 FRANK also served as a State Senator. During his tenure in the State Senate, New Jersey saw the implementation of some of the toughest air and water pollution control laws in the Nation. His deep dedication to this House and to the people of the 14th District of New Jersey has been unwavering.

It is with great sadness that I bid farewell to my friend and colleague FRANK GUARINI. Yet, I am pleased that he will now be able to pursue whatever challenges lay ahead.

□ 2100

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield for just one second?

Mr. HUGHES. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, was the gentleman going to mention his service at Pearl Harbor?

Mr. HUGHES. I am going to mention that.

Mr. DORNAN of California. I do not want to step on the gentleman's pres-

entation. I just thought the gentleman was going to go to another one of your distinguished colleagues.

Mr. HUGHES. The gentleman may go ahead.

Mr. DORNAN of California. Well, I had the honor of sitting right there with Congresswoman BARBARA VUCANOVICH and some others, FRANK GUARINI of your own State, you will be mentioning soon, on the memorial midships of the USS *Arizona*, still a United States ship of the line, although it sits in the mud at the bottom of Pearl Harbor. BARNEY had his grandson with him, and to look at Pearl Harbor through the eyes of his grandson at his hero grandfather who had been on the deck of the second ship to steam out of Pearl Harbor and actually get out to sea, and while they were doing it it rammed the only midget submarine that actually got in the harbor and started into action against some of our moored ships. I am trying to think of the name of the ship. I think it was a good Irish name like Monahan or the Dale, one of those two, but it shows that this particular Congress, and certainly the next one, is the passing of a generation of heroes. You and I were in school, just teenagers, as in BARNEY's case. There at Pearl Harbor, they won, and fought all the way through that war, never knowing how long it was going to take. I was going to make reference to President Bush at Pearl Harbor on that memorial on December 7 of 1991, and it just occurred to me that it was a delight to be there with one of the sons of America who had looked out through a porthole on that Sunday morning and seen the very beginning of our entrance into World War II. It was good being with that good Irish New Jersey son.

Mr. HUGHES. Thank you, BOB. From somebody who has had a distinguished military record, that is a real tribute to BARNEY DWYER.

Mr. Speaker, I am happy to yield to my colleague, the gentleman from New Jersey [Mr. ANDREWS], the newest Member of the congressional delegation from New Jersey, and I want to say an up and rising star who has developed already in just 2 years an enviable reputation.

Mr. ANDREWS of New Jersey. Mr. Speaker, I thank my friend and colleague for yielding to me.

Mr. Speaker, as my friend and colleague, BILL HUGHES, has just said, this is something of a bittersweet experience for us tonight. It is a good experience in that we have a chance to say some things and pause for a few minutes and thank four honored and trusted and respected colleagues and to tell the Members of this body about their accomplishments. It is a bitter experience because we will miss them as human beings and as colleagues and as Representatives of this country.

I have the benefit of a rather unique perspective, as Congressman HUGHES just said, being very new here. I have the perspective of having an outstretched hand and help from these four experienced, mature and distinguished colleagues, who helped me very much in my first 2 years here, and also perhaps I had a fresh perspective to see anew how much they are contributing to our country, to our state and to this institution.

I thought maybe the best way for each of us to understand the contributions that our four colleagues have made is to think about things that will happen in our state and in our country tomorrow morning as the result of the efforts they have made.

Tomorrow morning there will be thousands of students go to Rutgers University in New Jersey at its three campuses. Each one of them will be enriched because of the work that BARNEY DWYER has done in the area of education. From his seat on the Appropriations Committee and from his seat in this Chamber, he has advocated responsible, necessary and valued investment in higher education that has benefited not only New Jersey, but students across the country.

There are buildings, there are scholarships and there are programs that New Jersey students will enjoy tomorrow morning because of his efforts, and we are very grateful to him for that.

Across the country tomorrow there will be navigation taking place on rivers. There will be cleaner rivers. There will be economic development taking place and ports along rivers because of BARNEY DWYER'S work on his subcommittee.

He represented the people of central New Jersey with great commitment, but he did not limit his efforts to the people of New Jersey or central New Jersey.

He has been fair-minded and foresightful and objective in serving the interests of people all across our country.

I would echo the words of BILL HUGHES a few minutes ago that if the caricature of elected officials and public servants is that they are flamboyant, boisterous and always quick to take credit for someone else's achievements, BARNEY DWYER was the precise opposite, not flamboyant, not looking for attention or acclaim, and not quick enough to take credit for his own achievements.

Mr. Speaker, on behalf of my constituents and myself, I want to give him that credit for those achievements tonight and tell him how much we appreciate all he has done.

FRANK GUARINI, tomorrow morning people will go work in a rejuvenated Jersey City in Hudson County. Very unfairly around our state and perhaps even around the country, Hudson County and Jersey City have been the butt of inaccurate jokes over the years. People talk about Hudson County being the wrong side of the river. We know that it is the correct side of the river, that it is a growing and dynamic and worthy community, and FRANK'S work in this Chamber has played a major role in making that happen at home.

□ 2110

Mr. Speaker, his work on the Committee on Ways and Means has helped to write laws and establish policies that have brought many new businesses and new housing to Hudson County and Jersey City.

Mr. Speaker, I will tell a story that he told on himself that is meant to be a humorous one, and it shows how his reputation has enriched our State and this body.

A few months ago, Mr. Speaker, we had something we rarely have here called a teller vote, and I know my colleagues know what this is, but it is a vote where, instead of voting by electronic device, we literally walk down the center aisle here, and, as each person passed by the teller, they are counted as a yes or a no. I assume it does not happen very often. It has only happened once during my tenure here.

I was sitting next to FRANK GUARINI before we had made that vote, and he and I both voted yes on whatever the issue was, and I had walked behind him, and we had been both counted by the teller, and he sat down, and I sat down, and he got up again. I said, "FRANK, where are you going?"

He said, "I'm from Jersey City. I'm going to go get counted again and walk through the line again."

Mr. Speaker, that certainly reflected the political reputation of Jersey City. The fact that he could tell that joke about himself was the fact that his reputation was precisely the opposite. It was one of great integrity, of great public service, and he has contributed to us in that way.

The gentleman from New Jersey [Mr. HUGHES] mentions trade policy. It is accurate to say that hundreds of thousands, even millions, of Americans will go to work tomorrow morning in an export business because FRANK GUARINI took the lead in trade policy and gave us an intelligent and progressive and job-producing trade policy, not only in New Jersey, not only in his home area in Hudson County, but also across our country.

He will be missed for his sense of humor, his insight, his worldliness of having traveled throughout the world and having met many kinds of people, and I personally will miss the opportunity to sit with him and hear his advice and point of view.

MATTIE RINALDO we are proud in New Jersey that our State is a leader in telecommunications and in electronics and related fields. The gentleman from New Jersey [Mr. RINALDO] has a lot to do with that. His leadership on the Committee on Energy and Commerce

in writing great legislation that has opened the door to make and keep America No. 1 in these areas we see dramatically manifested in New Jersey. There are very few employers or industries in our State more important than telecommunications, more important than cable television, more important than some of the areas that are within the jurisdiction of the committee that he serves on so well.

Mr. Speaker, I think that the most important thing that the gentleman from New Jersey [Mr. RINALDO] brought to the institution and to the country was a sense of comity, and cooperation and compromise that we do not really see enough of. For a new Member, for a young Member, what a great role model to follow. How enlightening it is to sit on the Democratic side of the aisle and hear without exception that if one has a problem that needs to be solved, that MATT RINALDO is the kind of human being and the kind of Representative who can solve it, someone who is proud of his party affiliation, who stands for his party's principles, and votes that way and advocates that way, but understands that standing on principles does not mean that one cannot yield on practicality and that one certainly is always able to work together on a human nature level to work and solve problems.

Mr. Speaker, MATT RINALDO'S contribution to New Jersey again is seen by people who will pick up a telephone tomorrow and make a call, or be able to use a fax machine, or become involved in beaming a satellite picture or even just watching cable television. His very serious and substantial contribution to that area of the law is something that we enjoy in our State every day, enjoy in our country every day, and I would hope that his legacy here is, not only the personal contributions that he has made, but the attitude that he practices here every day, and that we will remember that we can get along as men and women and that we can find common ground on the issues that we are assigned to confront for our country.

MATTIE is a gentleman of New Jersey. He will be missed, and I am grateful for his decision, for his personal reasons, that he will be happy doing what he is doing. But he will be missed as a colleague.

What can be said about the dean of our delegation, BOB ROE? The most important thing I can say is there would not be an American who travels on a train, or an airplane, or across a highway or on a ship tomorrow that in some way does not have to thank the gentleman from New Jersey [Mr. ROE] for the safety of that voyage, for the efficiency of that trip and for the fact the trip can be made at all in the first place. Here is someone who has left his mark in every port, in every airport, on every highway, every commuter rail system, every freight rail system in this country.

BOB has had to make difficult decisions. The pie was not always large enough that everyone could get a piece that he or she desired. The competing interests between the different industries put him in the middle of some very hard decisions, but it is a measure of his integrity and service that each of those people competing for the pies will say without reservation that he was the leader of this country's transportation effort.

When President Bush signed the ISTEA Act into law last fall, it was a proud moment for us in New Jersey, especially because we knew the effort that he had put forward on that, that it was a crowning achievement. We are kind of sad to know that it was a crowning achievement on a career that would soon end here. We were hopeful it would be the first achievement in a long string of achievements as chairman of the Committee on Public Works and Transportation.

Mr. Speaker, you cannot go anywhere in New Jersey without seeing the positive impact that BOB ROE has made on our State, and you really cannot go anywhere in the country without seeing the positive impact he has had on our State. The greatest contribution he has made, to me as an individual, I think to this body, and I know to our State, is enthusiasm.

My colleagues know that no matter what profession we are in, no matter what line of work we choose, there is a tendency after a while to become a bit mechanical and a bit bored, I suppose, in what we do. I do not care whether one is a police officer, or a teacher, or a craftsperson or a salesperson. After a while, when someone has been doing something year after year after year, they kind of wear out a little bit. The gentlemen from New Jersey [Mr. ROE] is precisely the opposite of that attitude. The longer he has served in this Chamber, the longer he has served the public, whether as a freeholder, director, or a Cabinet member, or a mayor, or as a Member of Congress, the more energy he seems to generate, the more he wants to do.

Many of us work very long days at this time of our session when there is much legislation to consider. That is BOB'S normal pace. He does not know what a recess or a vacation means. I sometimes think he does not know what a weekend means because he loved this job. He threw himself into it with great enthusiasm, and the most important personal memory that I take of BOB ROE'S service here in my brief tenure is that on days when everyone can get a little frustrated and a little tired, I look at this person who has been here for so many years and endured the slings and arrows that everyone in public lives endures, and yet he attacks each day with that essential enthusiasm. It is infectious in the positive sense of the word.

His leadership of our delegation, his tremendous contribution to New Jersey as a State and his contribution to the country will be missed, so I would conclude by thanking the gentleman from New Jersey [Mr. HUGHES] for ordering this special order. There is a gaping hole in the New Jersey delegation that will have to be filled by those of us who will be fortunate enough to be part of it next year. I hope we will be able to draw from the lessons of our various colleagues, and they certainly gave us a great standard for which to aim.

Mr. HUGHES. Mr. Speaker, I am happy to yield to the gentleman from New Jersey [Mr. PAYNE], a very distinguished member of our Committee on Education and Labor.

Mr. PAYNE of New Jersey. Mr. Speaker, it is with a mixture of deep gratitude, profound respect, and some sadness that I rise this evening to pay tribute to my departing New Jersey colleagues.

I feel very fortunate to have been able to serve in the U.S. Congress with four men of such outstanding stature—BOB ROE, BARNEY DWYER, FRANK GUARINI, and MATT RINALDO, who were all well known for the active roles they played in New Jersey before coming to Washington, each serving in a substantial elected and appointed office and being experienced legislators when they came to Washington.

Since my election to Congress in 1988, each of them has been exceedingly helpful and kind to me. When I arrived in Washington, the new kid on the block, they gave me a warm welcome and offered words of encouragement and support. This meant a lot to me, because I was replacing a man who was a great institution, the Honorable Peter Rodino, the distinguished chairman of the House Judiciary Committee, who presided over the Watergate hearings.

In the years that followed, they have generously shared their knowledge and expertise with me. I represent an urban district of New Jersey, which includes my home city of Newark, where a major economic revitalization effort is underway. With the support of the senior members of the New Jersey delegation, I have been able to secure much needed improvements in our local transportation system, our schools, and our health care facilities. The legacy of my New Jersey colleagues will long live on in the 10th Congressional District.

Each of these four public servants has distinguished himself in a unique way. As chairman of the House Public Works and Transportation Committee, BOB ROE has recognized the importance, and the benefits, of modernizing our transportation system. Our Na-

tion's competitiveness has been sharpened because of BOB ROE's vision. As the dean of the New Jersey delegation, Chairman ROE won our admiration and our affection. His boundless energy has moved mountains, and his leadership has been a constant source of inspiration to me.

My good friend BARNEY DWYER has been someone I could always count on—to listen, to advise, and to help out when I came to him asking for assistance during the appropriations process. He took a genuine interest in projects that I talked to him about, even though they were outside of his district. If the need was there, BARNEY was willing and eager to help. He never sought to take credit for any of his accomplishments. In a profession where we see too much grandstanding, BARNEY DWYER carved out his place as a decent, hard-working, unassuming man who is the best friend you could ask for.

FRANK GUARINI distinguished himself from the day he came to Congress. As a freshman, he was appointed to the prestigious Ways and Means Committee, an accomplishment that is almost unheard of. He is an outstanding lawyer who has developed a remarkable expertise in the area of tax law. If all goes well on election day, my new district will include part of his present district, notably a portion of Jersey City. I hope that I can represent the residents of that area as ably as my friend Congressman GUARINI has.

Finally, I want to pay tribute to MATT RINALDO, who has been a wonderful friend throughout the years. Because he represents a district that adjoins mine, we have had the opportunity to work on a number of issues together. Although he is from the other side of the aisle, he too has been extremely supportive whenever I have approached him about any matter. MATT has given outstanding service as a senior member of the Energy and Commerce Committee. He is a man who puts public service above partisanship, and his absence will be felt.

□ 2120

Mr. Speaker, let me say in conclusion, as has been indicated by the new member of our delegation, ROB ANDREWS, that we are losing some very distinguished persons. But even if we look back two terms, the 101st and 102d, New Jersey probably has lost a higher percentage of its delegation than any delegation in the country. As you may recall, we had the untimely death of Frank Howard. We saw the retirement of Peter J. Rodino. We saw the retirement to run for other office of Governor Jim Florio and Jim Courter. Now we see four other distinguished Members, meaning close to 70 to 75 percent of the delegation of New Jersey has left during the past terms.

Remarkably, it will take a tremendous amount out of our delegation. But as we talk about the loss to New Jersey, I think that as this great country moves forward, it shows that the country has the capacity to make changes when changes should be made. It has the capacity to bring in new outstanding people like FRANK PALLONE and ROB ANDREWS.

I feel privileged, being an American born of very poor parents, raised in poverty, but to be a Member of the House of Representatives. In our 103d Congress we will be very pleased to have the first Hispanic American elected to the New Jersey delegation, as I served as the first African-American from New Jersey to serve in this great body.

So as we look at our past, we know where we are here at the present. I think that the future will belong to those who are prepared for it. As we bid these four colleagues farewell, our best wishes for continued success go to them.

Mr. Speaker, I know that they will all remain active and involved in their communities and the affairs of our Nation. We thank them for a job well done as we move on to the next phase of their lives.

Mr. HUGHES. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. SMITH], a distinguished Member of this body.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, BILL HUGHES, for his comments on behalf of our colleagues and for my other two colleagues for making very good statements on behalf of four wonderful gentlemen who we honor tonight, of course BOB ROE, MATT RINALDO, FRANK GUARINI, and BERNIE DWYER.

Mr. Speaker, as dean of our delegation BOB ROE has always fostered bipartisan cooperation and commitment to the public interest. He has been the kind of guy, and I have watched him up close for a great number of years, who has never sought advantage or one-upmanship or gain at the expense of others, including Republicans, and he certainly has had the opportunity a large number of times. But he never did that kind of thing, choosing instead to work with all of us in a bipartisan way, especially his colleagues from New Jersey, to come up with proposals and ideas to benefit our districts, to help people with flood control.

I remember very well some years back when we had a problem in Monmouth County with flood control. I approached BOB with a proposal, sat down with him. He asked all the right questions, knew exactly what had to be done, and I saw so very clearly that he was the kind of guy who knew his trade. He truly was a chairman's chairman who knew the legislative process, knew what kind of hurdles had to be overcome in order to see this particular project flourish, which it did. And I am very grateful to BOB for that.

As chairman of the Committee on Public Works and Transportation, he has always been willing to listen to Members, including those outside of our area. The book on BOB is that he is always approachable, he is thoughtful, and totally committed to making the best use of taxpayer dollars.

BOB ROE has made clearly a difference in New Jersey and America.

Mr. Speaker, each year the New Jersey Chamber of Commerce hosts a dinner in honor of the New Jersey delegation. About 2,000 business, community, and political leaders travel to Washington to participate in this special event.

As dean of our delegation, BOB never misses the opportunity to tell the assembled guests how proud he is of our delegation. He mentions specific Members, bounces around the dais pointing out what this Member has done for New Jersey and what that Member has done.

But it is interesting to note, and this is the kind of self-effacing guy we are talking about, he rarely touts his own accomplishments, even though he has helped to bring more jobs to the State of New Jersey that any other lawmaker.

Tonight we have the opportunity to tell BOB ROE how proud we are of him, how grateful we are for the hundreds of thousands of hours that he has spent on behalf of our people of New Jersey and on behalf of America. He lives in that committee, as we all know, lives, breathes, and works that committee to the best interests of our constituents.

Mr. Speaker, MATT RINALDO has been a good friend, a close friend of mine, ever since I first came to Congress back in 1981. As two Republicans with very substantial labor interests, we have worked very closely on issues of concern to working men and working women. We have fought many battles together, stood in the trenches very often. Sometimes we are alone, particularly on our side of the aisle, and I know I will miss MATT very, very much.

I have always been able to count on MATT to keep me apprised of the many intricacies of issues, especially during my first couple of years and terms here, particularly those that related to labor interests.

I have always found MATT RINALDO to be very knowledgeable, a journeyman of a legislator, and a guy with a great sense of humor.

□ 2130

As ranking Republican on the Select Committee on Aging, MATT has demonstrated his keen concern about the issues that impact upon the elderly. Older Americans, I am sorry to say, have lost a tried and true friend in MATTY. He has strongly defended the Social Security trust funds and that important Social Security system, and has also advanced some very construc-

tive ideas for improving health care services for our elderly.

On the Committee on Energy and Commerce, MATTY was a strong advocate for environmental and consumer protection, and as our good friend, ROB, has mentioned earlier, a real genius in the area of telecommunications, working in a very bipartisan way, and I would suggest that his work, along with the chairman of the subcommittee, will affect Americans for generations to come in a very positive way.

MATT RINALDO will be missed by his constituents and he will be missed by many of us who have known him and had great affection for him.

Mr. Speaker, FRANK GUARINI, another distinguished Member from New Jersey, has been a strong advocate for New Jersey's taxpayers. As a member of the Committee on Ways and Means, he waged a valiant effort to stop the neighboring State of New York from imposing unfair taxes on New Jersey residents. He has also fought to protect American workers from being victimized by unfair dumping and practices by foreign competitors.

FRANK has always been a gentleman. He is a sharp dresser, as we all know, and a straight shooter. We will miss his friendly manner, and as I have walked over for votes since I have moved over to the Rayburn Building I have gotten to know him quite well. He has a great sense of humor, and I will miss FRANK GUARINI very much.

Finally, Mr. Speaker, BARNEY DWYER is somewhat legendary, as has been pointed out by all three of my colleagues, as the legendary quiet man of the New Jersey delegation. Let it not be said that he is quiet in terms of his deeds. He has done much for the State of New Jersey; quiet in words, but not deeds. He may not send out as many press releases as the average bear, but BARNEY has quietly and effectively worked on behalf of his constituents.

As a member of the powerful Committee on Appropriations, BARNEY has been a strong advocate for transportation, education, and economic development. In each of these areas he has made his mark. In the 12 years that I have known BARNEY, I can say I have never heard him say a negative or critical thing about anyone in this Chamber or outside of this Chamber. I think that says a lot for the man's character.

Mr. Speaker, the people of New Jersey will lose four effective representatives at the conclusion of the 102d Congress. BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER have proven that there are decent and honorable public leaders in the House of Representatives. We have four fewer of them as we close out this session. Again, I thank my friend for this special order.

Mr. Speaker, I want to join with my colleagues to recognize the significant accomplishments of the gentleman from New Jersey's 14th Congressional District, FRANK GUARINI.

FRANK came to Congress in 1979, after more than a decade of service in local and State governments.

He gained an appointment to the powerful House Ways and Means Committee and has participated in some of the most important congressional debates of the 1980's.

He has been a major booster of what I call New Jersey pride and has waged an ongoing battle for the city and State of New York over New Jersey's claims on Ellis Island and other related issues.

There are many areas of FRANK's career of service that deserve recognition, but there is one particular series of events that I recall as a prime example of his continuous efforts on behalf of the people of New Jersey and the Nation as a whole.

During the planning stages for the 100th anniversary celebration for the Statute of Liberty, I was appalled to learn that new immigrants being sworn in on Ellis Island as a symbolic reminder of our immigrant heritage would all be from New York, and not from all parts of the country, as we had been promised.

This was to be a national celebration, but we were told that Federal law prevented us from inviting anyone outside of the district court's jurisdiction. We would need an act of Congress to make an exception in this case.

I talked the matter over with FRANK, who had been waging a battle with New York over jurisdiction of the island, and he suggested that we take the matter to our colleague, the chairman of the House Judiciary Committee, Peter Rodino.

Working together in a bipartisan fashion, the three of us got the legislation through Congress and signed by President Reagan in less than 60 days.

As a result, the Ellis Island ceremonies were truly a national event, with new citizens from all parts of the country participating.

This is just one small example of the can-do spirit that FRANK GUARINI has brought to his career in public service. As a member of the Ways and Means Committee, FRANK has worked tirelessly on many of the most complex pieces of legislation in Congress, dealing with tax policy.

Yet, he also has a strong sense of the needs of his constituents and of the importance placed on issues of importance to New Jersey and the Nation.

Mr. Speaker. I, therefore, join with my colleagues in recognizing FRANK GUARINI's many accomplishments and wish him all the best in his future endeavors.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman MATTHEW RINALDO of the Seventh District of New Jersey for his 20 years of outstanding service in the House of Representatives.

As the ranking minority member of the Subcommittee on Telecommunications and Finance, Energy and Commerce Committee, Mr. RINALDO wields considerable influence, and has helped in crafting legislation to reregulate the cable television industry and to define the role of the Securities and Exchange Commission, including giving the SEC authority to ban the type of program trading that leads to wide price swings. In addition, he serves as the senior Republican on the Select Committee on Aging, handling with sensitivity and integrity the Social Security and other issues affecting our Nation's senior citizens.

At home in New Jersey, Mr. RINALDO is known to his constituents for his ability to listen and respond to their problems, working to reduce noise pollution from nearby airports in Newark and New York.

MATT is respected for his willingness and skill in bipartisan compromise, and he will be missed in Congress when he retires at the end of this year. I congratulate him on his fine record of service to our Nation, and wish him well in all of future endeavors.

Mr. DWYER of New Jersey. Mr. Speaker, it is with a great deal of pride, a large dose of humility, and some sadness that I join with my colleagues in this special order this evening.

At the outset, let me say thank you to my colleagues for their kind words and good wishes. I am very grateful that I have been able to make a modest contribution in the last 12 years to my district, my State and my Nation. It is an opportunity which is afforded to few people and one which I will always cherish.

I would like to take a few minutes to discuss the contributions which my three colleagues from New Jersey who will not be returning to the House have made to this great Nation.

MATT RINALDO spent 20 years in this House and serving the people of Union County. The thought of the New Jersey delegation without him is almost incomprehensible. MATT has made such a great contribution to the needs of senior citizens and in the area of telecommunications over the years. His accomplishments will long outlive his service to this House and remain as a testament to his effectiveness and the high regard with which he is held.

My good friend and colleague, FRANK GUARINI, will also not be returning to these Halls and, again, that is a terrible loss to the people of New Jersey and the Nation. In his service on the Ways and Means Committee and in our work together on the Budget Committee, FRANK GUARINI has been a strong and steady voice for fairness and equity in the taxing and spending policies of this Nation. He has been an ardent advocate for the creation of good jobs for our citizens and has ably represented the people of his district for 14 years.

In addition, I must take a moment to single out one of the outstanding Members of this body, my good friend and the dean of the New Jersey delegation, BOB ROE. BOB ROE may be the hardest working Member of Congress I have ever met. His contributions to this Nation in the areas of water policy, science and technology, and transportation are legendary and well known to all members of this body and are of great importance to this Nation. His leadership of the New Jersey delegation is the single largest reason for our cohesiveness and effectiveness in this session.

Finally, I would like to say a few words to my friends and colleagues who will remain in this House. My good friend, BILL HUGHES, who was kind enough to request this special order, will be moving into the role of the dean of the New Jersey delegation and I can think of no one more capable than he. The residents of New Jersey can rest assured that the remaining members of our delegation are quality

Representatives who put the interests of the people of our State and Nation ahead of other interests.

Mr. Speaker, again, I would like to thank Mr. HUGHES for requesting this special order and my friends in the House for their kind words. I will miss the collegiality and friendships I have developed here in the last 12 years and look forward to the House's continued success in addressing the issues which are of great concern and importance to the American people.

Mr. ROE. Mr. Speaker, as dean of the New Jersey congesssional delegation, I want to pay a special, personal tribute to my close friends, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER, all of whom have chosen to leave Congress at the end of this year.

I also want to thank our next dean, BILL HUGHES, for arranging for this special order for all of us who have decided that it is time to do something else.

It has been my great honor and pleasure to have known and worked with MATT, FRANK, and BARNEY for a quarter of a century. I first met all three of these great people when I served in the cabinet of Gov. Dick Hughes as Commissioner of Conservation and Economic Development.

That seems like several lifetimes ago when MATT was a member of the Union County Board of Freeholders and then a State Senator, when FRANK was a State Senator from Hudson County and the chairman of the committee on air and water pollution and public health, and when BARNEY was a councilman and mayor in Edison Township.

I came to Congress in a special election in 1969, MATT arrived in 1973, FRANK in 1979, and BARNEY in 1981. Since then we have worked vigorously on countless issues with an extra degree of teamwork. We have worked together on a bipartisan basis on infrastructure issues for the State of New Jersey but also on every other conceivable issue whether it be housing, health, education, or anything else that affected the people of our State.

It must be emphasized that partisan politics was absolutely no factor in our joint and unified efforts on behalf of the State of New Jersey. Partisan politics has always come second among us to the needs of our State.

The New Jersey delegation has been much more than a group of Congressmen from the same State—we have been like family to each other. We have been in constant communication with each other. Working together, we have shaped Federal policy as it affects New Jersey and we have regularly collaborated on our constituent services to the benefit of the entire State.

We have all worked in great coordination with our Governors of whatever party—whether it was JIM FLORIA, TOM KEAN, BRENDAN BYRNE, or BILL CAHILL.

Ultimately, Mr. Speaker, we have worked together as well as we have for all these years because we are longstanding personal friends. While I am looking forward with great anticipation to a new career outside of Congress, I will greatly miss MATT, FRANK, BARNEY, and all my other friends here.

My friend, MATT RINALDO, truly represents the best of the New Jersey Republican tradition—a legacy that emphasizes performance for the State over ideology and partisanship. He has worked hard for his constituents in the 20 years since he was first elected to Congress and he has developed an extremely impressive knowledge and influence in telecommunications and securities matters and other issues before the Energy and Commerce Committee.

MATT has been tremendously successful because of his moderate, pragmatic approach to issues. He is someone who wants to get things done for the people of New Jersey and he has done that for two decades.

My friend, FRANK GUARINI, has been New Jersey's strong and effective voice on the Ways and Means Committee. With his active and energetic approach, he has had a huge impact on numerous matters throughout our State.

FRANK has shown great leadership in representing our State on complex and significant matters of taxes, social programs, and other major issues. He has consistently demonstrated superb and masterful political skills that have benefited all of the people of New Jersey. More than many people realize, he has had a tremendous beneficial impact on the day-to-day lives of the people of New Jersey.

My friend, BARNEY DWYER, is sometimes referred to as New Jersey's quiet man but he has been our quietly effective pointman on the Appropriations Committee from the day he arrived in Washington. After chairing the joint appropriations committee in the State legislature, BARNEY moved right in to an important position on the Appropriations Committee without missing a beat. He has been a tower of strength for our State.

BARNEY has been a true anomaly in Congress where he has issued fewer press releases in his entire career than some Members issue in a month. He is not interested in the spotlight or in grabbing headlines but in getting the job done for New Jersey. For 12 yeas, he has been a great leader in this Congress and has gotten the job done for New Jersey, day in and day out on every issue.

New Jersey is losing 46 years of expertise, knowledge, experience, and hard work with the departures of MATT RINALDO, FRANK GUARINI, and BARNEY DWYER from Congress. It will be a huge and irreplaceable loss for the people of New Jersey and the entire Nation.

I am proud to have MATT RINALDO, FRANK GUARINI and BARNEY DWYER as my friends. Working with them has been one of the great experiences of my life and I will truly miss them.

Mr. GALLO. Mr. Speaker, I am pleased to have the opportunity today to depart from those partisan debates that have become so commonplace in this Chamber in recent days in order to say something nice about a colleague and a friend on the other side of the aisle.

I have known BARNEY DWYER for more than two decades and I have a great respect for his ability to get things done on behalf of the people of New Jersey.

For the last 4 years, we have served together on the Appropriations Committee, and for me it has seemed like old times, because this is not the first time that we have worked together in a bipartisan fashion to develop a budget through the hearing process, to debate the issues, work out our disagreements, and then fight side by side to get the legislation through the process and onto the desk of the chief executive.

In 1976, I was a new member of the New Jersey General Assembly, and had the good fortune to be assigned to the joint appropriations committee, which incorporated members from both the assembly and the senate.

And, BARNEY DWYER was serving, at that time, as a member of the committee from the senate side.

Because we were responsible for reviewing the entire budget at the full committee level, we would hold hearings for 6 weeks on all aspects of State government and debate the budget item by item through those 6 weeks.

Needless to say, a process of that type can bring about very close working relationships that have a tendency to stand the test of time.

I had the privilege of working with BARNEY DWYER during the period of time when he served as chairman of the joint appropriations committee, a job which required a great deal of expertise and the ability to keep this complicated process moving forward.

As a result of his strong background in the appropriations process, BARNEY became a member of the Appropriations Committee in this body as a freshman Member of Congress—a significant accomplishment for a first-term Member.

He immediately became an effective and highly respected member of the committee and was able to translate that expertise into positive programs for New Jersey.

New Jersey's colleges and universities are better prepared to educate our young people, because BARNEY DWYER was always there to fight for their needs.

We have state-of-the-art research labs and other high-technology development facilities, because BARNEY DWYER was there to be an effective advocate for programs to meet our future needs.

BARNEY DWYER has never been one to actively seek the limelight for himself, but he has never been shy about promoting those programs and policies that improve the quality of life and give our people the tools they need to build a better tomorrow.

At a time when it is popular to look for high visibility in our leaders, it is important to remember that there are other types of leadership.

The gentleman from New Jersey does not often take to the floor to make fiery speeches. He works diligently to solve problems by finding common ground. And then he convinces others of the wisdom of that solution.

To me, leadership means problem solving, and BARNEY DWYER has been an effective leader throughout his 12 years as a Member of this body.

Mr. Speaker, I want to recognize the many accomplishments of our colleague and friend, BARNEY DWYER, and wish him all the best as he leaves us to undertake new challenges.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman BARNEY DWYER of the Sixth District of New Jersey for his 12 years of outstanding service in the House of Representatives.

Mr. DWYER has used his seat on the Appropriations Subcommittees on Defense and En-

ergy and Water Development for the benefit of his district, through which runs the Passaic River. In his capacity as a member of the Defense Subcommittee, BARNEY DWYER has helped to set the changing priorities of defense spending. Before coming to Washington, he held office at the local and State level, rising to the position of majority leader in the State senate.

His district, like the rest of the Nation, has become increasingly dependent on technology rather than industry, education rather than experience. However, it is interesting to note that, while Mr. DWYER is one of the few Members in this House without a college degree, he has represented the views of his constituents in such a manner to warrant his reelection for six consecutive terms, proving that Americans still succeed with and respect hard work.

I wish BARNEY DWYER the best of luck as he retires from Congress, and happiness in the years ahead.

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to the retiring Members from my neighboring State, New Jersey. I have worked with them all and I know that together that we have always collectively had the best interests of the metropolitan area that includes New York and New Jersey in mind in our efforts. I believe this body will miss their contributions.

I want to say a few words about a very special friend, my colleague, FRANK GUARINI. We have served together on the Committee on Ways and Means and the Select Committee on Narcotics Abuse and Control. Though I know we will always be good friends, but I will miss him as a colleague in our efforts to stem the evil tide of drugs and our efforts to assure a fair Tax Code, a strong Society Security and Medicare system.

FRANK is one of a dying breed of politicians who legislates more from the heart than by counting each bean. FRANK comes from the strong urban ethnic environment that bred such politicians. Politicians from these communities have a sense of who is for the little people and who would selfishly deny the working man and woman their fair share. FRANK feels what his constituents feel and made his decisions based on those expressions. It may not be the neatest way to legislate, but it is the most honest. More than once FRANK's enthusiasm to do what in his heart he thought was right has caused him to stumble. But, each time FRANK got up and kept coming. He kept at it until he convinced everyone of the merits of his arguments. For example, that is why there is a strong Caribbean Basin Initiative. That is why there is still a tax provision to encourage employer to pay for the continuing education of their employees.

FRANK has been tireless in the battle against the scourge of narcotics. As chairman of the Select Committee on Narcotics Abuse and Control I can say many of the successes the committee has had would not have been possible without the contribution of FRANK GUARINI.

Most important about FRANK GUARINI is his essential goodness, his grace and his generosity. When he is your friend he is loyal and always available. I know that I will miss his presence in this body, but I am grateful he will always be my friend.

Mr. GALLO. Mr. Speaker, I join with my colleagues to recognize the significant accomplishments of our most senior Republican Member in the New Jersey delegation, as he prepares to leave us at the close of the 102d Congress and take up new challenges in the private sector.

MATTHEW J. RINALDO's career of public service spans three decades, beginning in local and county government in 1963 and continuing at the State level as a member of the New Jersey Senate from 1967 to 1972, when he was elected to Congress.

As a member of the House Energy and Commerce Committee, he moved up through the ranks to become the ranking Republican on the Telecommunications Subcommittee, where he has had a major impact on legislation dealing with this most critical growth area for our country.

He has been a tireless advocate for our senior citizens as an influential member of the House Select Committee on Aging.

In all of his work in Congress over three decades, there is one thread which ties together his actions and his overall philosophy—New Jersey first.

All of the members of the New Jersey delegation take special pride in working together for the good of our State, and when it comes to issues of importance to New Jersey, we all hang together.

MATTHEW RINALDO typifies this dedication to Garden State issues. He has been an active supporter of energy policies that protect New Jersey and the Northeast from unfair pricing policies and has been a consistent supporter of environmental initiatives that have a major impact on our State.

MATT's recent decision to step aside at the close of this Congress, frankly, came as a shock to many of us, but his thought process reflects an overriding belief in the importance of mutual understanding between the public and private sectors.

It is very important for all citizens, both as individuals and as productive members of society, to participate in the workings of their government.

It is equally important for those of us in public service positions to always be in touch with the people we serve.

As a public official, MATT has kept those critical lines of communication open, and I believe his understanding of the inside workings of government will enhance his ability to undertake the new challenges that lie ahead for him.

Mr. Speaker, I, therefore, join with my colleagues in recognizing MATTHEW RINALDO's many accomplishments and wish him all the best in his future endeavors.

Mr. STOKES. Mr. Speaker, I want to thank the gentleman from New Jersey and our colleague, BILL HUGHES, for reserving this time to pay tribute to departing Members of the New Jersey congressional delegation. I am honored to participate in this special salute to BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER, recognizing their contributions to this institution over the years.

Many of us gathered here this evening have served on committees and subcommittees with BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER. We have also benefited from close friendships with these individuals. Their service in the House has been exemplary and we are honored to recognize their efforts.

Mr. Speaker, the distinguished dean of the New Jersey congressional delegation, ROBERT ROE, was elected to the House in 1969. Many of us are familiar with BOB'S outstanding work as chairman of the Science, Space, and Technology Committee. During his chairmanship, legislation was formulated to address important issues including our technological competitiveness, fusion development, and the modernization of our university research facilities. I recall that I had occasion to work closely with BOB during his chairmanship to successfully include an amendment providing a 10-percent minority set-aside in the development of the superconducting super collider. The action resulted in millions of dollars for historically black colleges and universities, and minority and disadvantaged businesses.

Last year, BOB ROE was selected to chair the Public Works and Transportation Committee and was the primary author of the Surface Transportation Efficiency Act of 1991. As the previous chairman of the Subcommittee on Water Resources, BOB also wrote major environmental and water quality legislation, including the Superfund Act of 1986, the Water Resources Act of 1986, and the Clean Water Act of 1987. BOB also serves on the Select Committee on Aging. I had the honor of serving with BOB ROE on the House Intelligence Committee. When I chaired the committee, he was one of my strongest supporters.

Mr. Speaker, we have watched BOB ROE and admired his leadership as dean of the New Jersey delegation. The delegation has benefited from the guidance of an individual who is admired and respected for his legislative skills. BOB ROE is a dedicated individual; he is a strong advocate on behalf of his State; and he is, by any definition, a great politician. As he departs the House, I join many others in wishing him well.

MATT RINALDO serves on the other side of the aisle, representing New Jersey's Seventh Congressional District. He was elected in 1972, and during this tenure, MATT has worked tirelessly on behalf of his constituency. During this Congress, MATT was the ranking minority member on the Select Committee on Aging and served on the Health and Long-Term Care Subcommittee.

In addition, he served as a member of the Energy and Commerce Committee, and as the ranking minority member on the Telecommunications and Finance Subcommittee. He also served on the Subcommittee on Transportation and Hazardous Materials.

Mr. Speaker, I am proud to have served in the Congress with MATT RINALDO and I join his colleagues in extending my best wishes to him in the future.

FRANK GUARINI, who represents New Jersey's 14th Congressional District, is completing his 7th term in the House. Prior to his election to the Congress, FRANK was a member of the New Jersey State Senate. In the House, FRANK has served with distinction as a senior member of the Budget Committee, where he chairs the Task Force on Urgent Fiscal Issues and the Ways and Means Committee, where he serves on the Subcommittee on Trade.

Mr. Speaker, throughout his tenure on the Budget Committee, FRANK GUARINI has fought for responsible Government spending. He has also been a strong advocate for important community development programs including community development block grants, urban development action grants, and funding for low-income housing.

FRANK GUARINI is held in high esteem in the Congress. He has won the respect of his colleagues and our admiration. I have traveled abroad on congressional trips with FRANK. Along with his tireless dedication to congressional responsibilities, he is also a pleasure to be around. I am proud of my friendship with FRANK and I wish him well.

Mr. Speaker, BARNEY DWYER came to the Congress in 1980 to represent New Jersey's Sixth Congressional District. However, he brought to this institution a wealth of political experience. In New Jersey, BARNEY served on the Edison Township Council before being elected mayor. He then served in the New Jersey State Senate and held the post of majority leader at the time of his election to Congress.

I am proud to serve on the House Appropriations Committee with BARNEY. I also recall our service together on the Labor-HHS-Education Subcommittee. During his tenure, BARNEY has worked hard, both as a member of the full committee, and as member of the Subcommittees on Defense and Energy and Water Development. BARNEY also serves as a member of the House Budget Committee.

In the Congress, BERNARD DWYER will be remembered as a conscientious legislator; a dedicated committee member; and a good friend who is available for counsel and advice.

Mr. Speaker, I take pride in participating in this special order today. As dean of the Ohio Democratic delegation, I know the importance of Members working together for the benefit of their State. The New Jersey delegation is losing the talents of four gifted individuals who have worked tirelessly to accomplish this goal. BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER have made their mark in this institution. The State of New Jersey and our Nation has been the beneficiary of their individual and collective efforts. We applaud each of them and wish them well.

Mr. ANNUNZIO. Mr. Speaker, I rise today to join my colleagues in recognizing Congressman FRANK GUARINI of the 14th District of New Jersey for his 14 years of outstanding service in the House of Representatives.

On the Ways and Means Committee, he has, to the benefit of the many textile plants in his district, supported measures tough on unfair trade policies, and fought to penetrate Japan's closed markets. In addition to his committee actions, his consistent support of free trade, including his cochairmanship of the Congressional Friends of the Caribbean Basin, has worked for the good of the United States and other nations. Mr. GUARINI, as the fourth ranking member of the Budget Committee, and as chairman of the Subcommittee on Urgent Fiscal Affairs, has provided astute leadership in fiscal matters.

When Mr. GUARINI departs at the conclusion of this legislative session, he will leave a fine legacy of accomplishments in both Congress and New Jersey, and I congratulate him on that record. I have enjoyed working with him, and offer my best wishes for the future.

Mr. SWETT. Mr. Speaker, I rise this evening to join my colleagues in expressing my respect and appreciation for the fine work and upstanding character of the four retiring members of the New Jersey delegation. As a freshman Member of this body, I have not had the opportunity to work as closely with some of these gentlemen as many of my colleagues have, but I have nonetheless benefited from the experience and class they have brought to the work of this great institution.

I would like to single out, for special praise, the one individual among those we honor tonight whom I have had the opportunity to work closely with during my short time as a Member of this body.

That individual is BOB ROE, my chairman on the Public Works and Transportation Committee. This man exemplifies all the best of what it means to be a Member of this body. He is an indefatigable legislator, a consummate tactician, and an incisive leader. In his leadership of our committee, he has combined principle and pragmatism in perfect proportion. He has done what he needed to do to ensure the successful conclusion of our committee's legislative agenda, but he has done it without ever sacrificing the core values that brought him to the House of Representatives in 1969. BOB ROE believes in this institution. He is unrepentant in his conviction that government can do good, and he is unswerving in his determination to ensure that it achieve that potential.

BOB ROE manifests his respect for the House in many ways, not least among them the way in which he deals with his colleagues on the Public Works Committee. He treats each and every committee member with the utmost respect. He is attentive to their problems and responsive to their needs—whether one is a senior member or a freshman. His leadership style is inclusive and oriented toward problem solving and consensus building.

In my own case, Chairman ROE gave me an opportunity to contribute to the historic ISTEA legislation which he and NORM MINETA shepherded through the Congress last year. He was sympathetic to the needs of my constituents and supportive of my desire to play a role in shaping certain elements of this landmark law. I was brought in, rather than shut out. My association with this legislation is perhaps the greatest satisfaction of my freshman term, and it would not have been possible without BOB ROE.

Mr. Speaker, I will leave it to others, who have known this ordinary man longer, to sing his praises further. But I want to take this opportunity to thank him, publicly, for his help and his guidance over the last two sessions. The quality of both his work and his character will not be forgotten on the committee he has led so ably. It has truly been an honor to serve with him.

Mr. GALLO. Mr. Speaker, as we approach the closing hours of the 102d Congress, we also come closer to a milestone in the history of this institution.

And nowhere is that sense of change more evident than within the House Public Works and Transportation Committee, as its current chairman, BOB ROE, prepares to take his leave at the end of the current session.

The Public Works Committee has had a long history of bipartisan cooperation in the development of programs and policies that have moved this country forward.

The Interstate Highway System is just one example of the many essential projects that were brought into reality by those who have served on this important committee over many decades.

Since 1969, when he was sworn in as a Member of the 91st Congress, BOB ROE has served as a Member of the Public Works and Transportation Committee and has played a major role in shaping our national transportation and infrastructure programs for more than two decades.

During the 99th and 100th Congresses, I had the pleasure of serving with BOB ROE on the Public Works and Transportation Committee as a member of the subcommittee that he chaired, the Water Resources Subcommittee.

Those were momentous years, with the reauthorization of the Clean Water Act and the Superfund Program proceeding through the committee at the same time that we were also dealing with landmark legislation to protect our safe sources of drinking water, as well as a whole host of other major initiatives that were being developed simultaneously.

And throughout all of the discussions and debates, BOB ROE was always working in a bipartisan fashion to seek our input and to garner our support with one principle foremost in mind—the overall welfare and continued prosperity of our Nation.

BOB ROE is a problem solver, a doer, who is not happy as long as there are unresolved issues. He is willing to work all day and all night if necessary until those issues are resolved satisfactorily.

BOB ROE has upheld a longstanding tradition among chairmen of the Public Works and Transportation Committee as a positive thinker and an individual with a vision of a better future for our country.

He is an eternal optimist about the value of building for a brighter tomorrow by taking the long-term view and moving forward one step at a time to reach your goals.

In an age of short-term thinking and negative attitudes about the value of public works projects of all kinds—a time of tight budgets and shrinking expectations—individuals with positive visions have no outlets for their many talents.

I believe that this is very unfortunate, both for the individuals of vision and for the people of this country who benefit from the works that these ideas produce.

Mr. Speaker, BOB ROE is a valued Member of Congress and a good friend. I join with my colleagues in recognizing his many, many accomplishments on behalf of the people of his district, of New Jersey, and of the Nation.

I wish him all the best as he undertakes new and challenging enterprises that will engage his many talents in the future.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman ROBERT ROE of the Eighth District of New Jersey for his 23 years of outstanding service in the House of Representatives.

BOB ROE has compiled an exemplary record of legislative accomplishments during his service in the Congress. From 1987 to 1990, he

served as chairman of the Science, Space, and Technology Committee, and since the latter part of 1990, he has served as chairman of the Public Works and Transportation Committee, previously having served as chairman of its influential Water Resources Subcommittee.

He was instrumental in securing passage of the only two major water power projects bills that have become law in recent times—the 1987 and 1977 bills. He has fought for infrastructure repairs and other much needed construction projects. He has given strong support to NASA, the private rocket industry, a manned space station, and the supercollider.

As he retires from a very productive career in Congress, I congratulate BOB ROE on his achievements and wish him success in his future endeavors.

Mr. SENSENBRENNER. Mr. Speaker, in this year of record congressional retirements, we must part company with many fine Members and I join my colleagues today in expressing thanks to Congressman MATTHEW RINALDO for his fine efforts during his 10 terms of service.

Too often partisan gridlock results in many stalled bills. MATT has been one Member who sought compromise to prevent this gridlock and succeeded in passing important legislation and necessary regulations. His work as ranking Republican on the Energy and Commerce Subcommittee on Telecommunications and Finance is evidence of this cooperative spirit.

MATT has proven himself a responsive legislator and Representative to the needs of the Nation and those of his constituency. He has served both well the past 20 years. His hard work and dedication to the honor of his House will be missed and I wish him well in whatever the future holds for him.

Mr. SAXTON. Mr. Speaker, the people of New Jersey will be poorer come the end of the 102d Congress, for they will be losing four Representatives who have done so much to help both their constituents and their State as a whole.

Congressmen FRANK GUARINI, BERNARD DWYER, ROBERT ROE, and MATTHEW RINALDO represent 66 years of experience serving New Jersey on Capitol Hill. And they have done it well. Each went about his job in a distinctly different way, but in each case, the results for New Jersey were the same.

FRANK GUARINI never was one to seek the spotlight. But, he proved his mettle to everyone who knows anything about government and the House of Representatives. FRANK was known as being his own man with his only allegiance being to the people he served. He has done an outstanding job of ensuring that New Jersey never received a poor deal in border disputes with New York. As a senior Member of the Ways and Means and Budget Committees, his wise counsel on economic issues will be sorely missed. His knowledge and commitment to the people he represents have made him a most effective public servant.

BERNARD DWYER is another Member who has spoken softly but carried a big reputation among his colleagues in Congress. President Reagan had enough respect for BERNIE's integrity and ability to appoint him as a leader of the team that monitored the crucial Philippine elections. BERNIE also has served on the Budget Committee as well as the important Appropriations Committee where he has been a key member of both the Defense and Energy and Water Subcommittees. I can tell you, this Member will miss his advice and assistance in those two vital areas.

The dean of the delegation, BOB ROE, was always ready with a helping hand for all of us. A perfect illustration of this cooperation came just recently. An emergency developed at the 11th hour related to a sewer project in one of my local communities. The prospects for help, so late in the session, were bleak.

However, I called BOB and asked for his help in getting the project authorized. He didn't hesitate in providing this assistance, and the funding has since been approved—the citizens of Ocean County, NJ, were the winners.

As dean of the New Jersey delegation, he helped all of New Jersey through his seniority in the House and his chairmanship of the Committee on Transportation and Public Works.

And last but not least, I would like to wish all the best to my good friend, MATT RINALDO. MATT showed his leadership ability every time it was necessary to hold the New Jersey Republican delegation together on tough decisions. And, as a high-ranking Member of the Energy and Commerce Committee, he helped keep America competitive with the rest of the world, especially in the telecommunications industry. However, while working to maintain America's competitiveness, he has kept the environment in mind. That is something that I personally appreciate very much.

Whatever MATT RINALDO has done for the country as a whole, he has always put the people back home first, "voting New Jersey" as he often said. That is an axiom all of us in the delegation should remember.

So, as this session draws to a close, so does an era for the New Jersey delegation. To the four we honor tonight, I say farewell and Godspeed to you one and all

Mr. SENSENBRENNER. Mr. Speaker, The people of New Jersey's 8th Congressional District and we here in the House take time to bid farewell to Congressman ROBERT ROE who is retiring when his present term expires. For 24 years he worked tirelessly and his record speaks of his dedication.

I had the privilege of working under his leadership during his tenure as Chairman of the Science, Space, and Technology Committee. BOB became Chairman just 1 month before the tragic explosion of the space shuttle *Challenger* and diligently oversaw the congressional investigation. He maintained his support for the shuttle program and was a tireless supporter of the role of science and technology in forging America's future.

In 1990, BOB took his leadership abilities to the Public Works Committee chairmanship and was successful in pushing forward the 1992 highway bill providing $150 billion for the Nation's infrastructure. His New Jersey district, still largely reliant upon manufacturing, has benefited from his hard work and has rewarded him with reelection 11 times. Those who know him have seen the energy and enthusiasm he poured into the efforts he found important. That type of service was often contagious and helped the enactment of important legislation.

I join my colleagues in wishing him well. I will miss his friendship and leadership and this House will miss his dedication and spirit.

Mr. BEVILL. Mr. Speaker, it is my honor to congratulate and offer my warmest best wishes to my good friend and colleague BOB ROE as he prepares to leave the Congress after serving the Eighth District of New Jersey for 23 years.

BOB is a highly respected Member of Congress, and as chairman of the Public Works and Transportation Committee, he has had an enormous impact on our Nation's transportation network. He has been very dedicated to improving these vital arteries and the entire Nation owes him a debt of gratitude. He authored the new highway bill last year and as a result, our Nation will be able to add to the Interstate Highway System.

He has also shepherded the authorization for a number of major public works projects over the years and has helped to create hundreds of thousands of new jobs nationwide.

I have certainly enjoyed a close working relationship with BOB over the years, especially when he served as chairman of the Subcommittee on Water Resources. It was in this role that he wrote the Water Resources Act of 1986 which authorized many of the water projects funded through my annual bill.

Over the years, BOB has had a deep and abiding interest in improving our Nation's infrastructure. He has recognized how important this is to making our economy tick.

His accomplishments will have a lasting impact on our Nation and his contributions will always be remembered.

I will miss having BOB here in the Congress and I certainly wish him all the best for a happy future.

Mr. BEVILL. Mr. Speaker, I rise to pay tribute to my good friend and distinguished colleague BARNEY DWYER, who is leaving Congress after serving New Jersey's Sixth District for almost 12 years.

BARNEY has been an outstanding member of the House Appropriations Committee and I have certainly enjoyed working with him, especially on the Energy and Water Development Subcommittee. I appreciate his hard work and dedication. His district, his State and our Nation were well-served during BARNEY's tenure here in the Congress.

I have also been very impressed with BARNEY's active role on behalf of our Nation's senior citizens. He has helped promote additional housing for senior citizens and has fought to expedite benefits.

I am sorry to see BARNEY go. He has made a very fine record here in a very short time. I certainly wish him all the best in his future endeavors. He has been an excellent public servant.

Mr. PANETTA. Mr. Speaker, it is a pleasure to be able to pay tribute to the departing members of the New Jersey delegation. It is also with regret that I note their departure along with many other fine men and women of this body.

Let me begin with FRANK GUARINI. I have worked closely with FRANK over the past 4 years on the Budget Committee, and I want to say that FRANK took his responsibilities as a member of the committee very seriously. There is no question that FRANK GUARINI has

demonstrated his rare and strong commitment to reducing the Federal budget deficit. As chairman of the committee's task force on urgent fiscal issues, FRANK conducted hearings on unfunded Government liabilities, the decline of American manufacturing in the 1980's, funding for the Resolution Trust Corporation, and the Exxon Valdez oil spill, among other important issues of the day. He also acted to protect programs important to New Jersey and to the Nation, namely, community development block grants, urban development action grants, and funding for low-income housing. The people of New Jersey's 14th Congressional District can be proud of the service of FRANK GUARINI on their behalf. I salute FRANK on his accomplishments in the House, and I wish him all the best in his future endeavors.

BARNEY DWYER has served on the Budget Committee as well, and I have enjoyed his participation in the committee's deliberations each year. I would like to pay tribute to BARNEY's quiet, good-humored work behind the scenes on both the Budget Committee and on the Appropriations Committee, where he was successful in balancing budgetary concerns with fair and rational defense and energy and water appropriations requests. I appreciate all of BARNEY's hard work in the House on budget issues, and I know that he will enjoy his richly deserved retirement from the Congress.

BOB ROE is one of the hardest working Members of Congress I have known. He has put in the long hours day after day, month after month, year after year since 1969. And his is quality work. He earned his chairmanship of the Public Works and Transportation Committee by dint of his expertise, his integrity, and his diligence. I would like to pay tribute to BOB's example of the American work ethic here in the U.S. Congress at a time when it is easy for so many, who know not whereof they speak, to belittle the Congress' dedication. BOB ROE has lived for this institution, for his constituents, and for the causes for which he has fought. He has had a palpable impact on our Nation's science and technology programs, on our infrastructure, and on a myriad of other issues, and it is with respect and admiration that I honor him today. If anyone merits a retirement, it is BOB ROE, though I know that he will rarely rest for many years to come.

Finally, on the other side of the aisle, I would like to praise the record of MATT RINALDO, who is retiring as ranking Republican member of the Energy and Commerce Committee. MATT has proven to be a cooperative guardian of the Nation's public health and environment as well as a reliable champion of a government accountable to the people. He has been uniquely able to overcome partisan rancor in the pursuit of important policy goals. MATT has had a distinguished career, and as a fellow Member of Congress, I would say that it has been a pleasure to work with him. I wish him well in his new ventures.

Mr. RINALDO. Mr. Speaker, I am pleased to join my colleagues in the New Jersey congressional delegation for this special order. It is particularly fitting that we are taking this opportunity to recognize the contributions of several of the members of our delegation—Congressman BOB ROE, Congressman BERNIE DWYER, and Congressman FRANK GUARINI.

It has been my pleasure to serve with BOB ROE ever since I came to Congress in 1973. He has been a tremendous leader in this institution, and his record of accomplishment is well known to every member in this House. As chairman of the House Committee on Science and Technology, and later as the chairman of the House Committee on Public Works and Transportation, he has distinguished himself as a fair, even handed member who has been deeply involved in the issues under his jurisdiction.

Just last year, he brought the surface transportation bill to the House floor, one of the most significant pieces of legislation in history to help revitalize the Nation's infrastructure. For those of us in New Jersey, he has served as the dean of the congressional delegation since the retirement of Pete Rodino. His loss is a tremendous blow to our State, but I want to join my colleagues in wishing him a fulfilling and rewarding retirement.

FRANK GUARINI has also been an esteemed colleague, a close friend, and a vital part of New Jersey's influence on Capitol Hill. As a member of the Ways and Means Committee, he has made his mark in a number of key areas, particularly on the Trade Subcommittee, and he has been an active and productive member of the House Select Committee on Narcotics and the House Committee on the Budget.

I first met FRANK when we served together in the New Jersey State Senate in the late 1960's. When he came to Washington he brought the same commitment to our State and to our region that has made him a distinguished public servant.

BERNIE DWYER is also a close friend. Our districts lie next door to each other, and I have been pleased to work with him on a wide range of issues. He has been an able member of the House Appropriations Committee, but before that he was the mayor of Edison, a member of the New Jersey State Senate, as well as a councilman in his home town.

The contributions these three individuals have made to our State, to their communities, and to the Congress are enormous. Among the three of them, we are losing 54 years of congressional experience. It will take our State a long time to regain that kind of expertise.

Most importantly, I will remember them as friends, as distinguished colleagues who were motivated by fairness and doing the best for their State. I will miss them and wish them all well in their future careers.

I also want to express a note of thanks to my colleagues for all their kind words on my behalf. Deciding not to seek re-election was a difficult decision, and one of the reasons it was difficult was because of my colleagues in the delegation, on both sides of the aisle. I will miss working with them, but I also hope our paths will continue to cross in the months and years ahead.

Mr. SMITH of Iowa. Mr. Speaker, I have been fortunate to have served with BARNEY DWYER during the years he has been in the House of Representatives and during these years to have served on two Appropriations Subcommittees that he served on.

I have been privileged to be chairman of the subcommittee which handles funding for the Commerce Department, Justice Department, State Department, the Judiciary, and 22 independent agencies. BARNEY was a member of that subcommittee for many years. BARNEY had a prior background in the business world and in the legislature in New Jersey and his knowledge was very valuable to the entire subcommittee. He was diligent in his work and very effective.

Among other things, BARNEY was a moving force in securing the authorization for a Seaton Hall legal clinic and he has also obtained the funding for a food center for low-income people. Those two examples show his great compassion for those less fortunate. He was also concerned that those who are in the mainstream be able to earn the money to bring in the revenues needed to fund government. Without reservation I can say that BARNEY has been a very valuable member of that subcommittee. He also served with me on the Health and Human Services—Education and Labor Subcommittee.

Those subcommittees hear from hundreds of witnesses each year and BARNEY could always be depended on to be present at the meetings and help the committee analyze all the evidence presented.

BARNEY decided not to run for re-election and his absence will certainly result in a great loss to the Appropriations Committee, the institution and the country.

Mr. SMITH of Iowa. Mr. Speaker, I am pleased to have an opportunity to say a brief word about ROBERT ROE. I won't repeat all the many things that were said but I wish to add to those who mention the fact he was one of the hardest working and most effective Members of Congress. He concentrated largely upon matters under the jurisdiction of the Public Works Committee and the Committee on Science and Technology, both of which he became chairman. When he brought a bill to the floor he knew every provision in the bill and could discuss thoroughly and defend it. He believes in building our infrastructure and in the kind of long-term investments in science and technology needed to make this country competitive in the present global economy. In this respect he was far ahead of many of the people in this country. In this present political campaign for President, for the first time both of the major candidates have acknowledged or supported doing more research in those areas where it will help us become more competitive in producing consumer goods for the world market.

He was a major force in forging and passing the highway bill that emerged from the present Congress which, if funded, will create more jobs than any other single bill that we have passed in this Congress, and at a time when it is badly needed, and with an end product which will permanently enable this country to provide a better standard of living for all of our citizens.

BOB ROE deserves our lasting thanks for the hard work he did and he will be missed and his understandable decision not to run for reelection will result in a loss for all of us.

Mr. HORTON. Mr. Speaker, I want to pay tribute to BERNARD DWYER, who will be retiring from the Congress at the end of the year. BERNARD DWYER has served this Nation with distinction as a Member of this body for 12 years.

BERNARD DWYER has been an outstanding Representative of the Sixth District and the State of New Jersey. Through his work on the Appropriations Committee, he has helped to ensure that his State and our region of the country has received a fair return on its tax dollar investment.

The gentleman from New Jersey has been a good friend to the working man and woman. As one who shares the philosophy that Government should look out for the little guy, I salute BERNARD DWYER for his efforts over the years. His leadership on a number of labor issues will certainly be missed during the next Congress.

My wife, Nancy, joins me in extending our best wishes to BERNARD DWYER and his family. We wish him the best of luck in all of his future endeavors.

Mr. HORTON. Mr. Speaker, I want to pay tribute to MATT RINALDO, who will be retiring from the Congress at the end of the year. MATT RINALDO, has served this Nation with distinction as a Member of this body for 20 years.

MATT RINALDO is a Member who prefers achieving legislative goals to partisan victories. As one who shares that philosophy, I have always had a tremendous amount of respect for MATT. The essence of the Congress is for Members of different views to come together to discuss the issues, hash out the differences, and forge public policy that incorporates the best elements of the varying positions. MATT RINALDO epitomizes that philosophy.

MATT also has earned my respect over the years for his support for the working man and woman. As one who shares his belief that Government needs to look out for the little guy, I am saddened by his decision to leave the House. His presence will be missed in our wing of the party and by the House as a whole.

My wife, Nancy, joins me in extending our best wishes to MATT RINALDO. We wish him the best of luck in all of his future endeavors.

Mr. MINETA. Mr. Speaker, I would like to take this opportunity to recognize a Member who has devoted his entire life to public service, ROBERT A. ROE.

I think it's safe to say that no one in this House works harder than BOB ROE. He is totally dedicated to improving the quality of life for all Americans.

BOB ROE's tireless efforts ensured that the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA], the most important legislation of this Congress, became a reality.

He put in more hours last year than anyone—sometimes even working around the clock to complete what truly is landmark legislation. And anyone who has worked with BOB knows that he takes the saying, "blood, sweat, and tears," quite literally.

The ISTEA legislation is just one example of his achievements. He was a principle architect of the Superfund Program, and he's responsible for putting the Water Resources Program on a 2-year cycle.

In whatever he does, he is truly visionary. While most people think of infrastructure as potholes, BOB ROE thinks in terms of global economy, productivity, energy efficiency, and resource investment.

The distinguished chairman of the Committee on Public Works and Transportation, and dean of the New Jersey delegation, was first elected to the U.S. House of Representatives to fill an unexpired term of office in a special election in 1969, and has been re-elected to each succeeding Congress.

Before assuming the chairmanship at Public Works in 1991, Congressman ROE was chairman of the Science, Space, and Technology Committee for 4 years. He played a major leadership role in returning the United States to space in 1988 with the successful launch of the space shuttle *Discovery*.

Under his guidance, the Science Committee passed legislation dealing with such important issues as the superconducting super collider, U.S. technological competitiveness, fusion development, and the modernization of U.S. university research facilities.

Prior to being elected to Congress, Chairman ROE already had a long and distinguished career in public service. He served in the Governor's cabinet as State of New Jersey Commissioner of Conservation and Economic Development. In local government he was director of the Board of Chosen Freeholders of Passaic County, NJ, and the mayor of Wayne, NJ.

BOB ROE has been an outstanding leader, a dedicated policymaker and a good friend.

Mr. Speaker, there is a saying that "one man can make a difference." When that one man is BOB ROE, truer words were never spoken. When he leaves this House, not only will he be missed by this distinguished body, but by the Nation as well.

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to Congressman MATT RINALDO of New Jersey's Seventh District and Congressman FRANK GUARINI of New Jersey's 14th District. Both the Congress and the Nation will miss their conscientious and skilled representation.

As ranking Republican on the Commerce Telecommunications and Finance Subcommittee, Congressman RINALDO has worked to strengthen the Securities and Exchange Commission rules and for increased enforcement and stronger penalties for those who trade on inside information. He worked to overturn the veto on the Family and Medical Leave Act and to re-regulate some of the cable television industry.

As a former tax lawyer, Congressman GUARINI was tapped to work on the Ways and Means and Budget Committees. He has worked on trade and tax issues, aiding small business and introducing legislation against unfair trade practices. He has supported free trade, but denounced Japan's negative response to changing trade barriers and procurement practices.

I have had the privilege of working with both of these talented legislators, and I have enjoyed their camaraderie in the House and socially at Italian-American functions. As a colleague, I will miss their intelligence, dedication and friendship. I offer them my best wishes for success with their future plans.

Mr. HUGHES of New Jersey. Mr. Speaker, in concluding, let me just say as we salute these four great native sons of New Jersey and distinguished Americans, BOB ROE, MATT RINALDO, BARNEY DWYER, and FRANK GUARINI, that we are going to miss them, but we wish them every success, good health, and Godspeed in the years ahead.

Again, let me thank our colleague, the gentleman from California, BOB DORNAN, for deferring to us so we could move this special order ahead.

DUTY, HONOR, COUNTRY

The SPEAKER pro tempore (Mr. BROSKI). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, I am pleased to see that I am the last special order tonight, and I am not going to hold up any of my distinguished colleagues.

My subject tonight is duty, honor, and country. Obviously, that means serving one's country in any way one can, at least at some point in their life, and duty applies to a good woman, a good man, at all stages of their lives. My emphasis tonight will be particularly on the word "honor," and honor as it pertains to this presidential election.

I had no idea when I began to speak out on the 216th anniversary of the death of a courageous young Army captain at only 21 years of age, serving as an intelligence officer behind the lines of the Father of our Country, George Washington, that young Connecticut citizen was Nathan Hale. Whenever I come to work in the world's most beautiful office building and drive up Constitution Avenue, I try always when driving due east to divert my eyes in front of the Justice Department to a statue that should be more prominently displayed in this city. It is the statue of young Capt. Nathan Hale, hands tied with rope behind his back, at that moment right before his death when he had just been denied a Bible by a British officer who asked him if he had any last requests. It was denied.

Then the British officer said, "Do you have any last words? You are a traitor to the Crown." And young Nathan Hale, who, like Mr. Clinton, matriculated at Yale—I think to get a teaching credential in the 1770's—he said, "My only regret is that I have but one life to give for my country." That was, to me, the epitome of honor and selflessness. That is why I started this series of special orders, of which tonight is No. 5.

My dad went to a short course in World War I at West Point. He had been born just a brief mile away in Newburgh, NY, the son of a man who had been born in Ireland, Liam Dornan. My grandfather, William, or Liam, had come here in 1852, at 4 years of age. My dad was proud to go to West Point. He had dreamed as a young boy of going there for all 4 years. When World War I started, they shortened the senior class down to immediate graduation at

whatever point they were at; juniors were made seniors, and they brought my dad in for a very short course there before he went to the Rock Island Arsenal.

He was commissioned a first lieutenant because he was older than most of the young men. He was already 26 in 1918, never served as a second lieutenant, and after Rock Island Arsenal, IL, went off to the trenches of World War I.

I was raised on that "Duty, Honor, Country." My dad had hoped that one of his three sons would go to West Point. I had on my bedroom wall that gray banner with the shield and the roman helmet of West Point on it, with the words, "Duty, Honor, Country."

When we entered the Second World War, my mother and father both were great fans of Douglas MacArthur. Douglas MacArthur had risen so high, so fast in the U.S. Army, the son of the Medal of Honor winner, that he was retired at an early age in 1936 with nothing else to do, and eventually was made the Governor of the Military Protectorate of the Philippines. Of course, World War II brought him back to new heights of glory, one of our only eight five-star generals or admirals.

General MacArthur at one point had taken a leave from the Army to be the commander of the U.S. Olympic Team going to Holland in 1928. My dad was an assistant boxing coach, my mother went on that trip, and they both came to think the absolute world of Douglas MacArthur. So over my small little personal dresser next to my bed, I shared a room with my older brother, there was a picture that my mother put up of Gen. Douglas MacArthur.

Under his picture, and there was also a little bank for war bonds with a cut-out of General MacArthur, in that famous crushed garrison hat with the discolored scrambled egg on it and a simple khaki uniform, an open collar, and it said under it, "Duty, Honor, Country." My dad used to regale my two brothers and I with what he called cadet memory from that short time of accelerated training at West Point. I remember one of them was, "Discipline is that faculty of the body whereby the muscles respond to the given word of command irrespective of frame of mind," and he used to say, "That is what I want from you guys." We never adhered to that to the letter of the law.

My hero father, three wound chevrons in World War I, two for poison gas, what we now call Purple Hearts, he always emphasized the words of Polonious in Hamlet, "To thine own self be true;" that in your heart, if you dog it, which was an expression of my dad's, if you dog it, if you let somebody else do what you know you should have done, it will haunt you for the rest of your life. Always do the honorable thing.

Here is an excerpt from the cadet prayer of the Corps of Cadets at the U.S. Military Academy: "Make us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole can be won."

Most of my remarks about Governor Clinton tonight will involve half truths, and some flat out distortions of the truth and deceit about public record. I have enough material here to probably carry me through 3 more special hours.

□ 2140

Mr. Speaker, for those men and women of all ages that there may be an audience over a million now in all 50 States, Puerto Rico, as far away as Guam, and through the services of all of our cable owners across the country who provide the TV coverage of the other Chamber, the U.S. Senate, and the TV coverage of this Chamber, I would hope, Mr. Speaker, that they would stay with me here because I am going to engage in a dialog tonight, not just a monolog. And the dialog will be with a Member that is a particular honor for me to serve with, and that is my colleague from southern California, down in beautiful San Diego, RANDALL CUNNINGHAM, flying call sign of Duke, the first ace of the Vietnam war. He was the only Navy ace, joined a few months later by only one Air Force ace, my good friend, then captain, now active Reserve Col. Steve Ritchie.

I want to engage in a dialog because I am a peacetime warrior, trained for combat, combat-ready, never called upon by my country or God to go in harm's way, except as a journalist, and I managed to scrounge a lot of combat missions on an old Bolex camera and an old Nikkon camera that my older brother gave me. But when you wear a uniform in combat, you have earned a special right in the history of our country. If you have shed blood or put your body, your flesh in the line of hot shrapnel, bullets, and in the case of Vietnam, SAM missiles and the most dangerous aerial combat environment in the history of aerial warfare since the small airspace over the trenches of World War I.

Before I get into a dialog here with DUKE, I want to mention some things that have come to my mind over the past few months, because I know that they are watching down in Little Rock, Mr. Speaker, and that Betsy Wright and Dee-Dee Meyers, and even maybe the Governor of Arkansas, have taken note of these special orders. I know one of them down there has questioned my sanity. That would be George Stephanopolus. And I know they are upset, but they are going to have to understand that some Americans, I think most Americans feel particularly keen about honor, and honor as it applies to the Presidency of the United States.

My special order finished last night about 12:30 or 1 o'clock east coast time, and I arrived home very late. I had not been home in 5 days because I came straight in on the red-eye last night, with 2 hours of sleep, and I managed, because of the active day with about 12 votes, to still not even catch a Churchill nap. So I was a little ragged at the end of the day.

When I got home, two of our eight grandchildren are living there with me, here was the next to the youngest of the eight, Haley, Haley Dornan, and she had a little book in her hand. And she came and hugged one of my legs, and I lifted her up, and I said, "Hi, Haley." And there is Robert Kenneth Owen Dornan III, and Robbie, I give him a hug, and I say, "What's that little book in your hands?"

This sounds too corny to be true, Mr. Speaker, but it is the gospel truth. "What have you got there, Haley?" I recognized something in her hand, and she says, "It's my Presidents."

And I said what, and then I noticed the cover, "The Presidents of the United States." And I said, "Where did you get that?"

My son has built me a library of about 3,000 books on the ground floor of what was the basement of the home where I live here in Virginia, the other home being in Garden Grove, CA. And I picked up this little book and it flashed right away that I had carried this for a long time in the early 1960's. I had gotten it shortly after the assassination of President Kennedy, and this book stops at a Navy lieutenant commander, Lyndon Baines Johnson, our 36th President.

I went to the front of this book and sure enough, there was the copyright, early 1964. And I read this little book. It only hits the very salient points about our Presidents, just one little tiny page each. And it is good to go through and reflect on these men, some of them rather normal, ordinary men that were propelled into the office by a tragic assassination, or in the case of the shortest Presidency which lasted 30 days, a real war hero, William Henry Harrison, who insisted, as our oldest President sworn in at 68 that he walk the entire course or ride on horseback the entire course without hat or coat of the inaugural parade before his speech. They gave the speech at the end of the parade, and he spoke for hours in the rain and died of pneumonia 30 days later. So that was the Tippecanoe and his Tyler too, John Tyler who did not know he was going to be President, probably, and just served out actually a full Presidential term minus 1 month.

But you look at all of the men that wore the uniform proudly here, and I think of misstatements of history by Bill Clinton that I would like to straighten out right now.

First of all, Bill Clinton said that Ronald Reagan had never worn the uniform of his Nation. But he did concede

that he was a great Commander in Chief. Well that is wrong. I wrote to the Reagan library, or actually phoned them today. I knew that the President had been in the cavalry from the Army Reserve, and I think that he had served in the Army Air Corps, and then in the Army Air Force as it changed its name in late 1942, and that he had made many training films. My cousin, Jack Haley, Jr., has done many documentaries where he has used with great effect pictures of a young, handsome Ronald Reagan in his thirties, making training films.

Now some people during President Reagan's Presidency, because he made as striking figure as a young officer, as he did as a President, they resented him popping that salute as he would come off of Air Force One, or Marine One, one of the 14 helicopters flown by fine young Marine officers and crewed by enlisted men that a President gets. The other day I was up at Sikorski and I got ill thinking about Clinton having 14 Marine helicopters at his disposal, in addition to all of the Air Force jets our at Andrews Air Force Base.

Now, here is the first thing that I would like to straighten out. Ronald Reagan joined the Army Reserve in 1937. Now most people finally started tracking his birthday as this remarkably handsome American and healthy specimen of manhood hit 80, and that was last year where he celebrated his 81st birthday this year on February 6. It is easy to recall his birthday. I did not have to look it up, February 6, 1911, and that makes it pretty easy when it comes to Pearl Harbor, 1911, 1941. He had turned 30 a year ago on February 6, 1944, and Ronald Reagan was 31 years of age. He had joined the Army Reserve and the cavalry in 1937 as a private. He worked his way up through the ranks, and I have a picture at home of him, vintage probably 1939 or 1940 as a captain in the cavalry in the Reserve.

Now, by the time he asked to serve as a combat-trained officer and transferred to the Army Air Corps he was 31½, he was married, had an adopted son, Michael, and a friend of both DUKE's and mine, my friend Maureen Reagan, who cohosted a show with me at one time.

Now our country was not in such dire straits in World War II that we had to draft fathers with two children, although sometimes that happened by mistake. And generally when it happened, that new father of one or two would go, even if the draftboard made a mistake. And many of them served honorably for 3½ years, and sometimes they died on the battlefield, and they are buried in the U.S. cemeteries in the Philippines, in the Punch Bowl in Hawaii, on the bluffs overlooking Normandy. Remember, there are 22 sets of brothers at Normandy, several fathers and sons, and several sets of twins buried on those bluffs over Omaha and Utah Beach.

Now, the other mistake that Mr. Clinton made was about another military hero, Abraham Lincoln.

Here is Abraham Lincoln's story, Mr. Speaker, for the edification of those down in Little Rock that would propel a draft dodger into the seat of the Commander in Chief.

I read from a book that I got from the Library of Congress today, "Abraham Lincoln, a Biography" by Benjamin Platt Thomas, and until a recent spate of excellent Lincoln biographies in the last two decades, many of them prizewinners, this was pretty well a standard text. This goes way back.

Hardly had Lincoln arrived home when New Salem throbbed with new excitement. The village stood on the northern fringe of settlement. Beyond it—

And a little of the writing here is archaic—

except for scattered cabins here and there, the only settlements were at Peoria—

And imagine BOB MICHEL's hometown on the edge of the frontier with a few homes—

Dixon's Ferry on Rock River and the Galena lead-mining region along the Mississippi where the great city of Chicago would rise; a few cabins were clustered around Fort Dearborn. Most of northern Illinois was trackless woods or prairie still roamed—

And I apologize to our great first Americans, native American Indians, it says—

by treacherous Indians.

A fairer description would be Indians who loved the land upon which they had been raised and felt it was theirs.

Next paragraph, for Mr. Clinton:

Now real trouble threatened, for Black Hawk—

And that is a man's name—

war leader of the Sauks and Foxes, dissatisfied with lands allotted to him west of the Mississippi, and recrossed the river with 500 braves. They came ostensibly to plant corn, but they were all well mounted—

Horseback—

and well-armed, and a detachment of U.S. regulars at Fort Armstrong watched them suspiciously. Panic spread over the frontier until, at last, some nervous shooting brought savage flashing war. Governor John Reynolds immediately called for volunteers from the State militia, a loose organization embracing all males between 18 and 45 except conscientious objectors and those physically unfit.

You see, our great country, with its religious heritage, its Judeo-Christian heritage, has always honored conscientious objectors, but conscientious objectors always understood that you could not run to be President of the United States and ask other men to go in harm's way and possibly die for their flag and their country if you were not willing to risk your own life.

So this is, as I described in the first night of my special orders, this is Mr. Clinton's catch-22. If he was honorable about his antiwar objections, possibly pro-Hanoi sympathies, he knew it would cost him his political viability, although he would have maintained his honor, and I think he chose the dishonorable course of dissembling, half-truths, and worse.

"Also those physically unfit—"

And no one who was ever legitimately 4-F would ever feel bad about not being able to go into the military. The prayer of all of my youth, and I was a fiend about eating carrots, because I wanted to be a fighter pilot since the Battle of Britain when I was 7 years of age, looking at newsreels in the Trans-Lux theater in Columbus Circle in New York City on Manhattan Island; I wanted to be a fighter pilot, and to realize the dream, I used to go to bed every night praying, "Please, God, let me stay healthy and strong and keep my eyes well and 20/10."

The men of Illinois supplied their own arms.

Notice, they all had arms, and the second amendment still meant something those many decades after the signing of the Bill of Rights, and this is interesting: they elected their own officers.

When the Governor's messenger came spurring down Main Street of New Salem, a jump forward, Lincoln enlisted at once. Borrowing a horse, he hastened to the rendezvous at Richland Creek, nine miles northwest of New Salem. His company consisted mainly of his friends and neighbors with the Clary's Grove boys, Irish, the Clary's boys prominent in voice and numbers. Their support elected Lincoln captain, with Jack Armstrong as first sergeant.

"DUKE" that is where Jack Armstrong, the All-American Boy, came from. He was Capt. Abe Lincoln's first sergeant. Jack Armstrong. My brother married Shirley Armstrong. What a great name. The first man on the Moon in space an Armstrong.

Even after Lincoln's nomination for the Presidency—

And now listen to this, Bill Clinton, wherever you are, Mr. Speaker, listen to this—

he remembered this as the most satisfying honor of his life.

I skip forward to the paragraph where, unlike "DUKE" here, Lincoln is like me, trained for combat, God is good to him. Lincoln spent the last days of his enlistment, and it was 80 days, in a futile search for Mr. Black Hawk and his warriors in the swamps around Lake Koshkonong in southern Wisconsin. For that service, Abraham Lincoln received 125 bucks.

History: Ronald Reagan, Abraham Lincoln, and the third one that Mr. Clinton said had not served his country was Franklin Delano Roosevelt.

I had no idea that he was a Secretary of the Navy for 9 years, Assistant Secretary from 1911 to 1920, all through the buildup to World War I, the sinking of the *Lusitania* off the southern coast of Ireland in May 1916, 128 Americans died in that, and Assistant Secretary of the

Navy Mr. Roosevelt was there all the way up through 1920 when Woodrow Wilson left office.

Keep in mind that he contracted polio a year later in 1921 and was certainly one of the most qualified men ever to attain the Presidency as far as knowledge of the U.S. Navy was concerned.

Mr. Speaker, I understand, in reading about him, that he could name every single ship of the line by name and tell you its tonnage, kind of a counterpoint to the man of his epic period of history, Winston Churchill, who could not only name you every ship of the line and their tonnage but the skipper of every ship who was serving on it on the bridge at that time and probably tell you the horsepower of the engines, coal-burning or steam, or whatever, in every British man-of-war on the high seas.

These men were unusual men, and they brought such honor and dignity to the office that it boggles my mind that in this book of Presidents, updated to include the 42d President, which I had hoped to see sworn in in 1997, that we would see a man added to this who, although he reads mystery novels, works crossword puzzles and, according to P.J. O'Rourke, bites his nails but not to the quick, that that man would know more about history, would have a better knowledge of history than to write off a Secretary of the Navy, Capt. Ronald Reagan or elected captain, company commander of the Illinois militia, Abraham Lincoln.

Now, Mr. Speaker, I just would like to go through some thoughts I have had over the last few days about American heroes, and I am going to insert a few in the special order I do tomorrow night, Saturday night if we are in session, Sunday night if we are in session.

Ted Williams: tomorrow I will give all of the baseball statistics of Ted Williams, his years of play, this champion athlete, a member of the Hall of Fame of all American baseball players who gave up his best years. And he is still one of the top 10 sluggers of all time who gave up his best years playing for the Boston Red Sox and went through naval pilot training, came back, played, and got activated during the Korean war.

My instructor in pilot training in Texas in 1954 in jets was Bob Cook, shot down one Mig in Korea, a modest man, took us 4 months of training and one or two beers to dig that story out of Bob.

Do you know what he wanted to talk about rather than his own victory over a Soviet-built Mig-15 over the Yalu River? He wanted to tell us, the four young cadets at his training table, about the greatest day of his life, and it was when a klaxon horn went off, sirens went off, and Ted Williams, one of America's great athletes, was coming in with a shotup F-9F Navy Panther and was going to belly in on an Air Force base at, I think it was, Kimpo, K-16, something like that, and he said every single man, every Army, Air Force nurse, everybody on this base turned out and lined both sides of the runway, obviously a good deal back from the runway in case the accident went bad or even fatal, and here comes one of America's great athletes, I believe the most beautiful slugger right up there maybe a tie between he and Joe DiMaggio, and Babe Ruth cut his own figure, but I believe when Ted Williams came up to the plate and hit a ball, that it was sheer poetry to watch him.

□ 2200

And here comes Ted Williams, so big in frame that he had to be kind of shoehorned into the cockpit of a Navy Panther jet. Here he comes in on a final approach, streaming fuel and smoke and the Air Force, I think, had foamed the runway. He brings this airplane in on its belly, greases it in, as they say, skids to a sliding ground loop.

Lt. Bob Cook, my instructor, says that was my greatest day in the Air Force to watch my favorite baseball player grease one in and defy death.

After a full tour with dozens of bombing missions, Ted Williams came back and continued one of our Nation's most brilliant baseball careers. Why didn't Bill Clinton think about Ted Williams instead of, who knows what, when he wrote about political liability?

At the convention last month I had the honor of being asked to sit in the Presidential box during some of the speeches. And it was a particularly nice night. I had my son, Mark, with me. My friend, Jack Kemp, was introduced by a very special person. He was introduced by Roger Staubach. Roger Staubach of Annapolis, of Vietnam and of the Dallas Cowboys in their very best years.

Roger, after he finished introducing Jack—and a beautiful introduction it was, from one quarterback to another—he came down around and back up and sat next to me in the Presidential box. I had fun introducing him to my son Mark. Then I gently harangued and begged him to run for the U.S. Senate from Texas. He did not say "no," for any Texans watching this proceeding.

But as I sat there, I looked at this quality American, this great quarterback, and I thought when he left Annapolis as one of its record-breaking football heroes, he took his full Navy tour as a young officer and, I believe, spent more than a year of his duty in the combat area of Southeast Asia, in Vietnam. I will have his statistics not only as a college star athlete, All-American, but as a top NFL quarterback for the Cowboys. But more importantly, I want to put into the record his military career where he put duty, honor, and country ahead of going into the record books with even astronomically higher numbers because of his youngest, toughest years as an athlete being given to his country just like Ted Williams.

Mr. Speaker, it occurred to me the other day that every President is entitled to be buried at Arlington Cemetery. If a draft dodger ever in a confusing time in our history, in a recession period, in a period when all the Democratic leaders in both Congresses and all the Governors at large, of the largest States, States more difficult to govern and manage, they all step aside out of deference to a President's high numbers of public approval, and an unknown person achieves a nomination and is a draft dodger and goes on to achieve the Presidency, that person has the option to be buried at Arlington.

I cannot conceive of someone buried at Arlington who was a scheming draft dodger and being buried among the young draftees who allowed themselves to be drafted, who did not flee to Scandinavia or to England or Canada or anywhere around the world, who did not claim to be homosexual when they were not, who did not claim to be weak or physically with a bad knee or even goes so far as to cut off a finger—which was known to happen—or pull out teeth—which was known to happen—but just said, "All right, I don't know what is going on over there. I don't know why we could crush Hitler in 3 years and 5 months, and 99 days later crush Japan and not be able to wrap up Vietnam in 1, 2, 3, 4, 5, 7 years," when our prisoners were held twice as long as the marines captured at Wake Island or the men captured in North China. How could this happen that this war could not be won? These young farm kids, sons of African-Americans, sons of Hispanic-Americans, sons of military families, sons of conservative families. In my family, that would have been a double hit, military and conservative philosophy on honor, guidance of the sons. My mother once said, "If any of you three sons ever dodge the draft, don't darken my door again."

Does that sound overly romantic, impossible for a mother to say that? Well, if a mother believes that Jimmy Doolittle, Douglas MacArthur, Ike Eisenhower are heroes for young Americans, yes, a mother would be likely to say that during the Korean war years, which Mickey McFadden Dornan truthfully said.

So I think of Arlington, and I think of heroes. In Mr. Clinton's case, since someone took his place when he graduated from Georgetown in the early spring of 1968, since someone took his place in the early spring of 1969, since someone took his place in the late spring of 1969, and since someone took

his place when he deceived Colonel Holmes in August 1969, then any one of those four young men, probably farm kids from the suburbs or rural areas around Hot Springs could be on that Vietnam wall as someone who, as Lincoln said at Gettysburg, gave the full measure of devotion. And that man might be buried in Arlington.

Would a draft dodger have the moral authority, I ask all of my fellow countrymen, would a draft dodger, as Commander in Chief, have the moral authority on Memorial Day, on Veterans Day, to lay a wreath at the Tomb of the Unknown? It is now an unknown soldier, in state there, for World War I, World War II, Korea. I went to the ceremony where there were very tiny remains because we identified all but this one in Vietnam, the remains of finally an unknown soldier probably from the Laotian theater, where remains were not easily retrieved. When they were, very few pieces of bones were left.

Could a draft dodger do that in conscience, lay a wreath at the Tomb of the Unknown in Arlington? I hope not.

Back to D-day, I remember telling Vice President George Bush that I was looking forward to being with him on the memorial across the midships of the U.S.S. *Arizona*, as I mentioned earlier. I was lucky enough to be there with three Congressional Medal of Honor winners, John Flynn, young petty officer who went out right in the middle of the airfield at Barbers Point, took out his 45 and started firing at the Japanese airplanes and then set up a machine gun and is credited with not only shooting one down but organizing the whole defense on those two Japanese raids that morning.

We were there with the young ensign, boiler officer down in the guts of the U.S.S. *Nevada*, who actually got it up to speed, which was, in the textbook, impossible, and set sail until it beached itself at Hospital Point so it could not be sunk, as the Japanese were trying to pound the living hell out of the U.S.S. *Nevada*, to catch it in the channel in Pearl Harbor and sink it, bottling up all of our ships. Our colleague, BARNEY DWYER, who is retiring, the gentleman from New Jersey, with his crew, was beating a path out that very channel to get out to the sea to face the entire Japanese invasion fleet.

I said to President Bush that day, "Remember we talked about this, Mr. President? Four years ago, that we would be on the deck of the *Arizona* and you would be President of the United States?" And I said, see you at Midway, Coral Sea, maybe North Africa for Operation Torch, which is coming up November 8. I reminded him years ago we would be together at Normandy for the 50th anniversary. I also told him we would be in the Bahamas for the 500th anniversary of the arrival of the Admiral of the ocean seas, with his great imagination, determination, and eccentricity, Christopher Columbus. He did not go by that name. He was known as Cristobal Colombe.

The President will be busy campaigning somewhere in the United States, so he will miss that anniversary in exactly 11 days on the 12th of this month. But if the President cannot close that gap, he will not be there at the 50th anniversary of the D-day invasion. He will instead be watching it on television.

I am going to be there, come hell or high water, God willing. But I do not want to see a draft dodger pretending he is Ronald Reagan at the 45th, or the 40th anniversary, I mean. I do not want to see in 1994 a draft dodger walking among those graves and trying to recapture the eloquence of Air Force Lt. Ronald Reagan with Nancy Reagan at his side, choking up the world, at least his Nation and himself, talking about those heroes, standing among the crosses of those 22 pairs of brothers, sets of fathers and sons and twins that gave their life on Omaha and Utah and in the dead of night, before the light of dawn, those paratroopers of the 82d and 101st Airborne landing in pitch black darkness, coming down, stuck in the trees at Sainte Mere-Eglise.

John Steele hanging from a church steeple, pretending to be dead, the heel blown off of his combat boot.

□ 2210

I took my daughter, Kathleen, there a few years ago. We walked around Sainte-Mere-Eglise, and I am trying to create word pictures of what took place there. We go into a small barn that says, "John Steel Bar."

I find a lovely French lady, and I said, "Did you know John Steel?"

"Oh, yes, he has been back for some reunions."

My daughter is pretty good at French. She is trying to talk to her. She is speaking in broken English, and she says, "Let me show you something." She goes out on the cobblestone street and she begins to cry. She says, "One young American paratrooper was laying right here, dead, a handsome young boy; another one here, another one here. Somewhere in the trees there, shot dead."

And I could see she was reliving this whole thing.

Now, I do not want a draft dodger to relive that.

You know what we have here, Mr. Speaker? You may not know this. See Chris Heil down here? He hit the beaches at Normandy as an engineer. That is kind of like one of these military problems. They say, "Look, it's kind of tough to hit the beach at dawn with all these tank traps and mines. So why don't we take a few engineers and have them go in first and clear the beaches?"

I never have been able to understand the courage that it takes to hit the beach and clear the land mines in the dead of night and blow up some tank traps and cut some barbed wire so that it will make it easier for other kinds your own age to come in after you in those first few waves of the invasion.

I have said it every night. President Dwight Eisenhower, then Four-Star General Eisenhower, Supreme Commander of SHAFE, said, maybe he had his fifth star by them. I think he did.

He said, "Let's play the Lord's Prayer over all the public address systems of the 5,000 ships."

And I say again today, that would be politically incorrect.

You know, on the hoof of the next President, alive, well, and rummaging around and torturing people to death in the case of Saddam Hussein, is the other dictator, Mu'ammar Qadhafi. President Reagan rattled his cage effectively, with the large loss of two F-111 pilots, Paul Lawrence, Fernando Rivas-Dominich, known to his fellow pilots at Lakeland Heath, England, as Fernando, they gave their lives on their first and only combat mission, because they were teenagers when the war ended in Vietnam, but they were mature men in their late twenties or early thirties when President Reagan ordered them to hit the terrorist training camps in Libya in the night of April 14 and 15 in 1986.

Rafsanjani, screwy in Iran, dangerous countries around the world.

When I read Mr. Clinton's letter to the heroic survivor of the Bataan Death March in 3½ years, the hellish Japanese imprisonment, when I read Clinton's letter to Colonel Holmes, Commandant of the ROTC at Arkansas, I literally get sick at the thought of him as commander in chief.

I have got that letter here. I just was reading it again. Tonight, I am going to ask permission to put it in the RECORD at this point.

TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

(The text of the letter Bill Clinton wrote to Col. Eugene Holmes, director of the ROTC program at the University of Arkansas, on Dec. 3, 1969:)

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the

salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply to "participation in war in any form."

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war, I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however, dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1–D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

Listen to these opening paragraphs again, Mr. Speaker, in retrospect. Listen to these opening lines, letter from Bill Clinton, man of 23, although he called himself a boy, on Lincoln's birthday this year on a show dedicated totally to him and this phony letter by Ted Koppel, after Rick Kaplan of ABC, producer of "Prime Time," former producer of "Nightline," had asked his friend, Koppel, to put Clinton on alone and had given Clinton the letter after Holmes gave it to ABC and the Wall Street Journal for their use to break this story, to block Clinton. They gave it to Clinton to digest for 3 days and come up with these twisted, devious stories to explain it away, and then let Clinton give it out on Wednesday morning so that it looked to the press, or at least they could cover it up this way, that he himself had come forward with this letter.

Here is the opening:

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month—

this is 4 months after they met—

and from now on you will,

he never wrote to him again—

but I have had to have some time to think about this first letter. Almost daily since my return to England I have though about writing, about what I want to and ought to say

That is in-between all the demonstrations. He ditched every class, never got his degree at Oxford, took the money and did not do the work that whole second year as a so-called Rhodes scholar; which by the way, you do not win on academic merit. It is a mentoring system. Mentors recommend you to go to Europe as a Rhodes scholar.

I will say that all the Senators, I think there are five of them, completed and got their Oxford degrees, as our colleague from Maryland [Mr. MCMILLEN] who while playing professional basketball labored for 4 years to pass his exams and get his Oxford degree and then years later they send you a courtesy master's degree for life lived.

The other one that did not has the best Rhodes record of all, LARRY PRESSLER, left at the end of his first year to serve in combat as an Army lieutenant in Vietnam.

Only Clinton of anyone sitting in either Chamber or any Governor in the United States dumped out, and he blames it on Vietnam.

He continues in the letter:

First, I want to thank you, not just for saving me from the draft—

Colonel Holmes hates that line. He mentions it in his letter that I will put in the RECORD again, so that tonight's special order will be pretty comprehensive in having both these letters in, and again they will not have to send for the RECORDS of the 23d and the 25th and the 25th over the RECORDS of August 5 or July 27 when I started putting these records in.

Memorandum for Record, September 7, 1992.
Subject: Bill Clinton and the University of Arkansas ROTC Program.

There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health (a consequence of participation in the Bataan Death March and the subsequent 3½ years internment in Japanese

POW camps) has precluded me from getting into what I felt was unnecessary involvement. However, present polls show that there is the imminent danger to our country of a draft dodger becoming the Commander-in-Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there were many others who avoided serving their country in the Vietnam war, they are not aspiring to be the President of the United States.

The tremendous implications of the possibility of his becoming Commander-in-Chief of the United States Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of draft.

This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter. But as Mr. Clinton replied on a news conference this evening (September 5, 1992) after being asked another particular about his dodging the draft, "Almost everyone concerned with these incidents are dead. I have no more comments to make". Since I may be the only person living who can give a first-hand account of what actually transpired, I am obligated by my love for my country and my sense of duty to divulge what actually happened and make it a matter of record.

Bill Clinton came to see me at my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive, approximately two (2) hour interview. At no time during this long conversation about his desire to join the program did he inform me of his involvement, participation and actually organizing protests against the United States involvement in South East Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the United States Army.

The next day I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fulbright's office that Bill Clinton, a Rhodes Scholar, should be admitted to the ROTC program. I received several such calls. The general message conveyed by the draft board to me was that Senator Fulbright's office was putting pressure on them and that they needed my help. I then made the necessary arrangements to enroll Mr. Clinton into the ROTC program at the University of Arkansas.

I was not "saving" him from serving his country, as he erroneously thanked me for in his letter from England (dated December 3, 1969). I was making it possible for a Rhodes Scholar to serve in the military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at the University of Arkansas or to attend the University of Arkansas Law School. I had explained to him the necessity of enrolling at the University of Arkansas as a student in order to be eligible to take the ROTC program at the University. He never enrolled at the University of Arkansas, but instead enrolled at Yale after attending Oxford. I believe that he purposely deceived me, using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction and get a new draft classification.

The December 3rd letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should again petition to enter into the ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States Military. Even more significant was his lack of veracity in purposefully defrauding the military by deceiving me, both in concealing his anti-military activities overseas and his counterfeit intentions for later military service. These actions cause me to question both his patriotism and his integrity.

When I consider the calibre, the bravery, and the patriotism of the fine young soldiers whose deaths I have witnessed, and others whose funerals I have attended * * * When I reflect on not only the willingness but eagerness that so many of them displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me now a man that was not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our Armed Forces.

I write this declaration not only for the living and future generations, but for those who fought and died for our country. If space and time permitted I would include the names of the ones I knew and fought with, and along with them I would mention my brother Bob, who was killed during World War II and is buried in Cambridge, England (at the age of 23, about the age Bill Clinton was when he was over in England protesting the war).

I have agonized over whether or not to submit this statement to the American people. But, I realize that even though I served my country by being in the military for over 32 years, and having gone through the ordeal of months of combat under the worst of conditions followed by years of imprisonment by the Japanese, it is not enough. I'm writing these comments to let everyone know that I love my country more than I do my own personal security and well-being. I will go to my grave loving these United States of America and the liberty for which so many men have fought and died.

Because of my poor physical condition this will be my final statement. I will make no further comments to any of the media regarding this issue.

EUGENE J. HOLMES,
Colonel, U.S.A., Ret.

Clinton continues:

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been.

Really, Billy, was it really that tough to wear the uniform of your country when you had 4 years in college and a fifth year at Oxford? You could have written your ticket as an officer, although as I said last night, he flunked his Air Force officer's physical and his Navy officer's physical.

When I was as low as I have ever been. One thing which made the bond we struck in good faith—

He is claiming he bonded with this Bataan Death March survivor.

One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual—

In other words, he is assuming that Colonel Holmes did admire him, that there was mutual admiration, and he concedes:

it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Mr. Speaker, I have already submitted the whole letter.

You know, what is amazing here is Clinton realizes that if he had leveled with Colonel Holmes in the man's own living room, that he had been organizing demonstrations against his Nation in a foreign country, that he damn well would not have been fit as an officer.

What Colonel Holmes does with his letter of last month, September 7, 1992, he says:

If I had known what he had done, his activities, his political beliefs, I would have made sure he never was commissioned an officer in any Branch of our service.

He never would have made a sergeant.

As a matter of fact, an Academy Award winning and nominated actor called me the other night. I will not wreck his career by mentioning his name, but he called me the other night and paid me a nice compliment. He said he was riveted to the television set.

He said, "Like you, I'm a peacetime warrior, Congressman. I served in Germany."

He was kind of vintage Elvis Presley's time, who served honorably.

He said, "You know, it kind of brings things down to basics." That is the way he became an actor, a star, too, real basic, earthy performance.

He said,

To me life is when you are in a foxhole, can you catch a couple hours sleep with this guy? Can you trust him not to fall asleep or not to walk away on you? Can you get two hours of sleep? I wouldn't trust Clinton as far as I could throw him.

And I admire George Bush. I do not think he will make the small mistakes in the second 4 years that he has made in the first by trusting people who were not worthy of his trust.

I hope that actor still follows these proceedings, because he is something else.

Here in the letter, Colonel Holmes notarizes, I have got all four Xeroxes of pages where he talks about that he agonized whether or not to submit this statement last month to the American people, and here is the part.

When I reflect on not only the willingness but the eagerness that so many of my colleagues displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me—

This is a Bataan Death March survivor speaking—

that a man who is not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our armed forces.

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Mr. Speaker, I submit these two records.

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Clinton knew what he was doing, hence this key line about political viability. Incredible.

Now, Mr. Speaker, something hit me out here in the Speaker's lobby when I was looking at the wire services today. I was trying to read stuff about the curse of abortion coming over our land, turning a moral land of Christendom and Judeo-Christian ethics into a cesspool in some areas. This catches my eyes about Oxford:

I saw the word "Oxford." It says:

"Oxford and Cambridge."

But, Mr. Speaker, above it in big letters it says:

"Woody Allen; sex symbol?"

It may seem hard to believe, but British coeds, that is, young women, at Oxford and Cambridge Universities name Woody Allen as the man they would most like to sleep with.

What is that? The man they would most like to sleep with, have sex with? And I said, "Well, this has got to be two dingbat, airhead coeds who somehow or other are good at high school exams but who do not know anything about life.

And I read on. The survey was of 714 young women, and it found that 33 percent, that is, over 200, chose the 56-year-old filmmaker, Woody Allen, who is usually portrayed in his films as a self-deprecating neurotic who does not get the girl.

The second choice of the young women polled was actor Sylvester Stallone of "Rambo" and "Rocky" fame.

"Yo, them British birds want me. Wow!"

Third choice was Prince Andrew who has known as Randy Andy before his marriage to the frolicsome Fergie.

I hope the President stops saying "Oxford man," Mr. Speaker. One, he is not an Oxford man; and, two, Oxford has got some hellacious problems now as far as I can see.

Yesterday I put into the RECORD from memory the general order that came out of the Continental Army of the United States headquarters at Valley Forge on August 3, 1776, by George Washington, and I am forgiving myself for leaving out one phrase, and I am going to read it precisely to create this feeling of what Americans can expect for the standard of the Presidency set by the Father of this Country.

First in war, first in peace, first in the hearts of his countrymen, he voluntarily turned down a kingship, he voluntarily retired after 8 years of setting a standard of two terms, broken only by Franklin Roosevelt on the eve of World War II, after it has already begun and the Battle of Britain was already concluded. President Roosevelt was elected to a third term, but Roosevelt set that standard, and here is what he said about profanity.

Are you listening, Hollywood—Hollywood elite? Ice-T? 2 Live Crew? Are you listening about what the Father of our Country says about profanity among men, not just men, real men, combatants?

Here is what he said, and I want to get this correct so when young schoolchildren are writing to me from all over the country—we had over a thousand telephone calls in the last 4 days over these special orders. The high water mark for me in 16 years, Mr. Speaker, was about 40 or 50 calls from some past, very special, special orders, or maybe a "Crossfire" show or sitting in for Rush Limbaugh on one day, and that is a lot. I think any Member would concede that 50 calls on one subject is a lot in one day. Sometimes you get that much after a Presidential State of the Union Message, but over a thousand calls, not a single one of them negative.

I took two negative calls in the Cloakroom, and they were at least polite veterans that thought we should look to the future, and I am trying to establish why the past is important.

What does it say in front of the Archives?

My son called me the other night, Mark. He is going back to school to get his degree, and he called me, and he said, "Dad, I'm doing a history project here, and I'm talking about us riding the Trans-Siberian Railroad. What does it say on those two statutes in front of the Archives you were telling me about as we drove past? What does it say?"

And I said, "Mark, the Roman, Solon"—there is Solon. I hit the right one. There is Solon right up there next to Moses. He was such a good lawmaker that his name became synonymous with lawgivers. There is Solon, a Greek-Roman figure of a lawgiver, and under him it says, "The past is prologue," and under him it says, "The past is prologue."

And under the other statue, a female heroic figure symbolizing justice, I assume, it says study the past.

The past is prologue. Study the past. That is why I love history. That is why I love men and women who love history, and it is important what is done before us in the Presidency: A man's life, his character, how he responds to tense situations, how he wasn't to be selfless and given instead of covering his own assets.

That is what is important to me.

So, Mr. Speaker, here is what George Washington says in August 1776 about profanity. I have often quoted his Valley Forge a year later, 1777.

> The general is sorry to be informed that the foolish and wicked practice of profane cursing and swearing, a vice heretofore little known in an American Army, is growing into fashion. He hopes that officers will, by example, as well as influence, endeavor to check it, and the bovay and the men will reflect that we can have little hopes of the blessing of heaven on our arms if we insult it by our impiety and folly. Added to this, it is a vice so mean and low, without any temptation, that every man of sense and character detests and despises it.

I just left out that one phrase, "that will by example, as well as influence."

Now, when I sit in a Hollywood movie, and I grew up on motion pictures. I love them. It is my favorite lovely art form. When I go to see a Vietnam story, "Born on the Fourth of July," and I see a hootch blown apart accidentally, and there are women and children in there hurt and dying, and one of the soldiers comes in, and the first word out of his mouth is Jesus, which could be a prayer as well as a blasphemy, and the next word is the f word as a gerund: f-ing. And then comes the name Christ—King.

Jesus, the obscenity, and then Christ, and it all goes downhill from there, and the f word is used like, I do not know, 140 times I read in the Protestant publication where some poor person subjected himself enough to counting the constant blasphemies, the foul mouth, scatological words about excrement just thrown around like nothing.

And now I read that the film "Goodfellas," meaning thugs, criminals, killers, had 350-some f words in it. I remember "Scarface," written by the same Oliver Stone-head before he started directing in "Scarface," Al Pacino is saying f f f f f f f until Michelle Pfeiffer says, "* * * and stop saying the f word." She of course said the whole word, and the whole audience sponaneously starts to applaud like, hey, let us enjoy the movie without all this filth and blasphemy. But it is the blasphemies. It is taking God's name in vain and Jesus' name in vain, and many of the times the scripts are written by, directed by, produced by, and performed by nonbelievers insulting my faith and the heritage of this country, and it goes on incessantly.

I sometimes would like to take the words of George Washington, roll it up into a little ball and stuff it down the throat of some of these writers.

DUKE, one paragraph, and let us talk about history.

Here is one thing that is particularly annoying. Clinton has never renounced any of his views or actions during this part of his life at Oxford, the trip to Moscow, which is still the big mystery—a handful of reporters—a handful, one hand you can count them on—are in Moscow and London, as we speak, trying to find the truth.

Finally, a lady reporter from a top national news magazine, a weekly, called me today and said she is going to ask him:

How did you get there, Governor Clinton? By train or plane? How did you pay for it? Where did you stay? Who sponsored you? Were you a guest of the Government? Did you live in student housing? Did you meet with the MIR groups—Russian for peace? Do you think maybe you were manipulated? Do you know that the Intourist agency

always had KGB majors, and colonels, and captains in it to manipulate and track every single American that came to the Soviet Union.

And then she may ask him: "Did you know that Congressman DORNAN was locked up in an old shack that they called an Aeroflot deserted hotel with four heroes' wives, and the wives were heroic in and of themselves: Connie, Pattie, Pat, and Carol, the first head of the League of Families of Americans Missing and Imprisoned in Southeast Asia?"

Of course, all those wives never got back their heroes. We are going to get some answers on Clinton if I have to cross paths with him somewhere during the four debates—I hope there is going to be four.

You know, today, DUKE, when Ross Perot, an Annapolis graduate, came out in 1953, the Korean war was wrapped up because of Ike Eisenhower, it was wrapped up a month later on the 27th of July. He graduated June or late May and served 8 years honorably.

I have never criticized Ross Perot in public because of what he tried to do for your colleagues who were stuck in the plantation and the Hanoi Hilton and Alcatraz and Sontai and all those other hellholes.

His selection of a Vice President was pretty stunning, pretty stunning. James Bond Stockdale has autographed a beautiful painting that hangs right in my office as you come in the door, right next to your shot shooting down that MiG, Fox–2. His is a picture of an F–8 Crusader, which you would have probably flown had you gone to Vietnam maybe a year earlier than you did.

He is in his F–8 striking on the first air strikes against Haiphong the day Ev Alvarez went down. The 100th anniversary precisely of Admiral Farragut going right into Mobile Bay, AL, saying damn the torpedoes, meaning full speed ahead. One hundred years later Ev Alvarez goes down.

I just read his book, "Chained Eagle," magnificent. And months before, the year before, Admiral Stockdale had been the air commander in the air as a CAG over the Tonkin Gulf in an incident. He went to Stanford, to the Institute of War, Revolution, and Peace, the Hoover Institute of War, Revolution, and Peace. He knew the Communist mind, their psyche, and had studied Lenin, Marx, Engels, Trotsky. He knew the subject material and the heads of his captors, and won the Medal of Honor in captivity.

I came to know his heroic wife Sybil so well. I meant to tell the story a few nights ago.

James Bond Stockdale, Jim, took me on a tour of the Medal of Honor section alone. I felt so honored to be with a Medal of Honor winner getting a personal tour by a Navy admiral. He showed me McArthur's medal, and his father, Arthur McArthur, 19 years of age, Flint, MI, shot five times holding the colors up.

Remember we discussed this through an all night session to have this place pass a law to not have people burn Old Glory in front of older people or veterans in wheelchairs who would like to strangle them if they had their legs? And we missed by a few votes. Some of those people went down, but others will probably survive an election.

But Stockdale, showing me all of this history, told me this story about the Greeks not letting bachelors go to war. That only married men could go to war. So when those married men were casualties on the battlefield, KIA or wounded in action, then they bled into the soil of Greece. The young bachelors at home, looking for Miss Right, would say, or the sons, my dad died to keep me free in Greece. That was the tradition of married men going.

We sure have got that one completely reversed, because it was Nixon, President Nixon, who announced on September the 14 1969, that there would be no more real draft calls, that only 19-year-olds would go. And if you take this letter of Clinton to Col. Holmes, he says I wrote a letter to the head of my draft board—he also saw him in person and charmed him and gave that cocked head and that big open mouthed smile and puppy dog look, probably bit his lower lip the way the Academy Award winning actor, and I am sick of looking at this frozen smile, and he says I wrote the letter on September 12 and carried it around for a few days.

The SPEAKER pro tempore (Mr. BORSKI). The time of the gentleman from California has expired.

AMERICAN POLITICS IN WARFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I yield to my friend from California [Mr. DORNAN].

Mr. DORNAN. Thank you, DUKE. I had no idea when you are having fun how fast time flies and that I had spoken on that whole hour. I am glad that we know the rules of the House, so you could get an hour yourself. Because with all due respect, Mr. Speaker and our great staff here, there are thousands, thousands, at least a million Americans, who are trying to get the truth about this Moscow trip of Clinton's.

Anyway, Clinton says, he writes his letter, I will find the point here, this is after saying I organized Americans here for demonstrations in a foreign land, oh, boy, October 15, 16, also the 17th. And then he talks about writing this letter to the head of the draft board in the state.

He said I carried it around for days. Here it is. Finally on September 12, this is to Col. Holmes, I stayed up all night writing a letter to the chairman of my draft board. He had already lobbied him in person. He says he can't remember that. Saying basically what is in the preceding paragraph, thanking him about his 1–D deferment, thanking him for trying to help in a case where he really couldn't—wrong, he could and did—and stating that I couldn't do the ROTC after all, and would he please draft me as soon as possible.

What a distortion. He said he carried the September 12th letter asking that he be drafted as soon as possible, but I never mailed the letter. I did carry it on me every day until I got on the plane to England. Every day sounds like at least 3 or 4 days.

I have in my possession the front page of the Arkansas Gazette before it was named the Arkansas Democrat Gazette. I have in my possession the front page of the London Times, just in case he has got it all deliberately mixed up about the days.

He knew that Nixon was saying we are only going to draft 19-year-olds, we are stretching all this. All those stories were the talk of every flaky, cowardly draft dodger at Oxford or Cambridge, or everybody hiding out in Scandinavia or Europe or Canada. They were tracking these issues daily.

The heroes in that part of the antiwar movement that was pure pacifist that said a pox on both your houses, they stayed in this country, and many of them like Joan Baez' husband, the former student body president who I debated at Stanford, he went to jail. That is guts. That is commitment. He knew his political liability would never take him to the Presidency of the United States, although I bet he could find a district to get elected to Congress because he had the guts and the courage of his conviction.

Let me finish this paragraph, and then it is your special order, and I am going to just engage in a little colloquy with you.

Clinton never has renounced any of his views when you were flying in combat. He not only participated in but organized and led anti-American and anti-Vietnem—that is free Vietnam, South Vietnam, with 44 papers in Saigon, 44 daily newspapers when I was there last in August 1972, my eighth trip. And now there is one, and there has only been one since Russian built T–54 tanks smashed down the door of the presidential palace where I had had those four wives in January of 1970.

Those demonstrations in London had the support of British so–called peace organizations, such as the British Peace Council, an arm of the KGB, funded and created World Peace Council. This makes Mr. Clinton at least, at the very least, in the words of Vladimir Ilyich Ulyanov Lenin a useful idiot, one of Lenin's more useful quotes.

Clinton visited the Soviet Union at a time when they were supplying the weapons with which the North Vietnamese were killing our servicemen and shooting down your wing men and some of your commanders.

I just want the press to ask him what did you do after you arrived in weather between 22 and 26 degrees below zero on New Year's Eve. Did you call your mommy, who never thought you were

going in the ROTC, who is quoted as saying I always thought Bill was going into Yale Law School.

Did you call your mother on Christmas Day or New Year's Eve? And then when you got there, with whom did you meet, Governor? Where did you go around Moscow in 23-plus degrees below zero?

What about other trips? We have placed you in Oslo somewhere between Thanksgiving and December 15. We know he visited with peace groups in Oslo. Where else did he go? And again for what purpose? This must be answered.

□ 2240

I hope to get this to President Bush in detail so that he can stand mano-a-mano in the debate and say, Come on, Governor; come on, Bill, be a man, not a 23-year-old boy. You have added another 20 years, 23 years, you have precisely doubled the age of what you called a boy on Lincoln's birthday to Ted Koppel's face: "'Remember, Ted, I was only a 23-year-old boy.'"

I hope the President will put him on the spot and show this Nation the depth of his character, President Bush's, and the lack of character and principle and duty, honor, country, in this Governor of a small four Congressman State who would be the Commander in Chief based on a series of deceits.

May I just ask you a question, Mr. CUNNINGHAM? When did you get your Navy wings of gold?

Mr. CUNNINGHAM. 1968. My first cruise to Vietnam was the latter part of 1969. I was in Vietnam in 1969 and 1970, returned in December 1971, under antiwar protesters when the U.S.S. *Constellation* sailed out of the Port of San Diego on our second cruise.

Mr. DORNAN of California. You mean there on Point Loma?

Mr. CUNNINGHAM. Out of Point Loma, yes.

Mr. DORNAN of California. And that makes air crews feel kind of punk, and those kids who work on that deck during night recovery, it is the most dangerous industrial workplace environment on the planet, right?

Mr. CUNNINGHAM. Right.

Mr. DORNAN of California. Pretty good kids. What was the attitude of the air crew pilots, the attack and refueling pilots, and the fighter pilots like yourself, and as a fighter pilot, you knew bombing missions. You were kind of like an F–18 pilot today: Did it all, into the target, fight your way in and out.

On the mission where you shot down three Mig's, did you bomb on that mission?

Mr. CUNNINGHAM. Yes. I pulled off a target after bombing that target and was attacked by some 22 Mig's, and was lucky enough to shoot 3 of the 22 down. Then later I was hit by a surface-to-air missile, which by the way, those were Soviet-made Mig's. That was a Soviet SA–2. The AAA that shot at us was built in the Soviet Union while Bill Clinton, Governor Clinton, was there in 1970.

These are the same arms, and by the way, the Soviets were training North Vietnamese pilots in 1970, and prior to that fight against United States pilots.

Mr. DORNAN of California. Training? Did they think that training; you know, I visited a Soviet grave site not too long ago in 1978 or 1979, and a whole Pathet Lao, Laotian delegation, came to lay a wreath on these graves of honorable men and women who had defended I think it was Leningrad. I looked at these tough-looking Laotian Communists and I thought, "Is my friend, David Hrdlick, alive?" I am still wearing his bracelet. I said, "Do you have him in a cave somewhere?" This is 1978. He survived from 1965 to 1970. Why couldn't he have survived a few more years?

I thought, "Do you know the fate of Charlie Shelton and David Hrdlick? Do you strange people who are crushing people with communism," little did I know that I would still be in Congress when these things took a topsy-turvy turn, and we have seen communism dissolve.

Clinton has never commented anywhere about the Soviet demise of communism. I think you saw me in a 1 minute today say, "Wait a minute, kemosabe. what do you mean 'we won the cold war?'" He never lifted a pinky, as did other good men who were being attacked, Cheney and DAN QUAYLE, had a piece as elected legislators in that war.

Mr. CUNNINGHAM. If the gentleman will yield, BOB, do you know, one of the things I would like to thank you for, and I thought that, Mr. Speaker, I was not aware, and I am sure the Speaker was not, and the American people, about the facts and the figures that have all been documented, by the way, that you have brought forward.

I sat and watched with amazement your special orders. I did not know that Clinton had organized antiwar demonstrations where human skulls were used with pictures of our pilots, some of those same pilots I flew with and were shot down and killed in Vietnam.

Mr. DORNAN of California. They may have been papier-mâché skulls, but with pictures of dead American heroes inside the eyes and mouth of the skulls.

Mr. CUNNINGHAM. I was not aware. You brought the letter that Clinton wrote to me, and I read that. I was outraged at that. But then to find out that when you talked about it, he is playing a game. He played a game with Eugene Holmes, he played a game with the draft board, he played a game with the ROTC and quit, and he played a game as a student in Oxford until he learned even then that they were only going to draft 19-year-olds, and he is playing a game with the American people right now.

He is going to lose at that game, because people are not going to support someone that any of the allied countries that I have ever served with or flown with or even the enemies that we have fought against, he would be tried as a traitor or even shot in those countries. I cannot believe that the American people will support someone like that.

BOB, there is a saying: "Those who fight for life have a special flavor that the protected will never know," and I include in that the wives that saw their husbands depart for combat, and not knowing their fate, the children, the sons and the daughters and mothers and the fathers, not only in Vietnam but in Desert Storm. They have a special flavor for life that the protected will never know.

I wrote a book in 1973. I was still a fighter pilot, and it talks about the hate and the disgust that I held for this body in Congress because of what they did to us in Vietnam.

Mr. DORNAM of California. Was your book called, "Fox 2?"

Mr. CUNNINGHAM. That is not important, what the name of the book was. But I talk about the Jane Fondas and the Tom Haydens and the Proxmires and the McGoverns and the Jerry Browns and the people that actually got us killed in Vietnam. I would hope the American people, Mr. Speaker, would see the movie "Hanoi Hilton," because in that movie it points out the role of antiwar protesters, and the people that they actually got tortured. The great SAM JOHNSON from Dallas, TX.

Mr. DORNAN of California. Congressman.

Mr. CUNNINGHAM. Congressman SAM JOHNSON was tortured as a POW, and many of those POW's, because of Jane Fonda and Tom Hayden and Ramsey Clark's appearance there, they were tortured. In many cases I can remember sitting on the U.S.S. *Constellation* 2 days after Jane Fonda and antiwar protesters went into Hanoi, and we were not allowed to strike those targets, the SAM sites.

What did that do? It allowed the North Vietnamese to reload those SAM sites that we had only destroyed a few weeks ago. We were not allowed to fly in as long as the protesters were in there. When we were allowed, we went back and those same SAM sites that we had knocked out were fully armed again. Mr. Speaker, we lost a lot of pilots. As a matter of fact, on Operation Proud Deep we lost 37 airplanes. They were directly responsible for the lives of many of those men on that wall.

I cannot tell you, Mr. Speaker, the contempt that I have for someone like

Governor Clinton, that not only went to the Soviet Union as they were training those pilots. I was shot down in May 1972, and I tell the Members, there was no white scarf on the most afraid aviator or person you could ever see in your life, but if I could have gotten my hands on those antiwar protesters, I don't think you would have wanted to know, and most of the men and women that I served with, and I cannot believe the game that he is playing.

Congressman DORNAN, I want to personally thank you. I didn't know about Col. Eugene Holmes, and even his press release, where he said Clinton was playing a game, that he was absolutely lying, that he evaded the draft, and when he found out his number was high in the draft and they were only taking 19-year-olds, he said, "By the way, I promised you I was going to join the ROTC. I am not going to join the ROTC, I am going to go to Oxford as a Rhodes scholar. Then, by the way, I am going to quit as an Oxford Rhodes scholar and I am going to go protest, and I am going to protest in the Soviet Union, I am going to protest in England, and I am going to protest in other countries." What else is he going to protest?

I worked at the Navy Fighter Weapons School, which is also called Top Gun. We used to train against Sino-Soviet tactics in 1970? Why? Because the Soviets were training the same people that were shooting us down, and there was Bill Clinton in January 1970, at the same time the KGB and the Soviets and the RGI's, which were the intelligence ships, were giving intelligence information back to the Soviet Union and North Vietnam, and Bill Clinton was there in part of that. He is directly responsible.

Mr. DORNAN of California. The soviet ships would track right in your wake?

Mr. CUNNINGHAM. They tracked right in our wake, flew along. They recorded.

Mr. DORNAN of California. Every time you took off?

Mr. CUNNINGHAM. Every time we took off they knew we were coming with how much ordnance, where our direction was, and they laid in wait.

Mr. DORNAN of California. Sometimes to reduce your fuel load for deck recovery you would have to dump some fuel. Would that fuel ever hit those Russian intelligence ships?

Mr. CUNNINGHAM. Sometimes it did.

Mr. DORNAN of California. Accidentally?

Mr. CUNNINGHAM. Accidentally. Many people chastised President Nixon for mining the harbors, but I used to fly over Soviet ships loaded with surface-to-air missiles, trucks, weapons that were going to be used against us the next day. When Nixon mined those harbors, he stopped a lot of that ordnance coming to us. It meant survival to us. He had the sand to stand up against the liberals and stop it.

□ 2250

Mr. DORNAN of California. DUKE, we have a British member of Parliament that comes to California. He enjoys the sun and the American exciting lifestyle. He is a British citizen, and he goes back and forth. And he passed through here today. I was hoping that you would be coming out on the steps to meet him. I will not give his name because he did not give me permission. But he is going back to England right now, a great debater, a member of the loyal opposition. Wilson's government was in power during your years and Clinton's years at Oxford, and he remembers debating at Oxford and Cambridge both, but particularly Oxford at the student union. And his subject was, is America's role in Vietnam moral or immoral. He said that surprisingly they won the debate, the pro-side, so it was moral. And he said he distinctly remembers the fans, and he hopes he can document it by names of American students in the front row, and he believes that one of them was Clinton. And he said they were there as the showcases for the British debaters to look at, these poor American students, they hate their country, they are forced to flee, and they do not want to serve. It was an immoral war, and they were all for Ho Chi Minh.

Now McSorley, remember from my piece the other night, the radical, pro-Fascist peace operation at this Jesuit institute down there at Georgetown where Bill Clinton went, where he says he was a loyal Baptist for 4 years.

Mr. CUNNINGHAM. Did he quit that too?

Mr. DORNAN of California. No, he finished that. He probably did well there. McSorley said I was a stupid Congressman. He said a stupid Congressman, so I do not think he even knows who I am. McSorley who today is a journalist from Arkansas, and this is Father Drinen's friend down there, Father Death's friend, he said that Bill Clinton and what he was doing, he was heroic, and the war was immoral, and Ho Chi Minh was a good man. But then he conceded that he was a Communist. And then he said that Ho Chi Minh only became a Communist, and it is good for people to know that like Tito, Stalin, Hitler, all of these people changed their name. Hitler's real name was Schifelburger, and Stalin's real name was Josif, and it is a mouthful, Vissarionovich Dzhugashvili, and he changed his name to Steel, then Stalin. Well Ho Chi Minh changed his name. His name was Nguyen, and you put the last name first, and that is the most common name in Vietnamese, like Smith or Jones, Nguyen That Thanh. This is his real name, Nguyen That Thanh, not Ho Chi Minh. That is an assumed name also. And that was when he was a Communist student in Moscow in the 1920's, and here is this Jesuit priest who is still poisoning the minds of young 17- and 18-year-old freshmen with his peace institute down there at this Catholic school, and this is the kind of garbage that they get, and for Catholic parents who send their kids to this school and wonder why they have lost their faith 4 years later, at a tremendous cost to the family treasury, McSorley said incorrectly that he was out of the priesthood, but he is still a Marxist priest, and he is still defending Ho Chi Minh and whipping up on the honor of all of the men like you who were there because you were a volunteer, fighting communism, and going back for one tour after another. So be advised, folks, if you send your kids to Notre Dame or to Georgetown, two great institutions, to just be sure you keep track of who their instructors are, because it is a mixed bag at both of those great Christian institutions.

I want to ask you about your first cruise. You got your wings when Clinton graduated from Georgetown in June 1968. When you went over there the first time, it was after the first Tet offensive, before the offensive in September. Were you on the *Constellation's* first cruise?

Mr. CUNNINGHAM. No, I was on the USS *America*, and at that time, if you remember, President Johnson had terminated the bombing in 1968.

Mr. DORNAN of California. On Halloween, as a political move to get Humphrey elected, and to throw them off, and not to demean Johnson's honor, but that was the most disgusting manipulation of combat operations for political purposes, and he did it to throw the election to Humphrey. Humphrey, a good man, was closing on Nixon, 200,000 votes a day and probably would have caught up with him within another 2 weeks given the bias of the media then. They look like Boy Scouts and pussycats compared to the arrogant and ignorant manipulation of the election. And these reporters are coming to interview me about my Moscow line, and they stand there with their arms folded, with an S-eating smirk on their face with lines like, and here is exactly what one of them said to me yesterday, "Well, Congressman, a lot of people went to Russia in the 1970s."

Not on New Year's Eve, 26 degrees below zero, and not within the first week of 1970. This is not 1969. And you know that in 1976 President Carter stopped our Olympic athletes, I mean in 1980, from going over there. Why? Because the Russian Spitznotz 2 days after Christmas had taken over in Afghanistan, and in came the shock troops and genocided a million and a half people from 1979 to when they marched out of there on February 15, 2 years ago. It is not easy to go to Moscow.

Mr. CUNNINGHAM. It is not so important to me why Humphrey did it or Johnson did it as the effect that it had on us, because we were not allowed to do our job like they were able to do in Desert Storm. Our hands were tied behind us. We could not strike in North Vietnam, we could not do those kinds of things that they did in Desert Storm. And the end result is it got a lot of my friends killed.

Mr. DORNAN of California. And you know our colleague, SAM JOHNSON, this great American who was sitting right here in that chair, and right there he told me some days ago that on the mission where he was shot down, beginning almost 7 years of hell, 3½ years plus in solitary confinement, and I do not want to embarrass him but you can see the limited use of one of his hands. He still has a powerful handshake.

Mr. CUNNINGHAM. But he has a great mind.

Mr. DORNAN of California. It honed his mind. But they would not give him decent medical treatment for simple bailout injuries, and then they aggravated those wounds by severe torture. And he told me, he sat in his F–4 at Ubon, I believe, waiting for a C–130 to land so that bombs could be taken off the C–130 and carted over to his airplane, two 500-pound Mark 82's so they could send him north. And what is the loaded weight of an F–4?

Mr. CUNNINGHAM. Fifty-six thousand pounds.

Mr. DORNAN of California. Fifty-six thousand pounds plus these two 500-pound bombs, and that is the kind of thing being done to you. Let me ask you something so that the audience can track this because there are a lot of young people listening to the proceedings in this House, on these on-again, off-again bombings, I had a chance to confront Robert Strange McNamara, who over the weekend came out in favor of Clinton. And I knew that this was coming because I saw in Newsweek about a week ago that Clinton, he said, was as honorable as the men who went to Vietnam, like Lt. DUNCAN HUNTER of California who just came to the well. Let me finish my thought on McNamara. He quit on leap year day of 1968 just about the time that you are getting your wings, and turned it over to the man who called Reagan an amiable dunce, Clark Clifford. I am sure he believes now in karma, and what goes around comes around, and his doctor is begging to give him mercy so as not to send him to jail at 85, and he was the Secretary of Defense for that one year, while our men were having their hands tied. And here is North Vietnam, picture an atomic bomb cloud, narrow at the waist, and then South Vietnam like a reflection. So here is the atomic bomb cloud up into the route packages for bombing, one, two down at the bottom, three, four, five, and six were the targets that you wanted to go after, Haiphong, Hanoi. And LBJ cuts it off on Halloween, and that is the real October surprise in 1968. And when LBJ was the Commander in Chief he could not reinstitute the bombing. Everybody would say that oh, you did it to throw the election to your Vice President, Hubert Humphrey. And then the bombing continues on through November, December, into January 20, and the country is exploding. Clinton is organizing demonstration, goes to Oxford for his first year, I am sure, and getting the draft notice that very month, the first of four. And then how can Nixon when he is just in office, the country is tearing apart, start up the bombing? I think he should have, but he waited all through 1969, all 1970, all 1971, and on April 16, 1972, I am down at the *Apollo 16* launch in Cape Canaveral, and I hear on the radio that we have started Linebacker 2, the rebombing of the North, and I hit the hub of my steering wheel so hard that I bruised two knuckles on my hand, and I started to cry because I knew that guys like you were saying, "We're going to win the war."

Mr. CUNNINGHAM. But the important thing of everything we are saying is that while all of this is going on Governor Clinton was in the Soviet Union, an antiwar protester who had dodged the draft. And when he found out he did not have to go to the draft and had promised that he would go into the ROTC, he said I am not going to do that. And then he wanted to become a scholar and he quit that. And for all that we were in Vietnam, and all of the people that died, Governor Clinton was not there. He turned his back on this country.

□ 2300

Mr. DORNAN of California, Duty, honor and country.

Mr. CUNNINGHAM. And country. You know, Tokyo Rose, which I was born December 8, 1941, the day after Pearl Harbor, I have read accounts of how Tokyo Rose was hated for her part with the Japanese.

Governor Clinton, if he would have lived in that time, can you imagine the disdain that the American people would have had for him? If he was in Israel, was in Saudi Arabia or Egypt or any other country, he would have been disgraced. He probably would have been run out of the country or even executed.

Mr. DORNAN of California, Unless he had the courage to say, "I am a conscientious objector," which happens in Israel. Do you know what they say then? "You will drive an ambulance. You will be a combat medic. If you cannot pull the trigger, we understand that, but you will nurture the wounds of those who are buying our freedom with their blood."

I think it is time to turn to our Republican leadership. Mr. CUNNINGHAM. I yield to my friend, the gentleman from California [Mr. HUNTER].

Mr. DORNAN of California. That guy does not look much like a paratrooper except in his eyes, right now, his steely blue eyes. I see Geronimo.

Mr. CUNNINGHAM. He served in Special Forces in the Army in Vietnam.

Mr. HUNTER. I thank the gentleman for yielding, but I was never in Special Forces. I was with the paratroopers for a little while, but did nothing special, unlike the gentleman.

Mr. DORNAN of California. Well, except for getting shot out and carry your young men out, wounded in your arms. Do not give me that that you did nothing special.

Mr. HUNTER. This gentleman just showed up, but I do appreciate the gentleman letting me join in the debate.

I think you have brought up a very important point here. I was getting ready to take off for the night and noticed the discussion, and you hit on the point that I think is lying with every American family, troubling every American family right now, and that is this: The Commander in Chief, from George Washington onward, has had the duty of asking American families to give up their children to go off to very dangerous places and fight to defend this country, and early on, of course, most of our wars and battles took place on our soil or nearby, and later on ended up in places like Belleau Wood and Guadalcanal and Normandy.

But nonetheless, that duty of trust between average Americans, working Americans, and the Commander in Chief was a very important thing, and his moral authority to draft young men was very important.

In fact, I think the draft only passed by one vote in 1941, and the Democrat Speaker of this House, Sam Rayburn, made his great speech in which he said to his colleagues, when it was clear that it was unpopular to draft people, but we knew we were going to have to, he said, "Sometimes you have to lean against the wind; sometimes you have to do things that are difficult." So we passed that draft law.

I think the unanswered question that many American families are thinking about is this: Can we ever give the moral authority to this Governor named Bill Clinton who himself, when he was called, whether the war was considered by him to be a good or bad war, he was called to take the place of another young man to go to Vietnam and to fight for his country, and he refused to do that. In evaluating the series of his turns that he made from going in and out of the ROTC, and once he got a high draft number, going the other direction, demonstrating in Great Britain and at a time when Great Britain was sending war materiel to the people who were killing Americans, to North Vietnam, and we were at the time very concerned about that.

Would that man, Governor Clinton, ever have the moral authority? Because it takes moral authority. You cannot think, if you have an American family that feels that the Commander in Chief, has no moral authority to take their young man, because he himself has evaded the draft, then you do not have enough policemen in America, and you do not have enough military policy in America to go door to door and to build an army based on unwilling families who do not want to give up their young people because they think the Commander in Chief does not have the moral authority to ask them to do what he refused to do himself, so that he could "remain politically viable."

I think that is the point that American families are contemplating right now and, you know, this position of Commander in Chief is a pretty important position.

I do not know if Americans realize it, but there are so many elements that go into making economic policies. This Congress has a great deal to do with either making economic policy in cooperation with the President or blocking his economic policy, as the gentleman has seen many times when he offers or when he requests a balanced budget, a line item veto, a capital gains tax cut, to get people working again; many, many elements are engaged in making economic policy.

But only one person is engaged in being the Commander in Chief of the Armed Forces of the United States, and that is the President. Our first President, George Washington, had those words said about him, "First in war, first in peace, first in the hearts of his countrymen."

It is interesting that the first appellation, this first description, of George Washington and his service to the country was first in war. That is where he proved himself to the American people, and that is where he showed his own willingness to sacrifice and his own ability to lead Americans in times like Valley Forge when spirits were very low. He showed his understanding of the resiliency and the capabilities of Americans, and he did all of these wonderful things as the Commander in Chief.

You know, I have noticed that a couple of the veterans' groups have not endorsed President Bush over Governor Clinton in this particular campaign, and that astounds me, but I think they are missing a point. Veterans' groups are very proud of the fact, every veteran is proud of the fact that the status of veteran is a special thing. It was made a special thing by George Washington.

That special status continued throughout under Andy Jackson, Abraham Lincoln, Theodore Roosevelt, and right on through to our modern Presidents, Mr. Truman, FDR and right up through, of course, Ronald Reagan and that 18-year-old pilot, George Bush.

Mr. DORNAN of California. Captain; Capt. Harry Truman, Artillery, because my dad was Capt. Harry Dornan, Artillery.

Mr. HUNTER. I would like to have both gentlemen comment, because I admire both of you. Do you think, if this person who deliberately avoided serving his country and let somebody else go in his place, and we will never know what young man went in his place and whether he lived or died or was wounded, because he was not part of that elite group who could maneuver and get out of things by having powerful people call the draft board, will we ever have that status, will that status of veteran in this country ever mean what it meant before a Clinton Presidency? I would be happy to ask the gentlemen to answer that.

Mr. CUNNINGHAM. I think veterans are going to stand proud no matter what happens in this Presidential election. I think that if you look at the pledge that the President takes and he stands up and holds up his hand and says, "I swear to uphold the Constitution and to defend it against all enemies, domestic and foreign," that it would be difficult for Governor Clinton to say that with real meaning since he has not, and in the Preamble, where it says, "to provide for the common defense," I think that the veterans would look, and I know myself, and most of the people I have talked to, would not hold up the same level of view toward the President that said that.

Americans are a proud people, and I think if you ask would our American fighting men go to war under Clinton, of course they would. They are professionals. Would they respect him as much? Would he do the same thing that George Bush did in Desert Storm by giving the command to the people that ran the war? Because Clinton, remember, did not serve. He has no idea, no concept of tactics or anything involved with the military. He escaped it. He ran away from it.

So what is he going to do? He is going to turn it back to Congress just like they did in Vietnam, and we are going to get people killed, and the people, when you talk about holding their heads up, people that are going to go to war under that kind of leadership, or lack of leadership, are going to be disheartened.

Mr. HUNTER. I thank the gentleman.

Mr. DORNAN of California. Last night I went into the Cloakroom. I had a message waiting for me. I still have not called him, the last ace in Korea who was a young Air Force captain or first lieutenant named Steve Bettinger, and when I was in the Air Force, I was in the First Fighter Squadron, and he was the CO, the youngest commanding officer on that base of 8 fighter squadrons, the 21st Fighter Squadron, and Robby Reisner, terribly tortured in Hanoi, a great hero, was the squadron commander of the 34th TAC Fighter Squadron, and Steve Bettinger was an ace, and as I said, I think the very last ace out of 39 aces, and in his war, one Navy, one Air Force.

Mr. HUNTER. And who was that Navy ace?

Mr. DORNAN of California. Well, I forget; let me see, could be the guy I asked to join my special order and never let him say anything?

Mr. CUNNINGHAM. We had two pilot aces, but we had Dick Bellanger and Jeff Feinstein, and my back seater, Willie Driscoll, who were also considered aces, and it was a team. They deserve equal credit for that.

Mr. DORNAN of California. That is right. Because those guys in the back told me that you just did the driving and they fired off all the missiles and got all of the kills. It was a team effort, because all of our aces were two-man teams in Korea, all 39, except for a borrowed Marine named Bolt. We borrowed two marines, well, we borrowed several. One was JOHN GLENN who shot down three MIG's, and when he talks to peace groups, he does not want them to find out that he is a tough, red-headed marine fighter pilot on loan to the Air Force.

□ 2310

But of our 39 guys who were shot down, Steven L. Bettinger was the last. I remember vividly because he had hair your color and a big red mustache my color, a big handlebar mustache on this brunette. He was a swashbuckling squadron commander. His men loved him. He called me last night and left this message: "Watching your speech on Clinton. Very proud of you." That is the way I hope most veterans react around this country, because I will tell you, DUNCAN, I am sick and tired of the VFW PAC not endorsing people in this Congress who put defense sometimes ahead of—or miss a vote, miss a vote, absent because of other work and they miss some veterans vote that is going to win around here by 95 percent, which it should, and they start thinking about "me, me, me" instead of the future of their country.

Mr. HUNTER. That is my point. There is a special status that attends the word "veteran" in this country. That is what makes children stand up at parades when the VFW goes by.

Mr. DORNAN of California. Yes. When the World War II or World War I veterans come by, is there a dry eye, at any age, on either curb of the parade? There are precious few of them left.

Mr. HUNTER. And that is because our veterans are sacred because they have given of themselves that the rest of us might have freedom. I would think that for shortsighted veterans groups who are saying, "Well, we are mad at President Bush because of this program or that program," I think they do not realize that in holding

back their endorsement they are denigrating the very status that has elevated them for several hundred years in the eyes of their fellow Americans.

Mr. DORNAN of California. Exactly. You want to hear an irony? It just popped into my head, and it could not be more bizarre.

The Disabled American Veterans did not want me to speak about Clinton as a draft dodger. They wanted to hear why I was getting their award of the year, along with many of us here, what I had done for them and what I was going to do for them.

I looked at them as heroes, particularly the World War II ones. It was the World II ones who did not want to hear anything about Clinton.

I went outside, and I said, "Why are you so angry? Why did your sergeant at arms have to order you," remember 3,000 of them in a big auditorium in Reno a few weeks ago, "Why did your sergeant at arms have to order you not to boo our good friend Derwinski?" They said, "Well, you know why. Because he was going to open up our VA hospitals to nonveterans." I said, "I know. I was against that policy. I talked to him. Many of those hospitals, like the one in Montana, were 40 percent occupied. It was an idea to grease the wheels, treat trauma victims from car crashes, so that we would have enough nurses and doctors there." And I said, "I understood from day 1 that the symbolism was all wrong." They said, "Well, yeah, you know what our nightmare scenario is?" And I hope I do not torture the truth with this scenario, but this is basically what I recall them saying: "How do you think we would have felt if some draft dodger who ran off to Europe or Canada," he might have said Scandinavia, "comes home and is smoking pot, maybe inhaling or not inhaling, and gets in a car crash and is badly injured and eats up a bed and bumps one of our veterans out that this draft dodger ran away and would not serve his country?" I said, "Excuse me." Now, this is in the lobby of the hotel, "Now you wouldn't be talking about Bill Clinton, would you? And yet you want to dump on Bush to give the advantage to the draft dodger?" Unbelievable.

Now, can you explain to me, when honorable naval admiral, who was made the chief of all of his peers, Chairman of the Joint Chiefs, Adm. William Crowe, by Ronald Reagan and given a private retirement party in the residential quarters on the second floor of the White House, why would Admiral Crowe stand next to Clinton in the very week before the Moscow trip, before the lying about the Oxford thing, about a week before I started these special orders, he stands beside him and gives him dignity so that one of the rare reporters that asked him tough questions this spring, "Governor, President George Bush said you are not coming clean with the total truth and the full facts on your draft record." You know what Clinton's answer was? It was a nonanswer. He looks at this reporter, took a rare long pause, and goes, "I believe Admiral Crowe has more credibility with the truth than George Bush." Now, why would Crowe give him that figleaf?

Mr. CUNNINGHAM. I would have a lot more respect for Admiral Crowe—and I know Admiral Crowe—if Clinton would by chance get into the office that when he is offered Secretary of Defense or a military position, that he would turn it down.

Mr. DORNAN of California. But I am afraid he would not turn it down.

Mr. CUNNINGHAM. Of course.

Mr. DORNAN of California. I will tell you something, I saw him sitting in front of our Committee on Armed Services with the top-ranking Chairman of the Joint Chiefs, or whatever the title is in the Soviet Union, Akrymayov. He is sitting there having a lovefeast, these two guys who traveled all over the Soviet Union together. They went out to the Navy carrier, went to all our best bases. These are just two real tight buddies. Akrymayov was part of the plot, the coup to kill the man that Clinton says is one of his heroes, Mikhail Gorbachev.

Now, an important footnote from the Wall Street Journal: "The most admired foreign leaders," Bush: Winston Churchill, Anwar Sadat. Not bad. QUAYLE: Li Quong Yu, president of Sampam, and Margaret Thatcher. Not too bad.

GORE: Gro Harlem Brundtland of Norway. Very esoteric, Al; we are not questioning your IQ. And Carlos Salinas de Gortari of Mexico. Harvard-trained economist, probably in AL's class.

Now, Clinton: Nelson Mandela—a lot of dignity coming out of 20 years of prison. I mean would that pop in a normal guy's mind over Margaret Thatcher or Winston Churchill? I do not know. Here is the second one: Mikhail Gorbachev. Not Yeltsin, not Lech Walesa, but Gorbachev. That tells me a lot.

So here is a man who is part of the plot to kill Gorbachev, Akrymyov, and remember he had a grommet in his hat that looked like a big frisbee about a foot and a half across; he committed suicide. He and his brother committed suicide. Then he is buried. And people are so hateful of this man in Russia that they dig his body out of the grave, strip him naked, his uniform is nailed to a wall in Moscow and his naked corpse was dumped back. And that is Crowe's friend. I think that was in Crowe's head plus the fact that he was against the Vietnam war.

Now, one fact: I found out that his son, Mark, went into the Marine Corps, an Annapolis graduate, he got into the Marine Corps and was a combat company commander that helped take Kuwait City. If Admiral Crowe was worried about his son Mark's life, Mark sure was not. He would not have gone in there as a Marine, gung-ho to free Kuwait. He probably would have strangled Saddam Hussein if he had the chance.

I would like to know if Mark Crowe, I think it is Mark, Captain Crowe, USMC, I wonder if he is going to vote for the draft dodger or the Navy combat pilot with 48 missions. Here is something I think the world ought to know. It took place in the Intelligence room upstairs, but all of the formal part was out, all of the classifications are out the window. Just me and Crowe, mano a mano. I walked up and said, "Let me ask you something." I did not want to do it in front of DAVE MCCURDY, Clinton's friend, or anybody else. I said, "Let me ask you something. If you had known then what we all know now, particularly in this room and what the American people know about NBC, or nuclear, biological, and chemical warfare, and how this guy is living under the sanctions now for almost 2 years after the war is over, if you had known all this now, would you have still been for sanctions only and against the January 12 vote in 1991 for military action?" Answer, so help me Almighty God, Mr. Speaker: "No. Of course, Congressman, if I had known then what I know now, of course I would have been for the military action." He has never said that publicly. Pardon me, Mr. Speaker, that I have blown Admiral Crowe's cover, but he said it.

Now, he has got a set of ribbons that go almost down to his belt, all of them well deserved. But all of them for working in the Pentagon and staff jobs. He was a submariner, a good one. It was never his fault we never went head on head with Soviet attack subs. Crowe has no combat like his son. I just think it is disgraceful, until I get a better rationale for it, it is disgraceful that that admiral would stand next to the draft dodger and create this massive figleaf so that he could not answer questions and defer questions to Reagan's Chairman of the Joint Chiefs of Staff as he continues to fog the truth.

If Clinton ever had become a naval officer, his job would have been to be on a destroyer at the back deck letting out a smoke screen to give the fleet some cover.

Mr. CUNNINGHAM. Did I understand the gentleman correctly that one of Clinton's heroes was Mandela?

Mr. DORNAN of California. Nelson Mandela and Mikhail Gorbachev.

Mr. CUNNINGHAM. Nelson Mandela hosted and lauded the terrorists. There is a bullet hole right here in this chair. There it is right there, where the gentleman's finger is going through, and he lauded the terrorists and supported them, who are the same people that shot here in the United States Con-

gress, that fired their weapons at U.S. Congressmen. The bullet holes are still there.

Mr. DORNAN of California. That is 1964.

Mr. CUNNINGHAM. I can understand if it was Martin Luther King or even some of our colleagues in the Black Caucus on the other side that marched for freedom and equal rights, but not Nelson Mandela.

Mr. DORNAN of California. As a matter of fact, let me advise Bill Clinton. He should have said Martin Luther King and Boris Yeltsin, same countries, same type of leader, little different players.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. HUNTER. Interesting discussion, BOB, about why Admiral Crowe might not endorse Bill Clinton, and he obviously did; but you know, this is a city in which strange marriages take place all the time. We know that.

I think the real point is that perhaps Admiral Crowe has fallen out of touch, something that politicians in this city do all the time, with the millions of Americans who live beyond Washington, DC.

Mr. DORNAN of California. And with his pals in the retired military community.

Mr. HUNTER. Absolutely, because the real bond that exists in this country that makes us all equal is that invisible bond that exists in military service that connects rich and poor, young and old, people of all ethnic backgrounds, and that is the willingness to serve our country when we are at risk. That is a tie, a bond that Bill Clinton did not want to take and did not want to undertake.

You know, I watched him the other day with his trucker's hat on.

Mr. DORNAN of California. Oh, he was not wearing his MTV hat?

Mr. HUNTER. No, he was wearing a trucker's hat and maybe an MTV hat. He had a country western band playing.

I thought, what a fraud, because he was out there on stage with a bunch of working Americans, a bunch of blue collar people, a bunch of truck drivers, and I felt like going out there and putting a big banner out in front of him that said, "Bill Clinton, he will party with you. He won't go to war with you."

Mr. DORNAN of California. Exactly.

Mr. HUNTER. Those are the people, and one person in particular was a person who took Bill Clinton's place and went to Vietnam. It was not a question whether Vietnam was good or bad or he disagreed with it. Some young person took his place.

Mr. DORNAN of California. Four young people took his place.

Mr. HUNTER. And if you look at the people who served in Vietnam and reupped, I was only there for 1 year and did absolutely nothing special; but you saw a lot of enlisted people who were drafted, who went to Vietnam and when their time came to come back and they were boonie rats or infantry men, they would have been there for a year and they would be short and their time would come and they could go back to the States and they would reup. These people who were drafted went unwillingly into the military. They would reup to stay in Vietnam in a dangerous situation, again with their friends, because of the camaraderie and that invisible bond between them and the 15, 20, or 30 people in their platoon. That is what would make some young men stay there 2, 3, and 4 years.

Now, Bill Clinton never undertook to grasp hold of that bond that has held Americans together for 200 years. I do not think he is going to have the moral authority to ask other American families to do that.

Mr. DORNAN of California. DUNCAN, how did you get your commission?

Mr. HUNTER. I went in as a private and went to good old Fort Ord and Fort Gordon, GA, and went to OCS at Fort Benning.

Mr. DORNAN of California. Tested, as I did, an enlisted man. I enlisted for 4 years in the Air Force, tested, left college at 19 because I thought I had missed the Vietnam war; cannot control those events, I did miss it; but when you went in, asked to be an officer, how old were you when you got your gold bars?

Mr. HUNTER. I think I was 21.

Mr. DORNAN of California. Did you consider yourself a war hero?

Mr. HUNTER. It has been awhile. I think I was 21.

Mr. DORNAN of California. Well, that is how old I was when I went in.

Mr. HUNTER. All I know, I was still calling dad and asking him to send money out by Western Union.

Mr. DORNAN of California. By the way, knowing your father, if you had said, "Dad, I think I'm going to England and I've got other plans here," how long would it have been before you had been invited to Thanksgiving dinner? And I know your Mom, too.

Mr. HUNTER. My dad is one of those people, like your family and like DUKE's family, that believes that serving in the military is a duty that rises above your bank account, your social status, your religion, your ethnicity, everything, that every American is a brother when he serves in the military.

Mr. DORNAN of California. Let me read something from Time magazine to show you this coverup thing that is going on.

Gary Wills, not a bad writer, still cannot figure it out, but he has an article in the July 20 issue of Time magazine, kind of the definitive issue with a profile of Bill Clinton, supposed to come our during the convention.

Everybody knows this guy has a rep for womanizing. His opening press conference in Washington, DC, he has to alert the press to inoculate himself.

"Now, you're going to hear a lot of stories about me."

The press says, "Well, that happens to all politicians."

But as Paul Tsongas pointed out, "You are not hearing stories about me or HARKIN or Senator KERREY or anybody else, or AL GORE.

Why is it he has to come up front and say, "you are going to hear a lot of stories."

How does Time magazine handle that?

Gary Wills, by the way, has a great book out on the Gettysburg Address. The whole book was just about that one address, 267-some words. How is it going to cover this massive part of the Clinton profile on adultery? Here is how he does it. Watch how he weighs his words. He ends up talking about a Rhodes scholarship when he finished college. He won it from eight people mentoring.

Michael Kingsley of Crossfire told me that word "mentor" and turn it into a verb. It is a mentoring process, and Mike Kingsley says that it is elitism. It is not competitive. you convince with a winning smile other people who have Rhodes degrees, who went ahead and got their Oxford degrees, that you are going to represent the State of Arkansas in an admirable way. So he ends that paragraph, one little paragraph all by itself.

In this period, this is in England, Clinton discovered a dangerous talent.

Who. Is that an oxymoron? How can a talent be dangerous?

Part of his gregarious and ingratiating way with all his friends: "A puppy-like eagerness and a drive to please."

That bears repeating fast: "A gregarious and ingratiating way with all his friends, a puppy-like eagerness and drive to please."

What are they talking about here? A man who was at Oxford with him, tells me, "Bill was one of the two people I have known in my life who were just amazingly successful with women. You would hear him and say to yourself, no one is going to believe that line, but they all did."

Whoa. Future President, a cocksman, a stud, as the one that woman just cannot resist; one of only two people in this guy's life, that no matter what they said to the women, "Oh, that's a cornball line," they would succumb to the cocked head, the doe-like eyes, the frozen smile, the open mouth and the biting of the lower lip. "Want to come back to my room at Oxford?" Unbelievable.

Mr. HUNTER. I have got a point to make here, though, if the gentleman will yield. If you compare Mr. Clinton's private life in which he may have betrayed one person, with his resistance

to his duty to serve his country in the military, he betrayed 200 million fellow Americans, and in particular somewhere, either in a national graveyard or perhaps living and working and walking in America today, perhaps wounded, perhaps not wounded, is the American, the young American, probably not wealthy, certainly not with influential friends like Mr. Clinton had who could call up and get him out of the draft, is the guy who took his place.

That is why Mr. Clinton can never be first in war, first in peace, first in the hearts of his countrymen.

I think the American people realize there are going to be other wars.

It is ironic that George Bush's success in foreign policy and his ability to win a war quickly with minimum casualties and to dissolve our enemy, the Soviet Union, has now accrued to his detriment, because that has made the focus shift to economic policy and it has caused, I think, a temporary lapse on the part of the American people who do not realize how very important that Commander-in-Chief hat is.

Mr. DORNAN of California. Exactly.

Mr. HUNTER. Because that means not necessarily the unemployment rate changing a little bit or inflation moving a little bit or interest rates going somewhere, it means life and death.

I appreciate my great friend from Orange County making those remarks.

Mr. CUNNINGHAM. I would like to comment on what the gentleman just said a little bit, because economics, this country is hurting. It is in a recession. People are losing jobs, but if Bill Clinton gets in office, it is going to be a disaster for this country, his high tax and high spending. People have never seen a tax increase where they did not spend money.

Let me give you a classic example and it deals with the military and military construction. They came in and said, well, we saved under the President's request. Well, that was good. They did come in under the President's request, but in the Senate, the chairman of the Appropriations Committee and the chairman on the House side had only requested about $2.5 million, with all the billions of dollars that they saved coming in from Europe they got $155 million.

□ 2330

There are 40 of those line items, so, if we change the economy and cut defense, which is going to hurt, and I do not think anybody thinks that we are not going to be in another conflict in the next 20 years, Bill Clinton and his policies will be responsible for the lives and the deaths of men and women's children.

Secondly, Mr. Speaker, I grew up in a little town called Shelbina in Missouri. It has 2,113 folks, and I had a very good friend, Ronnie Colors, who was killed in Vietnam. It is one of the reasons I decided to go to Vietnam.

Mr. DORNAN of California. What was his name?

Mr. CUNNINGHAM. Ronnie Colors. He was in the Marine Corps, and he was in a helicopter that went down with, I think, 37 other marines and was killed, and my mother and father told me that we had a responsibility to this country.

That little town in Missouri is a very patriotic town, and, by the way, my mother and father were Democrats up to 3 months ago, and, until they came into my district, and now—

Mr. DORNAN of California. They wanted to see how the gentleman did in his first 2 years in office.

Mr. CUNNINGHAM. No, they wanted to see their grandchildren again, so they are not Republicans.

So, with their value systems in that small town with those great American people in the State of Missouri, they believe that we had an honor and a service to this country to uphold, and I had let them down. I was more involved in my own education, and put aside, and wanted to go in, and I was a teacher and a coach at the time, and I was exempt from going into the draft. But I volunteered, and I went there.

I have seen 19-year-old men cry when their pilots did not come back. I have been on the deck myself and wept, and I have also been there with anger so venomous that I never want to go through those emotions or feelings again at the Clintons, at the anitwar protesters, at the Jane Fondas and Tom Haydens, the people that got us killed.

Mr. Speaker, I have never allowed a Jane Fonda movie in my home, and I would say to my colleagues, "If Bill Clinton would be unlucky enough to become President of this country, I would take every medal that I had, and I would turn it upside-down and never wear it until he was out of office."

When the gentleman asks, "Will it affect American fighting men"—and I want to tell my colleagues I have talked to Micky Wiesner and other chairmen of the Joint Chiefs of Staff, and they do not support Clinton. I do not support Clinton, and it would be very difficult.

If I was a Democrat, and I say this sincerely from my heart, if I was a Democrat on the other side of the aisle, I could not support this man. It would choke me up so bad at what he has done to this country and not for this country that I cannot tell——

Mr. DONAN of California. He was in a junior high school today telling them he was going to give them condoms. He said that on MTV to the whole Nation.

Mr CUNNINGHAM. I would like to kind of stay on the subject of Bill Clinton and why it is important that he did not serve this country.

Mr. DORNAN of California. You bet.

Mr. CUNNINGHAM. Because the statement that I made, those that fight for life, has a special flavor for life that, protected, we will never know, and in that are the fathers, and the mothers, and the sisters, and the daughters, all the way from the people that we wear their MIA bracelets, and this was a Air Force guy, and I was a Navy guy, but his sister was in San Diego, and I would say to my colleagues that the lives that are on this wall, I guarantee if they could stand up today, they would not vote for governor Clinton.

I yield to the gentlemen for California [Mr. DORNAN]

Mr. DORNAN of California. DUKE and DUNCAN. Got Navy, Army, Air Force; two combatants and a sourpuss who went over to Vietnam eight times and volunteered—or actually harangued people to put me in the back seat of F-4's, Cobras, with my camera to record what they are doing after it took me about two or three nights to convince them that I was not a liberal puke reporter sending home wrong stories and gutting the efforts that they were involved in to try and stop communism, to do exactly what they did. We never dreamed they would kill two million people in Cambodia. We never dreamed they would execute 68,000 in Vietnam who associated with us, who looked up to us, who through we were the leading country in the Free World. We thought they might kill 5,000–10,000.

The SPEAKER pro tempore (Mr. BORSKI). The time of the gentlemen from California [Mr. CUNNINGHAM] has expired.

CONTINUATION OF SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I am just going to take a few minutes here with my colleagues to wind up this important special order that I think is very important for America's veterans and for every family who has sent a family member off to fight for this country, and I would like to yield first to my great friend, the gentleman from California [Mr. DORNAN] and ask him to wind up this special order. Then I would like to yield to my friend, the gentleman from California [Mr. CUNNINGHAM].

Mr. DORNAN of California. Well, that is proper order: the Air Force being the junior service, dating only back to September 17, 1948, but with a great Air Corps in Army Air Force tradition, and deferring to the senior service Navy, or actually senior service in the Army. Good way to close.

The gentleman from California [Mr. DUNCAN] mentioned to me this morning Sullivan Ballou. I see one of our great staffers coming on the floor, Gary Sullivan. What a great name. I mentioned

last night the five Sullivan Brothers: George, Frank, Joe, Madison, and Al; 29, 26, 23, 22, and 20 years of age, all going down off Guadalcanal. That 50th anniversary is coming up November 14. They all wanted to serve together because a friend got killed at Pearl Harbor from their meat packing company. It is the kind of working guy that the gentleman loves to represent and talk about, the salt of the Earth to use Christ's own words. That is the kind of guy these Sullivan brothers were. What a great name for a first name.

I think I am going to recommend to my grandkids Sullivan Dornan, that I am going to recommend that name as a first name.

The gentleman mentioned to me about Sullivan Ballou. I read his whole letter last night, not one-twentieth as well as it was presented on that great PBS series on the Civil War, but there is just one line in the middle that comes back to me here in front of me.

My wife's name is Sarah, Sally, and he is talking about how he loves her so much that it is like he is bound to her with mighty cable. Cable in 1861 was a big deal. They did not even have the Brooklyn Bridge. It was still 30 years away.

He says, "My love for you was bound by cables," and later he calls it "chains," and here is what he said:

"Sarah, my love for you is deathless. It seems to bind me with mighty cable that nothing but omnipotence can break, and yet my love of country comes over me like a strong wind and bears me irresistibly on with all of these chains to the battlefield."

Love of country in Sullivan Ballou's letter takes precedence over this mighty love of his wife and his little son, Edgar, and the younger brothers. That was love of country that we call patriotism. It is a powerful, powerful force, and, whether it is the five Sullivan Brothers or those kids 50 years ago in Guadalcanal, finally this month backed up by Army divisions in the Seventh Marine Regiment, relieving guys that have been fighting in constant combat for 2 months. The history of our country are saints working with the poor in social justice. It is people dying for civil rights. It is cops dying in an alley like one of the school friends of the gentleman from Washington [Mr. CHANDLER], our colleague who was shot in the back of the head, blew his brains out of the front of his head while he was eating a hamburger up in the State of Washington. We do not think of crime being like that in that corner of the country.

□ 2340

That is a lot of ways to serve your country, and warriors hate war. Chappy James, that big handsome, 6 foot 3 African-American Air Force four-star general who went out on the steps in 1968 and 1969 and met the pro Hanoi types, and some legitimate courageous pacifists in there who were not covering their assets with political viability.

No, this is a key issue, and that is why I brought it to the floor. That is why I am honored to have a combat Army man and a combat Navy ace join me.

I hope you will hand around a little bit tomorrow night and the next night, because we only have a few days left and the 102d Congress is history, and 31 days from today there is an election on November 3, and we are going to find out whether this country gives a man a second chance who is an excellent, wonderful man of dignity, a good father, grandfather, combat officer, made some mistakes. He won't make them again. Or whether we take a flier on a simple little word called change and act like the past is not prologue and means nothing for the future history of this country.

I will not go to the inauguration. I told that to a smiling Washington Post reporter in BOB MICHEL's office. He said what else will you not do? I said I will never have the words, Mr. President, come out of my mouth to Clinton.

He said what will you call him? I said Mr. Clinton, out of respect for the office, but I will never use the word President to him.

No, no. Americans have to think, think hard over the next month, what they want to take us through the remaining part of this bloody century that has seen so many heroes give that full measure of devotion to quote Lincoln again.

Mr. HUNTER. I thank the gentleman and yield to my colleague from San Diego, CA.

Mr. CUNNINGHAM. I thank the gentleman from California. I would like to make three succinct points. First of all, a small body in this Congress has made some changes. The Gang of Seven and the freshman class, to which I am proud to belong, closed down the bank and worked for the post office congressional reform.

There is going to be 150 new Members in this Congress with which President Bush is going to be able to carry out his economic policies and balance the budget and get a line-item veto, which was even turned down today by the other side of the aisle. When they saw that we were going to win that, they turned that back. We will have change, and that will be positive change for this country.

I want to thank again my friend BOB DORNAN, because a lot of the facts that are absolutely 100 percent documented in his special orders I was not aware of and I am sure the American people were not.

So BOB, I want to thank you for bringing this to light in a way that the American people can make their own judgments.

For Clinton to endorse a man named Mandela is ludicrous to me. I value the friendship of JOHN LEWIS on the other side of the aisle, who marched in Alabama, one of the first to do that. CRAIG WASHINGTON, who has given me guidance. Both of these Members are Members of the other side of the aisle in the Black Caucus.

Martin Luther King, Bishop McKinney in San Diego, Reverend Manley, people like this that worked for positive change and can come out and help Americans.

But for Clinton to endorse someone like Mandela, I think shows what his real direction is that he wants to go.

The last point I would like to make is that Governor Clinton, you lived only in your own fear in the 1960's and the early 1970's. The fear that myself and a lot of us that served in combat fear so bad that I wanted to throw up, fear so bad that at times after I got on a carrier deck after being shot down, I could not stand up, my legs were shaking so bad. And anger so mad that I hate to think of what that anger could have led to.

But you are going to have to live with your disgrace. I would forego and live that anger and live that fear again rather than face the disgrace that you must feel in your own heart.

I feel sorry for you, Governor Clinton. And if you are elected as President, which I know you are not going to be, God help you.

Mr. HUNTER. I thank the gentleman. Let me say before we close this special order out that really is a special order that belongs to DUKE CUNNINGHAM, my great friend from San Diego, and BOB DORNAN, my great friend from Orange County, that I want to say about Mr. DORNAN especially, that BOB, I appreciate what you have done, and I think we all owe you a real debt, as DUKE says, in bringing out facts that are shocking facts about Mr. Clinton's lack of service to the country and the demonstrations that he led against America, the coffins that he carried into our embassy in foreign lands which were sending war materiel to be used against Americans in the Vietnam conflict, things that in other times might have brought criminal charges of treason, but in these times I guess are viewed in retrospect to have been merely politically correct.

I think, BOB, you have done a great service to this body and to the country because you bring out facts that otherwise would not be turned up by the media. Because we know in this city, in Washington, DC, that facts are only facts for the media to disperse when they serve a politically correct conclusion. The politically correct conclusion that the media sees this year is not one which is consistent with Mr. Clinton being totally revealed in his lack of character during the Vietnam War, in his lack of service to the country, and

his refusal to grab that invisible bond that we have talked about that links 200 million Americans together. Maybe not Admiral Crowe in his hifalutin' position.

Mr. DORNAN of California. But certainly his son, Captain Crowe.

Mr. HUNTER. Certainly, Captain Crowe, and thousands and thousands of people who now are working in auto assembly lines and in blue collar positions and driving trucks and raising families around the country, who once carried the American flag in far-off places like Vietnam and Desert Storm.

So I want to thank you for what you have done, Mr. DORNAN, from Orange County, because you have been a corporate memory for this body that has expanded our knowledge of facts beyond what those who seek to put a politically correct suite of information in front of us every day in the media, in the electronics media and the written media, would have us see.

You have told us and told the American people a lot of things that are every bit as true as a number of other facts that we see every day, but are very little known because there is no dissemination of those facts. I doubt whether 2 percent of the American people are aware of the fact that Mr. Clinton demonstrated in Great Britain against the United States.

Mr. DORNAN of California. Far less.

Mr. HUNTER. And in Oslo, Norway, where he demonstrated.

I appreciate also the gentleman Mr. CUNNINGHAM for coming out here and showing the American people a little bit of that moral outrage that should be expressed, not just by DUKE CUNNINGHAM, but by everybody who ever walked across the threshold of a VFW installation in their town or an American Legion installation or fleet reserve or anybody else who ever took their grandson in the kitchen and said and let me tell you about the war and let me tell you what you have to do when you are 18 years old in this country is in a war.

Those are the people who should be expressing moral outrage. I like all the folks in the VFW, and I like the folks in the VFW, and I like the folks in the leadership in the VFW, and I just hope they would take their eyes off this short picture of what bills did you vote on today and did the Bush administration make mistakes with respect to the VA, and raise their vision from that short picture to the American flag waving down there in Arlington Cemetery right now, and that man named Martin Treptoe who Ronald Reagan referred to who was killed after he joined the Rainbow Division in 1917 in France, and whose diary when his friends found it said I must fight this war as if the success or failure of the United States depends on me alone.

That is the standard that we should be reaching for, and that should be invoking the moral outrage from every veteran in America.

Mr. CUNNINGHAM. I would ask my colleagues that tonight I will draft a letter to Admiral Crowe and ask him if he will turn down a political or elected position from Governor Clinton to show that he has not sold his soul, and we will mail that tomorrow.

Mr. DORNAN of California. Excellent. We will get a lot of signatures on it.

DUNCAN, I want to just close and ask you one thing. I want to see if I have some peculiar memory or something.

Do you remember when you registered for the draft on your 18th birthday?

Mr. HUNTER. As a matter of fact, I did not register. I joined. I volunteered.

□ 2350

I volunteered.

Mr. DORNAN of California. I meant just registered for the pool on your 18th birthday, went down and said, "Here I am, alive and breathing, and I am 18."

Mr. HUNTER. To tell the gentleman the truth, I cannot remember registering for anything. All I can remember is going down to the Post Office and going to the Marine Corps recruit station that was there, and this guy was off, going off to get lunch. Of course, my father was a marine, and I wanted to join the Marines. I walked to the next place and there was an Army guy, and he said, "You will have a great time in the Army," so I joined the Army. That is all I can remember.

Mr. DORNAN of California. Is joining?

Mr. HUNTER. I remember getting my 1.8 grade average at the University of California at Santa Barbara, which was a marvelous event.

Mr. CUNNINGHAM. You could have been chosen as a Rhodes Scholar.

Mr. HUNTER. Yes, but I fell a little short.

Mr. DORNAN of California. Do you remember when you went down and said, "I am alive and breathing;" no physicals, just registering?

Mr. CUNNINGHAM. I can remember. I can also remember I did not want to go to Vietnam. I did not want to go to war. I was glad my brother did not have to go, but yet he still signed up. He was in the Army as well. I did not want to go, and none of those other kids wanted to go, either. None of those kids, men and women that are all on the wall, wanted to go, but they did and they served this country.

Mr. DORNAN of California. The reason I remember the day is because it was precisely on my 18th birthday. Gen. Douglas MacArthur had just been fired by President Truman. Truman was right, on principle, and clearly had the power, and that is what we respect around here is civilian rule over the military, but on the facts of what they were arguing about, bombing the bridge, knocking off the Chinese before they were in hand-to-hand combat, seven to one against our men and the few remaining Korean troops, I went down and registered. I felt as though it were a passing rite. I felt it was like first communion or like my confirmation. I suddenly became a man.

I knew why my parents would never give me permission to join at 17.

Mr. CUNNINGHAM. You were not a boy?

Mr. DORNAN of California. I didn't feel like I was a boy. I remember, I was 6 feet tall, and she said, "You are 6 feet, red hair, blue eyes, that is just what we are looking for." I thought, "What are they drafting?" She said, "They are still up in the low twenties here in Los Angeles. Don't worry about it."

I felt, "Now I am a man. I am registered in that pool of young American males that is ready to serve their country or could be drafted." When I joined the Air Force, the draft notice was chasing me. It came 3 months after I was in the Air Force, and I loved that draft notice. I thought, "See, if I had not selected my service and passed my test to be a fighter pilot, I would be in the Army, may be in Korea. Maybe that was the way to go." I liked it that Uncle Sam was saying, "You, DORNAN, we got you."

I framed that and left it in may bedroom when I went off to pilot training. I thought being drafted was a call to honor, a call to not glory, that is God's call, but a call to honor.

That is what is so peculiar about this Presidential campaign and why I think President Bush is still in a state of shock. I watched the White House people and I watched Clinton. They said, "No, we are going to get BOB KERREY or somebody. Don't worry. He won't win. He will be flat out in the primaries."

He is smart. He postures further to the right. Carter won because he was further to the right. Our friend, Mo Udall, went to bed in Michigan, and when he woke up Carter was the winner.

I said, "No, no, the one to watch is Clinton, and you are going to be sorry if you think he is not." Now, bingo, the convention. President Bush was at 33 percent in California and he was at 58. That gap has collapsed about 20 points, but now it is a three-way race, and I want Adm. James Bond Stockdale to meet with us and tell us he is going to bring out Clinton's record, because he helps his senior partner, the Navy Annapolis graduate, to do that. I think Stockdale is an Annapolis graduate. I want these two Annapolis graduates, if they are going to beat up on their fellow naval officer, I want them to at least have the decency to bring out these facts to the American people

about Clinton, if this is going to be a three-way race.

Mr. CUNNINGHAM. Will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman.

Mr. CUNNINGHAM. I also appreciate the gentleman' bringing up the point about Admiral Stockdale. I like Perot in a lot of ways. He wants change, like everybody else, but he is not going to be able to effect any more change than the President has today. He does have some good ideas. Again, I would like to focus.

I thank you, again, Mr. DORNAN, for bringing out to the American people these facts, because I did not know it myself. I was mad at just reading the letter, but the rest of these facts that you have brought out to show historically Clinton's running from the draft, running from school, running from the ROTC, and being an antiwar protester in Moscow and other countries, and having skulls, organizing those protests, things that I detested in 1973 when I wrote that book, and I was not a politician then. I am not speaking as a politician, but in my heart I cannot support, nor if I was a Democrat would I support, Governor Clinton. In my idea he is worse than Tokyo Rose. We could call him Kiev Clinton.

Mr. HUNTER. Unless one of the gentlemen has something else, we will conclude this special order.

CONFERENCE REPORT (H. REPT. 102-966)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1993".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Defense Conversion, Reinvestment, and Transition Assistance

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. General limitation.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Multiyear procurement authorization.

Subtitle B—Army Programs

Sec. 111. M-1 Abrams tank program.
Sec. 112. Procurement of AHIP scout helicopters.
Sec. 113. AH-64 Apache helicopter modifications.
Sec. 114. Armored vehicle upgrades.
Sec. 115. Chemical agent monitoring program.

Subtitle C—Navy Programs

Sec. 121. Shipbuilding and conversion programs.
Sec. 123. Airborne self protection jammer.
Sec. 123. AV-8B Harrier radar upgrade program.

Subtitle D—Air Force Programs (Nonstrategic)

Sec. 131. C-135 aircraft program.
Sec. 132. Live-fire survivability testing of C-17 aircraft.
Sec. 133. Correction of fuel leaks on C-17 production aircraft.
Sec. 134. C-17 aircraft program.
Sec. 135. Tactical electronic warfare aircraft upgrade program.
Sec. 136. F-16 aircraft program.

Subtitle E—Defense-Wide Programs

Sec. 141. Funding for certain tactical intelligence programs.
Sec. 142. MH-47E/MH-60K helicopter modification programs.

Subtitle F—Strategic Programs

Sec. 151. B-2 bomber aircraft program.
Sec. 152. Modernization of heavy bomber force.

Subtitle G—Chemical Demilitarization Program

Sec. 171. Change in chemical weapons stockpile elimination deadline.
Sec. 172. Chemical demilitarization citizens advisory commissions.
Sec. 173. Evaluation of alternative technologies.
Sec. 174. Alternative disposal process for low-volume sites.
Sec. 175. Revised chemical weapons disposal concept plan.
Sec. 176. Report on destruction of nonstockpile chemical material.
Sec. 177. Physical and chemical integrity of the chemical weapons stockpile.
Sec. 178. Sense of Congress concerning international consultation and exchange program.
Sec. 179. Technical amendments to section 1412.
Sec. 180. Definition of low-volume site.

Subtitle H—Armament Retooling and Manufacturing Support Initiative

Sec. 191. Short title.
Sec. 192. Policy.
Sec. 193. Armament Retooling and Manufacturing Support Initiative.
Sec. 194. Facilities contracts.
Sec. 195. Reporting requirement.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Manufacturing technology development.
Sec. 204. Strategic Environmental Research and Development Program.
Sec. 205. Endowment for Defense Industrial Cooperation.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. V-22 Osprey aircraft program.
Sec. 212. Special operations variant of the V-22 Osprey aircraft.
Sec. 213. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.
Sec. 214. Navy tactical aviation programs.
Sec. 215. One-year delay in transfer of management responsibility for Navy mine countermeasures program.
Sec. 216. Light Armored Vehicle 105-millimeter gun (LAV-105) program.
Sec. 217. Advanced research projects.
Sec. 218. Revision to Superconducting Magnetic Energy Storage Project.

Subtitle C—Missile Defense Programs

Sec. 231. Theater Missile Defense Initiative.
Sec. 232. Strategic Defense Initiative funding.
Sec. 233. Reporting requirements and transfer authorities for TMDI and SDI.
Sec. 234. Revision of the Missile Defense Act of 1991.
Sec. 235. Development and testing of anti-ballistic missile systems or components.
Sec. 236. Limitation regarding support services contracts of the Strategic Defense Initiative Organization.

Subtitle D—Other Matters

Sec. 241. Medical countermeasures against biowarfare threats.
Sec. 242. National Aero-Space Plane.
Sec. 243. LANDSAT remote-sensing satellite program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorizations of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Humanitarian assistance.
Sec. 305. Support for the 1994 World Cup Games.
Sec. 306. Transfer authority.

Subtitle B—Limitations

Sec. 311. Prohibition on the use of certain funds for Pentagon Reservation.
Sec. 312. Prohibition on the use of funds for certain service contracts.

Subtitle C—Environmental Provisions

Sec. 321. Extension of reimbursement requirement for contractors handling hazardous wastes from defense facilities.
Sec. 322. Extension of prohibition on use of environmental restoration funds for payment of fines and penalties.
Sec. 323. Pilot program for expedited environmental response actions.
Sec. 324. Overseas environmental restoration.
Sec. 325. Evaluation of use of ozone-depleting substances by the Department of Defense.
Sec. 326. Elimination of use of class I ozone-depleting substances in certain military procurement contracts.
Sec. 327. Prohibition on the purchase of surety bonds and other guaranties for the Department of Defense.
Sec. 328. Legacy Resource Management Fellowship Program.
Sec. 329. Supplemental authorization of appropriations for fiscal year 1992.

Sec. 330. Indemnification of transferees of closing defense property.
Sec. 331. Extension of authority to issue surety bonds for certain environmental programs.
Sec. 332. Report on indemnification of contractors performing environmental restoration.

Subtitle D—Defense Business Operations Fund

Sec. 341. Limitations on the use of Defense Business Operations Fund.
Sec. 342. Capital asset subaccount.
Sec. 343. Limitation on obligations against Defense Business Operations Fund.

Subtitle E—Depot-Level Activities

Sec. 351. Depot-level tactical missile maintenance.
Sec. 352. Limitations on the performance of depot-level maintenance of materiel.
Sec. 353. Requirement of competition for the performance of workloads previously performed by depot-level activities of the Department of Defense.
Sec. 354. Repeal of requirement for competition pilot program for depot-level maintenance of materials.

Subtitle F—Commissaries and Military Exchanges

Sec. 361. Standardization of certain programs and activities of military exchanges.
Sec. 362. Accountability regarding the financial management and use of nonappropriated funds.
Sec. 363. Demonstration program for the operation of certain commissary stores by nonappropriated fund instrumentalities.
Sec. 364. Release of information regarding sales at commissary stores.
Sec. 365. Use of commissary stores by members of the Ready Reserve.

Subtitle G—Other Matters

Sec. 371. Extension of certain guidelines for reductions in the number of civilian positions in the Department of Defense.
Sec. 372. Annual report on security and control of supplies.
Sec. 373. Transportation of donated military artifacts.
Sec. 374. Subcontracting authority for Air Force and Navy depots.
Sec. 375. Consideration of vessel location for the award of layberth contracts for sealift vessels.
Sec. 376. Pilot program to use National Guard personnel in medically underserved communities.
Sec. 377. Authority for the issue of uniforms without charge to members of the Armed Forces.
Sec. 378. Program to commemorate World War II.
Sec. 379. Extension of demonstration project for the use of proceeds from the sale of certain lost, abandoned, or unclaimed personal property.
Sec. 380. Promotion of civilian marksmanship.
Sec. 381. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 382. Optional defense dependents' summer school programs.
Sec. 383. Review of military flight training activities at civilian airfields.
Sec. 384. Preference for procurement of energy efficient electric equipment.
Sec. 385. Payment of residents of Armed Forces Retirement Home for services.
Sec. 386. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 387. Treatment of State equalization programs in determinining eligibility for, and amount of, impact aid.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Waiver and transfer authority.
Sec. 403. Limited exclusion of joint service requirements from a limitation on the strengths for general and flag officers on active duty.
Sec. 404. Study of distribution of general and flag officer positions in joint duty assignments.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserve components.
Sec. 413. Reserve component force structure.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Limitations

Sec. 431. Reduction in number of personnel carrying out recruiting activities.
Sec. 432. Navy Craft of Opportunity (COOP) program.
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TITLE V—MILITARY PERSONNEL POLICY

Sec. 500. Reference to personnel policy provisions in title XLIV.

Subtitle A—Officer Personnel Policy

Sec. 501. Reports on plans for officer accessions and assignment of junior officers.
Sec. 502. Evaluation of effects of officer strength reductions on officer personnel management systems.
Sec. 503. Selective early retirement.
Sec. 504. Retirement of certain limited duty officers of the Navy.
Sec. 505. Appointment of chiropractors as commissioned officers.
Sec. 506. Clarification of minimum service requirements for certain flight crew positions.
Sec. 507. One-year extension of authority for temporary promotions of certain Navy lieutenants.

Subtitle B—Reserve Component Matters

Sec. 511. Pilot program for active component support of Reserves.
Sec. 512. Repeal of requirement for removal of full-time Reserve personnel from ROTC duty.
Sec. 513. Report concerning certain active Army combat support and combat service support positions.
Sec. 514. Preference in Guard and Reserve affiliation for voluntarily separated members.
Sec. 515. Technical correction and codification of requirement of baccalaureate degree for appointment or promotion of Reserve officers to grades above first lieutenant or lieutenant (junior grade).
Sec. 516. Disability retired or severance pay for Reserve members disabled while traveling to or from training.
Sec. 517. Service credit for concurrent enlisted active duty service performed by ROTC members while in the Selected Reserve.
Sec. 518. Limitation on reduction in number of reserve component medical personnel.
Sec. 519. One-year extension of certain reserve officer management programs.
Sec. 520. Limitation on reenlistment eligibility for certain former Reserve officers of Army and Air Force.

Subtitle C—Service Academies

Sec. 521. Repeal of requirement that Deans at United States Military Academy and Air Force Academy be general officers.
Sec. 522. Academy preparatory schools.
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Sec. 531. Report on participation of reserve personnel in Air Force undergraduate pilot training program.
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Sec. 541. Retention on active duty of enlisted members within two years of eligibility for retirement.
Sec. 542. Authority for military school faculty members and students to accept honoraria for certain scholarly and academic activities.
Sec. 543. Payment for leave accrued and lost by Korean Conflict prisoners of war.
Sec. 544. Military reserve technicians.
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Sec. 546. Mental health evaluations of members of Armed Forces.
Sec. 547. Report on the Selective Service System.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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Sec. 602. Advance payments in connection with evacuations of personnel.

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Sec. 612. Extensions of authorities relating to payment of certain bonuses and other special pay.

Subtitle C—Travel and Transportation Allowances

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Sec. 622. Prohibition on the assertion of liens on personal property being transported at Government expense.
Sec. 623. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.
Sec. 624. References for travel and transportation benefits.
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Sec. 641. Requirement for proposal on concurrent payment of retired or retainer pay and veterans' disability compensation.

Sec. 642. Increase in recomputed retired pay for certain enlisted members credited with extraordinary heroism.
Sec. 643. Modification to Survivor Benefit Plan open enrollment period.

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Sec. 716. Exception from Federal Acquisition Regulation for managed-care delivery and reimbursement model.

Subtitle C—Other Matters

Sec. 721. Correction of omission in delay of increase of CHAMPUS deductibles related to Operation Desert Storm.
Sec. 722. Military health care for persons reliant on health care facilities at bases being closed or realigned.
Sec. 723. Comprehensive study of the military medical care system.
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Sec. 816. Extension of program for use of master agreements for procurement of advisory and assistance services.
Sec. 817. Major defense acquisition program reports.
Sec. 818. Allowable costs.
Sec. 819. Advisory and assistance services for operational test and evaluation.
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Sec. 833. Restriction on purchase of sonobuoys.
Sec. 834. Debarment of persons convicted of fraudulent use of "Made in America" labels.
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Sec. 836. Prohibition on award of certain Department of Defense and Department of Energy contracts to companies owned by an entity controlled by a foreign government.
Sec. 837. Defense Production Act Amendments.
Sec. 838. Improved national defense control of technology diversions overseas.
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Sec. 1077. Election of leave or lump-sum payment for certain employees who moved between nonappropriated fund employment and Department of Defense or Coast Guard employment before April 16, 1991.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1993 under the provisions of this Act is $273,921,787,000, of which the total amount authorized to be appropriated for fiscal year 1993 under the provisions of—

(1) division A is $253,454,264,000;
(2) division B is $8,389,833,000; and
(3) division C is $12,077,690,000.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Army as follows:

(1) For aircraft, $1,553,909,000.
(2) For missiles, $1,118,652,000.
(3) For weapons and tracked combat vehicles, $877,754,000.
(4) For ammunition, $829,444,000.
(5) For other procurement, $3,129,452,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Navy as follows:

(1) For aircraft, $5,899,395,000.
(2) For weapons, $3,700,098,000.
(3) For shipbuilding and conversion, $5,958,663,000.
(4) For other procurement, $5,660,684,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Marine Corps in the amount of $729,727,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Air Force as follows:

(1) For aircraft, $10,034,314,000.
(2) For missiles, $4,399,390,000.
(3) For other procurement, $7,894,396,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Defense Agencies in the amount of $1,950,704,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Inspector General of the Department of Defense in the amount of $800,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $134,000,000.
(2) For the Air National Guard, $290,100,000.
(3) For the Army Reserve, $27,500,000.
(4) For the Naval Reserve, $85,000,000.
(5) For the Air Force Reserve, $60,000,000.
(6) For the Marine Corps Reserve, $9,000,000.
(7) For operational support aircraft, $90,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), in the amount of $515,300,000.

SEC. 108. MULTIYEAR PROCUREMENT AUTHORIZATION.

The Secretary of the Air Force may use funds appropriated to the Air Force for fiscal year 1993 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the procurement of satellites number 23 through 25 under the Defense Support Program.

Subtitle B—Army Programs

SEC. 111. M-1 ABRAMS TANK PROGRAM.

(a) TANK INDUSTRIAL BASE.—None of the funds appropriated for the Army pursuant to this Act or for fiscal year 1991 or 1992 may be used to initiate or implement closure of any portion of the tank industrial base.

(b) REVISION IN FISCAL YEAR 1992 PROVISIONS.—The text of section 111 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1303) is amended to read as follows:

"Of the amount authorized to be appropriated for fiscal year 1992 pursuant to section 103(3)(A), $225,000,000 shall be available for the

remanufacture of M1 tanks and may be used only to remanufacture M1 tanks to the M1A2 configuration.".

SEC. 112. PROCUREMENT OF AHIP SCOUT HELICOPTERS.

The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $225,000,000 for the procurement of not more than 36 OH–58D AHIP Scout aircraft from funds appropriated for fiscal year 1993 pursuant to section 101.

SEC. 113. AH–64 APACHE HELICOPTER MODIFICATIONS.

Section 113 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1304) is repealed.

SEC. 114. ARMORED VEHICLE UPGRADES.

Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following:

"(j) TANK AND INFANTRY VEHICLE UPGRADES.—(1) Funds received from the sale of tanks under this section shall be available for the upgrading of tanks for fielding to the Army.

"(2) Funds received from the sale of infantry fighting vehicles or armored personnel carriers under this section shall be available for the upgrading of infantry fighting vehicles or armored personnel carriers for fielding to the Army.

"(3) Paragraphs (1) and (2) apply only to the extent provided in advance in appropriations Acts.

"(4) This subsection applies with respect to funds received from sales occurring after September 30, 1989.".

SEC. 115. CHEMICAL AGENT MONITORING PROGRAM.

The Improved Chemical Agent Monitor (ICAM) may not be procured for the Armed Forces until the Secretary of the Army—

(1) completes an analysis of the initial production test results of the Chemical Agent Monitor (CAM);

(2) submits to Congress a report containing a discussion of the reliability and consistency of the laboratory-tested and field-tested Chemical Agent Monitor; and

(3) determines, and notifies Congress in writing, that all design and production deficiencies of the Chemical Agent Monitor have been identified and corrected before the resumption of obligation of funds for procurements under the Chemical Agent Monitoring Program.

Subtitle C—Navy Programs

SEC. 121. SHIPBUILDING AND CONVERSION PROGRAMS.

(a) SCN PROGRAMS.—Amounts authorized to be appropriated under section 102(a)(3) are available for shipbuilding and conversion programs as follows:

For the aircraft carrier replacement program, $832,200,000.

For the CVN aircraft carrier refueling overhaul advance procurement program, $6,800,000.

For the CGN cruiser refueling overhaul advance procurement program, $30,439,000.

For the Arleigh Burke guided missile destroyer program, $3,319,643,000.

For the LHD–1 amphibious assault ship program, $1,205,000,000.

For the MHC–1 coastal minehunter program, $246,205,000.

For the oceanographic ship conversion program, $19,500,000.

For the service craft program, $126,028,000.

For outfitting, $385,321,000.

For post-delivery, $223,105,000.

For first destination transportation, $6,031,000.

(b) UNDISTRIBUTED REDUCTION.—The sum of the amounts provided under subsection (a) for fiscal year 1993 for the programs referred to in that subsection is reduced by $441,609,000 in order to be within the total amount authorized to be appropriated for that fiscal year under section 102(a)(3).

SEC. 122. AIRBORNE SELF PROTECTION JAMMER.

(a) LIMITATION.—None of the funds available to the Department of Defense for fiscal year 1993 or any fiscal year before fiscal year 1993 may be used for the procurement of the Airborne Self Protection Jammer system except for the payment of the costs of terminating existing contracts for the procurement of the Airborne Self Protection Jammer system.

(b) EFFECTIVENESS OF LIMITATION.—This section shall take effect upon submittal by the Secretary of Defense to the congressional defense committees of notice that the Airborne Self Protection Jammer system has been determined by the Secretary to be either not operationally effective or not operationally suitable in operational testing.

SEC. 123. AV–8B HARRIER RADAR UPGRADE PROGRAM.

None of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1993 may be obligated for the AV–8B radar upgrade program or for the remanufacture of AV–8B aircraft requiring installation of a new fuselage.

Subtitle D—Air Force Programs (Nonstrategic)

SEC. 131. C–135 AIRCRAFT PROGRAM.

Of the funds authorized to be appropriated in section 103 for procurement of aircraft for the Air Force, $439,500,000 shall be available for the modification of C–135 aircraft as follows:

(1) $87,600,000 shall be available to reengine four KC–135Q aircraft.

(2) $219,000,000 shall be available to reengine 10 KC–135E aircraft for the Air National Guard.

(3) $65,700,000 shall be available, if the RC–135 aircraft is selected under section 141, to reengine three RC–135 aircraft or, if the RC–135 aircraft is not selected under section 141, to reengine three KC–135 aircraft (in addition to those referred to in paragraphs (1) and (2)).

(4) $51,600,000 shall be available for the open skies sensor system.

(5) $15,600,000 shall be available for miscellaneous C–135 aircraft modifications.

SEC. 132. LIVE-FIRE SURVIVABILITY TESTING OF C–17 AIRCRAFT.

(a) APPLICABILITY OF EXISTING LAW.—The C–17 transport aircraft shall be considered to be a covered system for purposes of survivability testing under section 2366 of title 10, United States Code.

(b) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may exercise the waiver authority in subsection (c) of such section with respect to the application of the survivability tests of that section to the C–17 transport aircraft notwithstanding that such program has entered full-scale engineering development.

(c) REPORT REQUIREMENT.—If the Secretary of Defense submits a certification under subsection (c) of such section that live-fire testing of the C–17 system under such section would be unreasonably expensive or impractical, the Secretary of Defense shall require that sufficiently large and realistic components and subsystems that could affect the survivability of the C–17 system be made available for any alternative live-fire test program.

(d) FUNDING.—The funds required to carry out any alternative live-fire testing program for the C–17 aircraft system shall be made available from amounts appropriated for the C–17 program for fiscal year 1993.

SEC. 133. CORRECTION OF FUEL LEAKS ON C–17 PRODUCTION AIRCRAFT.

(a) CERTIFICATION OF CONTRACTOR CORRECTION UNDER WARRANTY.—The Secretary of the Air Force shall (except as otherwise provided under subsection (b)) certify to the congressional defense committees that the repair of the fuel leaks on production C–17 aircraft will be carried out by the contractor (under the warranty provisions of the production contract for such aircraft) at no additional cost to the Government and with no additional consideration to the contractor for production aircraft under the C–17 program by reason of the repair of the C–17 fuel leaks.

(b) ALTERNATIVE TO CERTIFICATION.—If the Secretary of the Air Force is unable to make the certification referred to in subsection (a), the Secretary—

(1) shall carry out the repair of the fuel leaks at an Air Logistics Center in the continental United States; and

(2) shall submit to the congressional defense committees a report notifying the committees that the Secretary is unable to make such a certification and setting forth a schedule for conducting the repair of the fuel leaks pursuant to paragraph (1).

SEC. 134. C–17 AIRCRAFT PROGRAM.

(a) FUNDING FOR PROGRAM.—Of the amount appropriated pursuant to section 103(1)—

(1) not more than $1,810,635,000 shall be available for procurement for the C–17 aircraft program other than advance procurement and procurement of spare parts; and

(2) not more than $250,905,000 shall be available for advance procurement for the C–17 aircraft program.

(b) FISCAL YEAR 1993 LIMITATION.—In addition to the limitation contained in section 133(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1311), none of the funds appropriated for the Department of Defense for fiscal year 1993 that are made available for the C–17 aircraft program (other than funds for advance procurement) may be obligated before the Secretary of Defense submits to the congressional defense committees the report referred to in section 133(b) of that Act.

(c) FISCAL YEAR 1994 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1994 that are made available for the C–17 aircraft program (other than funds for advance procurement) may be obligated before—

(1) the Secretary of the Air Force—

(A) convenes the Scientific Advisory Board to determine the technical feasibility of carrying out a service life extension program for the C–141 aircraft fleet and to review programmed depot maintenance policies and practices for the C–141 aircraft fleet; and

(B) acts to limit the retirement of any operationally capable C–141 aircraft until a decision is made concerning a service life extension for the C–141 fleet;

(2) the Secretary of Defense convenes a special Defense Acquisition Board to review the C–17 aircraft program;

(3) the special Defense Acquisition Board submits to the Secretary of Defense a report on the C–17 aircraft program, including the matters described in subsection (d); and

(4) the Secretary of Defense submits the report of that board, including the material referred to in subsection (d), to the congressional defense committees.

(d) MATTERS TO BE INCLUDED IN REVIEW.—The review (referred to in subsection (c)(2)) that is conducted by the special Defense Acquisition Board shall include—

(1) an assessment by the Joint Requirements Oversight Council (JROC) of the adequacy of the requirements for the C–17 aircraft;

(2) an analysis by a federally funded research and development center of the cost and operational effectiveness of the C–17 aircraft pro-

gram taking into consideration complementary mixes of other aircraft; and

(3) an affordability assessment of the program, performed by the Cost Analysis Improvement Group in the Office of the Assistant Secretary of Defense for Program Analysis and Evaluation.

(e) PROHIBITION RELATING TO PRODUCTION CAPABILITY.—None of the funds provided under subsection (a) for the C–17 aircraft program may be used to increase the current rate at which the contractor could produce C–17 aircraft.

(f) INITIATIVE ON COST, PERFORMANCE, AND MANAGEMENT.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall establish an initiative to maintain control over costs, contractor performance, and management performance within the C–17 aircraft program.

(2) The initiative shall include the following elements:

(A) The establishment of a management plan which provides for the decisions to commit to specified levels of production to be linked to progress in meeting specified program milestones, including testing milestones of such critical performance elements as—

(i) maximum range and maximum payload performance;

(ii) short airfield performance;

(iii) ground mobility in restricted airfield conditions;

(iv) low altitude parachute extraction capability;

(v) air drop capability; and

(vi) sustainable utilization rate performance.

(B) The establishment of a program for promoting increased interaction between the prime contractor and major program subcontractors on management and performance issues.

(C) The establishment of a senior management review group to report directly to the Under Secretary of Defense for Acquisition on the status of aircraft capability, program management, schedule, and cost.

(D) The establishment of a system maturity matrix.

(3) Not later than April 1, 1993, the Secretary of Defense shall submit to the congressional defense committees a report on the initiative. The report shall include a description of the measures taken to implement the initiative, including actions taken with respect to each of the elements specified in paragraph (2), and a description of the criteria and milestones to be used in evaluating actual program performance against specified program performance.

(g) FUNDING LIMITATION ON FISCAL YEAR 1993 ADVANCE PROCUREMENT FUNDS.—(1) None of the funds made available pursuant to subsection (a)(2) may be obligated until the Secretary of Defense certifies to the congressional defense committees that—

(A) the aircraft designated as the P–9 aircraft has moved to the "major join" stage of production with no less than 90 percent of its assembly completed in position; and

(B) the assembly of the aircraft designated as the P–14 aircraft has begun at the final assembly facility.

(2) A certification of the Secretary under paragraph (1) shall be based on findings transmitted to the Secretary by the Defense Plant Representative Office.

SEC. 135. TACTICAL ELECTRONIC WARFARE AIRCRAFT UPGRADE PROGRAM.

Not more than 65 percent of the funds authorized to be appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1993 may be obligated for the Air Force EF–111 aircraft System Improvement Program (SIP) upgrade program until the Secretary of Defense—

(1) transmits to Congress the report referred to in section 901;

(2) determines, in light of such report and other factors, whether the EF–111 aircraft fleet is to be retained in the inventory; and

(3) transmits to the congressional defense committees—

(A) a notification of that determination; and

(B) if that determination is that such fleet is to be retained in the inventory, a certification that the System Improvement Program upgrade program for the EF–111 aircraft, and the operating and support costs for the fleet of EF–111 aircraft, are fully budgeted in the future-years defense program.

SEC. 136. F–16 AIRCRAFT PROGRAM.

None of the funds authorized to be appropriated for the F–16 program for fiscal year 1993 or otherwise made available for the F–16 program may be obligated for advance procurement or any purposes other than the production of 24 F–16 aircraft and associated spare parts and support equipment until the Secretary of Defense has complied with the provisions of sections 901 and 902.

Subtitle E—Defense-Wide Programs

SEC. 141. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE PROGRAMS.

(a) AUTHORIZATION.—Of the funds authorized to be appropriated under section 104, $56,962,000 shall be available for modernizing either EP–3 Aries aircraft or RC–135 Rivet Joint aircraft.

(b) LIMITATION.—None of the funds provided under subsection (a) or funds appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1993 may be obligated for Navy EP–3 aircraft or Air Force RC–135 aircraft until the Secretary of Defense—

(1) transmits to Congress the report referred to in section 901;

(2) determines, in light of such report and other factors, which of those two aircraft best meets the intelligence requirements of the Department and, therefore, is to be retained in the inventory; and

(3) transmits to the congressional defense committees—

(A) a notification of the determination under paragraph (2); and

(B) a determination of the total requirements for the selected aircraft, taking into consideration the contribution of related systems such as the Navy ES–3 aircraft and the Air Force U–2 and C–130 Senior Scout aircraft.

(c) TRANSFER AUTHORITY.—(1) Upon determination of which aircraft referred to in subsection (a) best meets the intelligence requirements of the Department, and subject to the limitations in subsection (b), the Secretary of Defense may transfer the amount referred to in subsection (a) to either the Navy for procurement of EP–3 modifications or to the Air Force for procurement of RC–135 modifications, depending upon which aircraft was selected.

(2) The transfer authority in paragraph (1) is in addition to any other transfer authority provided in this or any other Act.

SEC. 142. MH–47E/MH–60K HELICOPTER MODIFICATION PROGRAMS.

(a) REQUIRED TESTING.—Notwithstanding the requirements of subsections (a) (2) and (b) of section 2366 of title 10, United States Code, and the requirements of subsection (a) of section 2399 of such title—

(1) operational test and evaluation and survivability testing of the MH–60K helicopter under the MH–60K helicopter modification program shall be completed prior to full materiel release of the MH–60K helicopters for operational use; and

(2) operational test and evaluation and survivability testing of the MH–47E helicopter under the MH–47E helicopter modification program shall be completed prior to full materiel release of the MH–47E helicopters for operational use.

(b) REPEAL OF SUPERSEDED LAW.—Section 143 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1313) is repealed.

Subtitle F—Strategic Programs

SEC. 151. B–2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated pursuant to section 103 for the Air Force for fiscal year 1993 for procurement of aircraft, not more than $2,686,572,000 may be obligated for procurement for the B–2 bomber aircraft program.

(b) B–2 BUYOUT AND TERMINATION.—The funds referred to in subsection (a) may be obligated only for the purpose of completing procurement of aircraft for the B–2 bomber program, procurement of spares and parts, and payment of all termination costs under the B–2 program.

(c) LIMITATION ON NUMBER OF B–2 AIRCRAFT.—A total of not more than 20 deployable B–2 bomber aircraft plus one test aircraft may be procured.

(d) LIMITATION ON OBLIGATION OF FUNDS.—Of the funds referred to in subsection (a), not more than $900,000,000 may be obligated until—

(1) the Secretary of Defense submits to the congressional defense committees—

(A) the reports and certifications referred to in section 131(b)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1306);

(B) the report under subsection (e); and

(C) the report under subsection (f);

(2) the Secretary provides to the Comptroller General of the United States for his review and evaluation the reports required under subsection (e) and (f) and 30 calendar days thereafter have elapsed; and

(3) after (A) the submission of the reports and certifications required by section 131 of Public Law 102–190, and the reports required under paragraph (1), and (B) either the review period specified in paragraph (2) has elapsed or the Comptroller General has delivered to the congressional defense committees his review of the reports required under subsections (e) and (f), whichever occurs first, there is enacted an Act which permits the obligation of such funds for the procurement of B–2 bomber aircraft.

(e) REPORT ON LOW OBSERVABILITY AND SURVIVABILITY.—A report of the Secretary of Defense referred to in subsection (d)(1)(B) is a report submitted to the congressional defense committees that includes the following:

(1) The assessment by the Secretary of Defense of the extent to which the B–2 aircraft will meet its original low observability (including radar cross section) operational performance objectives, including objectives which were not fulfilled in a B–2 flight test in July 1991.

(2) A full description of the information upon which the assessment required by paragraph (1) is based, including all relevant flight test data.

(3) A full description of any actions planned to improve the B–2 aircraft's low observability capabilities beyond the capabilities that have been demonstrated in flight testing by the date of the submission of the report required by this subsection, and the associated costs and benefits.

(4) A quantitative assessment by the Secretary of Defense of the likelihood that a B–2 aircraft having the low observable characteristics projected for the aircraft can survive in the execution in the future of its primary mission as a penetrating nonnuclear bomber, as compared to the likelihood that a B–2 aircraft meeting all of its original radar cross section operational performance objectives contained in the current development contract can survive in the execution of such a mission.

(f) REPORT ON COST OF PROGRAM FOR 20 B–2 AIRCRAFT.—A report of the Secretary of Defense

referred to in subsection (d)(1)(C) is a report submitted to the congressional defense committees that describes the total acquisition costs associated with a B–2 program resulting in 20 deployable aircraft, including all costs associated with research, development, test, and evaluation and procurement (including all planned modifications and retrofits, tooling, preplanned product improvements, support equipment, interim contractor support, initial spares, any Government liability associated with termination, and other Government costs).

SEC. 152. MODERNIZATION OF HEAVY BOMBER FORCE.

(a) PLAN FOR TESTING.—(1) The Secretary of Defense shall prepare a plan to evaluate heavy bombers (other than the B–2 bomber) in operational test ranges and facilities to demonstrate the effectiveness in conventional scenarios of both missions involving combined force package and missions involving only heavy bombers (other than the B–2 bomber).

(2) The aircraft to be tested under the plan include—

(A) B–52H bombers; and

(B) B–1 bombers.

(3) The plan shall be designed—

(A) to provide an assessment of the contribution afforded air operational commanders through the use of heavy bombers (other than the B–2 bomber);

(B) to evaluate advanced conventional munitions capabilities;

(C) to evaluate the effectiveness of heavy bombers (other than the B–2 bomber) in both missions involving combined force package and missions involving only heavy bombers (other than the B–2 bomber); and

(D) to provide a baseline of current capabilities of heavy bombers (other than the B–2 bomber).

(b) EVALUATION OF SURVIVABILITY AND EFFECTIVENESS TESTING CAPABILITY.—(1) The Secretary of Defense shall conduct an assessment of the current capability of the Department of Defense to carry out survivability flight testing and operational effectiveness flight testing of heavy bombers (other than the B–2 bomber) against a set of defenses and defended target arrays that are representative of a broad range of potential defenses that those bombers might encounter during conventional conflicts during the next 20 years.

(2) The Secretary shall carry out paragraph (1) with the assistance of—

(A) the Secretary of the Air Force;

(B) the Vice Chairman of the Joint Chiefs of Staff (in the Vice Chairman's capacity as chairman of the Joint Requirements Oversight Council);

(C) the Director of Operational Test and Evaluation of the Department of Defense; and

(D) an independent panel to be established by the Secretary in accordance with the provisions of section 121(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1379).

(c) MATTERS TO BE COVERED BY ASSESSMENT.—As part of the assessment under subsection (b), the Secretary of Defense shall determine the following:

(1) The capability of the Department of Defense to design an operationally representative test that would use threat assets that are currently fielded by the Department and that would include—

(A) cued defenses and uncued defenses;

(B) individual air defense systems as well as multiple air defenses; and

(C) survivability and operational effectiveness with and without external assets for suppression or disruption of simulated enemy air defenses.

(2) The required quantitative measurements that are adequate to permit extrapolation of test data developed through the operationally representative test to untested scenarios with reasonable confidence levels.

(3) The capability of the Department to design tests to permit the evaluation of the effect that use of advanced conventional munitions currently under development would have on the survivability and effectiveness of the aircraft.

(d) REPORTING REQUIREMENTS.—(1) The Secretary of Defense shall submit to the congressional defense committees the plan for evaluating heavy bombers required by subsection (a)(1). The plan shall include an evaluation of the usefulness of such testing in determining the contribution of heavy bombers (other than the B–2 bomber) in conventional scenarios.

(2) The Secretary of Defense shall submit to the congressional defense committees a report, in unclassified and classified forms, on the results of the assessment conducted pursuant to subsection (b). The report shall—

(A) identify deficiencies in the numbers, performance, capability, and fidelity of air defense threats and threat simulators available for operational testing; and

(B) include an analysis of the cost and lead-times necessary for obtaining, for testing purposes, a representation of current and likely future air defenses that is adequate for evaluating proposed modifications to B–1B and B–52H bomber aircraft.

(3) Within 60 days after the date of the submission of the plan under paragraph (1) and the report under paragraph (2), the Comptroller General of the United States shall review the report (including the recommendations in the report) and the plan and shall provide the congressional defense committees his views on the report and the plan.

Subtitle G—Chemical Demilitarization Program

SEC. 171. CHANGE IN CHEMICAL WEAPONS STOCKPILE ELIMINATION DEADLINE.

Section 1412(b)(5) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(b)(5)), is amended by striking out "July 31, 1999" and inserting in lieu thereof "December 31, 2004".

SEC. 172. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.

(a) ESTABLISHMENT.—(1) The Secretary of the Army shall establish a citizens' commission for each State in which there is a low-volume site (as defined in section 180). Each such commission shall be known as the "Chemical Demilitarization Citizens' Advisory Commission" for that State.

(2) The Secretary shall also establish a Chemical Demilitarization Citizens' Advisory Commission for any State in which there is located a chemical weapons storage site other than a low-volume site, if the establishment of such a commission for such State is requested by the Governor of that State.

(b) FUNCTIONS.—The Secretary of the Army shall provide for a representative from the Office of the Assistant Secretary of the Army (Installations, Logistics, and Environment) to meet with each commission under this section to receive citizen and State concerns regarding the ongoing program of the Army for the disposal of the lethal chemical agents and munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)) at each of the sites with respect to which a commission is established pursuant to subsection (a).

(c) MEMBERSHIP.—(1) Each commission established for a State pursuant to subsection (a) shall be composed of nine members appointed by the Governor of the State. Seven of such members shall be citizens from the local affected areas in the State; the other two shall be representatives of State government who have direct responsibilities related to the chemical demilitarization program.

(2) For purposes of paragraph (1), affected areas are those areas located within a 50-mile radius of a chemical weapons storage site.

(d) CONFLICTS OF INTEREST.—For a period of five years after the termination of any commission, no corporation, partnership, or other organization in which a member of that commission, a spouse of a member of that commission, or a natural or adopted child of a member of that commission has an ownership interest may be awarded—

(1) a contract related to the disposal of lethal chemical agents or munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)); or

(2) a subcontract under such a contract.

(e) CHAIRMAN.—The members of each commission shall designate the chairman of the commission from among the members of the commission.

(f) MEETINGS.—Each commission shall meet with a representative from the Office of the Assistant Secretary of the Army (Installations, Logistics, and Environment) upon joint agreement between the chairman of the commission and that representative. The two parties shall meet not less than often than twice a year and may meet more often at their discretion.

(g) PAY AND EXPENSES.—Members of each commission shall receive no pay or compensation for their involvement in their activities of the commission.

(h) TERMINATION OF COMMISSIONS.—Each commission shall be terminated after the stockpile located in that commission's State has been destroyed.

SEC. 173. EVALUATION OF ALTERNATIVE TECHNOLOGIES.

(a) REPORT.—Not later than December 31, 1993, the Secretary of the Army shall submit to Congress a report on the potential alternatives to the use of the Army's baseline disassembly and incineration process for the disposal of lethal chemical agents and munitions. The report shall include the following:

(1) An analysis of the report of the Committee on Alternative Chemical Demilitarization Technologies of the National Research Council of the National Academy of Sciences.

(2) Any recommendations that the National Academy of Sciences makes to the Army regarding the report of that committee, together with the Secretary's evaluation of those recommendations.

(3) A comparison of the baseline disassembly and incineration process with each alternative technology evaluated in the report of such committee that the National Academy of Sciences recommends for use in the Army Chemical Stockpile Disposal Program, taking into consideration each of the following factors:

(A) Safety.

(B) Environmental protection.

(C) Cost effectiveness.

(4) For each alternative technology recommended by the National Academy of Sciences, the date by which the Army could reasonably be expected to systematize, construct, and test the technology, obtain all necessary environmental and other permits necessary for using that technology for the disposal of lethal chemical agents and munitions, and have the technology available for full-scale chemical weapons destruction and demilitarization operations.

(5) A description of alternatives to incineration that are being developed by Russia for use in its chemical demilitarization program and an assessment of the extent to which such alternatives could be used to destroy lethal chemical weapons in the United States inventory of such weapons.

(6) Consideration of appropriate concerns arising from meetings of the Chemical Demilitarization Citizens' Advisory Commissions established pursuant to section 172.

(7) In any case in which the criteria specified in section 174 are met, notification that the Secretary intends to implement an alternative technology disposal process at a low-volume site.

(b) LIMITATION.—(1) Except as provided in paragraphs (2) and (3), the Secretary of the Army may not commence site preparation for, or construction of, a facility for disassembly and incineration of chemical agents until the report required under subsection (a) is submitted to Congress.

(2) The limitation in paragraph (1) does not apply to any facility for disassembly and incineration of chemical agents (of the eight such facilities identified in the Army Chemical Stockpile Disposal Program) at which site preparation or construction has commenced before the date of the enactment of this Act.

(3) Except as provided in section 175, the limitation in paragraph (1) does not apply to the following:

(A) Facility design activities.

(B) The obtaining of environmental permits.

(C) Project planning.

(D) Procurement of equipment for installation in a facility.

(E) Dual purpose depot support construction projects which are needed to ensure the continuing safe storage of chemical weapons stocks and their ultimate disposal regardless of the technology employed.

SEC. 174. ALTERNATIVE DISPOSAL PROCESS FOR LOW-VOLUME SITES.

(a) REQUIREMENT FOR ALTERNATIVE PROCESS.—If the date by which chemical weapons destruction and demilitarization operations can be completed at a low-volume site using an alternative technology process evaluated by the Secretary of the Army falls within the deadline established by the amendment made by section 171 and the Secretary determines that the use of that alternative technology process for the destruction of chemical weapons at that site is significantly safer and equally or more cost-effective than the use of the baseline disassembly and incineration process, then the Secretary of the Army, as part of the requirement of section 1412(a) of Public Law 99–145, shall carry out the disposal of chemical weapons at that site using such alternative technology process. In addition, the Secretary may carry out the disposal of chemical weapons at sites other than low-volume sites using an alternative technology process (rather than the baseline process) after notifying Congress of the Secretary's intent to do so.

(b) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsections (c), (e), (f), and (g) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) shall apply to this section and to activities under this section in the same manner as if this section were part of that section 1412.

SEC. 175. REVISED CHEMICAL WEAPONS DISPOSAL CONCEPT PLAN.

(a) REVISED PLAN.—If, pursuant to section 174, the Secretary of the Army is required to implement an alternative technology process for destruction of chemical weapons at any low-volume site, the Secretary shall submit to Congress a revised chemical weapons disposal concept plan incorporating the alternative technology process and reflecting the revised stockpile disposal schedule developed under section 1412(b) of Public Law 99–145 (50 U.S.C. 1521(b)), as amended by section 171. In developing the revised concept plan, the Secretary should consider, to the maximum extent practicable, revisions to the program and program schedule that capitalize on the changes to the chemical demilitarization schedule resulting from the revised stockpile elimination deadline by reducing cost and decreasing program risk.

(b) MATTERS TO BE INCLUDED.—The revised concept plan should include—

(1) life-cycle cost estimates and schedules; and

(2) a description of the facilities and operating procedures to be employed using the alternative technology process.

(c) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsection (c) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) shall apply to the revised concept plan in the same manner as if this section were part of that section 1412.

(d) SUBMISSION OF REVISED PLAN.—If the Secretary is required to submit a revised concept plan under this section, the Secretary shall submit the revised concept plan not later than 180 days after the date on which the Secretary submits the report required under section 173.

(e) LIMITATION.—If the Secretary is required to submit a revised concept plan under this section, no funds may be obligated for procurement of equipment or for facilities planning and design activities (other than for those preliminary planning and design activities required to comply with subsection(b)(2)) for a chemical weapons disposal facility at any low-volume site at which the Secretary intends to implement an alternative technology process until the Secretary submits the revised concept plan.

SEC. 176. REPORT ON DESTRUCTION OF NON-STOCKPILE CHEMICAL MATERIAL.

(a) REPORT REQUIRED.—(1) Not later than February 1, 1993, the Secretary of the Army shall submit to Congress a report setting forth the Army's plans for destroying all chemical warfare material of the United States not covered by section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), that would be required to be destroyed if the United States became a party to a chemical weapons convention described in paragraph (2).

(2) The chemical weapons convention referred to in paragraph (1) is a chemical weapons convention that is substantially the same as the final draft of the proposed international Chemical Weapons Convention (CWC) tabled by the Chairman of the United Nations Conference on Disarmament Ad Hoc Committee on Chemical Weapons on June 22, 1992 (CD/CW/WP.400/Rev.1).

(b) MATERIALS TO BE COVERED BY REPORT.—The chemical warfare material covered by the report shall include the following:

(1) Binary chemical munitions.

(2) Buried chemical munitions.

(3) Chemical munitions recovered from ranges.

(4) Chemical weapons production facilities.

(5) All other chemical warfare material referred to in subsection (a).

(c) MATTERS TO BE INCLUDED IN REPORT.—The report shall include the following:

(1) A list of all suspected locations (including ranges) of buried or unexpended chemical munitions.

(2) An estimate of the number of such munitions and, of that number, how many of such munitions are planned to be destroyed.

(3) An inventory of the former chemical weapons production facilities and previously contaminated storage containers and the plans for destroying those facilities and containers.

(4) An inventory of the binary chemical munitions and the plans for destroying those munitions.

(5) The locations at which the chemical warfare materials and facilities referred to subparagraphs (A) through (D) will be destroyed.

(6) A description of the use, if any, that will be made of the Chemical Agent and Munitions Disposal System (CAMDS) facility, Tooele, Utah, in the destruction of those chemical warfare materials, as well as possible future uses of that facility for the destruction of conventional munitions or for research and development of possible alternative technologies for the destruction of chemical munitions.

(7) For the chemical warfare materials that cannot be destroyed in place or on site, a description of the means to be used for transporting the materials to disposal facilities.

(8) An estimate of the cost of destroying such chemical warfare materials and facilities.

(9) An estimate of the time that will be necessary to destroy such chemical warfare materials and facilities and the Secretary's determination of the likelihood that such materials and facilities can be destroyed by December 31, 2004.

(10) A determination as to whether it is a realistic option to transport chemical agents and munitions currently stored at low-volume disposal sites to other locations for destruction instead of destroying those munitions at those sites, taking into consideration safety, cost effectiveness, and the potential obligations of the United States under a chemical weapons convention to transport substantial quantities of chemical warfare munitions and materials not in the United States stockpile of lethal chemical agents and munitions to various locations for destruction.

SEC. 177. PHYSICAL AND CHEMICAL INTEGRITY OF THE CHEMICAL WEAPONS STOCKPILE.

(a) REPORT REQUIRED.—Not later than May 1, 1993, the Secretary of the Army shall submit to Congress a report on the physical and chemical integrity of the existing chemical weapons that are contained in the chemical weapons stockpile of the United States and are stored within the eight chemical weapons storage sites within the continental United States.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A critical analysis of the near-term, mid-term, and long-term storage life of all chemical materials and chemical munitions contained within the storage sites referred to in subsection (a).

(2) For each class of chemical munitions and chemical agents, an analysis of the overall frequency of leaks of the munitions and agents and the frequency of leaks of the munitions and agents at each storage site.

(3) For each class of munitions and agents and for each storage site, a description of the finite risks and potential harm to human health and environmental quality that are associated with such catastrophic events as container breach, spontaneous munition ignition, and leak.

(4) A critical analysis of the risks associated with the storage of the chemical munitions and chemical agents in each class of chemical munitions and chemical agents that are stored at each storage site through December 31, 2004.

(5) A discussion of actions that could be taken to minimize or eliminate the risks identified pursuant to paragraphs (1) through (4).

SEC. 178. SENSE OF CONGRESS CONCERNING INTERNATIONAL CONSULTATION AND EXCHANGE PROGRAM.

It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should establish, with other nations that are anticipated to be signatories to an international agreement or treaty banning chemical weapons, a program under which consultation and exchange concerning chemical weapons disposal technology could be enhanced. Such a program shall be used to facilitate the exchange of technical information and advice concerning the disposal of chemical weapons among signatory nations and to further the development of safer, more cost-effective methods for the disposal of chemical weapons.

SEC. 179. TECHNICAL AMENDMENTS TO SECTION 1412.

Section 1412 of Public Law 99–145 (50 U.S.C. 1521) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "(1)" before "Notwithstanding any other provision of law,"; and

(B) by striking out paragraph (2).

(2) Subsection (c) is amended by striking out "subsection (a)(1)" and inserting in lieu thereof "subsection (a)".

(3) Subsection (g) is amended—

(A) in paragraph (1), by striking out "paragraph (4)" and inserting in lieu thereof "paragraph (3)";

(B) by striking out paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking out "report other than the first one" and inserting in lieu thereof "such report"; and

(D) by redesignating paragraph (4) as paragraph (3).

SEC. 180. DEFINITION OF LOW-VOLUME SITE.

For purposes of this subtitle, the term "low-volume site" means one of the three chemical weapons storage sites in the United States at which there is stored 5 percent or less of the total United States stockpile of unitary chemical weapons.

Subtitle H—Armament Retooling and Manufacturing Support Initiative

SEC. 191. SHORT TITLE.

This subtitle may be cited as the "Armament Retooling and Manufacturing Support Act of 1992".

SEC. 192. POLICY.

It is the policy of the United States—

(1) to encourage, to the maximum extent practicable, nondefense commercial firms to use Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army;

(2) to use such facilities for supporting programs, projects, policies, and initiatives that promote competition in the private sector of the United States economy and that advance United States interests in the global marketplace;

(3) to increase the manufacture of products inside the United States that, to a significant extent, are manufactured outside the United States;

(4) to support policies and programs that provide manufacturers with incentives to assist the United States in making more efficient and economical use of Government-owned industrial plants and equipment for commercial purposes;

(5) to provide, as appropriate, small businesses (including socially and economically disadvantaged small business concerns and new small businesses) with incentives that encourage those businesses to undertake manufacturing and other industrial processing activities that contribute to the prosperity of the United States;

(6) to encourage the creation of jobs through increased investment in the private sector of the United States economy;

(7) to foster a more efficient, cost-effective, and adaptable armaments industry in the United States;

(8) to achieve, with respect to armaments manufacturing capacity, an optimum level of readiness of the defense industrial base of the United States that is consistent with the projected threats to the national security of the United States and the projected emergency requirements of the Armed Forces of the United States; and

(9) to encourage facility contracting where feasible.

SEC. 193. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

(a) AUTHORITY FOR INITIATIVE.—During fiscal years 1993 and 1994, the Secretary of the Army may carry out a program to be known as the "Armament Retooling and Manufacturing Support Initiative" (hereinafter in this subtitle referred to as the "ARMS Initiative").

(b) PURPOSES.—The purposes of the ARMS Initiative are as follows:

(1) To encourage commercial firms, to the maximum extent practicable, to use Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army for commercial purposes.

(2) To increase the opportunities for small businesses (including socially and economically disadvantaged small business concerns and new small businesses) to use such facilities for those purposes.

(3) To reduce the adverse effects of reduced Department of the Army spending that are experienced by States and communities by providing for such facilities to be used for commercial purposes that create jobs and promote prosperity.

(4) To provide for the reemployment and retraining of skilled workers who, as a result of the closing of such facilities, are idled or underemployed.

(5) To contribute to the attainment of economic stability in economically depressed regions of the United States where there are Government-owned, contractor-operated ammunition manufacturing facilities of the Department of Army.

(6) To maintain in the United States a work force having the skills in manufacturing processes that are necessary to meet industrial emergency planned requirements for national security purposes.

(7) To be a model for future defense conversion initiatives.

(8) To the maximum extent practicable, to allow the operation of Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army to be rapidly responsive to the forces of free market competition.

(9) Through the use of Government-owned, contractor-operated ammunition manufacturing facilities for commercial purposes, to encourage relocation of industrial production to the United States from outside the United States.

(c) AVAILABILITY OF FACILITIES.—The Secretary of the Army may make the Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army available for the purposes of the ARMS Initiative.

SEC. 194. FACILITIES CONTRACTS.

(a) IN GENERAL.—In the case of each Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army that is made available for the ARMS Initiative, the Secretary of the Army may, by contract, authorize the facility contractor—

(1) to use the facility for one or more years consistent with the purposes of the ARMS Initiative; and

(2) to enter into multiyear subcontracts for the commercial use of the facility consistent with such purposes.

(b) FACILITY CONTRACTOR DEFINED.—For purposes of subsection (a), the term "facility contractor", with respect to a Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army, means a contractor that, under a contract with the Secretary of the Army—

(1) is authorized to manufacture ammunition or any component of ammunition at the facility; and

(2) is responsible for the overall operation and maintenance of the facility for meeting planned requirements in the event of an industrial emergency.

SEC. 195. REPORTING REQUIREMENT.

Not later than July 1, 1993, the Secretary of the Army shall submit to the congressional defense committees a report on the ARMS initiative. The report shall contain—

(1) a comprehensive review of contracting of Government-owned, contractor-operated ammunition manufacturing facilities, under the ARMS Initiative; and

(2) any recommendations the Secretary may have for changes to the ARMS Initiative.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,919,048,000.

(2) For the Navy, $8,984,717,000.

(3) For the Air Force, $14,231,700,000.

(4) For the Defense Agencies, $10,478,115,000, of which—

(A) $261,707,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $12,983,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1993.—Of the amounts authorized to be appropriated by section 201, $4,374,912,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. MANUFACTURING TECHNOLOGY DEVELOPMENT.

(a) FISCAL YEAR 1993.—Of the amounts authorized to be appropriated by section 201, $374,620,000 shall be available for, and may be obligated only for, manufacturing technology development as follows:

(1) For the Army, $51,000,000.

(2) For the Navy, $119,250,000.

(3) For the Air Force, $138,370,000.

(4) For the Defense Logistics Agency, $29,000,000.

(5) For the Office of the Secretary of Defense, $37,000,000.

(b) WORKER SKILLS.—Manufacturing technology development programs conducted by or for the Department of Defense, including those programs for which funds are made available pursuant to section 203, shall include a focus on production technologies designed to build on and expand existing worker skills and experience in manufacturing production.

SEC. 204. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

Of the amounts authorized to be appropriated by section 201, $200,000,000 shall be available for the Strategic Environmental Research and Development Program.

SEC. 205. ENDOWMENT FOR DEFENSE INDUSTRIAL COOPERATION.

(a) REPORT.—The Secretary of Defense shall prepare a report on the benefits and limitations of establishing a United States-Israel Endowment for Defense Industrial Cooperation with the following objectives:

(1) To promote and support joint defense industrial activities of mutual benefit to the United States and Israel.

(2) To promote and support joint commercialization of defense technologies of mutual benefit to the United States and Israel.

(3) To strengthen a mutually beneficial defense trade program between the United States and Israel.

(b) DEADLINE.—The Secretary shall submit to Congress the report required by subsection (a) no later than August 1, 1993.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. V-22 OSPREY AIRCRAFT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research, development, test, and evaluation for the Navy for fiscal year 1993, the sum of $755,000,000 shall be used only for the V–22 Osprey aircraft program.

(b) USE OF FUNDS FOR CURRENT AND PRIOR FISCAL YEARS.—The amount made available for fiscal year 1993 for the V–22 Osprey aircraft program pursuant to subsection (a) and the amounts that were authorized and appropriated for preceding fiscal years for that program may be used only for—

(1) the development and manufacture of V–22 Osprey or derivative tiltrotor aircraft for operational testing; and

(2) the operational testing of such aircraft.

(c) REPORT.—(1) The Commandant of the Marine Corps shall submit to the congressional defense committees a report on the crash of the V–22 Osprey prototype aircraft that occurred on July 20, 1992. The report shall include a discussion of the following matters:

(A) The cause or causes of the crash.

(B) The extent to which a redesign of a system might be required to correct the condition or conditions that caused the crash.

(C) The effects of the crash on the cost, schedule, and technical risk of the V–22 Osprey development and testing program.

(2) Not more than 50 percent of the amount appropriated for the Navy for fiscal year 1993 and made available for the V–22 Osprey aircraft program may be obligated for such program until the Commandant has submitted the report required by paragraph (1).

SEC. 212. SPECIAL OPERATIONS VARIANT OF THE V–22 OSPREY AIRCRAFT.

Of the amounts authorized to be appropriated pursuant to section 201(4), $15,000,000 shall be available for research, development, test, and evaluation in connection with the special operations variant of the V–22 Osprey aircraft.

SEC. 213. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1993 unless such testing is specifically authorized by law.

SEC. 214. NAVY TACTICAL AVIATION PROGRAMS.

(a) A–X AIRCRAFT PROGRAM.—The Secretary of Defense shall restructure the acquisition plan for the A–X aircraft program to provide for development, demonstration, and validation of at least two prototypes for each of the two most promising proposals received from concept exploration. In restructuring such acquisition strategy, the Secretary shall require the following:

(1) That the prototype designs for such aircraft, to the maximum extent feasible, use technologies for engines, radar, and avionics that are derived from the F–117, A–12, B–2, or F–22 aircraft programs or that are currently available in existing aircraft.

(2) That the aircraft design to be used for the program be selected through the use of competitive procedures.

(b) FA–18E/F AIRCRAFT PROGRAM.—The Secretary of the Navy may not obligate any funds for procurement for the F–18E/F multirole aircraft program until—

(1) the Secretary has completed an early operational assessment of the aircraft design based in part on flight performance of not less than two research and development prototype aircraft; and

(2) the Director of Operational Test and Evaluation of the Department of Defense has approved the operational assessment plan for the program.

SEC. 215. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM.

Section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317) is amended—

(1) in subsection (a), by striking out "during fiscal years 1993 through 1997" and inserting in lieu thereof "during fiscal years 1994 through 1997"; and

(2) in subsection (b), by striking out "not later than June 1 of the calender year in which that fiscal year begins" and inserting in lieu thereof "coincident with the submission of the budget for that fiscal year".

SEC. 216. LIGHT ARMORED VEHICLE 105-MILLIMETER GUN (LAV–105) PROGRAM.

(a) REINSTATEMENT OF LAV–105 Program.—Unless the development program for the Light Armored Vehicle 105-millimeter (LAV–105) gun has been reinstated and the funds appropriated for that program for fiscal year 1992 have been obligated by the date of the enactment of this Act, the Secretary of the Navy, not later than 60 days after the date of the enactment of this Act shall—

(1) reinstate the program for engineering and manufacturing systems development of the LAV–105 vehicle; and

(2) obligate the funds provided for fiscal year 1992 for development and evaluation of the LAV–105 vehicle prototype.

(b) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201, or otherwise made available, for research, development, test, and evaluation for the Navy for fiscal year 1993, the sum of $14,700,000 shall be available for completion of the development and operational testing of the LAV–105 vehicle.

SEC. 217. ADVANCED RESEARCH PROJECTS.

Section 2371 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) The Secretary of Defense, in carrying out research projects through the Defense Advanced Research Projects Agency, and the Secretary of each military department, in carrying out research projects, may permit the director of any federally funded research and development center to enter into cooperative research and development agreements with any person, any agency or instrumentality of the United States, any unit of State or local government, and any other entity under the authority granted by section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a). Technology may be transferred to a non-Federal party to such an agreement consistent with the provisions of sections 10 and 11 of such Act (15 U.S.C. 3710, 3710a).".

SEC. 218. REVISION TO SUPERCONDUCTING MAGNETIC ENERGY STORAGE PROJECT.

(a) PROGRAM PLAN.—The Secretary of Defense, acting through the Director of the Defense Nuclear Agency, shall revise and proceed with the program plan submitted pursuant to section 220(b) of Public Law 102–190 (105 Stat. 1320) to revise and build an engineering test model for the Superconducting Magnetic Energy Storage Project.

(b) REVISIONS REQUIRED.—The Secretary shall revise the program plan for the Superconducting Magnetic Energy Storage Project to include the following:

(1) Background information on prior plans, on completed work, and on the specific history of Phases 1 and 2 of the Department of Defense's project.

(2) An improved and expanded management plan which establishes a distinct Project Office in the Department of Defense or in the Department of Energy.

(3) A project organizational structure which includes two oversight elements, as follows:

(A) An executive management steering committee composed of representatives of the Department of Defense, the Department of Energy, and the Electric Power Research Institute and representatives of any host utility and contributing sponsors.

(B) A technical review committee to provide a forum of United States experts to review the program progress and technical results and efforts to investigate the utiltiy of superconducting magnetic energy storage, with a requirement that the reviews be conducted at least quarterly and findings be reported to the Director, Defense Research and Engineering.

(4) Details of planned technical tasks that include—

(A) superconductor experiments that significantly increase the electric current capacity of superconducting magnetic energy storage experiments conducted in previous phases;

(B) new system sizing and costing studies of the engineering test model for extrapolation to both smaller and larger systems;

(C) materials and construction experiments and studies that lead to total system cost reduction; and

(D) system studies to determine potential applications of superconducting magnetic energy storage, including military, commercial, and scientific utility of the engineering test model.

(5) Plans to secure cost sharing for the project.

(c) SCHEDULE.—The Secretary shall submit the revised plan to Congress not later than 30 days after the date of the enactment of this Act.

(d) FUNDING.—The Secretary shall use unobligated funds appropriated for fiscal year 1992 for research, development, test, and evaluation to conduct the scientific investigations pertaining to this section, including contracting with the Department of Energy for appropriate participation in the studies.

(e) REVISION TO FISCAL YEAR 1992 PROVISIONS.—(1) Section 220(b) of Public Law 102–190 (105 Stat. 1320) is amended—

(A) by striking out the period at the end of paragraph (1) and inserting in lieu thereof "and by participating private sector firms."; and

(B) by striking out paragraph (3).

(2) Title IV of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1166), is amended in the paragraph under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES" by striking out "Provided further, That the Secretary of Defense shall complete the Phase One contractor down-selection process for the Superconductive Magnetic Energy Storage system within 60 days after enactment of this Act:".

Subtitle C—Missile Defense Programs

SEC. 231. THEATER MISSILE DEFENSE INITIATIVE.

(a) ESTABLISHMENT OF THEATER MISSILE DEFENSE INITIATIVE.—The Secretary of Defense shall establish a Theater Missile Defense Initiative office within the Department of Defense. All theater and tactical missile defense activities of the Department of Defense (including all programs, projects, and activities formerly associated with the Theater Missile Defense program element of the Strategic Defense Initiative) shall be carried out under the Theater Missile Defense Initiative.

(b) FUNDING FOR FISCAL YEAR 1993.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1993, not more than $935,000,000 may be obligated for activities of the Theater Missile Defense Initiative, of which not less than $90,000,000 shall be made available for exploration of promising concepts for naval theater missile defense.

(c) REPORT.—When the President's budget for fiscal year 1994 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the proposed allocation by the Secretary of funds for the Theater Missile Defense Initiative for fiscal year 1994, shown for each program, project, and activity;

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2005 for the programs, projects, and activities associated with the Theater Missile Defense Initiative;

(3) assessing the possible near-term contribution and cost-effectiveness for theater missile defense of exoatmospheric capabilities, to include at a minimum a consideration of—

(A) the use of the Navy's Standard missile combined with a kick stage rocket motor and lightweight exoatmospheric projectile (LEAP); and

(B) the use of the Patriot missile combined with a kick stage rocket motor and LEAP.

(d) EFFECTIVE DATE.—The provisions of subsections (a), (b), and (c) shall be implemented not later than 90 days after the date of the enactment of this Act.

SEC. 232. STRATEGIC DEFENSE INITIATIVE FUNDING.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1993, not more than $3,039,800,000 may be obligated for the Strategic Defense Initiative.

(b) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in subsection (a)—

(1) not more than $2,039,800,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(2) not more than $300,000,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(3) not more than $300,000,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(4) not more than $400,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(d) CONSTRUCTION OF AUTHORITY IN RELATION TO USER OPERATIONAL EVALUATION SYSTEM.—Nothing in this Act shall be construed to authorize the exercise of any option to fabricate or field elements of a User Operational Evaluation System at the initial anti-ballistic missile defense site.

SEC. 233. REPORTING REQUIREMENTS AND TRANSFER AUTHORITIES FOR TMDI AND SDI.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Theater Missile Defense Initiative and the Strategic Defense Initiative for fiscal year 1993. The report shall specify the amount of such funds allocated for each program, project, and activity of the Theater Missile Defense Initiative and the Strategic Defense Initiative and shall list each Strategic Defense Initiative program, project, and activity under the appropriate program element and list each Theater Missile Defense Initiative program, project, and activity.

(b) TRANSFER AUTHORITIES.—

(1) IN GENERAL.—Before the submission of the report required under subsection (a) and notwithstanding the limitations set forth in sections 231(b) and 232(b) of this Act, the Secretary of Defense may transfer funds among the Strategic Defense Initiative program elements named in section 232(b) of this Act and from such elements to the Theater Missile Defense Initiative.

(2) LIMITATION.—The total amount that may be transferred to or from any program element named in section 232(b)—

(A) may not exceed 10 percent of the amount provided in such subsection for the program element from which the transfer is made; and

(B) may not result in an increase of more than 10 percent of the amount provided in section 232(b) for the Strategic Defense Initiative program element to which the transfer is made and may not result in an increase of more than 10 percent of the amount provided in section 231(b) for the Theater Missile Defense Initiative.

(3) RESTRICTION.—Transfer authority under paragraph (1) may not be used for a decrease in funds indentified in section 231(b) for the Theater Missile Defense Initiative.

(4) MERGER AND AVAILABILITY.—Amounts transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the amounts to which transferred.

SEC. 234. REVISION OF THE MISSILE DEFENSE ACT OF 1991.

(a) MISSILE DEFENSE GOALS OF THE UNITED STATES.—Section 232(a) of the Missile Defense Act of 1991 (part C of title II of Public Law 102-190; 105 Stat. 1321) is amended by striking out "(a)" and all that follows through the end of the paragraph (1) and inserting in lieu thereof the following:

"(a) MISSILE DEFENSE GOALS OF THE UNITED STATES.—It is a goal of the United States to—

"(1) comply with the ABM Treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of the treaty, as modified by any protocol or amendment thereto, while deploying an antiballistic missile system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles;".

(b) ELIMINATION OF THEATER MISSILE DEFENSE PROGRAM ELEMENT FROM SDI.—(1) Section 235(a) of such Act (105 Stat. 1323) is amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(2) Section 236 of such Act (105 Stat. 1323) is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c), (d), and (e) as subsections, (b), (c), and (d), respectively.

(c) IMPLEMENTATION OF GOAL.—Subsection (b) of section 233 of such Act (105 Stat. 1322) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) THEATER MISSILE DEFENSE SYSTEMS.—The Secretary of Defense shall develop advanced theater missile defense systems for deployment.

"(2) INITIAL ABM DEPLOYMENT.—The Secretary shall develop for deployment a cost-effective, operationally effective, and ABM Treaty-compliant antiballistic missile system at a single site as the initial step toward deployment of an antiballistic missile system described in section 232(a)(1) designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks. The system components to be developed shall include—

"(A) 100 ground-based interceptors, the design of which is to be determined by competition and downselection for the most capable interceptor or interceptors;

"(B) fixed, ground-based, antiballistic missile battle management radars; and

"(C) optimum utilization of space-based sensors, including sensors capable of cueing ground-based antiballistic missile interceptors and providing initial targeting vectors, and other sensor systems that are not prohibited by the ABM Treaty, including specifically the Ground Surveillance and Tracking System.".

(d) FOLLOW-ON TECHNOLOGY RESEARCH.—(1) Subsection (c) of section 234 of such Act (105 Stat. 1323) is amended to read as follows:

"(c) TRANSFER OF MANAGEMENT RESPONSIBILITY FOR RESEARCH AND DEVELOPMENT OF FAR-TERM FOLLOW-ON TECHNOLOGIES.—

"(1) TRANSFER REQUIRED.—As the Strategic Defense Initiative Organization (SDIO) transitions from a broadly based research organization to a focused acquisition agency, maintaining responsibility for research and development of far-term follow-on technologies in that organization could distract management and result in funding shortfalls as the Strategic Defense Initiative Organization's priorities increasingly center on near-term deployment architectures. Accordingly, the Secretary of Defense shall transfer management and budget responsibility for research and development of all far-term follow-on technologies currently under the Strategic Defense Initiative Organization to the Defense Advanced Research Projects Agency (DARPA) or the appropriate military department, unless the Secretary determines, and certifies to the congressional defense committees, that transfer of a particular far-term follow-on technology currently under the Strategic Defense Initiative Organization would not be in the national security interests of the United States.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'far-term follow-on technology' means a technology that is not likely to be incorporated into a weapon system within 10 to 15 years after the date of the enactment of this Act.".

(2)(A) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report identifying—

(i) those programs, projects, and activities under the Other Follow-On Technologies program element for fiscal year 1993 which the Secretary is transferring to a military department or the Defense Advanced Research Projects Agency; and

(ii) those programs, projects, and activities under the Other Follow-On Technologies program element which the Secretary certifies are necessary in the national security interests of the United States to maintain under the Strategic Defense Initiative Organization.

(B) For purposes of subparagraph (A), the term "programs, projects, and activities under the Other Follow-On Technologies program element for fiscal year 1993' means the programs, projects, and activities listed under the Other Follow-On Technologies program element for fiscal year 1993 in the report submitted to the congressional defense committees on July 2, 1992 pursuant to section 233(b)(3) of the Missile Defense Act of 1991.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES FOR SDI PROGRAM ELEMENTS.—Section 236 of such Act (105 Stat. 1323) is amended—

(1) in subsection (a), by striking out "by fiscal year 1996" in the second sentence; and

(2) in subsection (d), by inserting "and which the Secretary has determined are necessary in the national security interests of the United States to be maintained under the Strategic Defense Initiative Organization" before the period at the end.

(f) REVIEW OF FOLLOW-ON DEPLOYMENT OPTIONS.—Section 238 of such Act (105 Stat. 1326)

is amended by striking out "of fiscal year 1996" in the first sentence.

SEC. 235. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS.

(a) USE OF FUNDS.—

(1) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1993, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1993 or for any fiscal year before 1993, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the development and testing described in the July 1992 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the July 1992 SDIO Report.

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1993 if the transfer is made in accordance with section 1001 of this Act.

(b) DEFINITION.—In this section, the term "July 1992 SDIO Report" means the report entitled, "1992 Report to Congress on the Strategic Defense Initiative," prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1398; 10 U.S.C. 2431).

SEC. 236. LIMITATION REGARDING SUPPORT SERVICES CONTRACTS OF THE STRATEGIC DEFENSE INITIATIVE ORGANIZATION.

(a) LIMITATION.—Of the amounts that are appropriated to the Department of Defense for fiscal year 1993 pursuant to the authorizations of appropriations contained in this Act and are made available for the Strategic Defense Initiative Organization, not more than $135,000,000 may be expended for the procurement of support services.

(b) DEFINITION.—For purposes of subsection (a), the term "support services" means any of the following:

(1) Professional, administrative, and management support services.

(2) Special studies and analyses.

(3) Services contracted for under section 3109 of title 5, United States Code.

Subtitle D—Other Matters

SEC. 241. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201 for fiscal year 1993, not more than $59,670,000 shall be available for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense.

(b) LIMITATIONS.—(1) Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1993 may be obligated and expended for product development, and for research, development, testing, and evaluation, of medical countermeasures against biowarfare threat agents only in accordance with this section.

(2) Of the funds made available pursuant to subsection (a), not more than $10,000,000 may be obligated or expended for research, development, test, or evaluation of medical countermeasures against far-term validated biowarfare threat agents.

(3) Of the funds made available pursuant to subsection (a) other than funds made available pursuant to paragraph (2) for the purpose set out in that paragraph—

(A) not more than 80 percent may be obligated and expended for product development, or for research, development, test, or evaluation, of medical countermeasures against near-term validated biowarfare threat agents; and

(B) not more than 20 percent may be obligated or expended for product development, or for research, development, test, or evaluation, of medical countermeasures against mid-term validated biowarfare threat agents.

(c) DEFINITIONS.—In this section:

(1) The term "validated biowarfare threat agent" means a biological agent that—

(A) is named in the biological warfare threat list published by the Defense Intelligence Agency; and

(B) is identified as a biowarfare threat by the Deputy Chief of Staff of the Army for Intelligence in accordance with Army regulations applicable to intelligence support for the medical component of the Biological Defense Research Program.

(2) The term "near-term validated biowarfare threat agent" means a validated biowarfare threat agent that has been, or is being, developed or produced for weaponization within 5 years, as assessed and determined by the Defense Intelligence Agency.

(3) The term "mid-term validated biowarfare threat agent" means a validated biowarfare threat agent that is an emerging biowarfare threat, is the object of research by a foreign threat country, and will be ready for weaponization in more than 5 years and less than 10 years, as assessed and determined by the Defense Intelligence Agency.

(4) The term "far-term validated biowarfare threat agent" means a validated biowarfare threat agent that is a future biowarfare threat, is the object of research by a foreign threat country, and could be ready for weaponization in more than 10 years and less than 20 years, as assessed and determined by the Defense Intelligence Agency.

(5) The term "weaponization" means incorporation into usable ordnance or other militarily useful means of delivery.

SEC. 242. NATIONAL AERO-SPACE PLANE.

(a) FUNDING LIMITATION.—Notwithstanding any other provision of law, funds made available to the Department of Defense may not be obligated for the National Aero-Space Plane program for any fiscal year in an amount greater than twice the amount provided for that program in the appropriations Act making appropriations for that fiscal year for the Department of Housing and Urban Development and for independent agencies.

(b) EFFECTIVE DATE.—Subsection (a) applies with respect to fiscal years after fiscal year 1993.

SEC. 243. LANDSAT REMOTE-SENSING SATELLITE PROGRAM.

Notwithstanding the provisions of the Land-Remote Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.), the Secretary of Defense is authorized to contract for the development and procurement of, and support for operations of, the Landsat vehicle designated as Landsat 7.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorizations of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $13,901,912,000.

(2) For the Navy, $19,532,996,000.

(3) For the Marine Corps, $1,558,515,000.

(4) For the Air Force, $16,592,857,000.

(5) For the Defense Agencies, $9,266,879,000.

(6) For the Army Reserve, $1,014,773,000.

(7) For the Naval Reserve, $865,492,000.

(8) For the Marine Corps Reserve, $75,171,000.

(9) For the Air Force Reserve, $1,214,287,000.

(10) For the Army National Guard, $2,238,013,000.

(11) For the Air National Guard, $2,513,175,000.

(12) For the National Board for the Promotion of Rifle Practice, $2,700,000.

(13) For the Defense Inspector General, $125,200,000.

(14) For Drug Interdiction and Counter-Drug Activities, Defense, $1,263,400,000.

(15) For the Court of Military Appeals, $5,893,000.

(16) For Environmental Restoration, Defense, $1,513,200,000.

(17) For Humanitarian Assistance, $25,000,000.

(18) For the Defense Health Program, $9,159,039,000.

(19) For support for the 1996 Summer Olympics, $2,000,000.

(20) For support for the 1993 World University Games, $6,000,000.

(21) For support for the 1994 World Cup Games, $9,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

There is hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $1,145,000,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1993 from the Armed Forces Retirement Home Trust Fund the sum of $62,728,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—(1) Funds appropriated pursuant to the authorization in section 301(17) shall be available for the purposes of section 2551 of title 10, United States Code, as added by subsection (c), including the transportation of humanitarian relief for the people of Afghanistan and Cambodia.

(2) Of the funds authorized to be appropriated for fiscal year 1993 pursuant to section 301(17) for such purpose, not more than $3,000,000 shall be available for distribution of humanitarian relief supplies to displaced persons or refugees who are noncombatants, including those affiliated with the Cambodian non-Communist resistance, at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer, pursuant to section 2551(b) of such title, not more than $3,000,000 of the funds referred to in subsection (a)(1).

(c) CODIFICATION OF AUTHORITY AND ADMINISTRATIVE PROVISIONS.—(1) Subchapter II of chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"§2551. Humanitarian assistance

"(a) AUTHORIZED ASSISTANCE.—To the extent provided in defense authorization Acts, funds authorized to be appropriated to the Department of Defense for a fiscal year for humanitarian assistance shall be used for the purpose of providing transportation of humanitarian relief and for other humanitarian purposes worldwide.

"(b) AUTHORITY TO TRANSFER FUNDS.—To the extent provided in defense authorization Acts

for a fiscal year, the Secretary of Defense may transfer to the Secretary of State funds appropriated for the purposes of this section to provide for—

"(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

"(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

"(c) TRANSPORTATION OF HUMANITARIAN RELIEF.—(1) Transportation of humanitarian relief provided with funds appropriated for the purposes of this section shall be provided under the direction of the Secretary of State.

"(2) Such transportation shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide such transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

"(3) Nothing in this subsection shall be construed as waiving the requirements of section 2631 of this title and sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b) and 1241f).

"(d) AVAILABILITY OF FUNDS.—To the extent provided in appropriations Acts, funds appropriated for humanitarian assistance for the purposes of this section shall remain available until expended.

"(e) STATUS REPORTS.—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance pursuant to this section.

"(2)(A) Whenever there is enacted a defense authorization Act that contains an authorization of appropriations for humanitarian assistance, a report referred to in paragraph (1) shall be submitted as provided in that paragraph not later than 60 days after the date of the enactment of that Act.

"(B) In addition to reports submitted as provided in subparagraph (A), a report shall be submitted under paragraph (1) not later than June 1 of each year.

"(3) Each report required by paragraph (1) shall cover all provisions of law, contained in defense authorization Acts, that authorize appropriations for humanitarian assistance to be available for the purposes of this section. A report submitted after the obligation of all amounts appropriated pursuant to such a provision of law shall not cover that provision of law.

"(4) Subject to paragraph (3), a report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

"(A) The total amount of funds obligated for humanitarian relief under this section.

"(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under this section.

"(C) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of this title. The description shall include the date of the transfer, to whom the transfer is made, the quantity of items transferred, the acquisition value of the items transferred, and the value of the items at the time of the transfer.

"(f) REPORT REGARDING RELIEF FOR UNAUTHORIZED COUNTRIES.—In any case in which the Secretary of Defense provides for the transportation of humanitarian relief to a country to which the transportation of humanitarian relief has not been specifically authorized by law, the Secretary shall notify the Committees on Appropriations and on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives of the Secretary's intention to provide such transportation. The notification shall be submitted not less than 15 days before the commencement of such transportation.

"(g) DEFINITION.—In this section, the term 'defense authorization Act' means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including authorizations of appropriations for the activities described in paragraph (7) of section 114(a) of this title.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2551. Humanitarian assistance.".

(d) LAWS COVERED BY INITIAL REPORTS.—For purposes of subsection (e) of section 2551 of title 10, United States Code, as added by subsection (c), section 304 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1333), and the humanitarian relief laws referred to in subsection (f)(4) of section 304 of that Act (as in effect on the day before the date of the enactment of this Act) shall be considered as provisions of law that authorized appropriations for humanitarian assistance to be available for the purposes of section 2551 of title 10, United States Code.

(e) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 304 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1333) is amended by striking out subsection (f).

SEC. 305. SUPPORT FOR THE 1994 WORLD CUP GAMES.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1994 World Cup Games to be held in the United States.

(b) PAY AND NONTRAVEL-RELATED ALLOWANCES.—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization in section 301(21).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the 1994 World Cup Games.

SEC. 306. TRANSFER AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense, to the extent provided in appropriations Acts, may transfer funds as provided in this section during fiscal year 1993.

(b) FROM THE DEFENSE BUSINESS OPERATIONS FUND.—(1) Not more than $3,054,000,000 may be transferred from the Defense Business Operations Fund to appropriations for operations and maintenance for fiscal year 1993 in amounts as follows:

(A) For the Army, $2,229,000,000.

(B) For the Navy, $94,500,000.

(C) For the Marine Corps, $58,500,000.

(D) For the Air Force, $672,000,000.

(2)(A) A transfer under this subsection may be made only to the extent that the military department concerned has received credit on the books of the Defense Business Operations Fund for unneeded secondary items returned to the Fund by that military department.

(B) If the Secretary of Defense certifies to the congressional defense committees that a military department has, to the greatest extent practicable, returned for credit on the books of the Defense Business Operations Fund all secondary items not needed by such military department that were under the control of such military department on October 1, 1992, then on and after the date of the certification the limitation in subparagraph (A) shall not apply to transfers to that military department.

(c) FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.—Not more than $400,000,000 may be transferred from the National Defense Stockpile Transaction Fund to appropriations for operation and maintenance for fiscal year 1993 in amounts as follows:

(1) For the Army, $100,000,000.

(2) For the Navy, $100,000,000.

(3) For the Air Force, $100,000,000.

(4) For the Defense Agencies, $100,000,000.

(d) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with and be available for the same purposes and the same period as the amounts in the accounts to which transferred;

(2) shall be deemed to increase the amount authorized to be appropriated for the account to which the amount is transferred by an amount equal to the amount transferred; and

(3) may not be expended for an item that has been denied authorization of appropriations by Congress.

(e) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—An increase under subsection (d)(2) in an amount authorized to be appropriated is in addition to an increase in that amount that results from a transfer of an authorization of appropriations pursuant to section 1001.

Subtitle B—Limitations

SEC. 311. PROHIBITION ON THE USE OF CERTAIN FUNDS FOR PENTAGON RESERVATION.

(a) PROHIBITION.—(1) Except as provided in paragraph (3), none of the funds appropriated to the Department of Defense for fiscal year 1993 may be used to contribute to the Pentagon Reservation Maintenance Revolving Fund for any purpose other than for the actual and necessary day-to-day operation of the Pentagon Reservation, including complying with health and safety requirements.

(2) None of the funds appropriated pursuant to authorizations provided in this Act or any other Act may be transferred to the Pentagon Reservation Maintenance Revolving Fund for the purpose of renovation.

(3) Funds appropriated to the Department of Defense for fiscal year 1993 may be used for replacement of the central heating and cooling plant located on the Pentagon Reservation.

(b) REPORT.—Not later than April 15, 1993, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a revised renovation program for the Pentagon Reservation. Such program shall—

(1) provide justification for the scope and timing of any renovation of the Pentagon Reservation based upon—

(A) the long-term administrative space requirements of the Department of Defense in the National Capital Region;

(B) requirements directly concerned with health and safety; and

(C) the most cost-effective options to meet the requirements described in subparagraphs (A) and (B);

(2) specifically address the need and economic justification for any expansion of the Pentagon;

(3) address the practicality and cost of any renovation of the Pentagon Reservation without relocating significant numbers of employees; and

(4) update the 1988 National Capital Region Master Development Plan of the Department of Defense, providing justification for the current and future need for defense activities in the Na-

tional Capital Region and outlining options to meet the facility needs of the Department of Defense based upon the force structure and personnel strengths planned for fiscal years 1994 through 1998.

(c) DEFINITIONS.—In this section, the terms "National Capital Region" and "Pentagon Reservation" have the meaning given those terms, respectively, in section 2674(f) of title 10, United States Code.

SEC. 312. PROHIBITION ON THE USE OF FUNDS FOR CERTAIN SERVICE CONTRACTS.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not, during the period beginning on the date of the enactment of this Act and ending on September 30, 1993, enter into any contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A–76 or any successor administrative regulation or policy.

(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Subsection (a) shall not apply to—

(1) a contract to be carried out at a location outside the United States at which members of the Armed Forces would have to be used for the performance of an activity described in subsection (a) at the expense of unit readiness; or

(2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992.

Subtitle C—Environmental Provisions

SEC. 321. EXTENSION OF REIMBURSEMENT REQUIREMENT FOR CONTRACTORS HANDLING HAZARDOUS WASTES FROM DEFENSE FACILITIES.

Section 2708(b)(1) of title 10, United States Code, is amended by striking out "fiscal year 1992" and inserting in lieu thereof "fiscal years 1992 and 1993".

SEC. 322. EXTENSION OF PROHIBITION ON USE OF ENVIRONMENTAL RESTORATION FUNDS FOR PAYMENT OF FINES AND PENALTIES.

None of the funds appropriated for fiscal year 1993 for the Environmental Restoration, Defense, account pursuant to the authorization of appropriations provided in section 301(16) may be used for the payment of a fine or penalty imposed against the Department of Defense unless the act or omission for which the fine or penalty is imposed arises out of activities funded by the account.

SEC. 323. PILOT PROGRAM FOR EXPEDITED ENVIRONMENTAL RESPONSE ACTIONS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to expedite the performance of on-site environmental restoration at—

(1) military installations scheduled for closure under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note);

(2) military installations scheduled for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note); and

(3) facilities for which the Secretary is responsible under the Defense Environmental Restoration Program established under section 2701 of title 10, United States Code.

(b) SELECTION OF INSTALLATIONS AND FACILITIES.—(1) For participation in the pilot program, the Secretary shall select—

(A) 2 military installations referred to in subsection (a)(1);

(B) 4 military installations referred to in subsection (a)(2), consisting of—

(i) 2 military installations scheduled for closure as of the date of the enactment of this Act; and

(ii) 2 military installations included in the list transmitted by the Secretary no later than April 15, 1993, pursuant to section 2903(c)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note) and recommended in a report transmitted by the President in that year pursuant to section 2903(e) of such Act and for which a joint resolution disapproving such recommendations is not enacted by the deadline set forth in section 2904(b) of such Act; and

(C) not less than 4 facilities referred to in subsection (a)(3) with respect to each military department.

(2)(A) Except as provided in subparagraph (B), the selections under paragraph (1) shall be made not later than 60 days after the date of the enactment of this Act.

(B) The selections under paragraph (1) of military installations described in subparagraph (B)(ii) of such paragraph shall be made not later than 60 days after the date on which the deadline (set forth in section 2904(b) of such Act) for enacting a joint resolution of disapproval with respect to the report transmitted by the President has passed.

(3) The installations and facilities selected under paragraph (1) shall be representative of—

(A) a variety of the environmental restoration activities required for facilities under the Defense Environmental Restoration Program and for military installations scheduled for closure under the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) and the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); and

(B) the different sizes of such environmental restoration activities to provide, to the maximum extent practicable, opportunities for the full range of business sizes to enter into environmental restoration contracts with the Department of Defense and with prime contractors to perform activities under the pilot program.

(c) EXECUTION OF PROGRAM.—Subject to subsection (d), and to the maximum extent possible, the Secretary shall, in order to eliminate redundant tasks and to accelerate environmental restoration at military installations, use the authorities granted in existing law to carry out the pilot program, including—

(1) the development and use of innovative contracting techniques;

(2) the use of all reasonable and appropriate methods to expedite necessary Federal and State administrative decisions, agreements, and concurrences; and

(3) the use (including any necessary request for the use) of existing authorities to ensure that environmental restoration activities under the pilot program are conducted expeditiously, with particular emphasis on activities that may be conducted in advance of any final plan for environmental restoration.

(d) PROGRAM PRINCIPLES.—The Secretary shall carry out the pilot program consistent with the following principles:

(1) Activities of the pilot program shall be carried out subject to and in accordance with all applicable Federal and State laws and regulations.

(2) Competitive procedures shall be used to select the contractors.

(3) The experience and ability of the contractors shall be considered, in addition to cost, as a factor to be evaluated in the selection of the contractors.

(e) PROGRAM RESTRICTIONS.—The pilot program established in this section shall not result in the delay of environmental restoration activities at other military installations and former sites of the Department of Defense.

SEC. 324. OVERSEAS ENVIRONMENTAL RESTORATION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that in carrying out environmental restoration activities at military installations outside the United States, the President should seek to obtain an equitable division of the costs of environmental restoration with the nation in which the installation is located.

(b) REPORT.—The Secretary of Defense shall include in each Report on Allied Contributions to the Common Defense prepared under section 1003 of Public Law 98–525 (22 U.S.C. 1928) information, in classified and unclassified form, describing the efforts undertaken and the progress made by the President in carrying out subsection (a) during the period covered by the report.

SEC. 325. EVALUATION OF USE OF OZONE-DEPLETING SUBSTANCES BY THE DEPARTMENT OF DEFENSE.

(a) EVALUATION OF USE OF CLASS I SUBSTANCES.—The Director of the Defense Logistics Agency shall evaluate the use of class I substances by the military departments and Defense Agencies. In carrying out the evaluation, the Director shall—

(1) determine the quantity of each class I substance that—

(A) is held in the inventory of each military department and Defense Agency on December 31, 1992;

(B) will be used by each military department and Defense Agency during 1992; and

(C) will be used by each military department and Defense Agency in each of 1993, 1994, and 1995;

(2) determine the quantity of each class I substance in the inventory of the military departments and Defense Agencies in each of 1993, 1994, and 1995 that can be reclaimed or recycled and reused by the military departments and Defense Agencies;

(3) determine the type and quantity of class I substances whose use will be critical to the missions of the military departments and Defense Agencies after 1995;

(4) determine the type and quantity of class I substances that must be stockpiled after 1995 in order to ensure the availability of such substances, including the availability of used, reclaimed, or recycled class I substances for the missions referred to in paragraph (3);

(5) review the plans, if any, to reclaim, recycle, reuse, and maintain the stockpile referred to in paragraph (4); and

(6) identify each specific site, facility, or vessel in connection with which the Secretary of Defense will seek an exemption pursuant to section 604(f) of the Clean Air Act (42 U.S.C. 7671c(f)) to permit the continued production or use of class I substances, and the type and quantity of each class I substance that will be produced or used in connection with the site, facility, or vessel.

(b) EVALUATION OF USE OF CLASS II SUBSTANCES.—The Director of the Defense Logistics Agency shall evaluate the use of class II substances by the military departments and Defense Agencies. In carrying out the evaluation, the Director shall—

(1) determine the quantity of each class II substance that—

(A) is held in the inventory of each military department and Defense Agency on December 31, 1992;

(B) will be used by each military department and Defense Agency during 1992; and

(C) will be used by each military department and Defense Agency in each of 1993, 1994, and 1995; and

(2) determine the quantity of each class II substance in the inventory of the military departments and Defense Agencies in each of 1993, 1994, and 1995 that can be reclaimed or recycled and reused by the military departments and Defense Agencies.

(c) REPORT.—(1) The Director of the Defense Logistics Agency shall submit to the congres-

sional defense committees a report on the status of the evaluation required under subsection (a) not later than April 1, 1993.

(2) The Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the status of the evaluation required under subsection (b) not later than October 1, 1993.

(d) DEFINITIONS.—In this section:

(1) The term "class I substance" means any substance listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)).

(2) The term "class II substance" means any substance listed under section 602(b) of the Clean Air Act (42 U.S.C. 7671a(b)).

SEC. 326. ELIMINATION OF USE OF CLASS I OZONE-DEPLETING SUBSTANCES IN CERTAIN MILITARY PROCUREMENT CONTRACTS.

(a) ELIMINATION OF USE OF CLASS I OZONE-DEPLETING SUBSTANCES.—(1) No Department of Defense contract awarded after June 1, 1993, may include a specification or standard that requires the use of a class I ozone-depleting substance or that can be met only through the use of such a substance unless the inclusion of the specification or standard in the contract is approved by the senior acquisition official for the procurement covered by the contract. The senior acquisition official may grant the approval only if the senior acquisition official determines (based upon the certification of an appropriate technical representative of the official) that a suitable substitute for the class I ozone-depleting substance is not currently available.

(2)(A)(i) Not later than 60 days after the completion of the first modification, amendment, or extension after June 1, 1993, of a contract referred to in clause (ii), the senior acquisition official (or the designee of that official) shall carry out an evaluation of the contract in order to determine—

(I) whether the contract includes a specification or standard that requires the use of a class I ozone-depleting substance or can be met only through the use of such a substance; and

(II) in the event of a determination that the contract includes such a specification or standard, whether the contract can be carried out through the use of an economically feasible substitute for the ozone-depleting substance or through the use of an economically feasible alternative technology for a technology involving the use of the ozone-depleting substance.

(ii) A contract referred to in clause (i) is any contract in an amount in excess of $10,000,000 that—

(I) was awarded before June 1, 1993; and

(II) as a result of the modification, amendment, or extension described in clause (i), will expire more than 1 year after the effective date of the modification, amendment, or extension.

(iii) A contract under evaluation under clause (i) may not be further modified, amended, or extended until the evaluation described in that clause is complete.

(B) If the acquisition official (or designee) determines that an economically feasible substitute substance or alternative technology is available for use in a contract under evaluation, the appropriate contracting officer shall enter into negotiations to modify the contract to require the use of the substitute substance or alternative technology.

(C) A determination that a substitute substance or technology is not available for use in a contract under evaluation shall be made in writing by the senior acquisition official (or designee).

(D) The Secretary of Defense may, consistent with the Federal Acquisition Regulation, adjust the price of a contract modified under subparagraph (B) to take into account the use by the contractor of a substitute substance or alternative technology in the modified contract.

(3) The senior acquisition official authorized to grant an approval under paragraph (1) and the senior acquisition official and designees authorized to carry out an evaluation and make a determination under paragraph (2) shall be determined under regulations prescribed by the Secretary of Defense. A senior acquisition official may not delegate the authority provided in paragraph (1).

(4) Each official who grants an approval authorized under paragraph (1) or makes a determination under paragraph (2)(B) shall submit to the Secretary of Defense a report on that approval or determination, as the case may be, as follows:

(A) Beginning on October 1, 1993, and continuing for 8 calendar quarters thereafter, by submitting a report on the approvals granted or determinations made under such authority during the preceding quarter not later than 30 days after the end of such quarter.

(B) Beginning on January 1, 1997, and continuing for 4 years thereafter, by submitting a report on the approvals granted or determinations made under such authority during the preceding year not later than 30 days after the end of such year.

(5) The Secretary shall promptly transmit to the Committees on Armed Services of the Senate and House of Representatives each submitted to the Secretary under paragraph (4). The Secretary shall transmit the report in classified and unclassified forms.

(b) COST RECOVERY.—In any case in which a Department of Defense contract is modified or a specification or standard for such a contract is waived at the request of a contractor in order to permit the contractor to use in the performance of the contract a substitute for a class I ozone-depleting substance or an alternative technology for a technology involving the use of a class I ozone-depleting substance, the Secretary of Defense may adjust the price of the contract in an manner consistent with the Federal Acquisition Regulation.

(c) DEFINITIONS.—In this section:

(1) The term "class I ozone-depleting substance" means any substance listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)).

(2) The term "Federal Acquisition Regulation" means the single Government-wide procurement regulation issued under section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)).

SEC. 327. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

(a) PROHIBITION.—No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1993 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

(b) TECHNICAL AMENDMENT.—Section 335 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1342) is amended by striking out "or fiscal year 1993".

SEC. 328. LEGACY RESOURCE MANAGEMENT FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established the Legacy Fellowship Program in Natural and Cultural Resource Management (in this section referred to as the "Legacy Fellowship Program"). The Legacy Fellowship Program is a part of the Legacy Resource Management Program established pursuant to section 8120 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1905).

(b) PURPOSES.—The purposes of the Legacy Fellowship Program are as follows:

(1) To support the purposes of the Legacy Resource Management Program set forth in section 8120(b) of such Act.

(2) To provide training to civilian personnel and military personnel in the management of natural and cultural resources.

(c) FELLOWS.—(1) The Legacy Fellowship Program shall be composed of not less than 3 fellows who shall be appointed by the Deputy Assistant Secretary of Defense for Environment. Such fellows shall be appointed from among qualified persons in the military and civilian sectors.

(2)(A) Each fellow who is an officer or employee of the United States shall serve without compensation in addition to that received for the services as an officer or employee of the United States. Any such service shall be without interruption or loss of civil service status or privilege.

(B) The Deputy Assistant Secretary of Defense shall fix (in an amount the Deputy Assistant Secretary determines appropriate) the compensation of the fellows, if any, who are not officers or employees of the United States. Such fellows shall not be considered employees of the Federal Government other than for purposes of chapter 81 of title 5, United States Code.

(3) Fellows shall serve for a term of one year and may be reappointed for an additional term of one year.

(4) The Deputy Assistant Secretary of Defense shall assign the fellows to an agency, office, or other entity (other than the Office of the Deputy Assistant Secretary of Defense for Environment) that is responsible for the implementation of the Legacy Resource Management Program in the Department of Defense. Upon assignment, the fellow shall assist the agency, office, or entity in carrying out the purposes of the Legacy Resource Management Program.

(d) FUNDING.—Of the funds authorized to be appropriated in fiscal year 1993 for the Department of Defense and made available for the Legacy Resource Management Program, $100,000 may be used for the Legacy Fellowship Program. Such funds shall be available for obligation without fiscal year limitation.

SEC. 329. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

In addition to the amounts otherwise authorized to be appropriated for fiscal years 1992 and 1993 in this Act there is authorized to be appropriated for such fiscal years—

(1) for Environmental Restoration, Defense, the total amount of $447,500,000; and

(2) for the Department of Defense Base Closure Account 1990 the total amount of $35,000,000.

SEC. 330. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY.

(a) IN GENERAL.—(1) Except as provided in paragraph (3) and subject to subsection (b), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in paragraph (2) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any military installation (or portion thereof) that is closed pursuant to a base closure law.

(2) The persons and entities described in this paragraph are the following:

(A) Any State (including any officer, agent, or employee of the State) that acquires ownership or control of any facility at a military installa-

tion (or any portion thereof) described in paragraph (1).

(B) Any political subdivision of a State (including any officer, agent, or employee of the State) that acquires such ownership or control.

(C) Any other person or entity that acquires such ownership or control.

(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).

(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

(b) CONDITIONS.—No indemnification may be afforded under this section unless the person or entity making a claim for indemnification—

(1) notifies the Department of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Department of Defense;

(2) furnishes to the Department of Defense copies of pertinent papers the entity receives;

(3) furnishes evidence or proof of any claim, loss, or damage covered by this section; and

(4) provides, upon request by the Department of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(c) AUTHORITY OF SECRETARY OF DEFENSE.—(1) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this section for any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage referred to in subsection (a)(1), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(2) In any case described in paragraph (1), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this section.

(d) ACCRUAL OF ACTION.—For purposes of subsection (b)(1), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in subsection (a) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any military installation (or portion thereof) described in subsection (a)(1).

(e) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) DEFINITIONS.—In this section:

(1) The terms "facility", "hazardous substance", "release", and "pollutant or contaminant" have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, respectively (42 U.S.C. 9601 (9), (14), (22), and (33)).

(2) The term "military installation" has the meaning given such term under section 2687(e)(1) of title 10, United States Code.

(3) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any provision of law authorizing the closure or realignment of a military installation enacted on or after the date of the enactment of this Act.

SEC. 331. EXTENSION OF AUTHORITY TO ISSUE SURETY BONDS FOR CERTAIN ENVIRONMENTAL PROGRAMS.

(a) CERCLA.—(1) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619) is amended—

(A) in subsection (e)(2)(C), by striking out "January 1, 1993" and inserting in lieu thereof "January 1, 1996,"; and

(B) in subsection (g)(5), by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

(2) Subsection (g)(1) of such section is amended—

(A) by striking out "the Miller Act, 40 U.S.C. sections 270a-270f," and inserting in lieu thereof "the Act of August 24, 1935 (40 U.S.C. 270a-270d), commonly referred to as the 'Miller Act',";

(B) by inserting after "response action contract" the following: "and are not waived pursuant to the Act of April 29, 1941 (40 U.S.C. 270e-270f)"; and

(C) by striking out "in accordance with 40 U.S.C. sections 270a-270d." and inserting in lieu thereof "in accordance with such Act of August 24, 1935.".

(b) TITLE 10.—(1) Section 2701(j) of title 10, United States Code, is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

(2) Such section is further amended—

(A) by inserting "(1)" after "APPLICABILITY.—"; and

(B) by adding at the end the following new paragraph:

"(2) Subsections (h) and (i) shall not apply to bonds to which section 119(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 applies (42 U.S.C. 9619(g)).".

SEC. 332. REPORT ON INDEMNIFICATION OF CONTRACTORS PERFORMING ENVIRONMENTAL RESTORATION.

(a) REPORT.—The Secretary of Defense, in consultation with the Attorney General, the Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget, shall conduct a review and report on the following:

(1) All existing statutory authorities and regulations thereunder available to the Department of Defense that allow the Secretary of Defense or the Secretaries of the military departments to indemnify and hold harmless contractors performing environmental restoration at current military installations, former military installations, and formerly used defense sites pursuant to the Defense Environmental Restoration Program under chapter 160 of title 10, United States Code.

(2) The extent to which the authorities referred to in paragraph (1) are available to ensure adequate competition and qualified contractors for actions not governed by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the extent to which additional authority to ensure adequate competition and qualified contractors is necessary for such actions.

(3) The extent to which the indemnification authority provided in section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is necessary to ensure adequate competition and qualified contractors to perform remedial actions at military installations listed on the National Priorities List or removal actions pursuant to such Act.

(4) The extent to which contractors performing environmental restoration work at installations and sites referred to in paragraph (1), other Federal sites, and private sites have been exposed to, or involved in, litigation, claims, and liability related to such environmental restoration work since 1980.

(5) The type of indemnification, if any, currently provided to environmental restoration contractors by Federal agencies, by State agencies, and by private entities at sites other than installations and sites referred to in paragraph (1).

(6) The availability, the coverage, the cost, and the type of insurance commercially available to environmental restoration contractors at current and former military installations and formerly used defense sites.

(7) The extent to which the Secretary of Defense and the Secretaries of the military departments have used existing indemnification authority for environmental restoration work.

(8) The potential costs of any additional indemnification authority, if any, recommended by the Secretary of Defense in the report required under this section.

(b) DEADLINE.—Not later than May 15, 1993, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the report required by subsection (a).

Subtitle D—Defense Business Operations Fund

SEC. 341. LIMITATIONS ON THE USE OF DEFENSE BUSINESS OPERATIONS FUND.

(a) EXTENSION OF LIMITATION ON PERIOD OF MANAGEMENT.—Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1338; 10 U.S.C. 2208 note) is amended—

(1) by striking out "April 15, 1993" and inserting in lieu thereof "April 15, 1994"; and

(2) by inserting "(in this section referred to as the 'Fund')" before the period at the end of the first sentence.

(b) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—Section 316 of such Act is amended by adding at the end the following new subsection:

"(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—For purposes of accounting, financial reporting, and auditing, the Secretary of Defense shall maintain—

"(1) the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate fund or activity; and

"(2) separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.".

(c) IMPLEMENTATION OF DBOF.—Such section is further amended by adding after subsection (c), as added by subsection (b), the following new subsections:

"(d) IMPLEMENTATION OF THE FUND.—The Secretary of Defense shall implement the Fund in three phases (referred to in this section as 'milestones') as follows:

"(1) MILESTONE I.—Not later than thirty days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993, the Secretary of Defense shall—

"(A) substantially complete the development of the policies of the Department of Defense governing the operations of the Fund;

"(B) identify the interim systems requirements of the Fund; and

"(C) prepare an evaluation report on the adequacy of the skills and resources devoted to the Fund and its related systems.

"(2) MILESTONE II.—Not later than March 1, 1993, the Secretary of Defense shall—

"(A) develop performance measures, and corresponding performance goals, for each business area of the Fund; and

"(B) prepare a report that—

"(i) specifies the status of interim systems efforts, including efforts to improve the accuracy of information in the Fund systems;

"(ii) specifies whether the Department of Defense has selected a standard cost accounting system, and prepared an implementation plan (with milestone dates) for installing the system at the Fund's activities; and

"(iii) identifies specific tangible benefits resulting from the operation of the Fund, including, if applicable, the reduced costs of providing goods and services and the improvement of the efficiency of Fund operations.

"(3) MILESTONE III.—Not later than September 30, 1993, the Secretary of Defense shall conduct a field test of the standard cost accounting system selected by the Secretary for the Fund.

"(e) USE OF CERTAIN ACCOUNTING STANDARDS.—The Secretary of Defense shall take actions to achieve the milestones prescribed in subsection (d) and otherwise to implement the Fund consistent with—

"(1) generally accepted accounting principles;

"(2) accounting principles, standards, and requirements generally applicable to Federal agencies;

"(3) internal accounting and administrative control standards prescribed by the Comptroller General of the United States; and

"(4) the provisions of chapter 9 of title 31, United States Code, and sections 3515, 3521(e) through (h), 9105, and 9106 of such title, and related requirements prescribed by the Office of Management and Budget.".

(d) MONITORING AND EVALUATION BY THE COMPTROLLER GENERAL; REPORTS.—Such section is further amended by adding after subsection (e), as added by subsection (c), the following new subsection:

"(f) MONITORING AND EVALUATION BY THE COMPTROLLER GENERAL; REPORTS.—

"(1) MONITORING AND EVALUATION.—The Comptroller General of the United States shall monitor and evaluate the progress of the Department of Defense in achieving the milestones prescribed in subsection (d) and in implementing the Fund, including the development of policies, performance measures, and actions to improve the Fund's systems.

"(2) REPORTS.—

"(A) REPORT ON THE NONACHIEVEMENT OF MILESTONES.—If the Comptroller General determines, pursuant to the monitoring and evaluation conducted under paragraph (1), that the Department of Defense has not achieved any of the milestones prescribed in subsection (d), the Comptroller General shall submit to the Congress, as soon as practicable, a report containing the findings, conclusions, and recommendations of the Comptroller General with respect to the nonachievement of the milestone.

"(B) FINAL REPORT.—Not later than February 15, 1994, the Comptroller General shall submit to the Congress a report containing the findings and conclusions of the Comptroller General pursuant to the monitoring and evaluation conducted under paragraph (1) and any recommendations for legislation or administrative action that the Comptroller General considers to be appropriate.".

SEC. 342. CAPITAL ASSET SUBACCOUNT.

(a) USE OF SUBACCOUNT FOR CAPITAL ASSETS DEPRECIATION CHARGES.—Charges for goods and services provided through the Defense Business Operations Fund shall include amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles. Amounts charged for depreciation shall be credited to a separate capital asset subaccount established within the Fund. The subaccount shall be available only for the payment of outlays for capital assets for the Fund.

(b) AWARD OF CONTRACTS.—The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount, to the extent provided for in appropriations Acts.

(c) ANNUAL REPORT.—The Secretary of Defense shall submit to the congressional defense committees each year, at the same time that the President submits the budget to the Congress under section 1105 of title 31, United States Code, a report that specifies—

(1) the opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted;

(2) the estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted;

(3) the estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted;

(4) the estimated balance of the subaccount at the end of the fiscal year in which the report is submitted; and

(5) a statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

(d) AUTHORIZATION.—There is hereby authorized to be appropriated to the Fund subaccount for fiscal years 1993 and 1994 such sums as may be necessary to pay, during fiscal year 1993 and until April 15, 1994, outlays for capital assets in excess of the amount otherwise available in the subaccount.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "capital assets" means the following capital assets that have a development or acquisition cost of not less than $15,000:

(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of title 10, United States Code.

(B) Automatic data processing equipment, software, other equipment, and other capital improvements.

(2) The term "Fund" means the Defense Business Operations Fund.

SEC. 343. LIMITATION ON OBLIGATIONS AGAINST DEFENSE BUSINESS OPERATIONS FUND.

(a) LIMITATION.—(1) The Secretary of Defense may not incur obligations against the supply management divisions of the Defense Business Operations Fund of the Department of Defense during fiscal year 1993 in a total amount in excess of 65 percent of the total amount derived from sales from such divisions during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, such divisions during fiscal year 1993, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment, and the cost of operations.

(b) EXCEPTION.—The Secretary of Defense may waive the limitation described in subsection (a) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

Subtitle E—Depot-Level Activities

SEC. 351. DEPOT-LEVEL TACTICAL MISSILE MAINTENANCE.

(a) COMPETITIVE BIDDING.—If the Secretary of Defense takes action to consolidate at a single location the performance of depot-level tactical missile maintenance by employees of the Department of Defense, the Secretary shall select the depot to perform the tactical missile maintenance through the use of competitive procedures. Any depot-level activity of the Department of Defense that is engaged in tactical missile maintenance on the date of the enactment of this Act shall be eligible to compete for such selection.

(b) RELOCATION OF CERTAIN ACTIVITIES TO ROCK ISLAND ARSENAL.—The Secretary of Defense shall ensure that the Systems Integration Management Activity and the Depot Systems Command are relocated to Rock Island Arsenal, Illinois, in accordance with the recommendations dated July 1, 1991, of the Defense Base Closure and Realignment Commission established under section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note). This provision shall apply notwithstanding any other provision of law which directly or indirectly affects such relocation.

SEC. 352. LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) LIMITATION.—Section 2466(a) of title 10, United States Code, is amended to read as follows:

"(a) PERCENTAGE LIMITATION.—(1) Except as provided in paragraph (2), the Secretary of a military department and, with respect to a Defense Agency, the Secretary of Defense, may not contract for the performance by non-Federal Government personnel of more than 40 percent of the depot-level maintenance workload for the military department or the Defense Agency.

"(2) The Secretary of the Army shall provide for the performance by employees of the Department of Defense of not less than the following percentages of Army aviation depot-level maintenance workload:

"(A) For fiscal year 1993, 50 percent.

"(B) For fiscal year 1994, 55 percent.

"(C) For fiscal year 1995, 60 percent.".

(b) CONFORMING AMENDMENT.—Section 2466(c) of such title is amended by striking out "The Secretary of the Army, with respect to the Department of the Army, and the Secretary of the Air Force, with respect to the Department of the Air Force," and inserting in lieu thereof "The Secretary of the military department concerned and, with respect to a Defense Agency, the Secretary of Defense".

(c) REPORT.—Section 2466(e) of such title is amended—

(1) by inserting "(1)" after "REPORTS.—"; and

(2) by adding at the end the following:

"(2) Not later than January 15, 1994, the Secretary of each military department and the Secretary of Defense, with respect to the Defense Agencies, shall jointly submit to Congress a report described in paragraph (1).".

(d) EFFECT OF AMENDMENTS ON EXISTING CONTRACTS.—The Secretary of a military department and the Secretary of Defense, with respect to the Defense Agencies, may not cancel a depot-level maintenance contract in effect on the date of the enactment of this Act in order to comply with the requirements of section 2466(a) of title 10, United States Code, as amended by subsection (a).

SEC. 353. REQUIREMENT OF COMPETITION FOR THE PERFORMANCE OF WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) COMPETITION REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2469. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense: requirement of competition

"The Secretary of Defense or the Secretary of a military department may not change the performance of a depot-level maintenance workload that has a threshold value of not less than $3,000,000 and is being performed by a depot-level activity of the Department of Defense unless, prior to any such change, the Secretary uses competitive procedures to make the change.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2469. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense: requirement of competition.".

SEC. 354. REPEAL OF REQUIREMENT FOR COMPETITION PILOT PROGRAM FOR DEPOT-LEVEL MAINTENANCE OF MATERIALS.

Subsection (b) of section 314 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1337; 10 U.S.C. 2466 note) is repealed.

Subtitle F—Commissaries and Military Exchanges

SEC. 361. STANDARDIZATION OF CERTAIN PROGRAMS AND ACTIVITIES OF MILITARY EXCHANGES.

(a) STANDARDIZATION OF EXCHANGES.—The Secretary of Defense shall standardize among the military departments the following programs and activities of the military exchanges of the military departments:

(1) Accounting (including account titles and item descriptions).

(2) Financial reporting formats.

(3) Automatic data processing and telecommunications data in order to facilitate the transfer of information among military exchanges.

(b) TIME AND MANNER.—The standardization of programs and activities required by subsection (a) shall be completed not later than March 31, 1994, and shall be carried out in the most efficient manner practicable.

(c) REPORT.—Not later than March 31, 1993, the Secretary of Defense shall submit to the Congress a report on other programs and activities of the military exchanges, if any, that the Secretary determines can be economically and efficiently managed through standardization or consolidation under a single nonappropriated fund instrumentality.

SEC. 362. ACCOUNTABILITY REGARDING THE FINANCIAL MANAGEMENT AND USE OF NONAPPROPRIATED FUNDS.

(a) REGULATION OF EXPENDITURE OF NAFI FUNDS.—Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§2490a. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds

"(a) REGULATION OF MANAGEMENT AND USE OF NONAPPROPRIATED FUNDS.—The Secretary of Defense shall prescribe regulations governing—

"(1) the purposes for which nonappropriated funds of a nonappropriated fund instrumentality of the United States within the Department of Defense may be expended; and

"(2) the financial management of such funds to prevent waste, loss, or unauthorized use.

"(b) PENALTIES FOR VIOLATIONS.—(1) A civilian employee of the Department of Defense who is paid from nonappropriated funds and who commits a substantial violation of the regulations prescribed under subsection (a) shall be subject to the same penalties as are provided by law for misuse of appropriations by a civilian employee of the Department of Defense paid from appropriated funds. The Secretary of Defense shall prescribe regulations to carry out this paragraph.

"(2) The Secretary shall provide in regulations that a violation of the regulations prescribed under subsection (a) by a person subject to chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is punishable as a violation of section 892 of such title (article 92 of the Uniform Code of Military Justice).

"(c) NOTIFICATION OF VIOLATIONS.—(1) A civilian employee of the Department of Defense (whether paid from nonappropriated funds or from appropriated funds), and a member of the Armed Forces, whose duties include the obligation of nonappropriated funds, shall notify the Secretary of Defense of information which the person reasonably believes evidences—

"(A) a violation by another person of any law, rule, or regulation regarding the management of such funds; or

"(B) other mismanagement or gross waste of such funds.

"(2) The Secretary of Defense shall designate civilian employees of the Department of Defense or members of the armed forces to receive a notification described in paragraph (1) and ensure the prompt investigation of the validity of information provided in the notification.

"(3) The Secretary shall prescribe regulations to protect the confidentiality of a person making a notification under paragraph (1).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2490a. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

SEC. 363. DEMONSTRATION PROGRAM FOR THE OPERATION OF CERTAIN COMMISSARY STORES BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall establish a demonstration program to determine the feasibility of having nonappropriated fund instrumentalities operate commissary stores at military installations.

(2) Under the program referred to in paragraph (1), the Secretary of Defense shall select nonappropriated fund instrumentalities to operate commissary stores located at military installations selected by the Secretary under subsection (b).

(b) SELECTION OF MILITARY INSTALLATIONS.—For participation in such program, the Secretary shall select not less than one nor more than three military installations in the United States, including at least one installation where National Guard personnel, other reserve component personnel, and their dependents comprise the predominant number of the users of the facilities and services of the installation.

(c) PROGRAM REQUIREMENT AND LIMITATION.—(1) Except as provided in paragraph (3), commissary stores operated under such program shall be operated in accordance with section 2484 of title 10, United States Code, relating to the payment of costs by the Department of Defense in connection with the operation of commissary stores.

(2) Except as provided in paragraph (3), the Secretary of Defense may, subject to such section, authorize a transfer of goods, supplies, and facilities of, and funds appropriated for, the Defense Commissary Agency to the nonappropriated fund instrumentalities selected under subsection (a)(2) for the purpose of operating combined exchange and commissary stores under such program.

(3) Appropriated funds may not be used pursuant to such section to pay costs associated with the direct support and operation of combined exchange and commissary stores under such program.

(d) PERIOD OF DEMONSTRATION PROGRAM.—A nonappropriated fund instrumentality selected under subsection (a)(2) shall operate commissary store facilities under such program for the period beginning on the date of the selection of the nonappropriated fund instrumentality and ending on the date of the expiration of the period referred to in subsection (e).

(e) REPORT.—Not later than the expiration of the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report on the implementation of such program. The report shall include the findings, conclusions, and recommendations of the Secretary, including a recommendation with respect to whether similar programs should be carried out at other military installations.

(f) DEFINITION.—In this section, the term "nonappropriated fund instrumentality" means an instrumentality of the United States under the jurisdiction of the Department of the Army or the Department of the Air Force (including the Army and Air Force Exchange Service) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

SEC. 364. RELEASE OF INFORMATION REGARDING SALES AT COMMISSARY STORES.

(a) AUTHORITY TO RELEASE.—Section 2487 of title 10, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) AUTHORITY TO LIMIT RELEASE.—(1) The Secretary of Defense may limit the release to the public of any information described in paragraph (2) if the Secretary determines that it is in the best interest of the Department of Defense to limit the release of such information. If the Secretary determines to limit the release of any such information, the Secretary may provide for limited release of such information in accordance with subsection (b).

"(2) Paragraph (1) applies to those portions of computer data generated by electronic scanners used in military commissaries, and those portions of reports generated by such scanners, that contain the following information:

"(A) The unit price of items sold.

"(B) The number of units of items sold.

"(b) RELEASE UNDER COMPETITIVELY AWARDED AGREEMENTS.—The Secretary of Defense may enter into one or more agreements that provide for limited release of information described in subsection (a)(2). The Secretary shall use competitive procedures to enter into each such agreement. Each agreement shall require payment for such information and shall specify the amount of such payment.".

(b) TECHNICAL AMENDMENTS.—(1) The item relating to such section in the table of sections at the beginning of chapter 147 of title 10, United States Code, is amended by striking out "limitation" and inserting in lieu thereof "limitations".

(2) Subsection (c) of such section is amended by inserting after "(c)" the following: "DEPOSIT OF RECEIPTS.—".

SEC. 365. USE OF COMMISSARY STORES BY MEMBERS OF THE READY RESERVE.

(a) IN GENERAL.—Section 1063(a) of title 10, United States Code, is amended to read as follows:

"(a) ELIGIBILITY OF MEMBERS OF READY RESERVE.—(1) A member of the Ready Reserve who satisfactorily completes 50 or more points creditable under section 1332(a)(2) of this title in a calendar year shall be eligible to use commissary stores of the Department of Defense. The Sec-

retary concerned shall authorize the member to have 12 days of eligibility for any calendar year that the member qualifies for eligibility under this subsection.

"(2) Paragraph (1) shall apply without regard to whether, during the calendar year, the member receives compensation for the duty or training performed by the member or performs active duty for training.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to the completion of reserve points beginning in calendar year 1992.

(c) CONFORMING AMENDMENTS.—(1) The heading of section 1063 of such title is amended to read as follows:

"§1063. Period for use of commissary stores: eligibility for members of the Ready Reserve".

(2) The item relating to such section in the table of sections at the beginning of such chapter is amended to read as follows:

"1063. Period for use of commissary stores: eligibility for members of the Ready Reserve.".

Subtitle G—Other Matters

SEC. 371. EXTENSION OF CERTAIN GUIDELINES FOR REDUCTIONS IN THE NUMBER OF CIVILIAN POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF GUIDELINES.—Section 1597 of title 10, United States Code, is amended to read as follows:

"§1597. Civilian positions: guidelines for reductions

"(a) REQUIREMENT OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.—Reductions in the number of civilian positions of the Department of Defense during fiscal year 1993, if any, shall be carried out in accordance with the guidelines established pursuant to subsection (b).

"(b) GUIDELINES.—The Secretary of Defense shall establish guidelines for fiscal year 1993 for the manner in which reductions in the number of civilian positions of the Department of Defense are made. The guidelines shall include procedures for reviewing civilian positions for reductions according to the following order:

"(1) Positions filled by foreign national employees overseas.

"(2) All other positions filled by civilian employees overseas.

"(3) Overhead, indirect, and administrative positions in headquarters or field operating agencies in the United States.

"(4) Direct operating or production positions in the United States.

"(c) MASTER PLAN.—(1) The Secretary of Defense shall include in the materials submitted to Congress in support of the budget request for the Department of Defense for fiscal year 1994 a civilian positions master plan described in paragraph (2) for the Department of Defense as a whole and for each military department, Defense Agency, and other principal component of the Department of Defense.

"(2) The master plan referred to in paragraph (1) shall include the information described in paragraph (3). Such information shall include information for each of the two fiscal years immediately preceding such fiscal year and projected information for such fiscal year and each of the two fiscal years immediately following such fiscal year.

"(3) The information referred to in paragraph (2) is the following:

"(A) A profile of the levels of civilian positions sufficient to establish and maintain a baseline for tracking annual accessions and losses of civilian positions and to provide for the analysis of trends in the levels of civilian positions within the Department of Defense as a whole and for each military department, major subordinate command of each military department, Defense Agency, and other principal component of the Department of Defense. The profile shall include information on the following:

"(i) The total number of civilian employees.

"(ii) Of the total number of civilian employees, the number of civilian employees in the United States, the number of civilian employees overseas, and the number of foreign national employees overseas.

"(iii) Of the total number of civilian employees at the end of each fiscal year covered by the master plan, the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

"(iv) Accessions and losses of civilian positions, shown in the aggregate and by the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

"(v) The number of losses of civilian positions, by appropriation account, due to reductions in force, furloughs, or functional transfers or other significant transfers of work away from the military department, defense agency, or other component.

"(vi) The extent to which accessions and losses of civilian positions are due to functional transfers or competitive actions that are related to the Department of Defense management review initiatives of the Secretary of Defense.

"(B) For industrial-type and commercial-type activities funded through the Defense Business Operations Fund, the following information:

"(i) Annual trends in the amount of funded workload for each activity, based upon the average number of months of accumulated, funded workload to be performed, or projected to be performed, by the activity.

"(ii) The extent to which such workload is funded by funds that are appropriated from appropriation accounts and managed through the Defense Business Operations Fund.

"(C) Information that indicates trends in the extent to which the military department, defense agency, or other component enters into contracts with persons outside of the Department of Defense, rather than uses civilian positions, to perform work for the military department, defense agency or other component.

"(D) Information that indicates the extent to which the Department of Defense management review initiatives of the Secretary of Defense and other productivity enhancement programs of the Department of Defense significantly affect the number of losses of civilian positions, particularly administrative and management positions.

"(d) EXCEPTIONS.—The Secretary of Defense may permit a variation from the guidelines established under subsection (b) or a master plan prepared under subsection (c) if the Secretary determines that such variation is critical to the national security. The Secretary shall immediately notify the Congress of any such variation and the reasons for such variation.

"(e) INVOLUNTARY REDUCTIONS OF CIVILIAN POSITIONS.—The Secretary of Defense may not implement any involuntary reduction or furlough of civilian positions in a military department, Defense Agency, or other component of the Department of Defense until the expiration of the 45-day period beginning on the date on which the Secretary submits to Congress a report setting forth the reasons why such reductions or furloughs are required and a description of any change in workload or positions requirements that will result from such reductions or furloughs.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1597. Civilian positions: guidelines for reductions.".

SEC. 372. ANNUAL REPORT ON SECURITY AND CONTROL OF SUPPLIES.

(a) ANNUAL REPORT.—Subsection (a) of section 2891 of title 10, United States Code, is amended by striking out "for each of fiscal years 1989, 1990, and 1991" and inserting in lieu thereof "for each of fiscal years 1992, 1993, and 1994".

(b) CONTENT OF REPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

"(9) A summary description of the cases determined by the Secretary of Defense to be cases of major thefts of Department of Defense supplies during the fiscal year preceding the fiscal year in which the report is submitted, including any case involving a loss in an amount greater than $1,000,000 or a loss of sensitive or classified items.

"(10) The value, and an analysis, of in-transit losses that occurred during the fiscal year preceding the fiscal year in which the report is submitted.".

SEC. 373. TRANSPORTATION OF DONATED MILITARY ARTIFACTS.

Section 2572(d)(2) of title 10, United States Code, is amended—

(1) by striking out "(2) The" and inserting in lieu thereof "(2)(A) Except as provided in subparagraph (B), the"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary concerned may, without cost to the recipient, demilitarize, prepare, and transport in the continental United States for donation to a recognized war veterans' association an item authorized to be donated under this section if the Secretary determines the demilitarization, preparation, and transportation can be accomplished as a training mission without additional budgetary requirements for the unit involved.".

SEC. 374. SUBCONTRACTING AUTHORITY FOR AIR FORCE AND NAVY DEPOTS.

Section 2208(j) of title 10, United States Code, is amended by striking out "The Secretary" and all that follows through "facility" and inserting in lieu thereof "The Secretary of a military department may authorize a working capital funded industrial facility of that department".

SEC. 375. CONSIDERATION OF VESSEL LOCATION FOR THE AWARD OF LAYBERTH CONTRACTS FOR SEALIFT VESSELS.

(a) CONSIDERATION OF VESSEL LOCATION IN THE AWARD OF LAYBERTH CONTRACTS.—As a factor in the evaluation of bids and proposals for the award of contracts to layberth sealift vessels of the Department of the Navy, the Secretary of the Navy shall include the location of the vessels, including whether the vessels should be layberthed at locations where—

(1) members of the Armed Forces are likely to be loaded onto the vessels; and

(2) layberthing the vessels maximizes the ability of the vessels to meet mobility and training needs of the Department of Defense.

(b) ESTABLISHMENT OF LOCATION AS A MAJOR CRITERION.—In the evaluation of bids and proposals referred to in subsection (a), the Secretary of the Navy shall give the same level of consideration to the location of the vessels as the Secretary gives to other major factors established by the Secretary.

(c) APPLICABILITY.—Subsection (a) shall apply to any solicitation for bids or proposals issued after the end of the 120-day period beginning on the date of the enactment of this Act.

SEC. 376. PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) PILOT PROGRAM.—Under regulations prescribed by the Secretary of Defense, the Chief of the National Guard Bureau shall enter into an agreement with each of the Governors of one or

more States to carry out a pilot program during fiscal years 1993 and 1994 to provide training and professional development opportunities for members of the National Guard through the provision of health care to residents of medically underserved communities in those States with the use of personnel and equipment of the National Guard.

(b) FUNDING ASSISTANCE.—Under the agreement, the Chief of the National Guard Bureau shall provide funds for the pay, allowances, clothing, subsistence, travel, and related expenses of personnel of the National Guard participating in the pilot program and for medical supplies and equipment to be used to provide health care to medically underserved populations. Of the funds authorized to be appropriated for fiscal year 1993 for operation and maintenance under this title for the Army National Guard, not more than $5,000,000 may be used by the Chief of the National Guard Bureau to provide funding under the agreements.

(c) MAINTENANCE OF EFFORT.—The Chief of the National Guard Bureau shall ensure that each agreement under subsection (a) provides that the provision of services under the pilot program will supplement and increase the level of services that would be provided with non-Federal funds in the absence of such services, and will in no event supplant services provided with non-Federal funds.

(d) COORDINATION AMONG PROGRAMS.—In carrying out the pilot program under subsection (a), the Chief of the National Guard Bureau shall consult with the Secretary of Health and Human Services for the purpose of ensuring that the provision of services under the pilot program are not redundant with the services of programs of such Secretary.

(e) SERVICE OF PARTICIPANTS.—Service by National Guard personnel in the pilot program shall be counted toward the annual training required under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.

(f) REPORT.—The Secretary of Defense shall, not later than January 1, 1994, submit to the Congress a report on the effectiveness of the pilot program and any recommendations with respect to the pilot program.

SEC. 377. AUTHORITY FOR THE ISSUE OF UNIFORMS WITHOUT CHARGE TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended—

(1) by redesignating section 775 as section 776; and

(2) by inserting after section 774 the following new section:

"§775. Issue of uniform without charge

"(a) ISSUE OF UNIFORM.—The Secretary concerned may issue a uniform, without charge, to any of the following members:

"(1) A member who is being repatriated after being held as a prisoner of war.

"(2) A member who is being treated at or released from a medical treatment facility as a consequence of being wounded or injured during military hostilities.

"(3) A member who, as a result of the member's duties, has unique uniform requirements.

"(4) Any other member, if the Secretary concerned determines, under exceptional circumstances, that the issue of the uniform to that member would significantly benefit the morale and welfare of the member and be advantageous to the armed force concerned.

"(b) RETENTION OF UNIFORM AS A PERSONAL ITEM.—Notwithstanding section 771a of this title, a uniform issued to a member under this section may be retained by the member as a personal item.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 775 and inserting in lieu thereof the following:

"775. Issue of uniform without charge.
"776. Applicability of chapter.".

SEC. 378. PROGRAM TO COMMEMORATE WORLD WAR II.

(a) IN GENERAL.—The Secretary of Defense may, during fiscal years 1993 through 1995, conduct a program to commemorate the 50th anniversary of World War II and to coordinate, support, and facilitate other such commemoration programs and activities of the Federal Government, State and local governments, and other persons.

(b) USE OF FUNDS.—During fiscal years 1993 through 1995, funds appropriated to the Department of Defense for operation and maintenance of Defense Agencies shall be available to conduct the program referred to in subsection (a).

(c) PROGRAM ACTIVITIES.—The program referred to in subsection (a) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of World War II;

(2) to thank and honor veterans of World War II and their families;

(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States;

(4) to foster an awareness in the people of the United States that World War II was the central event of the 20th century that defined the postwar world;

(5) to highlight advances in technology, science, and medicine related to military research conducted during World War II;

(6) to inform wartime and postwar generations of the contributions of the Armed Forces of the United States to the United States;

(7) to recognize the contributions and sacrifices made by World War II allies of the United States; and

(8) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

(d) AUTHORITY OF THE SECRETARY.—(1) In connection with the program referred to in subsection (a), the Secretary of Defense may adopt, use, and register as trademarks and service marks, emblems, signs, insignia, or words. The Secretary shall have the exclusive right to use such emblems, signs, insignia or words, subject to the preexisting rights described in paragraph (3), and may grant exclusive or nonexclusive licenses in connection therewith.

(2) Without the consent of the Secretary of Defense, any person who uses any emblem, sign, insignia, or word adopted, used, or registered as a trademark or service mark by the Secretary in accordance with paragraph (1), or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the program referred to in subsection (a), shall be subject to suit in a civil action by the Attorney General, upon complaint by the Secretary of Defense, for the remedies provided in the Act of July 5, 1946, as amended (60 Stat. 427; popularly known as the Trademark Act of 1945) (15 U.S.C. 1051 et seq.).

(3) Any person who actually used an emblem, sign, insignia, or word adopted, used, or registered as a trademark or service mark by the Secretary in accordance with paragraph (1), or any combination or simulation thereof, for any lawful purpose before such adoption, use, or registration as a trademark or service mark by the Secretary shall not be prohibited by this section from continuing such lawful use for the same purpose and for the same goods or services.

(e) ESTABLISHMENT OF ACCOUNT.—(1) There is established in the Treasury of the United States an account to be known as the "Department of Defense 50th Anniversary of World War II Commemoration Account" which shall be administered by the Secretary of Defense as a single account. There shall be deposited into the account all proceeds derived from activities described in subsection (d).

(2) The Secretary may use the funds in the account established in paragraph (1) only for the purpose of conducting the program referred to in subsection (a).

(3) Not later than 60 days after the termination of the authority of the Secretary to conduct the commemoration program referred to in subsection (a), the Secretary shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(f) PROVISION OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the program referred to in subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be an employee for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purposes by reason of the provision of such service.

(3) The Secretary of Defense may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Secretary of Defense shall determine which expenses are eligible for reimbursement under this paragraph.

SEC. 379. EXTENSION OF DEMONSTRATION PROJECT FOR THE USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY.

(a) EXTENSION OF PROGRAM.—Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1344) is amended by striking out "terminate at the end of the one-year period" and inserting in lieu thereof "terminate at the end of the two-year period".

(b) REPORT.—Section 343(e) of such Act is amended by striking out "one-year period" and inserting in lieu thereof "two-year period".

SEC. 380. PROMOTION OF CIVILIAN MARKSMANSHIP.

(a) AUTHORITY OF THE SECRETARY OF THE ARMY.—(1) Section 4308 of title 10, United States Code, is amended to read as follows:

"§4308. Promotion of civilian marksmanship: authority of the Secretary of the Army

"(a) PROGRAM REQUIRED.—The Secretary of the Army, under regulations approved by him upon the recommendation of the National Board for the Promotion of Rifle Practice, shall provide for—

"(1) the operation and maintenance of indoor and outdoor rifle ranges and their accessories and appliances;

"(2) the instruction of citizens of the United States in marksmanship, and the employment of necessary instructors for that purpose;

"(3) the promotion of practice in the use of rifled arms, the maintenance and management of matches or competitions in the use of those arms, and the issue, without cost, of the arms, ammunition (including caliber .22 and caliber .30 ammunition), targets, and other supplies and

appliances necessary for those purposes, to gun clubs under the direction of the National Board for the Promotion of Rifle Practice that provide training in the use of rifled arms to youth, the Boy Scouts of America, 4-H Clubs, Future Farmers of America, and other youth-oriented organizations for training and competition;

"(4) the award to competitors of trophies, prizes, badges, and other insignia;

"(5) the loan or sale at fair market value of caliber .30 rifles, caliber .22 rifles, and air rifles, and the sale of ammunition at fair market value, to gun clubs that—

"(A) are under the direction of the National Board for the Promotion of Rifle Practice; and

"(B) provide training in the use of rifled arms;

"(6) the sale at fair market value of arms (including surplus M–1 Garand rifles), ammunition, targets, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club under the direction of the National Board for the Promotion of Rifle Practice;

"(7) the maintenance of the National Board for the Promotion of Rifle Practice, including provision for its necessary expenses and those of its members and for the Board's expenses incidental to the conduct of the Board's annual meetings;

"(8) the procurement of necessary supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor; and

"(9) the transportation of employees, instructors, and civilians to give or to receive instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or an allowance instead of subsistence, of members of teams authorized by the Secretary to participate in matches or competitions in the use of rifled arms.

"(b) ADDITIONAL AUTHORITY.—The Secretary may—

"(1) provide personnel services (in addition to pay and nontravel-related allowances for members of the armed forces) in carrying out the Civilian Marksmanship Program; and

"(2) impose reasonable fees for persons and gun clubs participating in any program conducted by the Secretary for the promotion of marksmanship among civilians.

"(c) AMOUNTS COLLECTED.—Amounts collected by the Secretary under the Civilian Marksmanship Program, including the proceeds from the sale of arms, ammunition, targets, and other supplies and appliances under subsection (a), shall be credited to the appropriation available for the support of the Civilian Marksmanship Program and shall be available to carry out such program.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such sums as may be necessary to pay the personnel costs and other expenses of the Civilian Marksmanship Program in such fiscal year to the extent that the amounts available out of the revenues collected under the program are insufficient to defray such costs and expenses.

"(e) DEFINITION.—In this section, the term 'Civilian Marksmanship Program' means the program carried out by the Secretary of the Army under this section and sections 4310 through 4312 of this title and includes the National Matches and small-arms firing schools referred to in section 4312 of this title.".

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the item relating to section 4308 and inserting in lieu thereof the following:

"4308. Promotion of civilian marksmanship: authority of the Secretary of the Army.".

(b) AVAILABILITY OF RIFLE RANGES FOR ARMED FORCES AND CIVILIANS.—(1) Section 4309 of title 10, United States Code, is amended to read as follows:

"§4309. Rifle ranges: availability for use by members and civilians

"(a) RANGES AVAILABLE.—All rifle ranges constructed in whole or in part with funds provided by the United States may be used by members of the armed forces and by persons capable of bearing arms.

"(b) MILITARY RANGES.—(1) In the case of a rifle range referred to in subsection (a) that is located on a military installation, the Secretary concerned may establish reasonable fees for the use by civilians of that rifle range to cover the material and supply costs incurred by the armed forces to make that rifle range available to civilians.

"(2) Fees collected pursuant to paragraph (1) in connection with the use of a rifle range shall be credited to the appropriation available for the operation and maintenance of that rifle range and shall be available for the operation and maintenance of that rifle range.

"(3) Use of a rifle range referred to in paragraph (1) by civilians may not interfere with the use of the range by members of the armed forces.

"(c) REGULATIONS.—Regulations to carry out this section with respect to a rifle range shall be prescribed, subject to the approval of the Secretary concerned, by the authorities controlling the rifle range.".

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the item relating to section 4309 and inserting in lieu thereof the following:

"4309. Rifle ranges: availability for use by members and civilians.".

(c) PAYMENT OF EXPENSES FOR NATIONAL MATCH COMPETITORS.—(1) Section 4313 of title 10, United States Code, is amended to read as follows:

"§4313. National matches and small-arms school: expenses

"(a) JUNIOR COMPETITORS.—(1) Junior competitors at National Matches, small-arms firing schools, and competitions in connection with National Matches and special clinics under section 4312 of this title may be paid a subsistence allowance in such amount as the Secretary of the Army shall prescribe.

"(2) A junior competitor referred to in paragraph (1) may be paid a travel allowance, in such amount as the Secretary of the Army shall prescribe, instead of travel expenses and subsistence while traveling. The travel allowance for the return trip may be paid in advance.

"(3) For the purposes of this subsection, a junior competitor is a competitor who is under 18 years of age or is a member of a gun club organized for the students of a college or university.

"(b) RESERVE COMPONENT PERSONNEL.—Appropriated funds available for the Civilian Marksmanship Program (as defined in section 4308(e) of this title) may be used to pay the personnel costs and travel and per diem expenses of a member of a reserve component for any active duty performed by the member in a fiscal year in support of the program after the end of that member's scheduled period of annual training for that fiscal year.".

(2) The item relating to section 4313 in the table of sections at the beginning of chapter 401 of such title is amended by striking out "rifle".

(d) REPORT.—(1) Chapter 401 of such title is amended by adding at the end the following new section:

"§4316. Reporting requirements

"The Secretary of the Army shall biennially submit to the Congress a report that specifies the overall expenditures for programs and activities under this chapter, including fees charged and amounts collected pursuant to subsections (b) and (c) of section 4308, and any progress made with respect to achieving financial self-sufficiency of the programs and activities.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4316. Reporting requirements.".

(e) EFFECTIVE DATE.—(1) This section and the amendments made by this section shall take effect on the earlier of—

(A) the date of the enactment of this Act; or

(B) October 1, 1992.

(2) If under paragraph (1) the amendments made by this section take effect before October 1, 1992, the amendments made by section 328 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1533) shall not take effect.

(3) If under paragraph (1) the amendments made by this section take effect on October 1, 1992, the amendments made by this section shall be considered executed immediately following the amendments made by section 328 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1533).

SEC. 381. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

SEC. 382. OPTIONAL DEFENSE DEPENDENTS' SUMMER SCHOOL PROGRAMS.

Section 1402 of the Defense Dependents' Education Act of 1978 (title XIV of Public Law 95–561; 20 U.S.C. 921) is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of Defense may provide optional summer school programs in the defense dependents' education system.

"(2) The Secretary shall provide in regulations for fees to be charged for the students enrolling in a summer school program under this subsection in amounts determined on the basis of family income.

"(3) The amounts received by the Secretary in payment of the fees shall be available to the Department of Defense for defraying the costs of conducting summer school programs under this subsection.".

SEC. 383. REVIEW OF MILITARY FLIGHT TRAINING ACTIVITIES AT CIVILIAN AIRFIELDS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall provide for a review of the practices and procedures of the military departments regarding the use of civilian airfields in flight training activities of the Armed Forces.

(b) PURPOSE.—The purpose of the review is to determine whether the practices and procedures referred to in subsection (a) should be modified to better protect the public safety while meeting training requirements of the Armed Forces.

(c) SPECIAL REQUIREMENT.—In the conduct of the review, particular consideration shall be given to the practices and procedures regarding the use of civilian airfields in heavily populated areas.

SEC. 384. PREFERENCE FOR PROCUREMENT OF ENERGY EFFICIENT ELECTRIC EQUIPMENT.

(a) REQUIREMENT FOR PREFERENCE.—(1)(A) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410c. Preference for energy efficient electric equipment

"(a) When cost effective, in establishing a new requirement for electric equipment referred to in subsection (b) and in procuring electric equipment referred to in that subsection, the

Secretary of a military department or the head of a Defense Agency, as the case may be, shall provide a preference for the procurement of the most energy efficient electric equipment available that meets the requirement or the need for the procurement, as the case may be.

"(b) Subsection (a) applies to the following electric equipment:

"(1) Electric lamps.

"(2) Electric ballasts.

"(3) Electric motors.

"(4) Electric refrigeration equipment.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410c. Preference for energy efficient electric equipment.".

(2) The amendments made by paragraph (1) shall apply to procurements for which solicitations are issued on or after the date that is 120 days after the date of the enactment of this Act.

(b) ELECTRIC LIGHTING DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program for using energy efficient electric lighting equipment.

(2) The Secretary shall designate 50 facilities owned or leased by the Department of Defense for participation in the demonstration program under this subsection.

(3) The head of each facility designated pursuant to paragraph (2) and the Director of the Defense Logistics Agency shall jointly audit the electric lighting equipment at the facility in order—

(A) to identify any potential improvements that would increase the energy efficiency of electric lighting at that facility; and

(B) to determine the costs of, and the savings that would result from, such improvements.

(4) Except as provided in subsection (d)(4), on the basis of the results of the audit the head of the facility shall promptly convert to the use of electric lighting equipment at the facility that is more energy efficient than the existing electric lighting equipment to the extent that the conversion is cost effective.

(5) Energy efficient electric lighting equipment used under the demonstration program may include compact fluorescent lamps, energy efficient electric ballasts and fixtures, and other energy efficient electric lighting equipment.

(c) REFRIGERATION EQUIPMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program for using energy efficient refrigeration equipment.

(2) The Secretary shall designate 50 facilities owned or operated by the Department of Defense for participation in the demonstration program under this subsection.

(3) The head of each facility designated pursuant to paragraph (2) and the Director of the Defense Logistics Agency shall jointly audit the refrigeration equipment at the facility in order—

(A) to identify any potential improvements that would increase the energy efficiency of the refrigeration equipment at that facility; and

(B) to determine the costs of, and the savings that would result from, such improvements.

(4) Except as provided in subsection (d)(4), on the basis of the results of the audit the head of the facility shall promptly convert to the use of refrigeration equipment at the facility that is more energy efficient than the existing refrigeration equipment to the extent that the conversion is cost effective.

(d) GENERAL PROVISIONS FOR DEMONSTRATION PROGRAMS.—(1) The Secretary of Defense shall make the designations under subsections (b)(2) and (c)(2) not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Defense may designate a facility described in subsections (b)(2) and (c)(2) for participation in the demonstration program under subsection (b) and the demonstration program under subsection (c).

(3) The audits required by subsections (b)(3) and (c)(3) shall be completed not later than January 1, 1994.

(4) The head of a facility may not carry out a conversion described in subsection (b)(4) or (c)(4) if the conversion prevents the head of the facility from carrying out others improvements relating to energy efficiency that are more cost effective than that conversion.

SEC. 385. PAYMENT OF RESIDENTS OF THE ARMED FORCES RETIREMENT HOME FOR SERVICES.

(a) AUTHORITY.—Part A of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510; 24 U.S.C. 401 et seq.) is amended by adding at the end the following:

"SEC. 1521. PAYMENT OF RESIDENTS FOR SERVICES.

"(a) AUTHORITY.—The Chairman of the Armed Forces Retirement Board is authorized to accept for the Armed Forces Retirement Home the part-time or intermittent services of a resident of the Retirement Home, to pay the resident for such services, and to fix the rate of such pay.

"(b) EMPLOYMENT STATUS.—A resident receiving pay for services authorized under subsection (a) shall not, by reason of performing such services and receiving pay for such services, be considered as—

"(1) receiving the pay of a position or being employed in a position for the purposes of section 5532 of title 5, United States Code; or

"(2) being an employee of the United States for any other purpose.

"(c) DEFINITION.—In subsection (b)(1), the term 'position' has the meaning given that term in section 5531 of title 5, United States Code.".

(b) FORGIVENESS OF INDEBTEDNESS.—The Chairman of the Armed Forces Retirement Board is authorized to cancel the indebtedness of any resident of the Armed Forces Retirement Home for repayment to the United States of amounts paid the resident for services provided to the Retirement Home before the date of the enactment of this Act if the Chairman determines that it would be in the interest of the United States to do so and against equity and good conscience to require the repayment.

SEC. 386. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense, in consultation with the Secretary of Education, shall provide financial assistance to local educational agencies in States as provided in this section.

(b) SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—The Secretary of Defense shall provide financial assistance to an eligible local educational agency described in subsection (c) if, without such assistance, that agency will be unable (as determined by the Secretary of Defense in consultation with the Secretary of Education) to provide the students in the schools of the agency with a level of education that is equivalent to the minimum level of education available in the schools of the other local educational agencies in the same State.

(c) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under subsection (b) for a fiscal year if—

(1) at least 30 percent (as rounded to the nearest whole percent) of the students in average daily attendance in the schools of that agency in that fiscal year are military dependent students counted under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238); or

(2) by reason of a consolidation or reorganization of local educational agencies, the local educational agency is a successor of a local educational agency that, for fiscal year 1992—

(A) was eligible to receive payments in accordance with Department of Defense Instruction 1342.18, dated June 3, 1991; and

(B) satisfied the requirement in paragraph (1).

(d) ADJUSTMENT PAYMENTS RELATED TO BASE CLOSURES AND REALIGNMENTS.—Subject to subsection (g), to assist communities in making adjustments resulting from reductions in the size of the Armed Forces, the Secretary of Defense shall transfer to the Secretary of Education funds to make payments to local educational agencies that are entitled to receive under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238), payments adjusted in accordance with subsection (e) of such section by reason of conditions described in subparagraphs (A) through (C) of paragraph (1) of such subsection that result from closures and realignments of military installations.

(e) REPORT ON IMPACT OF BASE CLOSURES ON EDUCATIONAL AGENCIES.—(1) Not later than February 15 of each of 1993, 1994, and 1995, the Secretary of Defense, in consultation with the Secretary of Education, shall submit to Congress a report on the local educational agencies affected by the closures and realignment of military installations and by redeployments of members of the Armed Forces.

(2) Each report shall contain the following:

(A) The number of dependent children of members of the Armed Forces or civilian employees of the Department of Defense who entered the schools of the local educational agencies during the preceding school year as a result of closures, realignments, or redeployments.

(B) The number of dependent children of such members or employees who withdrew from the schools of the local educational agencies during that school year as a result of closures, realignments, or redeployments.

(C) The amounts paid to the local educational agencies during that year under the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 236 et seq.), or any other provision of law authorizing the payment of financial assistance to local communities or local educational agencies on the basis of the presence of dependent children of such members or employees in such communities and in the schools of such agencies.

(D) The projected transfers of such members and employees in connection with closures, realignments, and redeployments during the 12-month period beginning on the date of the report, including—

(i) the installations to be closed or realigned;

(ii) the installations to which personnel will be transferred as a result of closures, realignments, and redeployments; and

(iii) the effects of such transfers on the number of dependent children who will be included in determinations with respect to the payment of funds to each affected local educational agency under subsections (a) and (b) of section 3 of such Act (20 U.S.C. 238).

(e) DEFINITIONS.—In this section:

(1) The term "local educational agency" has the meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

(2) The term "military dependent student" means a student that is—

(A) a dependent child of a member of the Armed Forces; or

(B) a dependent child of a civilian employee of the Department of Defense.

(3) The term "State" has the meaning given that term in section 3(d)(3)(D)(i) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238(d)(3)(D)(i)).

(f) FUNDING.—Of the amounts appropriated for the Department of Defense for operation and

maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301—

(1) $50,000,000 shall be available for providing assistance to local educational agencies under subsection (b); and

(2) $8,000,000 shall be available for making payments to local educational agencies under subsection (d).

(g) LIMITATION ON TRANSFER AND OBLIGATION OF FUNDS.—(1) The amount made available pursuant to subsection (f)(2) for adjustment assistance related to base closures and realignments under subsection (d) may be obligated for such adjustment assistance only if expenditures for that adjustment assistance for fiscal year 1993 have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Not later than the third day after the date of the enactment of this Act, the Director of the Office of Management and Budget shall make a determination as to the classification by discretionary spending limit category for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 of the amount appropriated for adjustment assistance related to base closures and realignments under subsection (d). If the Director determines that the amount shall not classify against the defense category (as described in paragraph (1)), then the President shall submit to Congress a report stating that the Director has made such a determination and the amount that will not classify against the defense category and containing an explanation for the determination.

(3) The amount listed in the report under paragraph (2) may be transferred only to the programs under title III other than the program under subsection (d) pursuant to amounts specified in appropriation Acts. Any such transfer shall be taken into account for purposes of calculating all reports under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 387. TREATMENT OF STATE EQUALIZATION PROGRAMS IN DETERMINING ELIGIBILITY FOR, AND AMOUNT OF, IMPACT AID.

Section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 240(d)(2)) is amended—

(1) by striking the first subparagraph (C) (as added by section 330(a) of Public Law 94-482 (90 Stat. 2221)); and

(2) by adding at the end the following new subparagraph:

"(D) Any State whose program of State aid was certified by the Secretary under subparagraph (C) for fiscal year 1988, but whose program was determined by the Secretary under subparagraph (C)(i) not to meet the requirements of subparagraph (A) for one or more of the fiscal years 1989 through 1992—

"(i) shall be deemed to have met the requirements of subparagraph (A) for each of the fiscal years 1989 through 1992; and

"(ii) shall not, beginning with fiscal year 1993, and notwithstanding any other provision of this paragraph, take payments under this title into consideration as provided under subparagraph (A) for any fiscal year unless the Secretary has previously certified such State's program for such fiscal year.".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1993, as follows:

(1) The Army, 598,900, of whom not more than 88,855 shall be commissioned officers.

(2) The Navy, 535,800, of whom not more than 67,455 shall be commissioned officers.

(3) The Marine Corps, 181,900, of whom not more than 18,440 shall be commissioned officers.

(4) The Air Force, 449,900, of whom not more than 84,970 shall be commissioned officers.

SEC. 402. WAIVER AND TRANSFER AUTHORITY.

(a) WAIVER AUTHORITY.—The Secretary of Defense may waive an end strength prescribed in section 401 for any of the Armed Forces to the extent that the Secretary considers the waiver necessary to prevent personnel imbalances that would impair the long term combat readiness of that armed force.

(b) TRANSFER AUTHORITY.—(1) Upon determination by the Secretary of Defense that such action is necessary in order to prevent involuntary separations from the Armed Forces that would otherwise be necessary solely for the purpose of reducing the size of the Armed Forces below the authorized end strengths prescribed in section 401, the Secretary may transfer amounts appropriated to the Department of Defense pursuant to authorizations of appropriations in this division for fiscal year 1993. Amounts so transferred shall be merged with and be available for the same purposes as the appropriations to which transferred.

(2) A transfer made from one appropriation account to another under the authority of this section shall be deemed to increase the amount authorized for the appropriation account to which transferred by the amount transferred.

(3) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection.

SEC. 403. LIMITED EXCLUSION OF JOINT SERVICE REQUIREMENTS FROM A LIMITATION ON THE STRENGTHS FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) EXCLUSION.—Section 526 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Chairman of the Joint Chiefs of Staff may designate up to 12 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion from the limitations in subsection (a) that are applicable on and after October 1, 1995. Officers in positions so designated shall not be counted for the purposes of those limitations.

"(2) This subsection shall cease to be effective on October 1, 1998.".

(b) TECHNICAL AMENDMENT.—Subsection (b) of such section is amended by striking out "(b)" and inserting in lieu thereof "(b) TRANSFERS BETWEEN SERVICES.—".

SEC. 404. STUDY OF DISTRIBUTION OF GENERAL AND FLAG OFFICER POSITIONS IN JOINT DUTY ASSIGNMENTS.

(a) STUDY.—The Secretary of Defense shall conduct a study of whether joint organizations of the Department of Defense are fully staffed with the appropriate number of general and flag officers. For such purpose, the Secretary, as part of the study, shall—

(1) identify and validate requirements for general and flag officer joint positions;

(2) evaluate the process of reallocating general and flag officer positions when either new joint duty position requirements are identified or requirements for existing joint duty positions are terminated; and

(3) evaluate the process of identifying and assigning general and flag officers to joint positions.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study. The report shall include—

(1) the findings, conclusions, and recommendations of the study;

(2) a description of any actions taken by the Secretary based on the results of the study; and

(3) any recommendations for legislation that the Secretary considers appropriate based on the results of the study.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1993, as follows:

(1) The Army National Guard of the United States, 422,725.

(2) The Army Reserve, 279,615.

(3) The Naval Reserve, 133,675.

(4) The Marine Corps Reserve, 42,315.

(5) The Air National Guard of the United States, 119,300.

(6) The Air Force Reserve, 82,300.

(7) The Coast Guard Reserve, 15,150.

(b) INCREASES IN END STRENGTHS.—The Secretary of Defense may increase an end strength authorized by subsection (a) by not more than 2 percent.

(c) LIMITATION ON REDUCTIONS IN END STRENGTHS.—(1) Except as provided in paragraph (2), the number of Selected Reserve personnel of any of the reserve components as of September 30, 1993, may not be below the number authorized in subsection (a) for that reserve component.

(2) The Secretary of Defense may authorize a reduction in the number applicable to any of the reserve components under paragraph (1) by not more than 0.5 percent if the Secretary of the military department concerned determines that such a reduction is necessary in order to permit the early and timely release from active duty or full-time National Guard duty of members who seek such release before the end of the fiscal year.

(d) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1993, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,736.

(2) The Army Reserve, 12,637.
(3) The Naval Reserve, 21,490.
(4) The Marine Corps Reserve, 2,285.
(5) The Air National Guard of the United States, 9,106.
(6) The Air Force Reserve, 636.

SEC. 413. RESERVE COMPONENT FORCE STRUCTURE.

(a) REQUIREMENT TO PRESCRIBE RESERVE COMPONENT FORCE STRUCTURE.—The Secretary of each military department shall prescribe a force structure allowance for each reserve component under the jurisdiction of the Secretary. Each such force structure allowance for a reserve component—

(1) shall be consistent with, but in no case include a number of personnel spaces that is less than, the authorized end strength for that component; and

(2) shall be prescribed in accordance with historic service policies.

(b) DEFINITION.—For purposes of this section, the term "force structure allowance" means the number and types of units and organizations, and the number of authorized personnel spaces allocated to those units and organizations, in a military force.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1993, the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 85,475.
(2) The Navy, 51,371.
(3) The Marine Corps, 18,831.
(4) The Air Force, 33,164.
(5) The Defense Agencies, 4,740.

(b) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Limitations

SEC. 431. REDUCTION IN NUMBER OF PERSONNEL CARRYING OUT RECRUITING ACTIVITIES.

(a) FISCAL YEAR 1994 LIMITATION.—The number of members of the Armed Forces on September 30, 1994, who are serving on full-time active duty or full-time National Guard duty and who, as a primary duty, carry out personnel recruiting activities may not exceed the number equal to 90 percent of the number of members of the Armed Forces who, as a primary duty, carried out personnel recruiting activities while serving on full-time active duty or full-time National Guard duty on September 30, 1992.

(b) FISCAL YEAR 1993 IMPLEMENTATION.—The Secretary of Defense shall ensure that the number of such personnel who, as a primary duty, carry out such activities is reduced appropriately during fiscal year 1993 to achieve the reduction required as of the end of fiscal year 1994.

SEC. 432. NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.

The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission. The number of personnel authorizations assigned to that mission shall be maintained at not less than the level in effect on September 30, 1991.

SEC. 433. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1993 a total of $76,311,000,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1993.

TITLE V—MILITARY PERSONNEL POLICY

SEC. 500. REFERENCE TO PERSONNEL POLICY PROVISIONS IN TITLE XLIV.

For provisions of this Act providing transition enhancements and other personnel benefits for the active forces relating to the defense drawdown, see subtitle A of title XLIV (sections 4401–4408). For provisons of this Act providing transition enhancements and other personnel benefits for the Guard and Reserve forces relating to the defense drawdown, see subtitle B of title XLIV (sections 4411–4422).

Subtitle A—Officer Personnel Policy

SEC. 501. REPORTS ON PLANS FOR OFFICER ACCESSIONS AND ASSIGNMENT OF JUNIOR OFFICERS.

(a) REPORT ON PLANNED OFFICER ACCESSIONS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plans of the military departments for the procurement of officer personnel during each of fiscal years 1993 through 1997.

(2) The report shall contain for each fiscal year for each military department the following:

(A) For each program of officer training resulting in a commission, the number of persons to be commissioned.

(B) Of the persons to be commissioned under the Reserve Officer Training Corps program, the number of persons receiving scholarships under that program and the number of persons not receiving scholarships under the program.

(C) Of the number of persons to be commissioned—

(i) the number necessary to meet immediate needs for active component personnel;

(ii) the number necessary to meet immediate needs for personnel for the Selected Reserve of the Ready Reserve of the reserve components; and

(iii) the number that will be assigned directly into the Individual Ready Reserve of the reserve components.

(b) REPORT ON PLANNED OFFICER ASSIGNMENTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the types of assignments that the military departments plan for the commissioned officers who commence active duty for their initial period of obligated active duty service during each of fiscal years 1993 through 1997 after being commissioned upon completion of an officer training program, stated by officer training program. The report shall contain an analysis of the number of officers that are to be assigned for skills training and the number of officers that are to be assigned directly to occupational positions.

(c) SUBMISSION OF REPORTS.—The reports required by subsections (a) and (b) shall be submitted together not later than April 1, 1993.

SEC. 502. EVALUATION OF EFFECTS OF OFFICER STRENGTH REDUCTIONS ON OFFICER PERSONNEL MANAGEMENT SYSTEMS.

(a) REQUIREMENT FOR REVIEW.—The Secretary of Defense shall provide for a federally funded research and development center that is independent of the military departments to review the officer personnel management system of each of the military departments and to determine and evaluate the effects of the post-Cold War officer strength reductions on that officer personnel management system.

(b) MATTERS TO BE CONSIDERED.—The review and evaluation shall include, for the officer personnel management system of each military department, the effects of the officer strength reductions on the following:

(1) The timing and opportunities for officer promotions.

(2) The expected lengths of officer careers.

(3) Other features of the officer personnel management system under the Defense Officer Personnel Management Act (Public Law 96–513), including the provisions of law added and amended by that Act.

(4) Any other aspect of the officer personnel management system that the federally funded research and development center personnel conducting the review and evaluation consider appropriate or as directed by the Secretary of Defense.

(c) REPORT.—Not later than December 31, 1993, the federally funded research and development center shall submit to the Secretary of Defense a report on the results of the review and evaluation. Within 60 days after receiving the report, the Secretary shall transmit the report to the Committees on Armed Services of the Senate and House of Representatives. The Secretary may submit to such committees any comments that the Secretary considers appropriate regarding the matters contained in the report.

(d) FUNDING.—Funds appropriated for fiscal year 1993 pursuant to title II and made available for federally funded research and development centers shall be available for the conduct of the review and evaluation under this section.

SEC. 503. SUBMISSION OF ELIGIBILITY LISTS TO SELECTIVE EARLY RETIREMENT BOARDS.

Section 638a(c) of title 10, United States Code, is amended by adding at the end the following:

"(3) In the case of an action under subsection (b)(2), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all eligible officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all eligible officers described in that subsection in a particular grade and competitive category who are also in particular year groups, specialties, or retirement categories, or any combination thereof, within that competitive category.".

SEC. 504. RETIREMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY.

(a) REGULAR NAVY COMMANDERS.—Section 633 of title 10, United States Code, is amended by adding at the end the following: "During the period beginning on July 1, 1993, and ending on October 1, 1995, the preceding sentence shall not apply to an officer of the Navy designated for limited duty to whom section 6383 of this title applies.".

(b) REGULAR NAVY CAPTAINS.—Section 634 of title 10, United States Code, is amended by adding at the end the following: "During the period beginning on July 1, 1993, and ending on October 1, 1995, the preceding sentence shall not apply to an officer of the Regular Navy designated for limited duty to whom section 6383(a)(4) of this title applies.".

(c) MAXIMUM TENURE.—Subsection (a) of section 6383 of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraphs:

"(2) Except as provided in subsection (i), each regular officer of the Navy designated for limited duty who is serving in the grade of commander, has failed of selection for promotion to the grade of captain for the second time, and is not on a list of officers recommended for promotion to the grade of captain shall—

"(A) if eligible for retirement as a commissioned officer under any provision of law, be retired under that provision of law on the date requested by the officer and approved by the Secretary of the Navy, except that the date of retirement may not be later than the first day of the seventh month beginning after the month in

which the President approves the report of the selection board in which the officer is considered as having failed for promotion to the grade of captain for a second time; or

"(B) if not eligible for retirement as a commissioned officer, be retired on the date requested by the officer and approved by the Secretary of the Navy after the officer becomes eligible for retirement as a commissioned officer, except that the date of retirement may not be later than the first day of the seventh calendar month beginning after the month in which the officer becomes eligible for retirement as a commissioned officer.

"(3) Except as provided in subsection (i), if not retired earlier, a regular officer of the Navy designated for limited duty who is serving in the grade of commander and is not on a list of officers recommended for promotion to the grade of captain shall be retired on the last day of the month following the month in which the officer completes 35 years of active naval service, exclusive of active duty for training in a reserve component.

"(4) Except as provided in subsection (i), each regular officer of the Navy designated for limited duty who is serving in the grade of captain shall, if not retired sooner, be retired on the last day of the month following the month in which the officer completes 38 years of active naval service, exclusive of active duty for training in a reserve component.

"(5) Paragraphs (2) through (4) shall be effective only during the period beginning on July 1, 1993, and ending on October 1, 1995.".

(d) LIMITATION ON DEFERRED RETIREMENT.—Subsection (i) of section 6383 of such title is amended by adding at the end the following: "During the period beginning on July 1, 1993, and ending on October 1, 1995, an officer of the Navy in the grade of commander or captain whose retirement is deferred under this subsection and who is not subsequently promoted may not be continued on active duty beyond age 62 or, if earlier, 28 years of active commissioned service if in the grade of commander or 30 years of active commissioned service if in the grade of captain.".

SEC. 505. APPOINTMENT OF CHIROPRACTORS AS COMMISSIONED OFFICERS.

(a) ARMY.—Section 3070 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(5) The Chiropractic Section.";

(2) in subsection (c), by striking out "four assistant chiefs" and inserting in lieu thereof "up to five assistant chiefs"; and

(3) by adding at the end the following new subsection:

"(d) Chiropractors who are qualified under regulations prescribed by the Secretary of the Army may be appointed as commissioned officers in the Chiropractic Section of the Army Medical Specialist Corps.".

(b) NAVY.—(1) Chapter 513 of such title is amended by inserting after section 5138 the following new section:

"§5139. Appointment of chiropractors in the Medical Service Corps

"Chiropractors who are qualified under regulations prescribed by the Secretary of the Navy may be appointed as commissioned officers in the Medical Service Corps of the Navy.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5138 the following new item:

"5139. Appointment of chiropractors in the Medical Service Corps.".

(c) AIR FORCE.—Section 8067(f) of such title is amended by inserting "and chiropractic functions" after "physician assistant functions".

(d) DEADLINE FOR REGULATIONS.—The regulations required to be prescribed by the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 506. CLARIFICATION OF MINIMUM SERVICE REQUIREMENTS FOR CERTAIN FLIGHT CREW POSITIONS.

(a) MINIMUM REQUIREMENTS.—Section 653 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "active duty obligation" and inserting in lieu thereof "service obligation"; and

(2) in subsection (c), by striking out "the term 'active duty obligation' means the period of active duty" and inserting in lieu thereof "the term 'service obligation' means the period of active duty or, in the case of a member of a reserve component who completed flight training in an active duty for training status as a member of a reserve component, the period of service in an active status in the Selected Reserve".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of November 29, 1989.

SEC. 507. ONE-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Effective as of September 29, 1992, section 5721 of title 10, United States Code, is amended by striking out "September 30, 1992" in subsection (f) and inserting in lieu thereof "September 30, 1993".

Subtitle B—Reserve Component Matters

SEC. 511. PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF RESERVES.

(a) REPEAL OF FISCAL YEAR 1992 DEADLINE.—Section 521 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1361) is repealed.

(b) PERSONNEL TO BE ASSIGNED.—Section 414 of such Act (105 Stat. 1352) is amended—

(1) in subsection (a), by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal years 1992 and 1993";

(2) in subsection (c)(2), by striking out "1,300 officers as advisers to combat units and 700 officers as advisers to combat support units and combat service support units" and inserting in lieu thereof "2,000 members as advisers to combat units, combat support units, and combat service support units";

(3) in subsection (c)(3)—

(A) by striking out "officers" and inserting in lieu thereof "members";

(B) by striking out "in fiscal year 1993" and inserting in lieu thereof "during fiscal years 1992 and 1993"; and

(C) by striking out "section 401(b)(1)" and inserting in lieu thereof "section 401"; and

(4) in subsection (d), by striking out "may expand" and all that follows and inserting in lieu thereof "shall by April 1, 1993, submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the Secretary's evaluation of the program to that date. As part of the budget submission for fiscal year 1995, the Secretary shall submit any recommendations for expansion or modification of the program. In no case may the number of active duty personnel assigned to the program decrease below the number specified for the pilot program.".

SEC. 512. LIMITATION ON NUMBER OF FULL-TIME RESERVE PERSONNEL WHO MAY BE ASSIGNED TO ROTC DUTY.

Section 690 of title 10, United States Code, is amended—

(1) by striking out "A member of a reserve component" and inserting in lieu thereof "The number of members of the reserve components";

(2) by striking out "may not be assigned" and inserting in lieu thereof "who are assigned"; and

(3) by striking out the period at the end and inserting in lieu thereof "may not exceed 200.".

SEC. 513. REPORT CONCERNING CERTAIN ACTIVE ARMY COMBAT SUPPORT AND COMBAT SERVICE SUPPORT POSITIONS.

(a) FINDING.—The Congress finds that the force structure of the active component of the Army contains approximately 13,700 positions for personnel having missions to provide combat support and combat service support to inactivated Army units formerly stationed in Europe and the continental United States.

(b) REPORT REQUIRED.—Section 402(c)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1350) is amended by adding at the end the following:

"(E) An assessment of the effect on combat readiness of realigning the missions referred to in subsection (a) to the reserve components of the Army, including an assessment on the capability of the early deploying contingency corps of a range of different mixes of active and reserve component combat support and combat service support units.".

SEC. 514. PREFERENCE IN GUARD AND RESERVE AFFILIATION FOR VOLUNTARILY SEPARATED MEMBERS.

Section 1150(a) of title 10, United States Code, is amended by striking out "involuntarily".

SEC. 515. TECHNICAL CORRECTION AND CODIFICATION OF REQUIREMENT OF BACCALAUREATE DEGREE FOR APPOINTMENT OR PROMOTION OF RESERVE OFFICERS TO GRADES ABOVE FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE).

(a) IN GENERAL.—Chapter 34 of title 10, United States Code, is amended by inserting after section 595 the following new section:

"§596. Commissioned officers: appointment; educational requirement

"(a) IN GENERAL.—After September 30, 1995, no person may be appointed to a grade above the grade of first lieutenant in the Army Reserve, Air Force Reserve, or Marine Corps Reserve or to a grade above the grade of lieutenant (junior grade) in the Naval Reserve, or be federally recognized in a grade above the grade of first lieutenant as a member of the Army National Guard or Air National Guard, unless that person has been awarded a baccalaureate degree by an accredited educational institution.

"(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

"(1) The appointment to or recognition in a higher grade of a person who is appointed in or assigned for service in a health profession for which a baccalaureate degree is not a condition of original appointment or assignment.

"(2) The appointment in the Naval Reserve or Marine Corps Reserve of an individual appointed for service as an officer designated as a limited duty officer.

"(3) The appointment in the Naval Reserve of an individual appointed for service under the Naval Aviation Cadet (NAVCAD) program.

"(4) The appointment to or recognition in a higher grade of any person who was appointed to, or federally recognized in, the grade of captain or, in the case of the Navy, lieutenant before October 1, 1995.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 595 the following new item:

"596. Commissioned officers: appointment; educational requirement.".

SEC. 516. DISABILITY RETIRED OR SEVERANCE PAY FOR RESERVE MEMBERS DISABLED WHILE TRAVELING TO OR FROM TRAINING.

(a) CONFORMANCE WITH OTHER PROVISIONS OF LAW.—Sections 1204(2) and 1206(4) of title 10,

United States Code, are amended by inserting after "inactive-duty training" the following: "or of traveling directly to or from the place at which such duty is performed".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to disabilities incurred on or after November 14, 1986, but any benefits or services payable by reason of the applicability of those amendments during the period beginning on November 14, 1986, and ending on the date of the enactment of this Act shall be subject to the availability of appropriations.

SEC. 517. SERVICE CREDIT FOR CONCURRENT ENLISTED ACTIVE DUTY SERVICE PERFORMED BY ROTC MEMBERS WHILE IN THE SELECTED RESERVE.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof ", other than any period of enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve.".

(2) Section 2107(g) of such title is amended by striking out the period at the end and inserting in lieu thereof ", other than concurrent enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve.".

(b) AMENDMENT TO TITLE 37.—Subsection (d) of section 205 of title 37, United States Code, is amended to read as follows:

"(d) Notwithstanding subsection (a), a commissioned officer may not count in computing basic pay a period of service after October 13, 1964, that the officer performed concurrently as a member of the Senior Reserve Officers' Training Corps, except that service after July 31, 1990, that the officer performed while serving on active duty other than for training as an enlisted member of the Selected Reserve may be so counted.".

SEC. 518. LIMITATION ON REDUCTION IN NUMBER OF RESERVE COMPONENT MEDICAL PERSONNEL.

(a) LIMITATION.—The Secretary of Defense may not reduce the number of medical personnel in any reserve component below the number of such personnel in that reserve component on September 30, 1992.

(b) DEFINITION.—In subsection (a), the term "medical personnel" has the meaning given that term in section 115a(g)(2) of title 10, United States Code.

SEC. 519. ONE-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1992.

(2) If the date of the enactment of this Act is after September 30, 1992, the Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1992, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 520. LIMITATION ON REENLISTMENT ELIGIBILITY FOR CERTAIN FORMER RESERVE OFFICERS OF ARMY AND AIR FORCE.

(a) LIMITATION FOR THE ARMY.—Section 3258 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Any";

(2) by striking out the last sentence; and

(3) by adding at the end the following new subsection (b):

"(b) A person is not entitled to be reenlisted under this section if—

"(1) the person was discharged or released from active duty as a Reserve officer on the basis of a determination of—

"(A) misconduct;

"(B) moral or professional dereliction;

"(C) duty performance below prescribed standards for the grade held; or

"(D) retention being inconsistent with the interests of national security; or

"(2) the person's former enlisted status and grade was based solely on the participation by that person in a precommissioning program that resulted in the Reserve commission held by that person during the active duty from which the person was released or discharged.".

(b) LIMITATION FOR THE AIR FORCE.—Section 8258 of such title is amended—

(1) by inserting "(a)" before "Any";

(2) by striking out the last sentence; and

(3) by adding at the end the following new subsection (b):

"(b) A person is not entitled to be reenlisted under this section if—

"(1) the person was discharged or released from active duty as a Reserve officer on the basis of a determination of—

"(A) misconduct;

"(B) moral or professional dereliction;

"(C) duty performance below prescribed standards for the grade held; or

"(D) retention being inconsistent with the interests of national security; or

"(2) the person's former enlisted status and grade was based solely on the participation by that person in a precommissioning program that resulted in the Reserve commission held by that person during the active duty from which the person was released or discharged.".

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply to persons discharged or released from active duty as commissioned officers in the Army Reserve or the Air Force Reserve, respectively, after the date of the enactment of this Act.

Subtitle C—Service Academies

SEC. 521. REPEAL OF REQUIREMENT THAT DEANS AT UNITED STATES MILITARY ACADEMY AND AIR FORCE ACADEMY BE GENERAL OFFICERS.

(a) DEAN OF ACADEMIC BOARD AT THE MILITARY ACADEMY.—Section 4335 of title 10, United States Code, is amended by striking out subsection (c).

(b) DEAN OF THE FACULTY AT THE AIR FORCE ACADEMY.—Section 9335 of such title is amended—

(1) in subsection (a), by striking out "(a)"; and

(2) by striking out subsection (b).

SEC. 522. ACADEMY PREPARATORY SCHOOLS.

Not later than April 1, 1993, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan to make the operation of the preparatory schools of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy more efficient and cost effective. In preparing the plan, the Secretary shall consider the recommendations contained in the report of the Comptroller General, dated March 13, 1992, regarding such preparatory schools.

SEC. 523. COMPOSITION OF FACULTIES AT UNITED STATES MILITARY ACADEMY AND AIR FORCE ACADEMY.

(a) CIVILIAN FACULTY AT MILITARY ACADEMY.—Section 4331 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(2) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

"(3) The Secretary may delegate the authority conferred by this subsection to any person in the Department of the Army to the extent the Secretary considers proper. Such delegation may be made with or without the authority to make successive redelegations.".

(b) CIVILIAN FACULTY AT AIR FORCE ACADEMY.—Section 9331 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(2) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

"(3) The Secretary may delegate the authority conferred by this subsection to any person in the Department of the Air Force to the extent the Secretary considers proper. Such delegation may be made with or without the authority to make successive redelegations.".

(c) PROPOSED LEGISLATION TO INCREASE CIVILIAN FACULTY MEMBERS.—Not later than April 1, 1993, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives recommended legislation for—

(1) increasing the number of civilians on the faculty at the United States Military Academy and the United States Air Force Academy; and

(2) reducing the number of officers of the Armed Forces assigned or appointed as permanent faculty at the United States Military Academy and the United States Air Force Academy.

SEC. 524. NONINSTRUCTIONAL STAFF AT SERVICE ACADEMIES.

(a) REVIEW OF NONINSTRUCTIONAL STAFF POSITIONS.—The Inspector General of the Department of Defense shall conduct a management audit of the noninstructional staff positions at the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy to determine which positions are absolutely essential for the accomplishment of the mission of these service academies and the maintenance of the quality of life at these service academies.

(b) REPORT ON RESULTS OF REVIEW.—Not later than June 1, 1993, the Secretary of Defense shall submit to Congress a report specifying those actions taken or proposed to be taken as a result of the management audit required by subsection (a).

SEC. 525. AUTHORITY OF UNITED STATES MILITARY ACADEMY TO CONFER THE DEGREE OF MASTER OF ARTS IN LEADERSHIP DEVELOPMENT.

Upon the recommendation of the faculty of the United States Military Academy, the Superintendent of the Academy may confer the degree of master of arts in leadership development upon persons who—

(1) before the date of the enactment of this Act, graduated from the program in leadership development offered at the Academy and fulfilled the requirements for the degree; or

(2) as of that date, are enrolled in the program in leadership development offered at the Academy and subsequently graduate from the program and fulfill the requirements for the degree.

Subtitle D—Education and Training

SEC. 531. REPORT ON PARTICIPATION OF RESERVE PERSONNEL IN AIR FORCE UNDERGRADUATE PILOT TRAINING PROGRAM.

(a) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the undergraduate pilot training program of the Air Force. In the report the Secretary shall set forth the Secretary's determination as to whether pilot candidate participation from the reserve components is necessary in order for the Air Force to meet pilot requirements after fiscal year 1995. A report shall be submitted not later than February 1, 1993.

(b) LIMITATION.—The Secretary of the Air Force may not schedule any member of a reserve component for undergraduate pilot training until the report required by subsection (a) is submitted.

SEC. 532. ROTC SCHOLARSHIPS FOR NATIONAL GUARD.

(a) DESIGNATION OF SCHOLARSHIPS FOR ARMY NATIONAL GUARD.—Section 2107(h) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end the following:

"(2) Of the total number of cadets appointed in the financial assistance programs under this section in any year, not less than 100 shall be designated for placement in the program of the Army for service upon commissioning in the Army National Guard, of which one half shall be for financial assistance awarded for a period of two years and the remainder shall be for financial assistance awarded for a period of four years. A cadet who receives financial assistance under this paragraph and is commissioned in the Army National Guard shall perform service as provided in subsection (b)(5)(B) and may not be accepted for service on active duty pursuant to the member's voluntary application until the completion of the period of service prescribed in that subsection. The Secretary of the Army shall prescribe regulations to ensure a geographical distribution of the cadets who receive financial assistance under this paragraph.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1993.

SEC. 533. JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) INCREASE IN AUTHORIZED NUMBER OF UNITS.—Subsection (a) of section 2031 of title 10, United States Code, is amended in the second sentence by striking out "1,600" and inserting in lieu thereof "3,500".

(b) PURPOSE OF PROGRAM.—Such subsection is further amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) It is a purpose of the Junior Reserve Officers' Training Corps to instill in students in United States secondary educational institutions the values of citizenship, service to the United States, and personal responsibility and a sense of accomplishment.".

(c) REQUIREMENTS FOR ENROLLMENT.—Subsection (b)(1) of such section is amended—

(1) by striking out "at least 14 years of age" both places it appears and inserting in lieu thereof "in a grade above the 8th grade"; and

(2) by inserting ", or aliens lawfully admitted to the United States for permanent residence," after "of the United States".

(d) RESOURCES PROVIDED BY DEPARTMENT OF DEFENSE.—Subsection (c)(2) of such section is amended by inserting before the semicolon the following: "and, to the extent considered appropriate by the Secretary concerned, such additional resources (including transportation and billeting) as may be available to support activities of the program".

(e) INSTRUCTOR PAY FORMULA.—(1) Paragraph (1) of subsection (d) of such section is amended to read as follows:

"(1) A retired member so employed is entitled to receive the member's retired or retainer pay without reduction by reason of any additional amount paid to the member by the institution concerned. In the case of payment of any such additional amount by the institution concerned, the Secretary of the military department concerned shall pay to that institution the amount equal to one-half of the amount paid to the retired member by the institution for any period, up to a maximum of one-half of the difference between the member's retired or retainer pay for that period and the active duty pay and allowances which the member would have received for that period if on active duty. Notwithstanding the limitation in the preceding sentence, the Secretary concerned may pay to the institution more than one-half of the additional amount paid to the retired member by the institution if (as determined by the Secretary) the institution is in a educationally and economically deprived area and the Secretary determines that such action is in the national interest. Payments by the Secretary concerned under this paragraph shall be made from funds appropriated for that purpose.".

(2) The amendment made by paragraph (1) shall apply with respect to payments for periods of instructor service performed after September 30, 1992.

Subtitle E—Other Matters

SEC. 541. RETENTION ON ACTIVE DUTY OF ENLISTED MEMBERS WITHIN TWO YEARS OF ELIGIBILITY FOR RETIREMENT.

(a) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

"§1176. Enlisted members: retention after completion of 18 or more, but less than 20, years of service

"(a) REGULAR MEMBERS.—A regular enlisted member who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged is within two years of qualifying for retirement under section 3914 or 8914 of this title, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, shall be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, unless the member is sooner retired or discharged under any other provision of law.

"(b) RESERVE MEMBERS.—A reserve enlisted member serving on active duty who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged or released from active duty is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged or released from active duty without the member's consent before the earlier of the following:

"(1) If as of the date on which the member is to be discharged or released from active duty the member has at least 18, but less than 19, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the third anniversary of the date on which the member would otherwise be discharged or released from active duty.

"(2) If as of the date on which the member is to be discharged or released from active duty the member has at least 19, but less than 20, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the second anniversary of the date on which the member would otherwise be discharged or released from active duty.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1176. Enlisted members: retention after completion of 18 or more, but less than 20, years of service.".

SEC. 542. AUTHORITY FOR MILITARY SCHOOL FACULTY MEMBERS AND STUDENTS TO ACCEPT HONORARIA FOR CERTAIN SCHOLARLY AND ACADEMIC ACTIVITIES.

(a) AUTHORITY TO ACCEPT HONORARIA.—Notwithstanding the prohibition on the acceptance of honoraria contained in section 501(b) of the Ethics in Government Act of 1978, a faculty member or a student at a Department of Defense school specified under subsection (d) may accept an honorarium for an appearance, a speech, or an article published in a bona fide publication if such an appearance, speech, or article is customary for scholarly or academic activities normally associated with institutions of higher learning and if—

(1) the purpose of the appearance, or the subject of the speech or article, does not relate primarily to the responsibilities, policies, or programs of the school at which the individual is a faculty member or student;

(2) the appearance, speech, or article (including the individual's time in specific preparation for the appearance, speech, or article) does not involve the use of Government time, Government property, or other resources of the Government or the use of nonpublic Government information;

(3) the reason for which the honorarium is paid is unrelated to the individual's duties or status as a member of the Armed Forces or employee of the Government or as a faculty member or student at a school specified in subsection (d); and

(4) the person offering the honorarium has no interests that may be substantially affected by the performance or nonperformance of the individual's duties as a member of the Armed Forces or an employee of the Government or as a faculty member or student at a school specified in subsection (d).

(b) SPECIAL RULE CONCERNING SUBJECT MATTER.—For purposes of subsection (a)(1), an appearance, speech, or article on a subject matter that is within an individual's academic or military specialty, in the case of a faculty member, or an individual's course of academic study, in the case of a student, shall not be considered to relate primarily to the responsibilities, policies, or programs of the school at which the individual is a faculty member or student if the prepa-

ration and presentation of the particular appearance, speech, or article is clearly outside of the individual's duties.

(c) NONCOVERAGE OF HIGHLY PAID FACULTY MEMBERS.—Subsection (a) shall not apply to acceptance of an honorarium by a faculty member who is employed in a position for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5302 of title 5, United States Code (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the rate of basic pay payable for Level V of the Executive Schedule.

(d) COVERED SCHOOLS.—(1) This section applies with respect to faculty members and students at any of the service academies and at any professional military school operated by the Department of Defense that is designated by the Chairman of the Joint Chiefs of Staff to be covered by this section.

(2) For purposes of paragraph (1), the term "service academies" means—

(A) the United States Military Academy;

(B) the United States Naval Academy; and

(C) the United States Air Force Academy.

(e) HONORARIUM DEFINED.—For purposes of this section, the term "honorarium" means a payment of money or anything of value for an appearance, a speech, or an article (including a series of appearances, speeches, or articles).

(f) MAXIMUM AMOUNT OF HONORARIUM.—The amount of any honorarium accepted under this section shall not exceed the usual and customary fee for the appearance, speech, or article for which the honorarium is paid, up to a maximum of $2,000.

(g) EFFECTIVE DATE.—This section shall apply with respect to any honorarium for an appearance or speech made, or an article published, on or after the date of the enactment of this Act.

SEC. 543. PAYMENT FOR LEAVE ACCRUED AND LOST BY KOREAN CONFLICT PRISONERS OF WAR.

Section 554 of Public Law 102-190 (105 Stat. 1371) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking out "for any fiscal year"; and

(B) by striking out "provided" and all that follows and inserting in lieu thereof "available in appropriations for military personnel for fiscal year 1993."; and

(2) in subsection (d), by striking out "not later than" and all that follows and inserting in lieu thereof "not later than September 30, 1993.".

SEC. 544. MILITARY RESERVE TECHNICIANS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§3329. Appointments of military reserve technicians to positions in the competitive service

"(a) For the purpose of this section, the term 'military reserve technician' has the meaning given such term by section 8401(30).

"(b) The Secretary of Defense shall take such steps as may be necessary to ensure that, except as provided in subsection (d), any military reserve technician who is involuntarily separated from technician service, after completing at least 15 years of such service and 20 years of service creditable under section 1332 of title 10, by reason of ceasing to satisfy the condition described in section 8401(30)(B) shall, if appropriate written application is submitted within 1 year after the date of separation, be offered a position described in subsection (c) not later than 6 months after the date of the application.

"(c) The position to be offered shall be a position—

"(1) in the competitive service;

"(2) within the Department of Defense;

"(3) for which the individual is qualified; and

"(4) the rate of basic pay for which is not less than the rate last received for technician service before separation.

"(d) This section shall not apply in the case of—

"(1) an involuntary separation for cause on charges of misconduct or delinquency; or

"(2) a technician who, as of the date of application under this section, is eligible for immediate (including for disability) or early retirement under subchapter III of chapter 83 or under chapter 84.

"(e) The Secretary of Defense shall, in consultation with the Director of the Office of Personnel Management, prescribe such regulations as may be necessary to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3328 the following:

"3329. Appointments of military reserve technicians to positions in the competitive service.".

SEC. 545. AIR RESERVE TECHNICIANS.

The Secretary of the Air Force shall carry out the High-Year Tenure (HYT) program of the Air Force Reserve so as not to require the removal of an Air Reserve technician from active status as a Reservist before attaining age 60 if the technician has a total of not less than 33 years of active duty and reserve military service before January 1, 1992, and who is otherwise qualified for retention as an Air Reserve technician.

SEC. 546. MENTAL HEALTH EVALUATIONS OF MEMBERS OF ARMED FORCES.

(a) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise applicable regulations to incorporate the requirements set forth in subsections (b), (c), and (d). In revising such regulations, the Secretary shall take into account any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian health organizations.

(b) PROCEDURES FOR OUTPATIENT AND INPATIENT EVALUATIONS.—(1) The revisions required by subsection (a) shall provide that, except as provided in paragraph (4), a commanding officer shall consult with a mental health professional prior to referring a member of the Armed Forces for a mental health evaluation to be conducted on an outpatient basis.

(2) The revisions required by subsection (a) shall provide that, except as provided in paragraph (4)—

(A) a mental health evaluation of a member of the Armed Forces conducted on an inpatient basis shall be used only if and when such an evaluation cannot appropriately or reasonably be conducted on an outpatient basis, in accordance with the least restrictive alternative principle; and

(B) only a psychiatrist, or, in cases in which a psychiatrist is not available, another mental health professional or a physician, may admit a member of the Armed Forces for a mental health evaluation to be conducted on an inpatient basis.

(3) The revisions required by subsection (a) shall provide that, when a commanding officer determines it is necessary to refer a member of the Armed Forces for a mental health evaluation, the commanding officer shall ensure that, except as provided in paragraph (4), the member is provided with a written notice of the referral. The notice shall, at a minimum, include the following:

(A) The date and time the mental health evaluation is scheduled.

(B) A brief explanation of why the referral is considered necessary.

(C) The name or names of the mental health professionals with whom the commanding officer has consulted prior to making the referral. If such consultation is not possible, the notice shall include the reasons why.

(D) The positions and telephone numbers of authorities, including attorneys and inspectors general, who can assist a member who wishes to question the referral.

(E) The rights of the member under the revisions required by subsection (a).

(F) The member's signature attesting to having received the information described in subparagraphs (A) through (E). If the member refuses to sign the attestation, the commanding officer shall so indicate in the notice.

(4) The revisions required by subsection (a) shall provide that, during emergencies, the procedures described in subsection (d) shall be followed in lieu of the procedures required by this subsection.

(c) RIGHTS OF MEMBERS.—The revisions required by subsection (a) shall provide that, in any case in which a member of the Armed Forces is referred for a mental health evaluation other than in an emergency, the following provisions apply:

(1) Upon the request of the member, an attorney who is a member of the Armed Forces or employed by the Department of Defense and who is designated to provide advice under this section shall advise the member of the ways in which the member may seek redress under this section.

(2) If a member of the Armed Forces submits to an Inspector General an allegation that the member was referred for a mental health evaluation in violation of the revised regulations, the Inspector General of the Department of Defense shall conduct or oversee an investigation of the allegation.

(3) The member shall have the right to also be evaluated by a mental health professional of the member's own choosing, if reasonably available. Any such evaluation, including an evaluation by a mental health professional who is not an employee of the Department of Defense, shall be conducted within a reasonable period of time after the member is referred for an evaluation and shall be at the member's own expense.

(4)(A) No person may restrict the member in communicating with an Inspector General, attorney, member of Congress, or others about the member's referral for a mental health evaluation.

(B) Subparagraph (A) does not apply to a communication that is unlawful.

(4) In situations other than emergencies, the member shall have at least two business days before a scheduled mental health evaluation to meet with an attorney, Inspector General, chaplain, or other appropriate party. If a commanding officer believes the condition of the member requires that such evaluation occur sooner, the commanding officer shall state the reasons in writing as part of the personnel record of the member.

(5) In the event the member is aboard a naval vessel or in a circumstance related to the member's military duties which makes compliance with any of the procedures in subsection (b) impractical, the commanding officer seeking the referral shall prepare a memorandum setting forth the reasons for the inability to comply with such procedures.

(d) ADDITIONAL RIGHTS OF MEMBERS AND PROCEDURES FOR EMERGENCY OR INVOLUNTARY INPATIENT EVALUATIONS.—(1) The revisions required by subsection (a) shall provide that a member of the Armed Forces may be admitted, under criteria for admission set forth in such regulations, to a treatment facility for an emergency or involuntary mental health evaluation when there is reasonable cause to believe that the member may be suffering from a mental disorder. The revised regulations shall include definitions of the terms "emergency" and "mental disorder".

(2) The revised regulations shall provide that, in any case in which a member of the Armed Forces is admitted to a treatment facility for an

emergency or involuntary mental health evaluation, the following provisions apply:

(A) Reasonable efforts shall be made, as soon after admission as the member's condition permits, to inform the member of the reasons for the evaluation, the nature and consequences of the evaluation and any treatment, and the member's rights under this section.

(B) The member shall have the right to contact, as soon after admission as the member's condition permits, a friend, relative, attorney, or Inspector General.

(C) The member shall be evaluated by a psychiatrist or a physician within two business days after admittance, to determine if continued hospitalization and treatment is justified or if the member should be released from the facility.

(D) If a determination is made that continued hospitalization and treatment is justified, the member must be notified orally and in writing of the reasons for such determination.

(E) A review of the admission of the member and the appropriateness of continued hospitalization and treatment shall be conducted in accordance with procedures set forth in the regulations as required under paragraph (3).

(3) The revised regulations shall include procedures for the review referred to in paragraph (2)(E). Such procedures shall—

(A) specify the appropriate party (or parties) who is outside the individual's immediate chain of command and who is neutral and disinterested to conduct the review;

(B) specify the appropriate procedure for conducting the review;

(C) require that the member have the right to representation in such review by an attorney of the member's choosing at the member's expense, or by a judge advocate;

(D) specify the periods of time within which the review and any subsequent reviews should be conducted;

(E) specify the criteria to be used to determine whether continued treatment or discharge from the facility is appropriate;

(F) require the party or parties conducting the review to assess whether or not the mental health evaluation was used in an inappropriate, punitive, or retributive manner in violation of this section; and

(G) require that an assessment made pursuant to subparagraph (F) that the mental health evaluation was used in a manner in violation of this section shall be reported to the Inspector General of the Department of Defense and included by the Inspector General as part of the Inspector General's annual report.

(e) CONSTRUCTION.—Nothing in the regulations prescribed under this section shall be construed to discourage referrals for appropriate mental health evaluations when circumstances suggest the need for such action.

(f) PROHIBITION AGAINST THE USE OF REFERRALS FOR MENTAL HEALTH EVALUATIONS TO RETALIATE AGAINST WHISTLEBLOWERS.—(1) The revised regulations required by subsection (a) shall provide that no person may refer a member of the Armed Forces for a mental health evaluation as a reprisal for making or preparing a lawful communication of the type described in section 1034(c)(2) of title 10, United States Code, and applicable regulations. For purposes of this subsection, such communication also shall include a communication to any appropriate authority in the chain of command of the member.

(2) Such revisions shall provide that an inappropriate referral for a mental health evaluation, when taken as a reprisal for a communication referred to in paragraph (1), may be the basis for a proceeding under section 892 of title 10, United States Code. Persons not subject to the Uniform Code of Military Justice who fail to comply with the provisions of this section are subject to adverse administrative action.

(g) DEFINITIONS.—In this section:

(1) The term "member" means any member of the Army, Navy, Air Force, or Marine Corps.

(2) The term "Inspector General" means—

(A) an Inspector General appointed under the Inspector General Act of 1978; and

(B) an officer of the Armed Forces assigned or detailed under regulations of the Secretary concerned to serve as an Inspector General at any command level in one of the Armed Forces.

(3) The term "mental health professional" means a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work or a psychiatric clinical nurse specialist.

(4) The term "mental health evaluation" means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing a member's state of mental health.

(5) The term "least restrictive alternative principle" means a principle under which a member of the Armed Forces committed for hospitalization and treatment shall be placed in the most appropriate and therapeutic available setting (A) that is no more restrictive than is conducive to the most effective form of treatment, and (B) in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment.

(h) REPORT.—At the same time as the regulations required by this section are revised, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the process of preparing the regulations, including—

(1) an explanation of the degree to which any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian mental health organizations were considered;

(2) the manner in which the regulations differ from any such civilian guidelines; and

(3) the reasons for such differences.

(j) CONFORMING REPEAL.—Subsection (g) of section 554 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) is hereby repealed.

SEC. 547. REPORT ON THE SELECTIVE SERVICE SYSTEM.

(a) REPORT REQUIRED.—The Secretary of Defense, in consultation with the Director of the Selective Service System, shall prepare a report regarding the continued requirement for registration under the selective service system. The report shall contain, at a minimum, analyses on the effect of suspension of the requirement for registration on—

(1) projected mobilization requirements, including the effect on the time it would take to increase the size of the Armed Forces in a national emergency;

(2) recruiting in the Armed Forces; and

(3) the organization and staffing of the selective service system.

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted to the President not later than April 30, 1993, together with such recommendations as the Secretary considers to be appropriate in light of the analyses. The President shall transmit the report to Congress not later than May 31, 1993, together with a description of what actions, if any, the President proposes to take with respect to the report.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SEC. 600. REFERENCE TO COMPENSATION AND OTHER PERSONNEL BENEFITS IN TITLE XLIV.

For provisions of this Act providing compensation and other personnel benefits for members of the Armed Forces relating to the defense drawdown, see subtitle A of title XLIV (sections 4401-4408) and section 4464.

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1993.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1993 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1993, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.7 percent.

SEC. 602. ADVANCE PAYMENTS IN CONNECTION WITH EVACUATIONS OF MEMBERS AND DEPENDENTS OF MEMBERS.

(a) EXPANDED AUTHORITY.—Section 1006(c) of title 37, United States Code, is amended by striking out the first and second sentences and inserting in lieu thereof the following new sentences: "Under regulations prescribed by the Secretary concerned, an advance of pay to a member of a uniformed service who is on duty outside the United States, or other place designated by the President, of not more than two months' basic pay may be made to a member if the member or the dependents of the member are ordered evacuated by competent authority. An advance of pay under this subsection is not subject to the conditions under which advances of pay may be made under subsection (a) or (b). An advance may be made on the basis of the evacuation of a member's dependents only if all dependents of members of the uniformed services are ordered evacuated from the place where the member's dependents are located. In the case of a member with dependents, the payment may be made directly to dependents previously designated by the member.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to evacuations on or after June 1, 1991.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. CLARIFICATION OF AUTHORITY TO PROVIDE SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE PROVIDERS.

Section 302c(d)(1) of title 37, United States Code, is amended—

(1) by striking out "Navy or" and inserting in lieu thereof "Navy,"; and

(2) by inserting before the semicolon the following: ", or an officer in the Army Medical Specialist Corps".

SEC. 612. EXTENSIONS OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND OTHER SPECIAL PAY.

(a) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(b) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(c) AVIATOR RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(d) EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(f), 308c(e), 308e(e), 308h(g), and 308i(i) of title 37, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof in each instance "September 30, 1993".

(e) EXTENSION OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(f) EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1992" and inserting in lieu thereof "October 1, 1993".

(g) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(h) NURSE CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(i) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(j) COVERAGE OF PERIOD OF LAPSED AUTHORITY.—(1) The amendment made by subsection (e) shall take effect as of September 30, 1992, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of title 37, United States Code.

(2)(A) In the case of person described in subparagraph (B) who executes an agreement described in subparagraph (C) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat such agreement for purposes of the bonus or special pay authorized under such agreement as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendments made by this section taken effect on October 1, 1992.

(B) A person referred to in subparagraph (A) is a person who, during the period beginning on October 1, 1992, and ending on the date of the enactment of this Act, would have qualified for an agreement described in subparagraph (C) with the Secretary concerned had the amendments made by this section taken effect on October 1, 1992.

(C) An agreement referred to in this paragraph is an agreement with the Secretary concerned for the payment of a bonus or special pay under section 301b, 302d, 302e, 308, 308a, 308b, 308c, 308e, 308h, or 308i of title 37, United States Code, or section 2130a of title 10, United States Code.

(D) For purposes of this paragraph, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

Subtitle C—Travel and Transportation Allowances

SEC. 621. TEMPORARY INCREASE IN THE NUMBER OF DAYS A MEMBER MAY BE REIMBURSED FOR TEMPORARY LODGING EXPENSES.

Section 404a of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) In the case of a member who is ordered to make a change of permanent station described in subsection (a)(1) during fiscal years 1993 through 1997, the Secretary concerned may extend the period for which subsistence expenses incurred incident to that change are paid or reimbursed to not more than 10 days if the new duty station is in a geographical area where there is a shortage of safe and affordable housing because of the arrival of members of the armed forces in the area as part of the withdrawal of members of the armed forces from duty stations outside the United States, the closure or realignment of military installations, or the restructuring or deactivation of military units. The existence of such a shortage of safe and affordable housing in an area shall be determined by the Secretary concerned.".

SEC. 622. PROHIBITION ON THE ASSERTION OF LIENS ON PERSONAL PROPERTY BEING TRANSPORTED AT GOVERNMENT EXPENSE.

(a) TITLE 37.—Section 406 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(n) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.".

(b) TITLE 10.—Section 2634 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of a motor vehicle being transported under this section.".

SEC. 623. SUBSISTENCE REIMBURSEMENT RELATING TO ESCORTS OF FOREIGN ARMS CONTROL INSPECTION TEAMS.

(a) TRAVEL ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§434. Subsistence reimbursement relating to escorts of foreign arms control inspection teams

"(a) REIMBURSEMENT OF REASONABLE SUBSISTENCE COSTS.—Under uniform regulations prescribed by the Secretaries concerned, a member of the armed forces may be reimbursed for the reasonable cost of subsistence incurred by the member while performing duties as an escort of an arms control inspection team of a foreign country, or any member of such a team, while the team or the team member, as the case may be, is engaged in activities related to the implementation of an arms control treaty or agreement.

"(b) PERIOD OF AUTHORITY.—The authority under subsection (a) applies to the period during which the inspection team, pursuant to authority specifically provided in the applicable arms control treaty or agreement, is in the country where inspections and related activities are being conducted by the team pursuant to that treaty or agreement.

"(c) EFFECT OF LOCATION OF MEMBER'S PERMANENT DUTY STATION.—The authority under subsection (a) applies to a member of the armed forces whether the duties referred to in that subsection are performed at, near, or away from the member's permanent duty station.".

(2) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

"434. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.".

(b) APPLICABILITY.—Section 434 of title 37, United States Code, as added by subsection (a), shall apply with respect to escort duty described in that section which is performed on or after the date of the enactment of this Act.

SEC. 624. REFERENCES FOR TRAVEL AND TRANSPORTATION BENEFITS.

Section 404(e) of title 37, United States Code, is amended—

(1) by striking out "Military Airlift Command" and inserting in lieu thereof "Air Mobility Command"; and

(2) by striking out "or the Naval Aircraft Ferrying Squadrons," and inserting in lieu thereof "the Naval Aircraft Ferrying Squadrons, or any other unit determined by the Secretary concerned to be performing duties similar to the duties performed by such command or squadrons,".

SEC. 625. EVACUATION ALLOWANCES IN CONNECTION WITH HURRICANE ANDREW.

(a) COVERAGE OF EXPENSES INCURRED BEFORE REGULATORY CHANGE.—The changes made in the Joint Federal Travel Regulations on August 28 and August 29, 1992, to authorize the payment of allowances to members of the Armed Forces, federal civilian employees, and dependents of such members and employees who were ordered to depart from the vicinity of Homestead Air Force Base in the State of Florida as a consequence of Hurricane Andrew shall apply with respect to expenses in connection with such departure incurred on or after August 23, 1992 (the date of the ordered departure), to the extent the expenses would be covered by the regulations if the changes were effective on August 23, 1992.

(b) COVERAGE OF DEPENDENTS WHO DO NOT RESIDE WITH MEMBER.—(1) Section 405a(a) of title 37, United States Code, is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) a dependent who resides at or in the vicinity of a former duty station of the member following the assignment of the member elsewhere or who resides at or in the vicinity of a duty station (other than the duty station of the member) incident to orders in connection with an unaccompanied tour of duty of the member, if a departure of dependents is ordered by competent authority from the duty station at which or in the vicinity of which the dependent resides and the dependent actually moves to an authorized safe haven designated by that authority;".

(2) The amendments made by paragraph (1) shall take effect as of August 23, 1992, and shall apply with respect to any evacuation ordered by competent military authority on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. REQUIREMENT FOR SUBMISSION OF ALTERNATIVE APPROACHES ON CONCURRENT PAYMENT OF RETIRED OR RETAINER PAY AND VETERANS' DISABILITY COMPENSATION.

(a) REQUIREMENT FOR SUBMISSION OF ALTERNATIVES.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on alternative approaches to permit the concurrent payment to members and former members of the Armed Forces of unreduced retired or retainer pay and unreduced compensation for service-connected disabilities payable under laws administered by the Secretary of Veterans Affairs. The report shall include alternative formulas to integrate those two benefits.

(b) DEADLINE FOR REPORT.—The report shall be submitted not later than April 1, 1993.

(c) RECOMMENDATIONS FOR LEGISLATION.—The Secretary may include with the report such recommendations for legislation as the Secretary considers to be appropriate.

SEC. 642. INCREASE IN RECOMPUTED RETIRED PAY FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.

(a) MEMBERS INITIALLY ENTERING SERVICE BEFORE SEPTEMBER 8, 1980.—Section 1402 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) In the case of a member who is entitled to recompute retired pay under this section upon release from active duty served after retiring under section 3914 or 8914 of this title, the member's retired pay as recomputed under another provision of this section shall be increased by 10 percent of the amount so recomputed if the member has been credited by the Secretary concerned with extraordinary heroism in the line of duty during any period of active duty service in the armed forces.

"(2) The amount of the retired pay as recomputed under another provision of this section

and as increased under paragraph (1) may not exceed the amount equal to 75 percent of the monthly rate of basic pay upon which the recomputation of such retired pay is based.

"(3) The determination of the Secretary concerned as to extraordinary heroism is conclusive for all purposes.".

(b) MEMBERS INITIALLY ENTERING SERVICE AFTER SEPTEMBER 7, 1980.—Section 1402a of such title is amended by adding at the end the following new subsection:

"(f) ADDITIONAL 10 PERCENT FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.—(1) In the case of a member who is entitled to recompute retired pay under this section upon release from active duty served after retiring under section 3914 or 8914 of this title, the member's retired pay as recomputed under another provision of this section shall be increased by 10 percent of the amount so recomputed if the member has been credited by the Secretary concerned with extraordinary heroism in the line of duty during any period of active duty service in the armed forces.

"(2) The amount of the retired pay as recomputed under another provision of this section and as increased under paragraph (1) may not exceed the amount equal to 75 percent of the retired pay base upon which the recomputation of such retired pay is based.

"(3) The determination of the Secretary concerned as to extraordinary heroism is conclusive for all purposes.".

(c) PROSPECTIVE APPLICABILITY.—No benefits shall accrue for months beginning before the date of the enactment of this Act by reason of the amendments made by this section.

SEC. 643. MODIFICATION TO SURVIVOR BENEFIT PLAN OPEN ENROLLMENT PERIOD.

Section 1405(g) of the Military Survivor Benefits Improvement Act of 1989 (10 U.S.C. 1448 note) is amended—

(1) by inserting "(1)" before "If a person"; and

(2) by adding at the end the following:

"(2) Paragraph (1) does not apply in the case of the death of a person making an election under subsection (a) if the beneficiary of that person under the election is the person's spouse and that spouse was entitled, before November 1, 1990, to receive dependency and indemnity compensation benefits from the Department of Veterans Affairs based on a previous marriage to another member or former member of the uniformed services.".

Subtitle E—Other Matters

SEC. 651. PROVISION OF TEMPORARY FOSTER CARE SERVICES OUTSIDE THE UNITED STATES FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) OVERSEAS FOSTER CARE.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1045 the following new section:

"§1046. Overseas temporary foster care program

"(a) PROGRAM AUTHORIZED.—The Secretary concerned may establish a program to provide temporary foster care services outside the United States for children accompanying members of the armed forces on duty at stations outside the United States. The foster care services provided under such a program shall be similar to those services provided by State and local governments in the United States.

"(b) EXPENSES.—Under regulations prescribed by the Secretary concerned, the expenses related to providing foster care services under subsection (a) may be paid from appropriated funds available to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1045, the following new item:

"1046. Overseas temporary foster care program.".

SEC. 652. REIMBURSEMENT FOR ADOPTIONS COMPLETED DURING INTERIM BETWEEN TEST AND PERMANENT PROGRAM.

(a) REIMBURSEMENT OF ADOPTION EXPENSES.—Section 1052 of title 10, United States Code, and section 514 of title 14, United States Code, shall apply with respect to the reimbursement of adoption expenses incurred for an adoption proceeding completed during the period beginning on October 1, 1990, and ending on December 4, 1991, to the extent the adoption expenses would be covered by one of these sections if the adoption proceeding had been completed after December 4, 1991.

(b) TIME PERIOD FOR APPLICATION.—Subsection (a) shall apply to a person covered by such subsection only if the person applies to the Secretary of Defense or the Secretary of Transportation for the reimbursement of adoption expenses under section 1052 of title 10, United States Code, or section 514 of title 14, United States Code, whichever applies, within one year after the date of the enactment of this Act.

SEC. 653. PROTECTIONS FOR DEPENDENT VICTIMS OF ABUSE BY MEMBERS OF THE ARMED FORCES.

(a) PAYMENTS UNDER COURT ORDERS.—Section 1408 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by adding at the end the following new subsection (h):

"(h) VICTIMS OF DEPENDENT ABUSE.—(1) If, in the case of a member of the armed forces referred to in paragraph (2), a court order provides (as described in subsection (a)(2)(C)) for the payment of an amount from the disposable retired pay of that member of the armed forces to an eligible spouse or former spouse of that member, the Secretary of the military department concerned, beginning upon effective service of such court order, shall pay that amount in accordance with this subsection to such spouse or former spouse.

"(2) A spouse or former spouse of a member of the armed forces is eligible to receive payment under this subsection if—

"(A) after the member becomes eligible to be retired on the basis of years of service, the member's eligibility to receive retired pay is terminated as a result of misconduct of the member or former member involving abuse of a dependent (as defined in regulations prescribed by the Secretary of Defense); and

"(B) the spouse or former spouse—

"(i) was the victim of the abuse and was married to the member at the time of that abuse; or

"(ii) is a natural or adopted parent of a dependent child of the member who was the victim of the abuse.

"(3) For the purposes of this subsection, the amount certified by the Secretary concerned in the case of a member referred to in paragraph (2) shall be deemed to be the disposable retired pay of that member.

"(4) Upon the request of a court or an eligible spouse or former spouse of a member of the armed forces referred to in paragraph (2) in connection with a civil action for the issuance of a court order in the case of that member, the Secretary concerned shall determine and certify the amount of the monthly retired pay that the member would have been entitled to receive as of the date of the certification if—

"(A) the member's eligibility for retired pay had not been terminated as described in paragraph (2); and

"(B) the member had retired on the effective date of that termination of eligibility.

"(5) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the amount payable under this section to the spouse or former spouse of a member described in paragraph (2) shall be increased at the same time. The amount shall be increased by the percent by which the retired pay of the member would have been increased if the member were receiving retired or retainer pay.

"(6) Notwithstanding any other provision of law, a member of the armed forces referred to in paragraph (2) shall have no ownership interest in, or claim against, any amount payable under this section to a spouse or former spouse of the member.

"(7)(A) If a former spouse receiving payments under this subsection with respect to a member referred to in paragraph (2) marries again after such payments begin, the eligibility of the former spouse to receive further payments under this subsection shall terminate on the date of such marriage.

"(B) A person's eligibility to receive payments under this subsection that is terminated under subparagraph (A) by reason of remarriage shall be resumed in the event of the termination of that marriage by the death of that person's spouse or by annulment or divorce. The resumption of payments shall begin as of the first day of the month in which that marriage is so terminated. The monthly amount of the payments shall be the amount that would have been paid if the continuity of the payments had not been interrupted by the marriage.

"(8) Payments in accordance with this subsection shall be made out of funds in the Department of Defense Military Retirement Fund established by section 1461 of this title.

"(9) A spouse or former spouse of a member of the armed forces referred to paragraph (2), while receiving payments in accordance with this subsection, shall be entitled—

"(A) to receive medical and dental care under the provisions of chapter 55 of this title to the same extent and subject to the same requirements, limitations, and conditions as apply to a former spouse of a retired member of the armed forces, including the eligibility requirements provided in the definitions in subparagraphs (F), (G), and (H) of section 1072(2) of this title;

"(B) to use the commissary and exchange stores to the same extent and subject to the same requirements, limitations, and conditions as apply pursuant to section 1062 of this title to a former spouse of a retired member of the armed forces, including the eligibility requirements provided in the definition in subparagraph (F)(i) of section 1072(2) of this title; and

"(C) subject to the same requirements, limitations, and conditions as apply to spouses and former spouses of a retired member of the armed forces with regard to a particular benefit, to receive any other benefits that a spouse or a former spouse of a retired member of the armed forces is entitled to receive on the basis of being a spouse or former spouse, as the case may be, of a retired member of the armed forces.

If a spouse or former spouse eligible or entitled to receive a particular benefit under this paragraph is eligible or entitled to receive that benefit under another provision of law, the eligibility or entitlement of that spouse or former spouse to such benefit shall be determined under such other provision of law instead of this provision of law.

"(10) In this subsection:

"(A) The term 'dependent' means a spouse or dependent child.

"(B) The term 'dependent child', with respect to a member of the armed forces referred to in paragraph (2), means an unmarried legitimate child, including an adopted child or a stepchild of the member, who—

"(i) is under 18 years of age;

"(ii) is incapable of self-support because of a mental or physical incapacity that existed be-

fore becoming 18 years of age and is dependent on the member for over one-half of the child's support; or

"(iii) if enrolled in a full-time course of study in an institution of higher education recognized by the Secretary of Defense for the purposes of this clause, is under 23 years of age and is dependent on the member for over one-half of the child's support.".

(b) CONFORMING AMENDMENTS.—Chapter 74 of such title is amended—

(1) in section 1461(b)—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(3) the authority provided in section 1408(h) of this title."; and

(2) in section 1463—

(A) by striking out "and" at the end of paragraph (3);

(B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(5) amounts payable under section 1408(h) of this title.".

(c) PROSPECTIVE APPLICABILITY.—No entitlement to payments under subsection (h) of section 1408 of title 10, United States Code (as added by subsection (a)), shall accrue for periods before the date of the enactment of this Act.

(d) REPORT ON OTHER ACTIONS.—(1) Not later than December 15, 1993, the Secretary of Defense shall transmit to the Congress a report on the actions taken and planned to be taken in the Department of Defense to reduce or eliminate disincentives for a dependent of a member of the Armed Forces abused by the member to report the abuse to appropriate authorities.

(2) The actions considered by the Secretary should include the provision of treatment, child care services, health care services, job training, job placement services, and transitional financial assistance for dependents of members of the Armed Forces referred to in paragraph (1).

(e) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study in order to estimate—

(A) the number of persons who will become eligible to receive payments under subsection (h) of section 1408 of title 10, United States Code (as added by subsection (a)), during each of fiscal years 1993 through 2000; and

(B) for each of fiscal years 1993 through 2000, the number of members of the Armed Forces who, after having completed at least one, and less than 20, years of service in that fiscal year, will be approved in that fiscal year for separation from the Armed Forces as a result of having abused a spouse or dependent child.

(2) The study shall include a thorough analysis of—

(A) the effects, if any, of appeals and requests for clemency in the case of court-martial convictions on the entitlement to payments in accordance with subsection (h) of section 1408 of title 10, United States Code (as added by subsection (a));

(B) the socio-economic effects on the dependents of members of the Armed Forces described in subsection (h)(2) of such section that result from terminations of the eligibility of such members to receive retired or retainer pay; and

(C) the effects of separations of such members from the Armed Forces on the mission readiness of the units of assignment of such members when separated and on the Armed Forces in general.

(3) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 700. REFERENCE TO HEALTH CARE SERVICES IN TITLE XLIV.

For provisions of this Act regarding health care services as a consequence of the defense drawdown, see section 4408 relating to improved conversion health policies as part of transitional medical care and section 4409 relating to continued health coverage for members and dependents.

Subtitle A—Health Care Services

SEC. 701. REVISIONS TO DEPENDENTS' DENTAL PROGRAM UNDER CHAMPUS.

(a) REPEAL OF AUTHORITY TO ESTABLISH SUPPLEMENTAL PLANS.—Section 1076a of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "and supplemental" in the first sentence; and

(B) by striking out the last sentence;

(2) in subsection (b), by striking out paragraph (3); and

(3) in subsection (d)—

(A) by striking out paragraph (2);

(B) by striking out "(1)" before "A basic"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(b) PREMIUM INCREASE AND SUBSIDY FOR JUNIOR ENLISTED PERSONNEL.—Subsection (b) of such section, as amended by subsection (a)(2), is further amended—

(1) in paragraph (2), by striking out "$10" and inserting in lieu thereof "$20"; and

(2) by adding at the end the following new paragraph:

"(3) The Secretary of Defense may reduce the monthly premium required to be paid under paragraph (2) in the case of enlisted members in pay grade E–1, E–2, E–3, or E–4 if the Secretary determines that such a reduction is appropriate to assist such members to participate in a dental benefits plan established under subsection (a). The reduction in the amount of the premium may not exceed $10 per month.".

(c) IMPROVEMENT IN BENEFITS.—Subsection (d) of such section, as amended by subsection (a)(3), is further amended—

(1) by striking out "only" in the matter above paragraph (1); and

(2) by adding at the end the following new paragraph:

"(3) Orthodontic services, crowns, gold fillings, bridges, complete or partial dentures, and such other services as the Secretary of Defense considers to be appropriate.".

(d) COPAYMENT FOR ADDITIONAL BENEFITS.—Subsection (e) of such section is amended to read as follows:

"(e) COPAYMENTS.—A member whose spouse or child receives care under a basic dental benefits plan shall—

"(1) pay no charge for care described in subsection (d)(1);

"(2) pay 20 percent of the charges for care described in subsection (d)(2); and

"(3) pay a percentage of the charges for care described in subsection (d)(3) that is determined appropriate by the Secretary of Defense, after consultation with the other administering Secretaries.".

(e) REPEAL OF ANNUAL LIMIT ON EXPENDITURES UNDER PROGRAM.—Such section is further amended by striking out subsection (h).

(f) PROGRAM OF IMPROVED DEPENDENTS' DENTAL BENEFITS.—(1) The Secretary of Defense, after consulting with the other administering Secretaries, shall devise and implement a program for the improvement of the provision of dental benefits to dependents of members of the Armed Forces under section 1076a of title 10, United States Code.

(2) For purposes of this subsection, the term "administering Secretaries" has the meaning given such term in section 1072(3) of title 10, United States Code.

(3) Of the funds appropriated pursuant to the authorization of appropriations in section 301, $50,000,000 shall be available to the Secretary of Defense for carrying out paragraph (1).

(g) EFFECTIVE DATE AND APPLICATION OF AMENDMENTS.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that—

(1) the $10 per month premium in effect under subsection (b)(2) of section 1076a of title 10, United States Code, on the day before the date of the enactment of this Act shall continue apply until April 1, 1993, to members enrolled in a basic dental benefits plan under such section; and

(2) the Secretary of Defense may not include the benefits authorized under subsection (d)(3) of such section, as added by subsection (c), in a basic dental benefits plan under such section until April 1, 1993.

SEC. 702. PROGRAMS RELATING TO THE SALE OF PHARMACEUTICALS.

(a) DEMONSTRATION PROJECT FOR PHARMACEUTICALS BY MAIL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the administering Secretaries, shall—

(1) establish a demonstration project that permits eligible persons described in subsection (c) to obtain prescription pharmaceuticals by mail in connection with medical care furnished to such persons under chapter 55 of title 10, United States Code; and

(2) conduct the demonstration project in two or more regions selected by the Secretary, each of which consists of two or more States.

(b) RETAIL PHARMACY NETWORK.—To the maximum extent practicable, the Secretary of Defense shall include in each managed health care program initiated, awarded, or renewed by the Secretary after January 1, 1993, a program to supply prescription pharmaceuticals to eligible persons described in subsection (c) through a managed care network of community retail pharmacies in the area covered by the managed health care program.

(c) ELIGIBLE PERSONS.—A person eligible to obtain pharmaceuticals under the demonstration project established under subsection (a) or the retail pharmacy network included in a managed health care program under subsection (b) is any person living in the area covered by the demonstration project or managed health care program—

(1) who is eligible for medical care under a contract for medical care entered into by the Secretary of Defense under section 1079 or 1086 of title 10, United States Code; or

(2) who—

(A) would be eligible for medical care under a contract for medical care entered into under section 1086 of such title except for operation of subsection (d)(1) of such section; and

(B) resides in an area that is adversely affected (as determined by the Secretary) by the closure of a health care facility of the uniformed services as a result of the closure or realignment of the military installation at which such facility is located.

(d) PHARMACEUTICALS OFFERED; PURCHASE FEES.—The Secretary of Defense, in consultation with the administering Secretaries, shall—

(A) determine the pharmaceuticals that may be obtained by eligible persons under the demonstration project established under subsection (a) or the retail pharmacy network included in a managed health care program under subsection (b); and

(B) establish an appropriate fee, charge, or copayment to be paid by such persons for pharmaceuticals obtained under the demonstration project or managed health care program.

(e) REPORT REGARDING DEMONSTRATION PROJECT.—Not later than two years after the establishment of the demonstration project under subsection (a), the Secretary of Defense shall submit to Congress a report—

(1) describing the results of the demonstration project required by subsection (a);

(2) containing such recommendations for revision of the demonstration project as the Secretary considers to be necessary; and

(3) containing a plan (including a schedule) for implementing the demonstration project throughout the United States.

(f) DEFINITIONS.—In this section, the terms "uniformed services" and "administering Secretaries" have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 703. MAXIMUM ANNUAL AMOUNT FOR DEDUCTIBLES AND COPAYMENTS.

(a) REDUCED MAXIMUM ANNUAL AMOUNT.—Section 1086(b)(4) of title 10, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$7,500".

(b) APPLICABILITY AFTER FISCAL YEAR 1992.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 1992.

SEC. 704. COMPREHENSIVE INDIVIDUAL CASE MANAGEMENT PROGRAM UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (15)(D);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(17) the Secretary of Defense may establish a program for the individual case management of a person covered by this section or section 1086 of this title who has extraordinary medical or psychological disorders and, under such a program, may waive benefit limitations contained in paragraphs (5) and (13) of this subsection or section 1077(b)(1) of this title and authorize the payment for comprehensive home health care services, supplies, and equipment if the Secretary determines that such a waiver is cost-effective and appropriate.".

SEC. 705. CONTINUATION OF CHAMPUS COVERAGE FOR CERTAIN MEDICARE PARTICIPANTS.

(a) INCLUSION OF END STAGE RENAL DISEASE PATIENTS.—Section 1086(d)(2)(A) of title 10, United States Code, is amended by inserting before the semicolon the following: "or section 226A(a) of such Act (42 U.S.C. 426–1(a))".

(b) COVERAGE OF CARE PROVIDED SINCE SEPTEMBER 30, 1991.—Subsection (d) of section 1086 of title 10, United States Code, as added by section 704(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1401) and amended by subsection (a) of this section, shall apply with respect to health care benefits or services received after September 30, 1991, by a person described in subsection (d)(2) of such section 1086 if such benefits or services would have been covered under a plan contracted for under such section 1086.

(c) CONFORMING AMENDMENTS.—(1) Section 704 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1401) is amended by striking out subsection (c).

(2) Section 8097 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1197) is repealed.

SEC. 706. HEALTH CARE FOR CHILDREN OF MEMBERS AND FORMER MEMBERS WHEN SUCH CHILDREN SUFFER MENTAL OR PHYSICAL INCAPACITY WHILE IN COLLEGE.

Section 1072(2) of title 10, United States Code, is amended by striking out subparagraph (D) and inserting in lieu thereof the following new subparagraph:

"(D) an unmarried legitimate child, including an adopted child or stepchild, who—

"(i) has not attained the age of 21;

"(ii) has not attained the age of 23, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was at the time of the member's or former member's death, in fact dependent on the member or former member for over one-half of the child's support; or

"(iii) is incapable of self-support because of a mental or physical incapacity that occurs while a dependent of a member or former member under clause (i) or (ii) and is, or was at the time of the member's or former member's death, in fact dependent on the member or former member for over one-half of the child's support;".

Subtitle B—Health Care Management

SEC. 711. NATIONAL CLAIMS PROCESSING SYSTEM FOR CHAMPUS.

(a) CLAIMS PROCESSING SYSTEM REQUIRED.—(1) The Secretary of Defense, in consultation with the other administering Secretaries, shall provide by contract for the operation of a claims processing system to be known as the "National Claims Processing System for CHAMPUS". The Secretary may procure the system in installments, including the use of incremental modules. The system, including completion and integration of all modules, shall be in full operation not later than seven years after the date of the enactment of this Act.

(2) The Secretary shall use competitive procedures for entering into any contract or contracts under paragraph (1).

(b) SYSTEM FUNCTIONS.—The claims processing system shall include at least the following functions:

(1) The maintenance in electronic or written form, or both, of appropriate information on health care services provided to covered beneficiaries by or through third parties under CHAMPUS or any alternative CHAMPUS program or demonstration project. Such information shall include—

(A) the services to which such beneficiaries are entitled or eligible under an insurance plan, medical service plan, or health plan under CHAMPUS;

(B) the insurers, medical services, or health plans that provide such services; and

(C) the services available to beneficiaries under each insurance plan, medical service plan, or health plan, and the payment required of the beneficiaries and the insurer, medical service, or health plan for such services under the plan.

(2) The ability to receive in electronic or written form claims submitted by insurers, medical services, and health plans for services provided to covered beneficiaries.

(3) The ability to process, adjudicate, and pay (by electronic or other means) such claims.

(4) The provision of the information described in paragraphs (1) and (2) and information on the matters referred to in paragraph (3) by telephone, electronic, or other means to covered beneficiaries, insurers, medical services, and health plans.

(c) CONSISTENCY WITH MEDICARE CLAIMS REQUIREMENTS.—The Secretary of Defense shall ensure, to the maximum extent practicable, that claims submitted to the claims processing system conform to the requirements applicable to claims submitted to the Secretary of Health and Human Services with respect to medical care provided under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

(d) IDENTIFICATION CARD.—The Secretary of Defense shall take appropriate actions to determine whether the use by covered beneficiaries of a standard identification card containing electronically readable information will enhance the capability of the claims processing center to carry out the activities set forth in subsection (b).

(e) TRANSITION TO SYSTEM.—After January 1, 1996, any modification or acquisition related to claims processing systems operations in the Office of the Civilian Health and Medical Program of the Uniformed Services shall contain provisions to transfer such operations to the claims processing system required by subsection (a). After January 1, 1999, any renewal or acquisition for fiscal intermediary services (including coordinated care implementations in military hospitals and clinics) shall contain provisions to transfer claims processing systems operations related to such fiscal intermediary services to the claims processing system required by subsection (a).

(f) DEFINITIONS.—For purposes of this section:

(1) The term "administering Secretaries" has the meaning given that term in paragraph (3) of section 1072 of title 10, United States Code.

(2) The term "CHAMPUS" means the Civilian Health and Medical Program of the Uniformed Services, as defined in paragraph (4) of such section.

(3) The term "covered beneficiary" has the meaning given that term in paragraph (5) of such section.

SEC. 712. CONDITION ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.

(a) CONDITION.—Except as provided in subsection (b), the Secretary of Defense may not expand the CHAMPUS reform initiative underway in the States of California and Hawaii to another location until not less than 90 days after the date on which the Secretary certifies to Congress that expansion of the initiative to that location is the most efficient method of providing health care to covered beneficiaries in that location. In determining whether the expansion of the CHAMPUS reform initiative to a location is the most efficient method of providing health care to covered beneficiaries in that location, the Secretary shall consider the cost-effectiveness of the initiative and the effect of the expansion of the initiative on the access of covered beneficiaries to health care and on the quality of health care received by covered beneficiaries.

(b) EXCEPTION.—The Secretary of Defense may waive the operation of the condition on the expansion of the CHAMPUS reform initiative specified in subsection (a) in order to expand the initiative to a location adversely affected by the closure or realignment of a military installation in that location, as determined by the Secretary.

(c) REPORT ON CERTIFICATION.—Not later than 30 days after a certification by the Secretary of Defense under subsection (a), the Comptroller General and the Director of the Congressional Budget Office shall jointly submit to Congress a report evaluating the certification.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms "CHAMPUS reform initiative" and "initiative" mean the health care delivery project required by section 702 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 10 U.S.C. 1073 note).

(2) The term "covered beneficiary" has the meaning given that term in section 1072(5) of title 10, United States Code.

SEC. 713. ALTERNATIVE HEALTH CARE DELIVERY METHODOLOGIES.

(a) CONTINUATION OF HEALTH CARE REFORM INITIATIVES.—(1) During fiscal years 1993 through 1996, the Secretary of Defense shall continue to conduct a broad array of reform initiatives for furnishing health care to persons who are eligible to receive health care under chapter 55 of title 10, United States Code.

(2) The health care reform initiatives conducted in accordance with paragraph (1) shall include CHAMPUS alternatives, the CHAMPUS reform initiative, catchment area management, coordinated care, and such other reform initiatives as the Secretary of Defense considers to be appropriate.

(3) Not later than September 30, 1994, the Secretary shall submit to Congress a report regarding the health care reform initiatives conducted during fiscal years 1993 and 1994. The report shall include a discussion of the cost effectiveness of the initiatives and the extent to which the persons who received health care under such initiatives are satisfied with that health care.

(b) CONTINUATION OF CHAMPUS REFORM INITIATIVE IN HAWAII AND CALIFORNIA.—(1) The Secretary of Defense shall ensure that a replacement or successor contract for the CHAMPUS reform initiative contract applicable to the States of California and Hawaii is awarded in sufficient time for the contractor to begin to provide health care in those States under the replacement or successor contract not later than August 1, 1993.

(2) The Secretary shall use competitive procedures for awarding a replacement or successor contract under paragraph (1).

(c) EVALUATION OF CHAMPUS REFORM INITIATIVE.—(1) Not later than June 1, 1994, the Secretary of Defense shall enter into a contract with a non-Federal entity under which the entity will perform an evaluation of the performance of the CHAMPUS reform initiative in the States of California and Hawaii. The evaluation shall cover each of the fiscal years during which the initiative is carried out in those States under the replacement or successor contract referred to in subsection (b) and under the predecessor contracts. The evaluation shall include a comparison of the cost savings and claims experience resulting in each such fiscal year from carrying out the CHAMPUS reform initiative in those States.

(2) Not later than one year after the date on which the contract for evaluation is entered into under paragraph (1), the non-Federal entity making the evaluation shall submit to the Secretary and to Congress a report on the results of the evaluation.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "CHAMPUS" means the Civilian Health and Medical Program of the Uniformed Services, as defined in paragraph (4) of section 1072 of title 10, United States Code.

(2) The term "covered beneficiary" has the meaning given that term in paragraph (5) of such section.

(3) The term "CHAMPUS reform initiative" means the health care delivery project required by section 702 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 10 U.S.C. 1073 note).

(4) The term "catchment area management" means the methodology provided for demonstration in accordance with section 731 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 10 U.S.C. 1092 note).

SEC. 714. MANAGED HEALTH CARE NETWORK FOR TIDEWATER REGION OF VIRGINIA.

(a) REAFFIRMATION OF COMMITMENT.—The delivery of health care services by the Department of Defense to members of the Armed Forces serving on active duty in the Tidewater region of Virginia and to covered beneficiaries under chapter 55 of title 10, United States Code, residing in that region shall be made in the manner specified in section 712(b) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190; 105 Stat. 1402). That section shall not be construed as being limited, modified, or superseded by any provision of law contained in an appropriation Act, whether enacted before, on, or after the date of the enactment of this Act, unless that provision of law—

(1) specifically refers to that section and this section; and

(2) states that the provision of law limits, modifies, or supersedes that section.

(b) CONTENT OF NETWORK.—Section 712(b) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190; 105 Stat. 1402) is amended by adding at the end the following new paragraphs:

"(3) The Secretary of Defense shall modify the Policy Guidelines on the Department of Defense Coordinated Care Program to provide for the operation of the program required by this subsection in a manner consistent with the military health care demonstration project underway in Charleston, South Carolina, including the following features—

"(A) a reduction of copayment and deductibles for covered beneficiaries who enroll in the program;

"(B) an opportunity for covered beneficiaries who do not enroll in the program to use the network of preferred providers established under the program and a reduction of copayment or deductibles for such covered beneficiaries; and

"(C) continued access for all covered beneficiaries to health care in military treatment facilities regardless of enrollment status, subject to the availability of space and facilities, the capabilities of the medical or dental staff, and reasonable preferences for covered beneficiaries who enroll in the program.

"(4) For purposes of this subsection, the term 'Policy Guidelines on the Department of Defense Coordinated Care Program' means the Policy Guidelines on the Department of Defense Coordinated Care Program that were issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992.".

SEC. 715. POSITIVE INCENTIVES UNDER THE COORDINATED CARE PROGRAM.

(a) INCLUSION OF POSITIVE INCENTIVES FOR ENROLLMENT.—The Secretary of Defense shall modify the Policy Guidelines on the Department of Defense Coordinated Care Program to provide covered beneficiaries with additional positive incentives to enroll in the Coordinated Care Program of the Department of Defense.

(b) TYPES OF POSITIVE INCENTIVES.—The positive incentives provided under subsection (a) may include—

(1) a reduction of the copayment and deductibles prescribed under sections 1079 and 1086 of title 10, United States Code, for covered beneficiaries who enroll in the Coordinated Care Program;

(2) alternative cost-sharing requirements for certain types of care; and

(3) an expansion of the benefits provided under the Coordinated Care Program beyond the benefits authorized under CHAMPUS.

(c) EFFECT ON CERTAIN EXISTING PROGRAMS.—The modification required under subsection (a) shall permit health care demonstration projects in existence on the date of the enactment of this Act (including the CHAMPUS reform initiative, the catchment area management projects, the CHAMPUS select fiscal intermediary program in the Southeast Region, and the managed health care program established in the Tidewater region of Virginia) and future managed health care initiatives undertaken by the Department of Defense to offer covered beneficiaries who do not enroll in the Coordinated Care Program the opportunity to use a preferred provider network of health care providers.

(d) DETERMINATION OF INCENTIVES.—In determining what level and types of positive incentives are likely to induce covered beneficiaries to enroll in the Coordinated Care Program, the Secretary of Defense shall take into consideration the extent to which covered beneficiaries not enrolled in the program are permitted to choose health care providers without prior referral or approval.

(e) PROHIBITION ON EXCLUSIONS.—Subject to the availability of space and facilities and the capabilities of the medical or dental staff, the Secretary of Defense may not deny access to military treatment facilities to covered beneficiaries who do not enroll in the Coordinated Care Program. However, the Secretary may establish reasonable admission preferences for covered beneficiaries enrolled in the program as an incentive to encourage enrollment.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "CHAMPUS" means the Civilian Health and Medical Program of the Uniformed Services, as defined in paragraph (4) of section 1072 of title 10, United States Code.

(2) The term "covered beneficiary" has the meaning given that term in paragraph (5) of such section.

(3) The term "Policy Guidelines on the Department of Defense Coordinated Care Program" means the Policy Guidelines on the Department of Defense Coordinated Care Program that were issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992.

SEC. 716. EXCEPTION FROM FEDERAL ACQUISITION REGULATION FOR MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended by adding at the end the following new sentence: "A participation agreement negotiated between a Uniformed Services Treatment Facility and the Secretary of Defense under this subsection shall not be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)).".

Subtitle C—Other Matters

SEC. 721. CORRECTION OF OMISSION IN DELAY OF INCREASE OF CHAMPUS DEDUCTIBLES RELATED TO OPERATION DESERT STORM.

(a) LOWER CHAMPUS ANNUAL DEDUCTIBLE.—In the case of health care provided under section 1079 or 1086 of title 10, United States Code, during the period beginning on April 1, 1991, and ending on September 30, 1991, to a CHAMPUS beneficiary described in subsection (b), the annual deductibles specified in such sections applicable to that care may not exceed the annual deductibles in effect under such sections on November 4, 1990.

(b) ELIGIBLE CHAMPUS BENEFICIARIES.—A CHAMPUS beneficiary referred to in subsection (a) is a covered beneficiary of the Civilian Health and Medical Program of the Uniformed Services who, during any portion of the period specified in that subsection—

(1) was a member or former member of a uniformed service entitled to retired or retainer pay and served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm; or

(2) was a dependent of a member of a uniformed service who served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(c) CREDIT OR REIMBURSEMENT OF EXCESS.—Subject to the availability of appropriated funds

to the Secretary of Defense, the Secretary shall provide—

(1) for the reimbursement of the amount of any deductible paid under section 1079 or 1086 of title 10, United States Code, during the period specified in subsection (a) in excess of the amount required to be paid by operation of that subsection; or

(2) for a credit against the annual deductible required under such sections for a fiscal year equal to the amount of the excess deductible paid.

(d) DEFINITIONS.—For purposes of this section, the term "Operation Desert Storm" has the meaning given that term in section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 10 U.S.C. 101 note).

SEC. 722. MILITARY HEALTH CARE FOR PERSONS RELIANT ON HEALTH CARE FACILITIES AT BASES BEING CLOSED OR REALIGNED.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a joint services working group on the provision of military health care to persons who rely for health care on health care facilities at military installations being closed or realigned.

(b) MEMBERSHIP.—The members of the working group shall include the Assistant Secretary of Defense for Health Affairs, the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Air Force, or a designee of each such person, and one independent member appointed by the Secretary of Defense from among private citizens whose interest in matters within the responsibility of the working group qualify that person to represent all personnel entitled to health care under chapter 55 of title 10, United States Code.

(c) DUTIES.—(1) In the case of each closure or realignment of a military installation that will adversely affect the accessibility of health care in a facility of the uniformed services for persons entitled to such health care under chapter 55 of title 10, United States Code, the working group shall solicit the views of such persons regarding suitable substitutes for the furnishing of health care to those persons under that chapter.

(2) In carrying out paragraph (1), the working group—

(A) shall conduct meetings with persons referred to in that paragraph, or representatives of such persons;

(B) may use reliable sampling techniques;

(C) shall visit the areas where closures or realignments of military installations will adversely affect the accessibility of health care in a facility of the uniformed services for persons referred to in paragraph (1) and shall conduct public meetings; and

(D) shall ensure that members of the uniformed services on active duty, members and former members of the uniformed services entitled to retired or retainer pay, and dependents and survivors of such members and retired personnel are afforded the opportunity to express views.

(d) RECOMMENDATIONS.—With respect to each closure and realignment of a military installation referred to in subsection (c), the working group shall submit to the Congress and the Secretary of Defense the working group's recommendations regarding the alternative means for continuing to provide accessible health care under chapter 55 of title 10, United States Code, to persons referred to in that subsection.

(e) APPLICATION OF ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the joint services working group established pursuant to this section.

SEC. 723. EXPANSION OF COMPREHENSIVE STUDY OF THE MILITARY MEDICAL CARE SYSTEM.

Section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 1071 note) is amended—

(1) in subsection (b), by inserting after paragraph (2) the following new paragraph:

"(3) A comprehensive review of the Federal employees health benefits program under chapter 89 of title 5, United States Code, in order to determine whether furnishing health care under a similar program to persons entitled to health care under chapter 55 of title 10, United States Code, would result in the efficient and cost-effective provision of health care to such persons."; and

(2) in subsection (e)—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) The results of the review under subsection (b)(3) and the Secretary's recommendations on the basis of those results.".

SEC. 724. ANNUAL BENEFICIARY SURVEY.

(a) SURVEY REQUIRED.—The administering Secretaries shall conduct annually a formal survey of persons receiving health care under chapter 55 of title 10, United States Code, in order to determine the following:

(1) The availability of health care services to such persons through the health care system provided for under that chapter, the types of services received, and the facilities in which the services were provided.

(2) The familiarity of such persons with the services available under that system and with the facilities in which such services are provided.

(3) The health of such persons.

(4) The level of satisfaction of such persons with that system and the quality of the health care provided through that system.

(5) Such others matters as the administering Secretaries determine appropriate.

(b) DEFINITION.—For purposes of this section, the term "administering Secretaries" has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 725. STUDY ON RISK-SHARING CONTRACTS FOR HEALTH CARE.

(a) STUDY.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall carry out a study of the feasibility and advisability of entering into risk-sharing contracts with eligible organizations described in section 1876(b) of the Social Security Act (42 U.S.C. 1395mm(b)) to furnish health care services to persons entitled to health care in a facility of a uniformed service under section 1074(b) or 1076(b) of title 10, United States Code.

(b) PLAN.—If the Secretary of Defense determines as a result of the study required by subsection (a) that entry into risk-sharing contracts is feasible and advisable, the Secretary shall develop a plan for the entry into such contracts in accordance with the Secretary's determinations under the study.

(c) REPORT.—The Secretary of Defense shall submit to Congress a report describing the results of the study and containing any plan developed under subsection (b) to enter into risk-sharing contracts.

SEC. 726. SENSE OF CONGRESS REGARDING HEALTH CARE POLICY FOR THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) members and former members of the uniformed services, and their dependents and survivors, should have access to health care under the health care delivery system of the uniformed services regardless of the age or health care status of the person seeking the health care;

(2) such health care delivery system should include a comprehensive managed care plan;

(3) the comprehensive managed care plan should involve medical personnel of the uniformed services (including reserve component personnel), civilian health care professionals of the executive agency of such uniformed services, medical treatment facilities of the uniformed services, contract health care personnel, and the medicare system;

(4) the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Transportation should continue to provide active duty personnel of the uniformed services with free care in medical treatment facilities of the uniformed services and to provide the other personnel referred to in paragraph (1) with health care at reasonable cost to the recipients of the care; and

(5) the Secretaries referred to in paragraph (4) should examine additional health care options for the personnel referred to in paragraph (1) including, in the case of persons eligible for medicare under title XVIII of the Social Security Act, options providing for—

(A) the reimbursement of the Department of Defense by the Secretary of Health and Human Services for health care services provided such personnel at medical treatment facilities of the Department of Defense; and

(B) the sharing of the payment of the costs of contract health care by the Department of Defense and the Department of Health and Human Services, with one such department being the primary payer of such costs and the other such department being the secondary payer of such costs.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

SEC. 801. CODIFICATION AND AMENDMENT OF SECTION 1207.

(a) CODIFICATION.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2322 a new section 2323 consisting of—

(A) a heading as follows:

"§2323. Contract goal for small disadvantaged businesses and certain institutions of higher education";

and

(B) a text consisting of the text of section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661), revised—

(i) by replacing "each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, and 1993" in subsection (a)(1) with "each of fiscal years 1987 through 2000";

(ii) by replacing "each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, and 1993." in subsection (h) with "each of fiscal years 1987 through 2000."; and

(iii) by replacing "of title 10, United States Code," in subsection (e)(2) with "of this title".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2322 the following new item:

"2323. Contract goal for small disadvantaged businesses and certain institutions of higher education.".

(b) GOALS.—Subsection (a) of section 2323 of title 10, United States Code, as added by subsection (a), is amended by adding at the end the following new paragraph:

"(3) The Secretary of Defense shall prescribe regulations that provide procedures or guidelines for contracting officers to set goals which Department of Defense prime contractors that

are required to submit subcontracting plans under section 8(d)(4)(B) of the Small Business Act (15 U.S.C. 637(d)(4)(B)) in furtherance of the Department's program to meet the 5 percent goal specified in paragraph (1) should meet in awarding subcontracts, including subcontracts to minority-owned media, to entities described in that paragraph.".

(c) ACTIONS TO ATTAIN GOAL.—Subsection (e) of section 2323 of title 10, United States Code, as added by subsection (a), is amended—

(1) in the matter preceding paragraph (1), by striking out "subsection (a)—" and inserting in lieu thereof "subsection (a):";

(2) by striking out paragraph (1), and inserting in lieu thereof the following:

"(1)(A) The Secretary of Defense shall—

"(i) ensure that substantial progress is made in increasing awards of Department of Defense contracts to entities described in subsection (a)(1);

"(ii) exercise his utmost authority, resourcefulness, and diligence; and

"(iii) actively monitor and assess the progress of the military departments, Defense Agencies, and prime contractors of the Department of Defense in attaining such goal.

"(B) In making the assessment under subparagraph (A)(iii), the Secretary shall evaluate the extent to which use of the authority provided in paragraphs (2) and (3) and compliance with the requirement in paragraph (4) is effective for facilitating the attainment of the goal.";

(3) by adding at the end of paragraph (2) the following: "The Secretary shall prescribe regulations that provide guidance to contracting officers for making advance payments to entities described in subsection (a)(1) under such section.";

(4) in paragraph (3), by inserting "and partial set asides for entities described in subsection (a)(1)" after "(including awards under section 8(a) of the Small Business Act"; and

(5) by adding at the end the following new paragraph:

"(5) The Secretary shall prescribe regulations which provide for the following:

"(A) Procedures or guidance for contracting officers to provide incentives for prime contractors referred to in subsection (a)(3) to increase subcontractor awards to entities described in subsection (a)(1).

"(B) A requirement that contracting officers emphasize the award of contracts to entities described in subsection (a)(1) in all industry categories, including those categories in which such entities have not traditionally dominated.

"(C) Guidance to Department of Defense personnel on the relationship among the following programs:

"(i) The program implementing this section.

"(ii) The program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

"(iii) The small business set-aside program established under section 15(a) of the Small Business Act (15 U.S.C. 644(a)).

"(D) With respect to a Department of Defense procurement which is reasonably likely to be set aside for entities described in subsection (a)(1), a requirement that (to the maximum extent practicable) the procurement be designated as such a set-aside before the solicitation for the procurement is issued.

"(E) Policies and procedures which, to the maximum extent practicable, will ensure that current levels in the number or dollar value of contracts awarded under the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) and under the small business set-aside program established under section 15(a) of the Small Business Act (15 U.S.C. 644(a)) are maintained and that every effort is made to provide new opportunities for contract awards to eligible entities, in order to meet the goal of subsection (a).

"(F) Implementation of this section in a manner which will not alter the procurement process under the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

"(G) A requirement that one factor used in evaluating the performance of a contracting officer be the ability of the officer to increase contract awards to entities described in subsection (a)(1).

"(H) Increased technical assistance to entities described in subsection (a)(1).".

(d) REQUIREMENTS RELATING TO STATUS.—Subsection (f) of section 2323 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking out "PENALTIES FOR MISREPRESENTATION.—Whoever" and inserting in lieu thereof "PENALTIES AND REGULATIONS RELATING TO STATUS.—(1) Whoever"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense shall prescribe regulations which provide for the following:

"(A) A requirement that a business which represents itself as an entity described in subsection (a)(1) and is seeking a Department of Defense contract maintain its status as an entity at the time of contract award.

"(B) A prohibition on the award of a contract under this section to an entity described in subsection (a)(1) unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)).".

(e) DETERMINATION BY SECRETARY OF DEFENSE.—Section 2323 of title 10, United States Code, as added by subsection (a), is further amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by adding after subsection (f) the following new subsection (g):

"(g) DETERMINATION BY SECRETARY OF DEFENSE.—Under procedures prescribed by the Secretary of Defense, a person may request the Secretary to determine whether the use of small disadvantaged business set asides by a contracting activity of the Department of Defense has caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity for the purposes of this section. Upon making a determination that a particular industry category is bearing a disproportionate share, the Secretary shall take appropriate actions to limit the contracting activity's use of set asides in awarding contracts in that particular industry category.".

(f) REPEAL OF REPORT ON PROGRESS IN MEETING CONTRACTING GOALS.—Effective on October 1, 1993, subsection (h) (as redesignated by subsection (e)) of section 2323 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking out "REPORTS" in the subsection heading and inserting in lieu thereof "REPORT";

(2) by striking out "final" in paragraph (2);

(3) by striking out "July 15" in paragraph (1) and all that follows through "Not later than" in paragraph (2);

(4) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking out "reports described in paragraphs (1) and (2) shall each" and inserting in lieu thereof "report required under paragraph (1) shall";

(5) by redesignating paragraph (4) as paragraph (3) and in that paragraph striking out "reports required under paragraph (2)" and inserting in lieu thereof "report required under paragraph (1)"; and

(6) by striking out paragraph (5).

(g) CODIFICATION OF RELATED PROVISION.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2323 (as added by subsection (a)) a new section consisting of—

(A) a heading as follows:

"§2323a. Credit for Indian contracting in meeting certain subcontracting goals for small disadvantaged businesses and certain institutions of higher education";

and

(B) a text consisting of the text of section 832 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2301 note), revised in subsection (a) by replacing "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" with "section 2323 of this title".

(2) The table of sections at the beginning of such chapter, as amended by subsection (a), is further amended by inserting after the item relating to section 2323 the following:

"2323a. Credit for Indian contracting in meeting certain subcontracting goals for small disadvantaged businesses and certain institutions of higher education.".

(h) CONFORMING REPEALS AND REDESIGNATIONS.—(1) Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3973) is repealed.

(2) Section 2304(b)(2) of title 10, United States Code, is amended by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" and inserting in lieu thereof "section 2323 of this title".

(3) Section 812(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1424) is amended by striking out "section 1207(c)(3) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)." and inserting in lieu thereof "section 2323(c)(3) of title 10, United States Code.".

(4) Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note) is amended—

(A) in subsection (m)(4), by striking out "section 1207(a)(2) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)." and inserting in lieu thereof "section 2323 of title 10, United States Code."; and

(B) in subsection (m)(6), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" and inserting in lieu thereof "section 2323 of title 10, United States Code,".

(5) Section 832 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2301 note) is repealed.

(6) Section 843 of the National Defense Authorization Act, Fiscal Year 1989 (44 U.S.C. 502 note), is amended—

(A) in subsection (b), by striking out "section 1207(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661: 100 Stat. 3973)." and inserting in lieu thereof "section 2323(a) of title 10, United States Code.";

(B) in subsection (c), by striking out "section 1207(f) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661: 100 Stat. 3974)." and inserting in lieu thereof "section 2323(f) of title 10, United States Code."; and

(C) in subsection (d)—

(i) by striking out "SECTION 1207 GOALS.—" and inserting in lieu thereof "DEPARTMENT OF DEFENSE GOALS.—"; and

(ii) by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661: 100 Stat. 3973)," and inserting in lieu thereof "section 2323 of title 10, United States Code,".

(7) Section 806 of the National Defense Authorization Act for Fiscal Years 1988 and 1989

(Public Law 100–180; 10 U.S.C. 2301 note) is repealed.

(8) Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(A) in subsection (k)(9), by striking out "section 1207 of Public Law 99–661." and inserting in lieu thereof "section 2323 of title 10, United States Code.";

(B) in subsection (m)(1), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" and inserting in lieu thereof "section 2323 of title 10, United States Code,"; and

(C) in subsection (m)(2)(C), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)." and inserting in lieu thereof "section 2323 of title 10, United States Code.".

(9) The Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(A) in section 713(a), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987)" and inserting in lieu thereof "section 2323 of title 10, United States Code)";

(B) in section 721(a)(2)(B), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note);" and inserting in lieu thereof "section 2323 of title 10, United States Code;"; and

(C) in section 722(c)(1), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987." and inserting in lieu thereof "section 2323 of title 10, United States Code.".

SEC. 802. PROVISIONS RELATING TO SMALL DISADVANTAGED BUSINESSES AND SMALL BUSINESSES.

Section 2323 of title 10, United States Code, as added and amended by section 801, is further amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h) COMPLIANCE WITH SUBCONTRACTING PLAN REQUIREMENTS.—(1) The Secretary of Defense shall prescribe regulations to ensure that potential contractors submitting sealed bids or competitive proposals to the Department of Defense for procurement contracts to be awarded under the program provided for by this section are complying with applicable subcontracting plan requirements of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

"(2) The regulations required by paragraph (1) shall ensure that, with respect to a sealed bid or competitive proposal for which the bidder or offeror is required to negotiate or submit a subcontracting plan under section 8(d) of the Small Business Act (15 U.S.C. 637(d)), the subcontracting plan shall be a factor in evaluating the bid or proposal.".

SEC. 803. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

Of the amounts authorized to be appropriated for fiscal year 1993 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

SEC. 804. CERTIFICATE OF COMPETENCY REQUIREMENTS.

(a) REQUIREMENT TO PROVIDE NOTICE IN SOLICITATION.—In the case of a contract to be entered into pursuant to the provisions of chapter 137 of title 10, United States Code, other than pursuant to simplified procedures referred to in section 2304(g) of such title, the solicitation for the contract shall contain a notice of the right of any small business concern bidding on the contract, in the case of a determination by the contracting officer that the concern is nonresponsible, to request the Small Business Administration to make a determination of the concern's responsibility under Section 8(b)(7) of the Small Business Act (15 U.S.C. 637(b)(7)).

(b) REQUIREMENT TO PROVIDE NOTICE OF DETERMINATION OF NONRESPONSIBILITY.—If the contracting officer determines that the small business concern bidding on the contract is nonresponsible, the contracting officer shall notify the small business concern in writing that the contracting officer has determined the concern to be nonresponsible, that the concern has the right to request the Small Business Administration to make a determination of the concern's responsibility, and that, if the small business concern desires to request such a determination by the Administration, the small business concern shall inform the contracting officer in writing, within 14 days after receipt of the notice from the contracting officer, of the concern's desire to request such a determination. After being so informed, the Government procurement officer shall transmit the request, together with pertinent documents, to the Administration. If the Government procurement officer is not so informed within such 14 days, the procurement officer may proceed with award of the contract.

(c) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on October 1, 1992, and shall apply to solicitations for contracts issued after the expiration of the 120-day period beginning on the date of the enactment of this Act.

(d) REPORT.—Not later than October 1, 1994, the Secretary of Defense shall submit to Congress a report on the effectiveness and results of implementing the requirements of subsections (a) and (b), including such recommendations as the Secretary considers appropriate.

(e) TERMINATION.—Subsections (a) and (b) shall cease to be in effect on September 30, 1995.

SEC. 805. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

(a) EXTENSION OF PROGRAM.—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking out "September 30, 1993" in the second sentence and inserting in lieu thereof "September 30, 1994".

(b) FISCAL YEAR 1994 PARTICIPANTS.—Such section is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) FISCAL YEAR 1994 PARTICIPANTS.—Only those contracting activities and contractors who negotiated subcontracting plans under demonstration projects conducted under the test program before October 1, 1993, may participate in demonstration projects conducted under the test program in fiscal year 1994.".

SEC. 806. EXTENSION OF TEST PROGRAM OF CONTRACTING FOR PRINTING-RELATED SERVICES FOR THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF AUTHORITY.—Section 843(e) of the National Defense Authorization Act, Fiscal Year 1989 (44 U.S.C. 502 note) is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 2000".

(b) SECTION HEADING.—The heading of section 843 of such Act is amended to read as follows:

"SEC. 843. CONTRACT GOAL FOR DISADVANTAGED SMALL BUSINESSES IN PRINTING-RELATED SERVICES.".

SEC. 807. PILOT MENTOR-PROTEGE PROGRAM.

(a) REQUIREMENT.—Within 15 days after the date of the enactment of this Act, the Secretary of Defense shall publish in the Department of Defense Supplement to the Federal Acquisition Regulation the Department of Defense policy for the pilot Mentor-Protege Program and the regulations, directives, and administrative guidance pertaining to such program as such policy, regulations, directives, and administrative guidance existed on December 6, 1991. Proposed modifications to that policy and any amendments of the matters published pursuant to the preceding sentence that are proposed in order to implement any of the amendments made by this section shall be published for public comment within 60 days after the date of the enactment of this Act and shall be published in final form within 120 days after such date.

(b) RELATIONSHIP TO SMALL BUSINESS ACT.—(1) Subsection (h) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended to read as follows:

"(h) RELATIONSHIP TO SMALL BUSINESS ACT.—(1) For purposes of the Small Business Act, no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f).

"(2) Notwithstanding section 8 of the Small Business Act (15 U.S.C. 637), the Small Business Administration may not determine a disadvantaged small business concern to be ineligible to receive any assistance authorized under the Small Business Act on the basis that such business concern has participated in the Mentor-Protege Program or has received assistance pursuant to any developmental assistance agreement authorized under such program.

"(3) The Small Business Administration may not require a firm that is entering into, or has entered into, an agreement under subsection (e) as a protege firm to submit the agreement, or any other document required by the Secretary of Defense in the administration of the Mentor-Protege Program, to the Small Business Administration for review, approval, or any other purpose.".

(2) The amendment made by this subsection shall take effect as of November 5, 1990.

(c) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1993 pursuant to title I of this Act, $55,000,000 shall be available for the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal year 1991 (10 U.S.C. 2301 note).

SEC. 808. CODIFICATION OF RECURRING PROVISION RELATING TO SUBCONTRACTING WITH CERTAIN NONPROFIT AGENCIES.

(a) POLICY.—Section 2301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) It is also the policy of Congress that qualified nonprofit agencies for the blind or other severely handicapped (as defined in section 2410d(b) of this title) shall be afforded the maximum practicable opportunity to provide approved commodities and services (as defined in such section) as subcontractors and suppliers under contracts awarded by the Department of Defense.".

(b) CREDIT UNDER SMALL BUSINESS SUBCONTRACTING PLAN.—(1) Chapter 141 of title 10, United States Code, as amended by section 384, is further amended by adding at the end the following new section:

"§2410d. Subcontracting plans: credit for certain purchases

"(a) PURCHASES BENEFITING SEVERELY HANDICAPPED PERSONS.—In the case of a business concern that has negotiated a small business subcontracting plan with a military department or a Defense Agency, purchases made by that business concern from qualified nonprofit agencies

for the blind or other severely handicapped shall count toward meeting the subcontracting goal provided in that plan.

"(b) DEFINITIONS.—In this section:

"(1) The term 'small business subcontracting plan' means a plan negotiated pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) that establishes a goal for the participation of small business concerns as subcontractors under a contract.

"(2) The term 'qualified nonprofit agency for the blind or other severely handicapped' means—

"(A) a qualified nonprofit agency for the blind, as defined in section 5(3) of the Javits-Wagner-O'Day Act (41 U.S.C. 48b(3)); and

"(B) a qualified nonprofit agency for other severely handicapped, as defined in section 5(4) of such Act (41 U.S.C. 48b(4)).

"(3) The terms 'approved commodity' and 'approved service' mean a commodity and a service, respectively, that has been determined by the Committee for Purchase from the Blind and Other Severely Handicapped under section 2 of such Act (41 U.S.C. 47) to be suitable for procurement by the Federal Government.

"(4) The term 'Javits-Wagner-O'Day Act' means the Act entitled 'An Act to create a Committee on Purchases of Blind-made Products, and for other purposes', approved June 25, 1938 (41 U.S.C. 46–48c), commonly referred to as the Wagner-O'Day Act, that was revised and reenacted in the Act of June 23, 1971 (85 Stat. 77), commonly referred to as the Javits-Wagner-O'Day Act.

"(c) TERMINATION.—Subsection (a) shall cease to be effective at the end of September 30, 1994.".

(2) The table of sections at the beginning of such chapter, as amended by section 384, is further amended by adding at the end the following new item:

"2410d. Subcontracting plans: credit for certain purchases.".

(c) EFFECTIVE DATE.—Sections 2301(d) and 2410d of title 10, United States Code (as added by subsections (a) and (b), respectively), shall take effect on October 1, 1993.

Subtitle B—Acquisition Management Improvement

SEC. 811. EXPANSION AND EXTENSION OF AUTHORITY UNDER MAJOR DEFENSE ACQUISITION PILOT PROGRAM.

(a) EXPANSION OF COVERAGE OF PROGRAM.—(1) Section 809 of the Department of Defense Authorization Act for Fiscal Year 1991 (P.L. 101–510; 104 Stat. 1593; 10 U.S.C. 2430 note) is amended—

(A) by striking out "major defense acquisition program" each place it appears and inserting in lieu thereof "defense acquisition program";

(B) by striking out "major defense acquisition programs" each place it appears and inserting in lieu thereof "defense acquisition programs"; and

(C) by striking out subsection (i).

(2) The heading for such section is amended by striking out "**major**".

(b) EXTENSION.—Subsection (h) of section 809 of the Department of Defense Authorization Act for Fiscal Year 1991 (P.L. 101–510; 104 Stat. 1595; 10 U.S.C. 2430 note) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 812. ACQUISITION WORKFORCE IMPROVEMENT.

(a) 5-YEAR REVIEW OF ASSIGNMENTS.—Section 1734(e)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "Reviews under this subsection shall be carried out after October 1, 1995, but may be carried out before that date."

(b) WAIVER OF ASSIGNMENT PERIODS FOR DEPUTY PROGRAM MANAGERS.—(1) Section 1734(a) of such title is amended—

(A) in paragraph (1), by inserting "and paragraph (3)" after "Except as provided under subsection (b)"; and

(B) by adding at the end the following new paragraph:

"(3) The assignment period requirement of the first sentence of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.".

(2) Section 1734(b) of such title is amended—

(A) in paragraph (1)(A), by inserting "(except as provided in paragraph (3))" after "deputy program manager"; and

(B) by adding at the end the following new paragraph:

"(3) The assignment period requirement under subparagraph (A) of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.".

(c) FULFILLMENT STANDARDS FOR MANDATORY TRAINING.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall develop fulfillment standards, and implement a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of title 10, United States Code. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.

(2) The fulfillment standards developed under paragraph (1) shall take effect as of November 5, 1990, and shall cease to be in effect on October 1, 1997.

(3) The fulfillment standards required under paragraph (1) shall be developed not later than 90 days after the date of the enactment of this Act.

(d) EXPERIENCE REQUIREMENTS FOR DEPUTY PROGRAM MANAGERS.—Section 1735(b)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out "or deputy program manager"; and

(B) by striking out "and" at the end;

(2) in subparagraph (B)—

(A) by striking out "or deputy program manager"; and

(B) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(C) a deputy program manager of a major defense acquisition program, must have at least six years of experience in acquisition, at least two years of which were performed in a systems program office or similar organization; and

"(D) a deputy program manager of a significant nonmajor defense acquisition program, must have at least four years of experience in acquisition.".

(e) BUSINESS MANAGEMENT TRAINING AND EDUCATION.—(1) Clause (ii) of section 1732(b)(2)(B) of such title is amended by inserting before the period the following: "or equivalent training as prescribed by the Secretary to ensure proficiency in the disciplines listed in clause (i)".

(2) The Secretary of Defense shall prescribe equivalent training for purposes of clause (ii) of section 1732(b)(2)(B) of title 10, United States Code (as amended by paragraph (1)), not later than 120 days after the date of the enactment of this Act.

(f) SCHOLARSHIP PROGRAM.—Section 1744 of such title is amended—

(1) in subsection (c)(2)—

(A) by striking "Secretary), and (D)" and all that follows through the period and inserting "Secretary)."; and

(B) by inserting "and" before "(C)";

(2) by adding at the end of subsection (c) the following:

"(3) The participant's agreement that, after successfully completing the course of education, the participant—

"(A) shall accept, if offered within such time as shall be specified in the agreement, an appointment to a full-time acquisition position in the Department of Defense that is commensurate with the participant's academic degree and experience, and that is—

"(i) in the excepted service, if the participant has not previously acquired competitive status, with the right, after successful completion of 2 years of service and such other requirements as the Office of Personnel Management may prescribe, to be appointed to a position in the competitive service, notwithstanding subchapter I of chapter 33 of title 5; or

"(ii) in the competitive service, if the participant has previously acquired competitive status; and

"(B) if appointed under subparagraph (A), shall serve for 1 calendar year for each school year or part thereof for which the participant was provided a scholarship under the scholarship program."; and

(3) by adding at the end the following:

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to require that a position be offered to a person after such person successfully completes the course of education agreed to. However, if no position described in subsection (c)(3)(A) is offered within the time specified in the agreement, the agreement shall be considered terminated.

"(f) DEFINITIONS.—In this section, the terms 'competitive service' and 'excepted service' have the meanings provided those terms by sections 2102 and 2103, respectively, of title 5.".

(g) REVISED DEADLINE FOR CONTROLLER GENERAL REPORT.—Section 1208(a) of Public Law 101–510 (10 U.S.C. 1701 note; 104 Stat. 1665) is amended in the second sentence by striking out "Not later than two years after the date of the enactment of this Act," and inserting in lieu thereof "Not later than February 1, 1993,".

SEC. 813. CERTIFICATION OF CONTRACT CLAIMS.

(a) REGULATIONS ON CERTIFICATION OF CONTRACT CLAIMS.—(1) Chapter 141 of title 10, United States Code, as amended by sections 384 and 808, is further amended by adding at the end the following new section:

"§2410e. Contract claims: certification regulations

"(a) REGULATIONS.—The Secretary of Defense may propose, for inclusion in the Federal Acquisition Regulation, regulations relating to certification of contract claims, requests for equitable adjustment to contract terms, and requests for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.) that exceed $100,000. Such regulations, at a minimum, shall—

"(1) provide that a contract claim, request for equitable adjustment to contract terms, or request for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.) may not be paid unless the contractor provides, at the time the claim or request is submitted, the certification required by section 6(c)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)(1)); and

"(2) require that the person who certifies such a claim or request be an individual who is authorized to bind the contractor and who has knowledge of the basis of the claim or request, knowledge of the accuracy and completeness of the supporting data, and knowledge of the claim or request.

"(b) PUBLICATION.—The Secretary of Defense shall ensure that, upon promulgation of the reg-

ulations, the regulations are published in the Federal Register.

"(c) REPORT.—If at any time the Secretary of Defense proposes revisions to the regulations promulgated pursuant to this section, the Secretary shall ensure that the proposed revisions are published in the Federal Register and, at the time of publication of such revisions, shall submit to Congress a report describing the proposed revisions and explaining why the regulations should be revised. The Secretary of Defense may not promulgate regulations containing such proposed revisions until the expiration of the 90-day period beginning on the date of receipt by Congress of such report."

(2) The table of sections at the beginning of such chapter, as amended by sections 384 and 808, is further amended by adding at the end the following new item:

"2410e. Contract claims: certification regulations.".

(b) REPEAL.—Section 2410 of title 10, United States Code, is repealed, effective upon the promulgation of regulations pursuant to section 2410e of title 10, United States Code, as added by subsection (a).

(c) ADJUSTMENT OF SHIPBUILDING CONTRACTS.—Section 2405 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) If a certification referred to in subsection (b) with respect to a shipbuilding contract is determined to be deficient because of the position, status, or scope of authority of the person executing the certification, the contractor may resubmit the certification. The resubmitted certification shall be based on the knowledge of the contractor and the supporting data that existed when the original certification was submitted. The appropriateness of the person executing the resubmitted certification shall be determined on the basis of applicable law in effect at the time of the resubmission.

"(2) If a certification is resubmitted pursuant to paragraph (1) by the date described in paragraph (3), the resubmitted certification shall be deemed to have been submitted for purposes of this section at the time the original certification was submitted.

"(3) The date by which a certification may be resubmitted for purposes paragraph (2) is the date which is the later of—

"(A) 90 days after the promulgation of regulations under section 2410e(a) of this title; or

"(B) 30 days after the date which is the earlier of the date on which—

"(i) the contractor is notified in writing, by an individual designated to make such notification by the Secretary of Defense, of the deficiency in the previously submitted claim, request, or demand;

"(ii) a board of contract appeals issues a decision determining the previously submitted claim, request, or demand to be deficient; or

"(iii) a Federal court renders a judgment determining the previously submitted claim, request, or demand to be deficient."

SEC. 814. DEADLINE FOR REPORT ON RIGHTS IN TECHNICAL DATA REGULATIONS.

(a) REQUIREMENT TO SUBMIT REPORT WHEN CONGRESS IS IN SESSION.—Section 807(a)(3)(A) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1422) is amended by striking out "transmit" and inserting in lieu thereof the following: "transmit, on a day on which both Houses of Congress are in session,".

(b) COMPUTATION OF PERIOD OF RESTRICTION.—Section 807(c) of such Act is amended—

(1) in paragraph (1), by striking out "date described" and inserting in lieu thereof "expiration of the period described"; and

(2) in paragraph (2)—

(A) by striking out "The date referred to in paragraph (1) is the date 30 days following" and inserting in lieu thereof the following: "The period referred to in paragraph (1) is the period of 30 days of continuous session of Congress beginning on"; and

(B) by adding at the end the following new sentence: "For purposes of this paragraph, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.".

SEC. 815. REQUIREMENT TO ESTABLISH SINGLE POINT OF CONTACT FOR INFORMATION CONCERNING PERSONS CONVICTED OF DEFENSE-CONTRACT RELATED FELONIES.

(a) REQUIREMENT.—Section 2408 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) SINGLE POINT OF CONTACT FOR INFORMATION.—(1) The Attorney General shall ensure that a single point of contact is established to enable a defense contractor or subcontractor to promptly obtain information regarding whether a person that the contractor or subcontractor proposes to use for an activity covered by paragraph (1) of subsection (a) is under a prohibition under that subsection.

"(2) The procedure for obtaining such information shall be specified in regulations prescribed by the Secretary of Defense under subsection (a).".

(b) DEADLINE.—The single point of contact required by section 2408(c) of title 10, United States Code, as added by subsection (a), shall be established not later than 120 days after the date of the enactment of this Act.

SEC. 816. EXTENSION OF PROGRAM FOR USE OF MASTER AGREEMENTS FOR PROCUREMENT OF ADVISORY AND ASSISTANCE SERVICES.

Section 2304(j) of title 10, United States Code, is amended in paragraph (5) by striking out "at the end of" and all that follows and inserting in lieu thereof "on September 30, 1994.".

SEC. 817. MAJOR DEFENSE ACQUISITION PROGRAM REPORTS.

(a) SELECTED ACQUISITION REPORTS FOR CERTAIN PROGRAMS.—Section 127(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (101 Stat. 1044; 10 U.S.C. 2432 note) is amended by striking out "at the end of each fiscal year quarter" and inserting in lieu thereof ", in accordance with the provisions of subsection (b) of section 2432 of title 10, United States Code,".

(b) MINIMUM AMOUNT CRITERIA FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 2430 of title 10, United States Code, is amended—

(1) by designating the existing test as subsection (a);

(2) in paragraph (2) of that subsection, as so designated—

(A) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000";

(B) by striking out "1980" both places it appears and inserting in lieu thereof "1990"; and

(C) by striking out "$1,000,000,000" and inserting in lieu thereof "$1,800,000,000"; and

(3) by adding at the end the following new subsection:

"(b) The Secretary of Defense may adjust the amounts (and the base fiscal year) provided in subsection (a)(2) on the basis of Department of Defense escalation rates. An adjustment under this subsection shall be effective after the Secretary transmits a written notification of the adjustment to the Committees on Armed Services of the Senate and House of Representatives.".

(c) SELECTED ACQUISITION REPORTS.—(1) Subsection (a) of section 2432 of title 10, United States Code, is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) The term 'major contract', with respect to a major defense acquisition program, means each of the six largest prime, associate, or Government-furnished equipment contracts under the program that is in excess of $40,000,000.".

(2) Subsection (b) of such section is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3)(A) The Secretary of Defense may waive the requirement for submission of Selected Acquisition Reports for a program for a fiscal year if—

"(i) the program has not entered full scale development or engineering and manufacturing development;

"(ii) a reasonable cost estimate has not been established for such program; and

"(iii) the system configuration for such program is not well defined.

"(B) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a written notification of each waiver under subparagraph (A) for a program for a fiscal year not later than 60 days before the President submits the budget to Congress pursuant to section 1105 of title 31 in that fiscal year.".

(3) Subsection (c)(2) of such section is amended by striking out the last sentence and inserting in lieu thereof the following: "The Secretary of Defense may approve changes in the content of the Selected Acquisition Report if the Secretary provides such Committees with written notification of such changes at least 60 days before the date of the report that incorporates the changes.".

(4) Subsection (c)(3)(C) of such section is amended by striking out clauses (i) through (vii) and inserting in lieu thereof the following:

"(i) Specification of the baseline production rate, defined as the rate or rates to be achieved at full rate production as assumed in the decision to proceed with production (commonly referred to as the 'Milestone III' decision).

"(ii) Specification, for each of the two budget years of production under the program, of the minimum sustaining production rate, defined as the production rate for each budget year that is necessary to keep production lines open while maintaining a base of responsive vendors and suppliers.

"(iii) Specification, for each of the two budget years of production under the program, of the maximum production rate, defined as the production rate for each budget year that is attainable with the facilities and tooling programmed to be available for procurement under the program or otherwise to be provided with Government funds.

"(iv) Specification, for each of the two budget years of production, of the current production rate, defined as the production rate for each budget year for which the report is submitted, based on the budget submitted to Congress pursuant to section 1105 of title 31.

"(v) Estimation of any cost variance—

"(I) between the budget year procurement unit costs at the production rate specified pursuant to clause (iv) and the budget year procurement unit costs at the minimum sustaining production rate specified pursuant to clause (ii); and

"(II) between the total remaining procurement cost at the production rate specified pursuant to clause (iv) and the total remaining procurement cost at the minimum sustaining production rate specified pursuant to clause (ii).

"(vi) Estimation of any cost variance—

"(I) between the budget year procurement unit costs at the current production rate specified pursuant to clause (iv) and the budget year procurement unit costs at the maximum production rate specified pursuant to clause (iii); and

"(II) between the total remaining procurement cost at the current production rate specified

pursuant to clause (iv) and the total remaining procurement cost at the maximum production rate specified pursuant to clause (iii).

"(vii) Estimation of quantity variance—

"(I) between the budget year quantities assumed in the minimum sustaining production rate specified pursuant to clause (ii) and the current production rate specified pursuant to clause (iv); and

"(II) between the budget year quantities assumed in the maximum production rate specified pursuant to clause (iii) and the current production rate specified pursuant to clause (iv).".

(d) UNIT COST REPORTS.—(1) Subsection (a)(4)(C) of section 2433 of title 10, United States Code, is amended by striking out "(e)(2)(B)(ii)" and inserting in lieu thereof "(e)(2)(B)".

(2) Subsection (b) of such section is amended by striking out "7 days (excluding Saturdays, Sundays, and legal public holidays)" in the second sentence and inserting in lieu thereof "30 calendar days".

(3) Paragraphs (1)(A), (1)(B), (2)(A), and (2)(B) of subsection (c) of such section are amended by striking out "more than" each place it appears and inserting in lieu thereof "at least".

(4) Subsection (d) of such section is amended—

(A) by striking out "more than" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "at least"; and

(B) in paragraph (3) of such subsection—

(i) by striking out "more than" each place it appears and inserting in lieu thereof "at least"; and

(ii) by striking out "program within 30 days" and all that follows and inserting in lieu thereof "program. In the case of a determination based on a quarterly report submitted in accordance with subsection (b), the Secretary shall submit the notification to Congress within 45 days after the end of the quarter. In the case of a determination based on a report submitted in accordance with subsection (c), the Secretary shall submit the notification to Congress within 45 days after the date of that report. The Secretary shall include in the notification the date on which the determination was made.".

(5) Subsection (e) of such section is amended—

(A) in paragraph (1), by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) Except as provided in subparagraph (B), whenever the Secretary concerned determines under subsection (d) that the program acquisition unit cost or the current procurement unit cost of a major defense acquisition program has increased by at least 15 percent, a Selected Acquisition Report shall be submitted to Congress for the first fiscal-year quarter ending on or after the date of the determination or for the fiscal-year quarter which immediately precedes the first fiscal-year quarter ending on or after that date. The report shall include the information described in section 2432(e) of this title and shall be submitted in accordance with section 2432(f) of this title.";

(B) in paragraph (2), by striking out "current program acquisition cost" and inserting in lieu thereof "program acquisition unit cost or current procurement unit cost"; and

(C) in paragraph (3), by striking out "more than" each place it appears and inserting in lieu thereof "at least".

SEC. 818. ALLOWABLE COSTS.

(a) PENALTIES.—Section 2324 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking out "(1)";

(B) in paragraph (2)—

(i) by striking out "(2)" and inserting in lieu thereof "(b)(1)";

(ii) by striking out "by clear and convincing evidence";

(iii) by inserting "expressly" before "unallowable";

(iv) by striking out "under paragraph (1)" and inserting in lieu thereof "under a cost principle referred to in subsection (a) that defines the allowability of specific selected costs"; and

(v) in subparagraph (A), by striking out "costs" and inserting in lieu thereof the following: "cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted";

(2) in subsection (b)—

(A) by striking out "(b) If the Secretary" and inserting in lieu thereof "(2) If the Secretary";

(B) by striking out ", in addition to the penalty assessed under subsection (a),"; and

(C) by striking out "the amount of such cost" and inserting in lieu thereof "the amount of the disallowed cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted";

(3) by striking out subsection (d);

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting before subsection (d) (as so redesignated) the following:

"(c) The Secretary shall prescribe regulations providing for a penalty under subsection (b) to be waived in the case of a contractor's proposal for settlement of indirect costs when—

"(1) the contractor withdraws the proposal before the formal initiation of an audit of the proposal by the Federal Government and resubmits a revised proposal;

"(2) the amount of unallowable costs subject to the penalty is insignificant; or

"(3) the contractor demonstrates, to the contracting officer's satisfaction, that—

"(A) it has established appropriate policies and personnel training and an internal control and review system that provide assurances that unallowable costs subject to penalties are precluded from being included in the contractor's proposal for settlement of indirect costs; and

"(B) the unallowable costs subject to the penalty were inadvertently incorporated into the proposal.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply, as provided in regulations prescribed by the Secretary of Defense, with respect to proposals for settlement of indirect costs for which the Federal Government has not formally initiated an audit before that date.

SEC. 819. ADVISORY AND ASSISTANCE SERVICES FOR OPERATIONAL TEST AND EVALUATION.

Paragraph (3) of section 2399(e) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) The limitation in subparagraph (A) does not apply to a contractor that has participated in such development, production, or testing solely as a representative of the Federal Government.".

SEC. 820. REGULATIONS RELATING TO SUBSTANTIAL CHANGES IN THE PARTICIPATION OF A MILITARY DEPARTMENT IN A JOINT ACQUISITION PROGRAM.

(a) REGULATIONS REQUIRED.—Section 2308 of title 10, United States Code, is amended—

(1) by designating the existing text as subsection (a); and

(2) by adding at the end the following new subsection:

"(b) REGULATIONS REQUIRED.—(1) The Secretary of Defense shall prescribe regulations that prohibit each military department participating in a joint acquisition program approved by the Under Secretary of Defense for Acquisition from terminating or substantially reducing its participation in such program without the approval of the Under Secretary.

"(2) The regulations shall include the following provisions:

"(A) A requirement that, before any such termination or substantial reduction in participation is approved, the proposed termination or reduction be reviewed by the Joint Requirements Oversight Council of the Department of Defense.

"(B) A provision that authorizes the Under Secretary of Defense for Acquisition to require a military department approved for termination or substantial reduction in participation in a joint acquisition program to continue to provide some or all of the funding necessary for the acquisition program to be continued in an efficient manner.".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations required by subsection (b) of section 2308 of title 10, United States Code (as added by subsection (a)), not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993.

SEC. 821. COMPETITIVE PROTOTYPING REQUIREMENT FOR DEVELOPMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REQUIREMENT FOR COMPETITIVE PROTOTYPING.—(1) Chapter 144 of title 10, United States Code, is amended—

(A) by redesignating section 2438 as section 2439; and

(B) by adding after section 2437 the following new section:

"§2438. Major programs: competitive prototyping

"(a) ACQUISITION STRATEGY.—Except as provided in subsection (c), before development under a major defense acquisition program begins, the Secretary of Defense shall prepare an acquisition strategy for the program which provides for the competitive prototyping of the major weapon system under the program and any major subsystems of the system in accordance with subsection (b).

"(b) COMPETITIVE PROTOTYPING REQUIREMENTS.—An acquisition strategy meets the requirement of subsection (a) if it—

"(1) requires that contracts be entered into with not less than two contractors, using the same combat performance requirements, for the competitive design and manufacture of a prototype system or subsystem for developmental test and evaluation;

"(2) requires that all systems or subsystems developed under contracts described in paragraph (1) be tested in a comparative side-by-side test that is designed to—

"(A) reproduce combat conditions to the extent practicable; and

"(B) determine which system or subsystem is most effective under such conditions; and

"(3) requires that each contractor that develops a prototype system or subsystem, before the testing described in paragraph (2) is begun, submit—

"(A) cost estimates for full-scale engineering development and the basis for such estimates; and

"(B) production estimates, whenever practicable.

"(c) EXCEPTION.—Subsection (a) shall not apply to the development of a major weapon system (or subsystem of such system) after—

"(1) a written justification is submitted to the Under Secretary of Defense for Acquisition explaining why use of competitive prototyping is not practicable, including cost estimates (and the bases for such estimates) comparing the total program cost of an acquisition strategy that provides for competitive prototyping with the total program cost of an acquisition strategy that does not provide for such prototyping; and

"(2) 30 days elapse after the submission of such justification to the Under Secretary of Defense for Acquisition.

"(d) DEFINITIONS.—In this section:

"(1) The term 'major defense acquisition program' means a Department of Defense acquisition program that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $300,000,000 (based on fiscal year 1990 constant dollars).

"(1) The term 'major weapon system' means a major weapon system that is acquired under a program that is a major defense acquisition program.

"(2) The term 'subsystem of such system' means a collection of components (such as the propulsion system, avionics, or weapon controls) for which the prime contractors, major subcontractors, or government entities have responsibility for system integration.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2438 and inserting in lieu thereof the following new items:

"2438. Major programs: competitive prototyping.
"2439. Major programs: competitive alternative sources.".

(b) EFFECTIVE DATE.—Section 2438 of title 10, United States Code, as added by subsection (a), shall apply with respect to major programs entering development after the expiration of the 90-day period beginning on the date of the enactment of this Act.

(c) CONFORMING REPEAL.—(1) Section 2365 of title 10, United States Code, is repealed.

(2) The table of sections for chapter 139 of such title is amended by striking out the item relating to section 2365.

Subtitle C—Other Matters

SEC. 831. REPEAL OF PROCUREMENT LIMITATION ON TYPEWRITERS.

(a) REPEAL.—Subsection (c) of section 2534 of title 10, United States Code, as redesignated by section 4202(a), is hereby repealed.

(b) CONFORMING AMENDMENT.—Subsections (d), (e), and (f) of such section are redesignated as subsections (c), (d), and (e), respectively.

SEC. 832. PROCUREMENT LIMITATION ON BALL BEARINGS AND ROLLER BEARINGS.

During fiscal years 1993, 1994, and 1995, the Secretary of Defense may not procure ball bearings or roller bearings other than in accordance with subpart 225.71 of part 225 of the Defense Federal Acquisition Regulation Supplement, as in effect on the date of the enactment of this Act.

SEC. 833. RESTRICTION ON PURCHASE OF SONOBUOYS.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, as redesignated by section 4202(a) and as amended by section 831, is further amended by adding at the end the following new subsection:

"(f) SONOBUOYS.—(1) The Secretary of Defense may not procure a sonobuoy manufactured in a foreign country if United States firms that manufacture sonobuoys are not permitted to compete on an equal basis with foreign manufacturing firms for the sale of sonobuoys in that foreign country.

"(2) The Secretary may waive the limitation in paragraph (1) with respect to a particular procurement of sonobuoys if the Secretary determines that such procurement is in the national security interests of the United States.

"(3) In this subsection, the term 'United States firm' has the meaning given such term in section 2532(d)(1) of this title.".

(b) EFFECTIVE DATE.—Subsection (f) of section 2534 of title 10, United States Code, as added by subsection (a), shall apply with respect to solicitations for contracts issued after the expiration of the 120-day period beginning on the date of the enactment of this Act.

SEC. 834. DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, as amended by sections 384, 808, and 813, is further amended by adding at the end the following new section:

"§2410f. Debarment of persons convicted of fraudulent use of 'Made in America' labels

"(a) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a 'Made in America' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting with the Department of Defense. If the Secretary determines that the person should not be debarred, the Secretary shall submit to Congress a report on such determination not later than 30 days after the determination is made.

"(b) For purposes of this section, the term 'debar' has the meaning given that term by section 2393(c) of this title.".

(2) The table of sections at the beginning of such chapter, as amended by sections 384, 808, and 813, is further amended by adding at the end the following new item:

"2410f. Debarment of persons convicted of fraudulent use of 'Made in America' labels.".

(b) EFFECTIVE DATE.—Section 2410f of title 10, United States Code, as added by subsection (a), shall take effect 90 days after the date of the enactment of this Act.

SEC. 835. PROHIBITION ON PURCHASE OF UNITED STATES DEFENSE CONTRACTORS BY ENTITIES CONTROLLED BY FOREIGN GOVERNMENTS.

(a) IN GENERAL.—No entity controlled by a foreign government may merge with, acquire, or take over a company engaged in interstate commerce in the United States that—

(1) is performing a Department of Defense contract, or a Department of Energy contract under a national security program, that cannot be performed satisfactorily unless that company is given access to information in a proscribed category of information; or

(2) during the previous fiscal year, was awarded—

(A) Department of Defense prime contracts in an aggregate amount in excess of $500,000,000; or

(B) Department of Energy prime contracts under national security programs in an aggregate amount in excess of $500,000,000.

(b) INAPPLICABILITY TO CERTAIN CASES.—The limitation in subsection (a) shall not apply if a merger, acquisition, or takeover is not suspended or prohibited pursuant to section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

(c) DEFINITIONS.—In this section:

(1) The term "entity controlled by a foreign government" includes—

(A) any domestic or foreign organization or corporation that is effectively owned or controlled by a foreign government; and

(B) any individual acting on behalf of a foreign government,

as determined by the President.

(2) The term "proscribed category of information" means a category of information that—

(A) with respect to Department of Defense contracts—

(i) includes special access information;

(ii) is determined by the Secretary of Defense to include information the disclosure of which to an entity controlled by a foreign government is not in the national security interests of the United States; and

(iii) is defined in regulations prescribed by the Secretary of Defense for the purposes of this section; and

(B) with respect to Department of Energy contracts—

(i) is determined by the Secretary of Energy to include information described in subparagraph (A)(ii); and

(ii) is defined in regulations prescribed by the Secretary of Energy for the purposes of this section.

SEC. 836. PROHIBITION ON AWARD OF CERTAIN DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY CONTRACTS TO COMPANIES OWNED BY AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.

(a) IN GENERAL.—(1) Subchapter V of chapter 148 of title 10, United States Code, as added by section 4202(b), is further amended by adding at the end the following new section:

"§2536. Prohibition on award of certain Department of Defense and Department of Energy contracts to companies owned by an entity controlled by a foreign government.

"(a) IN GENERAL.—A Department of Defense contract or Department of Energy contract under a national security program may not be awarded to a company owned by an entity controlled by a foreign government if it is necessary for that company to be given access to information in a proscribed category of information in order to perform the contract.

"(b) WAIVER AUTHORITY.—The Secretary concerned may waive the application of subsection (a) to a contract award if the Secretary concerned determines that the waiver is essential to the national security interests of the United States.

"(c) DEFINITIONS.—In this section:

"(1) The term 'entity controlled by a foreign government' includes—

"(A) any domestic or foreign organization or corporation that is effectively owned or controlled by a foreign government; and

"(B) any individual acting on behalf of a foreign government,

as determined by the Secretary concerned.

"(2) The term 'proscribed category of information' means a category of information that—

"(A) with respect to Department of Defense contracts—

"(i) includes special access information;

"(ii) is determined by the Secretary of Defense to include information the disclosure of which to an entity controlled by a foreign government is not in the national security interests of the United States; and

"(iii) is defined in regulations prescribed by the Secretary of Defense for the purposes of this section; and

"(B) with respect to Department of Energy contracts—

"(i) is determined by the Secretary of Energy to include information described in subparagraph (A)(ii); and

"(ii) is defined in regulations prescribed by the Secretary of Energy for the purposes of this section.

"(3) The term 'Secretary concerned' means—

"(A) the Secretary of Defense, with respect to Department of Defense contracts; and

"(B) the Secretary of Energy, with respect to Department of Energy contracts.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2536. Prohibition on award of certain Department of Defense and Department of Energy contracts to companies owned by an entity controlled by a foreign government.".

(b) EFFECTIVE DATE.—Section 2536 of title 10, United States Code, as added by subsection (a),

shall apply with respect to contracts entered into after the expiration of the 90-day period beginning on the date of the enactment of this Act.

SEC. 837. DEFENSE PRODUCTION ACT AMENDMENTS.

(a) INVESTIGATIONS OF CERTAIN MERGERS, ACQUISITIONS, AND TAKEOVERS.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) MANDATORY INVESTIGATIONS.—The President or the President's designee shall make an investigation, as described in subsection (a), in any instance in which an entity controlled by or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover which could result in control of a person engaged in interstate commerce in the United States that could affect the national security of the United States. Such investigation shall—

"(1) commence not later than 30 days after receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover, as prescribed by regulations promulgated pursuant to this section; and

"(2) shall be completed not later than 45 days after its commencement.

(b) CONSIDERATIONS OF THE PRESIDENT.—Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) (as redesignated by subsection (a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting a comma; and

(3) by adding at the end the following new paragraphs:

"(4) the potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

"(A) identified by the Secretary of State—

"(i) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

"(ii) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

"(iii) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons; or

"(B) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978 on the 'Nuclear Non-Proliferation-Special Country List' (15 C.F.R. Part 778, Supplement No. 4) or any successor list; and

"(5) the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security.".

(c) REPORT.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) (as redesignated by subsection (a)) is amended to read as follows:

"(g) REPORT TO THE CONGRESS.—The President shall immediately transmit to the Secretary of the Senate and the Clerk of the House of Representatives a written report of the President's determination of whether or not to take action under subsection (d), including a detailed explanation of the findings made under subsection (e) and the factors considered under subsection (f). Such report shall be consistent with the requirements of subsection (c) of this Act.".

(d) SENSE OF THE CONGRESS REGARDING THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—It is the sense of the Congress that the President should include in the membership of the Committee on Foreign Investment in the United States (established by Executive Order No. 11858)—

(1) the Director of the Office of Science and Technology Policy; and

(2) the Assistant to the President for National Security.

(e) TECHNOLOGY RISK ASSESSMENTS.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is further amended by adding at the end the following new subsection:

"(j) TECHNOLOGY RISK ASSESSMENTS.—In any case in which an assessment of the risk of diversion of defense critical technology is performed by a designee of the President, a copy of such assessment shall be provided to any other designee of the President responsible for reviewing or investigating a merger, acquisition, or takeover under this section.".

SEC. 838. IMPROVED NATIONAL DEFENSE CONTROL OF TECHNOLOGY DIVERSIONS OVERSEAS.

(a) IN GENERAL.—Subchapter V of chapter 148 of title 10, United States Code, as added by section 4202(b) and amended by section 837, is further amended by adding at the end the following new section:

"§2537. Improved national defense control of technology diversions overseas

"(a) COLLECTION OF INFORMATION ON FOREIGN-CONTROLLED CONTRACTORS.—The Secretary of Defense and the Secretary of Energy shall each collect and maintain a data base containing a list of, and other pertinent information on, all contractors with the Department of Defense and the Department of Energy, respectively, which are controlled by foreign persons. The data base shall contain information on such contractors for 1988 and thereafter in all cases where they are awarded contracts exceeding $100,000 in any single year by the Department of Defense or the Department of Energy.

"(b) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense, the Secretary of Energy, and the Secretary of Commerce shall submit to the Congress, by March 31 of each year, beginning in 1994, a report containing a summary and analysis of the information collected under subsection (a) for the year covered by the report. The report shall include an analysis of accumulated foreign ownership of United States firms engaged in the development of defense critical technologies.

"(c) TECHNOLOGY RISK ASSESSMENT REQUIREMENT.—(1) If the Secretary of Defense is acting as a designee of the President under section 721(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(a)) and if the Secretary determines that a proposed or pending merger, acquisition, or takeover may involve a firm engaged in the development of a defense critical technology or is otherwise important to the defense industrial and technology base, then the Secretary shall require the appropriate entity or entities from the list set forth in paragraph (2) to conduct an assessment of the risk of diversion of defense critical technology posed by such proposed or pending action.

"(2) The entities referred to in paragraph (1) are the following:

"(A) The Defense Intelligence Agency.

"(B) The Army Foreign Technology Science Center.

"(C) The Naval Maritime Intelligence Center.

"(D) The Air Force Foreign Aerospace Science and Technology Center.

"(d) DEFINITION.—In this section, the term 'defense critical technology' has the meaning provided that term by section 2491(8) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2537. Improved national defense control of technology diversions overseas.".

SEC. 839. LIMITATION ON SALE OF ASSETS OF CERTAIN DEFENSE CONTRACTOR.

(a) REQUIREMENT.—(1) The Secretary of Defense shall require that, in any contract entered into by the Department of Defense with the LTV Aerospace and Defense Company (hereinafter referred to as the 'contractor'), the terms of the contract shall include the requirements set forth in paragraph (2).

(2) A contract referred to in paragraph (1) shall prohibit the contractor (including any subsidiaries of the contractor) from selling, after April 1, 1992, all or any part of its operating assets to any other person or entity unless the person or entity agrees to assume, to the extent required under any collective bargaining agreement entered into by the contractor, all the liabilities of the contractor to all of the employees of the contractor who have retired. For purposes of this paragraph, such liabilities include all retirement health and life insurance and pension benefits payable (at the time of sale or any time after the sale) to, or for the benefit of, such retired employees, their spouses, and their dependents.

(b) APPLICABILITY.—The requirements of subsection (a) shall apply with respect to any contract entered into after April 1, 1992, and any contract in existence as of April 1, 1992, with the LTV Aerospace and Defense Company. Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify contracts in existence as of April 1, 1992, and contracts entered into between April 1, 1992, and the date of the enactment of this Act, to reflect the requirements of this section.

(c) TRANSITION.—(1) If a person or entity (in this subsection referred to as the 'purchaser') purchases the LTV Aerospace and Defense Company during the period beginning on April 1, 1992, and ending 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify any transferred contracts to require the purchaser to assume all the liabilities of the LTV Aerospace and Defense Company to all of the employees of such company who have retired (including all the liabilities described in subsection (a)(2)).

(2) For purposes of paragraph (1), a transferred contract is a contract entered into by the purchaser and the Department of Defense which contains terms and obligations (A) which are similar to the terms and obligations of a previous contract between the LTV Aerospace and Defense Company and the Department of Defense, and (B) which the purchaser agreed to assume as part of the terms of the purchase of such company.

SEC. 840. ADVANCE NOTIFICATION OF CONTRACT PERFORMANCE OUTSIDE THE UNITED STATES.

(a) NOTIFICATION REQUIRED.—(1) Chapter 141 of title 10, United States Code, as amended by sections 384, 808, 813, and 834, is further amended by adding at the end the following new section:

"§2410g. Advance notification of contract performance outside the United States

"(a) NOTIFICATION.—(1) A firm that is performing a Department of Defense contract for an amount exceeding $10,000,000, or is submitting a bid or proposal for such a contract, shall notify the Department of Defense in advance of any intention of the firm or any first-tier subcontractor of the firm to perform outside the United States and Canada any part of the contract that exceeds $500,000 in value and could be performed inside the United States or Canada.

"(2) If a firm submitting a bid or proposal for a Department of Defense contract is required to submit a notification under this subsection, and the firm is aware, at the time it submits its bid

or proposal, that the firm intends to perform outside the United States and Canada any part of the contract that exceeds $500,000 in value and could be performed inside the United States or Canada, the firm shall include the notification in its bid or proposal.

"(3) The notification by a firm under paragraph (1) with respect to a first-tier subcontractor shall be made, to the maximum extent practicable, at least 30 days before award of the subcontract.

"(b) RECIPIENT OF NOTIFICATION.—The firm shall transmit the notification—

"(1) in the case of a contract of a military department, to such officer or employee of that military department as the Secretary of the military department may direct; and

"(2) in the case of any other Department of Defense contract, to such officer or employee of the Department of Defense as the Secretary of Defense may direct.

"(c) AVAILABILITY OF NOTIFICATIONS.—The Secretary of Defense shall ensure that the notifications (or copies) are maintained in compiled form for a period of 5 years after the date of submission and are available for use in the preparation of the national defense technology and industrial base assessment carried out under section 2505 of this title.

"(d) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section shall not apply to contracts for any of the following:

"(1) Commercial items.

"(2) Military construction.

"(3) Ores.

"(4) Natural gas.

"(5) Utilities.

"(6) Petroleum products and crudes.

"(7) Timber.

"(8) Subsistence.".

(2) The table of sections at the beginning of such chapter, as amended by sections 384, 808, 813, and 834, is further amended by adding at the end the following new item:

"2410g. Advance notification of contract performance outside the United States.".

(b) EFFECTIVE DATE.—Section 2410g of title 10, United States Code (as added by subsection (a)), shall take effect 90 days after the date of the enactment of this Act.

SEC. 841. ACQUISITION FELLOWSHIP PROGRAM.

(a) FELLOWSHIP PROGRAM.—Chapter 141 of title 10, United States Code, as amended by sections 384, 808, 813, 834, and 840, is further amended by adding at the end the following new section:

"§2410h. Acquisition fellowship program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish and carry out an acquisition fellowship program in accordance with this section in order to enhance the ability of the Department of Defense to recruit employees who are highly qualified in fields of acquisition.

"(b) NUMBER OF FELLOWSHIPS.—The Secretary of Defense may designate up to 25 prospective employees of the Department of Defense as acquisition fellows.

"(c) ELIGIBILITY.—In order to be eligible for designation as an acquisition fellow, an employee—

"(1) must complete at least 2 years of Federal Government service as an employee in an acquisition position in the Department of Defense; and

"(2) must be serving in an acquisition position in the Department of Defense that involves the performance of duties likely to result in significant restrictions under law on the employment activities of that employee after leaving Government service.

"(d) TWO-YEAR PERIOD OF RESEARCH AND TEACHING.—Under the fellowship program, the Secretary of Defense shall pay designated acquisition fellows to engage in research or teaching for a 2-year period in a field related to Federal Government acquisition policy. Such research or teaching may be conducted in the defense acquisition university structure of the Department of Defense, any other institution of professional education of the Federal Government, or a nonprofit institution of higher education. Each fellow shall be paid at a rate equal to the rate of pay payable for the level of the position in which the fellow served in the Department of Defense before undertaking such research or teaching.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by sections 384, 808, 813, 834, and 840, is further amended by adding at the end the following new item:

"2410h. Acquisition fellowship program.".

SEC. 842. PURCHASE OF ANGOLAN PETROLEUM PRODUCTS.

The prohibition in section 316 of the National Defense Authorization Act for Fiscal Year 1987 (100 Stat. 3855; 10 U.S.C. 2304 note) shall cease to be effective on the date on which the President certifies to Congress that free, fair, and democratic elections have taken place in Angola.

SEC. 843. AUTHORITY FOR THE DEPARTMENT OF DEFENSE TO SHARE EQUITABLY THE COSTS OF CLAIMS UNDER INTERNATIONAL ARMAMENTS COOPERATION PROGRAMS.

(a) AMENDMENT TO THE ARMS EXPORT CONTROL ACT.—Section 27(c) of the Arms Export Control Act (22 U.S.C. 2767(c)) is amended in the second sentence by striking out "and administrative costs" and inserting in lieu thereof "costs, administrative costs, and costs of claims".

(b) AMENDMENTS TO TITLE 10.—(1) Section 2350a(c) of title 10, United States Code, is amended by inserting "(including the costs of claims)" after "project" the second place it appears.

(2) Section 2350d(c) of such title is amended by inserting "and costs of claims" after "administrative costs".

(c) TERMINATION.—On the date which is two years after the date of the enactment of this Act, subsections (a) and (b) shall cease to be in effect, and section 27(c) of the Arms Export Control Act and section 2350a of title 10, United States Code, shall read as if such subsections had not been enacted.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Roles and Missions

SEC. 901. REPORT OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF ON ROLES AND MISSIONS OF THE ARMED FORCES.

(a) REPORT.—(1) The Secretary of Defense shall transmit to Congress a copy of the first report relating to the roles and missions of the Armed Forces that is submitted to the Secretary by the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code, after January 1, 1992.

(2) The Secretary shall transmit the report, together with his views on the report, within 30 days after receiving the report.

(b) ADDITIONAL MATTERS.—In addition to the matters required under such section 153(b), the Chairman shall include in the report referred to in subsection (a) the Chairman's comments and recommendations regarding the following matters:

(1) Reassessing the roles and missions assigned to each of the Armed Forces (under the Key West agreement of 1947 and subsequent actions by the various Secretaries of Defense and the Congress) in light of the new national security environment resulting from the end of the Cold War.

(2) The extent to which the efficiency of the Armed Forces in carrying out their roles and missions can be enhanced by—

(A) the elimination or reduction of duplication in the capabilities of the military departments and Defense Agencies without an undue diminution in their effectiveness; and

(B) the consolidation or streamlining of organizations and activities within the military departments and Defense Agencies.

(3) Changes in the operational tempo of forces stationed in the continental United States and changes in deployment patterns and operational tempo of forces deployed outside the United States.

(4) Changes in the readiness status of units based upon time-phased force deployment plans.

(5) Transfers of functions from the active components of the Armed Forces to the reserve components of the Armed Forces.

SEC. 902. TACTICAL AIRCRAFT MODERNIZATION PROGRAMS.

(a) FUNDING LIMITATION PENDING CERTAIN ACTIONS.—Of the total amount appropriated pursuant to an authorization of appropriations in section 201 that is made available for tactical aircraft programs specified in subsection (b), not more than 65 percent may be obligated for those programs (allocated among those programs in such manner as the Secretary of Defense determines) until 60 days after the date as of which each of the following has occurred:

(1) The Secretary of Defense has transmitted to Congress the report referred to in section 901 in accordance with that section.

(2) The Secretary of Defense has submitted to the congressional defense committees the report described in subsection (c) setting forth a comprehensive affordability assessment of Department of Defense tactical aircraft programs.

(3) The Secretary of Defense has submitted to the congressional defense committees the technical assessments of the Defense Science Board that are specified in subsection (d).

(4) The Secretary of Defense has established a revised acquisition plan for the A–X medium attack aircraft program of the Navy as described in section 214.

(b) APPLICABILITY.—Subsection (a) applies to the following tactical aircraft programs:

(1) The F–22 Advanced Tactical Fighter (ATF) program of the Air Force.

(2) The FA–18E/F fighter program of the Navy.

(3) The A–X medium attack aircraft program of the Navy.

(c) COMPREHENSIVE AFFORDABILITY ASSESSMENT.—(1) The report under subsection (a)(2) shall contain a comprehensive affordability assessment of the long-range modernization plans of the Department of Defense for tactical aircraft programs. The assessment shall be prepared in light of the roles and missions report referred to in subsection (a)(1) and any other analysis of Department of Defense tactical aircraft requirements that the Secretary considers relevant.

(2) The tactical aircraft modernization plans to be considered in the assessment shall include—

(A) continued procurement of current aircraft;

(B) upgrades to current aircraft; and

(C) procurement of new design aircraft such as the FA–18E/F, the A–X, the EA–X, and the F–22 aircraft.

(3) The assessment shall include an examination of the shares of their respective annual budgets that the Air Force and the Navy have historically devoted to tactical aviation modernization programs and the effect of currently planned tactical aircraft modernization programs on those historical budget shares.

(4) As part of the assessment, the Secretary shall postulate the force structure for tactical aviation over the next 20 years and shall indicate the most cost effective modernization plans for that force structure.

(5) As part of the assessment, the Secretary shall evaluate for each of the aircraft programs specified in subsection (b) alternative manufacturing methods that would produce the aircraft efficiently in a reduced quantity and at a significantly lower annual rate than the quantity and rate currently projected by the Department for the aircraft. Such analysis shall show the effect of lower production rates on unit costs at 25 percent, 50 percent, and 100 percent of the currently projected maximum annual rates of production.

(6) In preparing the assessment, the Secretary shall receive and consider the views of the Cost Analysis Improvement Group in the Office of the Secretary of Defense on the tactical aviation programs covered by the assessment.

(d) DSB TECHNICAL ASSESSMENT.—The technical assessments to be undertaken by the Defense Science Board for purposes of subsection (a)(3) are the following:

(1) An assessment of the ways that current aircraft, upgrades to current aircraft, and new design aircraft can be modified or otherwise adapted so that a single aircraft type can be used by both the Air Force and the Navy in parallel missions.

(2) An assessment of the technical risks associated with the three tactical aircraft specified in subsection (b).

SEC. 903. SENSE OF CONGRESS ON COOPERATION BETWEEN THE ARMY AND THE MARINE CORPS.

(a) FINDINGS.—With respect to the roles and missions of the Army and Marine Corps, the Congress makes the following findings:

(1) The Army and the Marine Corps both provide military capabilities that are necessary for carrying out the national military strategy of the United States.

(2) Operation Desert Shield and Operation Desert Storm demonstrated the complementary nature of those capabilities and the substantial degree to which the Army and the Marine Corps can effectively coordinate their activities and cooperate with each other.

(3) The availability of future Federal budget resources for the Army and the Marine Corps is likely to be significantly more limited than the Federal budget resources currently available for the Army and the Marine Corps.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army and the Marine Corps should intensify efforts—

(1) to eliminate unnecessary duplication; and

(2) to improve interservice coordination and to specialize in specific functional areas.

(c) EXAMINATION BY CJCS.—(1) The Congress encourages the Chairman of the Joint Chiefs of Staff to examine whether—

(A) the Army should provide the Marine Corps with armor and heavy fire support needed for mid-intensity and high-intensity combat; or

(B) the Marine Corps should be equipped with the armor, heavy artillery, and other weapons and sustainability needed to engage in mid-intensity and high-intensity combat independent of the other military services.

(2) In conducting the examination, the Chairman should consider the following actions:

(A) Designating Army artillery battalions equipped with the Multiple Launch Rocket System to support Marine amphibious forces afloat.

(B) Designating Army tank battalions to support Marine amphibious forces afloat.

(C) Equipping maritime prepositioning ships with Multiple Launch Rocket System (MLRS) launchers and M1 tanks to be manned by Army units in support of Marine forces.

(D) Transferring management of all prepositioning shipping on behalf of all of the Armed Forces to the Marine Corps.

(E) Transferring Army shipping and lighterage to the Navy.

(3) In the consideration of the actions referred to in paragraph (2), the Chairman should evaluate the logistics, training, and operational implications of each action.

(4) If the Chairman recommends that the Marine Corps be equipped with the armor, heavy artillery, other weapons, and sustainability necessary for engaging in mid-intensity and high-intensity combat independent of the other services, the Chairman should determine, as part of the examination under this paragraph, the following:

(A) What additional procurement requirements and costs are necessary to equip the Marine Corps to meet the demands of mid-intensity and high-intensity combat.

(B) The adequacy of current prepositioning programs, mine warfare capability, naval fire support, and night fighting capability to meet the demands of mid-intensity and high-intensity combat.

(d) ROLES AND MISSIONS AUTHORITY OF CHAIRMAN.—The Chairman should consider the findings and sense of Congress set forth in subsections (a) and (b), and the matters set forth in subsection (c), including the options for streamlining the roles and missions of the Army and the Marine Corps, in the performance of the Chairman's responsibilities under section 153(b) of title 10, United States Code.

SEC. 904. NATIONAL GUARD AND RESERVE COMPONENT OPERATIONAL SUPPORT AIRLIFT STUDY.

(a) LIMITATION.—Of the funds authorized to be appropriated by section 106, not more than $90,000,000 may be obligated to procure operational support airlift aircraft. None of those funds may be obligated until 60 days after the date on which the study required by subsection (b) is transmitted to the congressional defense committees.

(b) STUDY REQUIRED.—The Secretary of Defense shall undertake a study of operational support airlift aircraft and administrative transport airlift aircraft operated by the National Guard and the reserve components.

(c) STUDY REQUIREMENTS.—The study required by subsection (b) shall include the following:

(1) An inventory of all operational support airlift aircraft and administrative transport airlift aircraft that are operated by the reserve components.

(2) The peacetime utilization rate of such aircraft.

(3) The wartime mission of such aircraft.

(4) The need for such aircraft for the future base force.

(5) The current age, projected service life, and programmed retirement date for such aircraft.

(6) A list of aircraft programmed in the fiscal year 1994 future-years defense program to be purchased for the reserve components or to be transferred from the active components to the reserve components.

(7) The funds programmed in the fiscal year 1994 future-years defense program for procurement of replacement operational support and administrative transport airlift aircraft, and the acquisition strategy proposed for each type of replacement aircraft so programmed.

(d) DEFINITION.—For purposes of this section, the term "future-years defense program" means the future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

Subtitle B—Joint Chiefs of Staff

SEC. 911. VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) DESIGNATION AS A MEMBER OF THE JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Vice Chairman.".

(b) CONFORMING AMENDMENTS.—(1) Section 154 of such title is amended—

(A) in subsection (c), by striking out "such" and inserting in lieu thereof "the duties prescribed for him as a member of the Joint Chiefs of Staff and such other";

(B) by striking out subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(2) Section 155(a)(1) of such title is amended by striking out "and the Vice Chairman."

Subtitle C—Professional Military Education

SEC. 921. APPLICATION OF DEFINITION OF PRINCIPAL COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.

Section 912(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1452) is amended by striking out "October 1, 1993" and inserting in lieu thereof "January 1, 1994".

SEC. 922. PLAN REGARDING PROFESSIONAL MILITARY EDUCATION TEST PROGRAM FOR RESERVE COMPONENT OFFICERS OF THE ARMY.

(a) PLAN FOR TEST PROGRAM REQUIRED.—The Secretary of the Army shall prepare a plan for carrying out a test program to improve the provision of professional military education to reserve component officers of the Army by assigning or attaching such officers to an Army Reserve Forces school in an inactive duty status for the purpose of attending professional military education courses offered by the school.

(b) NATURE OF EDUCATION.—The professional military education courses offered as part of such a test program should correspond to the courses offered at the Army Combined Arms and Services Staff School and the United States Army Command and General Staff College.

(c) REPORT ON PLAN.—Not later than March 31, 1993, the Secretary of the Army shall submit to Congress a report that—

(1) describes the most effective approach, as determined by the Secretary, for carrying out the test program outlined in the plan required under subsection (a);

(2) describes the method by which reserve component officers of the Army would be selected to participate in the test program;

(3) identifies any legislation that would be required to implement the test program, such as the authorization of funds for the test program or the compensation of reserve component officers of the Army under section 206 of title 37, United States Code, who are selected to participate in the test program; and

(4) indicates how the test program would be evaluated to determine the effect of the program on units of the Selected Reserve, the management of duty assignments in the Selected Reserve, and the capabilities of the Army Reserve Forces schools.

(d) RESERVE COMPONENT OFFICER OF THE ARMY DEFINED.—For purposes of this section, the term "reserve component officer of the Army" means an officer of the Army National Guard of the United States or the Army Reserve who is assigned to a unit of the Selected Reserve and is unable to attend professional military education courses while in the active service.

SEC. 923. FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

(a) EMPLOYMENT OF CIVILIAN FACULTY MEMBERS AUTHORIZED.—(1) Section 1595 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "and the Foreign Language Center of the Defense Language Institute" after "National Defense University"; and

(B) in subsection (c), by striking out "This section" and inserting in lieu thereof "In the case of the National Defense University, this section".

(2)(A) The heading of such section is amended to read as follows:

"§1595. National Defense University; Foreign Language Center of the Defense Language Institute: civilian faculty members".

(B) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1595. National Defense University; Foreign Language Center of the Defense Language Institute: civilian faculty members.".

(b) EFFECT ON CURRENT EMPLOYEES.—In the case of a person who, on the day before the date of the enactment of this Act, is employed as a professor, instructor, or lecturer at the Foreign Language Center of the Defense Language Institute, the Secretary of Defense shall afford the person an opportunity to elect to be paid under the compensation plan authorized by section 1595(b) of title 10, United States Code, or to continue to be paid under the General Schedule (with no reduction in pay) under section 5332 of title 5, United States Code.

Subtitle D—Other Matters

SEC. 931. CERTIFICATIONS RELATING TO THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT AND THE SPECIAL OPERATIONS COMMAND.

(a) CERTIFICATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall (except as otherwise provided under subsection (b)) certify to Congress the following:

(1) That the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the commander of the special operations command established pursuant to section 167 of title 10, United States Code, have been assigned the duties and functions specified for the Assistant Secretary and that commander, respectively, under law, the Unified Command Plan, and Department of Defense Directive No. 5138.3 (dated January 4, 1988).

(2) That the Assistant Secretary and the special operations command have been authorized the number of personnel necessary for the Assistant Secretary and the commander of the special operations command to perform such respective duties and functions.

(b) ALTERNATIVE TO CERTIFICATION.—If the Secretary of Defense is unable to make the certifications referred to in subsection (a) within the 120-day period provided in that subsection, the Secretary shall submit to Congress a report notifying the committees that the Secretary is unable to make such certifications and setting forth the actions that the Secretary will take in order to enable the Secretary to make such certifications after the expiration of that period.

SEC. 932. STUDY OF JOINT DUTY ASSIGNMENTS.

(a) STUDY.—The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall conduct a study of military officer positions that are designated as joint duty assignments pursuant to section 661 of title 10, United States Code, and other provisions of law. In carrying out the study, the Secretary shall—

(1) assess the appropriateness of the current allocation of joint assignments and critical joint duty assignments, with such assessment—

(A) to place particular emphasis on the allocations of joint duty positions to each Defense Agency; and

(B) to determine any changes in regulations that are necessary to ensure that the joint duty assignment process provides appropriate crediting as service in joint duty assignments in the case of officers assigned to Defense Agencies in positions that provide them with significant experience in joint matters;

(2) assess whether officers who have the joint specialty under chapter 38 of title 10, United States Code, are being assigned to appropriate joint duty positions; and

(3) survey positions that provide military officers with significant experience in joint matters but are now excluded from the joint duty designation under section 661 of such title or other provisions of law.

(b) ADJUSTMENTS IN LIGHT OF STUDY.—Following completion of the study required by subsection (a), the Secretary shall direct the heads of the military departments, Defense Agencies, and other components of the Department of Defense to make adjustments in joint duty assignments as necessary to comport with the conclusions of the assessments required by paragraphs (1) and (2) of such subsection.

(c) REPORT.—Not later than April 15, 1993, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) the results of the study required by subsection (a) and a plan to implement its findings; and

(2) any recommendations for legislative changes that the Secretary proposes in order to provide the Secretary with authority to grant a waiver, in the case of an assignment that is determined to provide an officer with significant experience in joint matters, to the exclusion by law of consideration as a joint duty assignment of any assignment within an officer's own military department.

SEC. 933. JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) AUTHORITY TO GIVE JOINT DUTY CREDIT.—(1) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, may give an officer who has completed service described in paragraph (2) credit for having completed a full tour of duty in a joint duty assignment, or credit countable for determining cumulative service in joint duty assignments, for the purposes of chapter 38 of title 10, United States Code, notwithstanding the length of such service or whether that service is within the definition of "joint duty assignment" in section 668 of title 10, United States Code.

(2) Service referred to in paragraph (1) is service performed by an officer, any portion of which took place during the period beginning on August 2, 1990, and ending on February 28, 1991, in an assignment in the Persian Gulf combat zone that (as determined by the Secretary of Defense) provided significant experience in joint matters.

(3) The Secretary, after consultation with the Chairman of the Joint Chiefs of Staff, may give credit for service in a joint duty assignment under paragraph (1) in the case of an officer recommended for such credit by the Chief of Staff of the Army (for officers in the Army), the Chief of Naval Operations (for officers in the Navy), the Chief of Staff of the Air Force (for officers in the Air Force), and the Commandant of the Marine Corps (for officers in the Marine Corps). Any such credit shall be granted by the Secretary on a case-by-case basis.

(4) The Secretary of Defense shall establish uniform criteria for defining the standards to be used in determining whether to give an officer credit for service in a joint duty assignment under paragraph (1). Such criteria shall be consistent with the congressional declarations of policy in section 2 of the National Security Act of 1947 (50 U.S.C. 401) and section 3 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (10 U.S.C. 111 note). The criteria shall include standards to be used in determining whether to give an officer credit for completion of a full tour of duty, or credit countable for determining cumulative service, in a joint duty assignment. Such criteria may not result in the extension of eligibility for joint duty credit under this section to all officers in a specified category of officers that exists other than for reasons of this section.

(b) INAPPLICABILITY OF CERTAIN REPORTING AND POLICY REQUIREMENTS.—(1) Officers for whom joint duty credit is granted pursuant to subsection (a) shall not be counted for the purposes of paragraphs (7), (8), (9), (11), or (12) of section 667 of title 10, United States Code, and subsections (a)(3) and (b) of section 662 of such title.

(2) In the case of an officer for whom credit for completion of a full tour of duty in a joint duty assignment is granted pursuant to subsection (a), the Secretary of Defense may waive the requirement in paragraph (1)(B) of section 661(c) of title 10, United States Code, that, for purposes of nomination to the joint specialty under chapter 38 of such title, a full tour of duty in a joint duty assignment be performed after the officer completes a program of education referred to in paragraph (1)(A) of that section.

(c) INFORMATION TO BE INCLUDED IN NEXT ANNUAL REPORT.—The joint specialty report of the Secretary of Defense under section 667 of title 10, United States Code for fiscal year 1993 shall include the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps):

(1) The number of officers granted credit for a joint duty assignment pursuant to subsection (a).

(2) Of such officers, the number granted credit for a full tour of duty in a joint duty assignment pursuant to subsection (a) and the number granted credit for a joint duty assignment that is not treated as a full tour of duty.

(3) Of the officers granted credit for a joint duty assignment pursuant to subsection (a), the number in each grade and each occupational specialty.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "joint matters" has the meaning given such term in section 668(a) of title 10, United States Code.

(2) The term "Persian Gulf combat zone" means the area designated by the President as the combat zone for Operation Desert Shield, Operation Desert Storm, and related operations for purposes of section 112 of the Internal Revenue Code of 1986.

(3) The term "joint specialty report" means that part of the annual report of the Secretary of Defense submitted to Congress under section 113(c) of title 10, United States Code, that is included in such report pursuant to section 667 of title 10, United States Code.

(e) DURATION OF AUTHORITY.—The authority of the Secretary of Defense under this section expires at the end of the six-month period beginnning on the date of the enactment of this Act.

SEC. 934. CINC INITIATIVE FUND.

(a) AUTHORIZED RECIPIENTS OF FUNDS.—Subsection (a) of section 166a of title 10, United States Code, is amended in the first sentence by striking out "funds, upon request," and all that

follows through the period and inserting in lieu thereof "funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose.".

(b) AUTHORIZED ACTIVITIES.—Subsection (b)(7) of such section is amended by inserting "(including transportation, translation, and administrative expenses)" before the period at the end.

(c) PRIORITY.—Subsection (c) of such section is amended to read as follows:

"(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund, should give priority consideration to—

"(1) requests for funds to be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds; and

"(2) the provision of funds to be used for activities with respect to an area or areas not within the area of responsibility of a commander of a combatant command that would reduce the threat to, or otherwise increase, the national security of the United States.".

(d) LIMITATIONS.—Subsection (e)(1)(C) of such section is amended to read as follows:

"(C) not more than $2,000,000 may be used to provide military education and training (including transportation, translation, and administrative expenses) to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).".

SEC. 935. ORGANIZATION OF THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS.

(a) CONSOLIDATION OF NAVY HEADQUARTERS MANAGEMENT STRUCTURE.—The Secretary of the Navy shall consolidate and streamline the Navy headquarters establishments within the Office of the Chief of Naval Operations to reflect changes in the roles and missions of the Department of the Navy.

(b) DIRECTORATE FOR EXPEDITIONARY WARFARE WITHIN THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS.—(1) Chapter 505 of title 10, United States Code, is amended by inserting after section 5037 the following new section:

"§5038. Director for Expeditionary Warfare

"(a) One of the Directors within the Office of the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments shall be the Director for Expeditionary Warfare who shall be detailed from officers on the active-duty list of the Marine Corps.

"(b) An officer assigned to the position of Director for Expeditionary Warfare, while so serving, has the grade of major general.

"(c) The principal duty of the Director for Expeditionary Warfare shall be to supervise the performance of all staff responsibilities of the Chief of Naval Operations regarding expeditionary warfare, including responsibilities regarding amphibious lift, mine warfare, naval fire support, and other missions essential to supporting expeditionary warfare.

"(d) The Chief of Naval Operations shall transfer duties, responsibilities, and staff from other personnel within the Office of the Chief of Naval Operations as necessary to fully support the Director for Expeditionary Warfare.

"(e) This subsection shall cease to apply on November 1, 1997.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"5038. Director for Expeditionary Warfare.".

SEC. 936. GRADE OF CERTAIN COMMANDERS OF SPECIAL OPERATIONS FORCES.

(a) GRADE FOR CERTAIN REGIONAL SOF COMMANDERS.—During the period beginning on February 1, 1993, and ending on February 1, 1995, the provisions of section 1311(e) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 167 note) shall apply as if the Secretary of Defense had designated the United States Southern Command and the United States Central Command for the purposes of that section.

(b) REPORT.—Not later than March 1, 1994, the Secretary of Defense shall submit to Congress a report setting forth the Secretary's recommendations for the grade structure for the special operations forces component commander for each unified command, particularly as to whether each such commander should be of general or flag officer grade.

(c) REPEAL OF DUPLICATIVE PROVISIONS.—Subsections (c), (d), and (e) of section 9115 of the Department of Defense Appropriations Act, 1987 (as enacted in identical form in sections 101(c) of Public Law 99-500 and Public Law 99-591), are repealed.

SEC. 937. REPORT ON ASSIGNMENT OF SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than February 1, 1993, the Secretary of Defense shall submit to Congress a report describing the implementation of the requirement contained in section 167(b) of title 10, United States Code, that all active and reserve special operations forces of the Armed Forces stationed in the United States be assigned to the Special Operations Command unless otherwise directed by the Secretary.

(b) COMMAND AND CONTROL RESPONSIBILITIES.—The report required by subsection (a) shall delineate the respective responsibilities of the commander of the Special Operations Command and the chiefs of the reserve components regarding the peacetime command and control of reserve component special operations forces.

(c) OTHER MATTERS TO BE INCLUDED.—The report shall also specifically address the following matters:

(1) Establishment of training and readiness standards.

(2) Military and civilian personnel management.

(3) Programming and budget execution functions.

(4) Conduct of operational training.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1993 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. DEFENSE BUDGETING.

(a) MISSION-ORIENTED BUDGETING.—Chapter 9 of title 10, United States Code, is amended—

(1) by redesignating section 221 as section 226; and

(2) by inserting after the table of sections the following new section:

"§222. Future-years mission budget

"(a) FUTURE-YEARS MISSION BUDGET.—The Secretary of Defense shall submit to Congress for each fiscal year a future-years mission budget for the military programs of the Department of Defense. That budget shall be submitted for any fiscal year at the same time that the President's budget for that fiscal year is submitted to Congress pursuant to section 1105 of title 31.

"(b) CONSISTENCY WITH FUTURE-YEARS DEFENSE PROGRAM.—The future-years mission budget shall be consistent with the future-years defense program required under section 221 of this title. In the future-years mission budget, the military programs of the Department of Defense shall be organized on the basis of major roles, missions, or forces of the Department of Defense.

"(c) RELATIONSHIP TO OTHER DEFENSE BUDGET FORMATS.—The requirement in subsection (a) is in addition to the requirements in any other provision of law regarding the format for the presentation regarding military programs of the Department of Defense in the budget submitted pursuant to section 1105 of title 31 for any fiscal year.".

(b) CONFORMING REPEAL.—Section 1404 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1675; 10 U.S.C. 114a note) is repealed.

(c) TRANSFER.—(1) Section 114a of title 10, United States Code, is transferred to chapter 9 of title 10, United States Code, redesignated as section 221, inserted after the table of sections, and amended by striking out "multiyear" each place it appears in the text and inserting in lieu thereof "future-years".

(2) The heading of such section is amended to read as follows:

"§221. Future-years defense program: submission to Congress; consistency in budgeting".

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by striking out the item relating to section 114a.

(2) The table of sections at the beginning of chapter 9 of such title is amended by striking out the item relating to section 221 and inserting in lieu thereof the following:

"221. Future-years defense program: submission to Congress; consistency in budgeting.

"222. Future-years mission budget.

"226. Scoring of outlays.".

SEC. 1003. TREATMENT OF CERTAIN "M" ACCOUNT OBLIGATIONS.

(a) LIMITATION.—The Secretary of Defense may not reobligate any sum in a merged (or so-called "M") account of the Department of Defense until the Secretary has identified an equal sum under section 1406 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1680) that can be canceled.

(b) REQUIREMENT FOR RECIPROCAL CANCELLATION.—Whenever the Secretary of Defense reobligates funds from a merged (or so-called "M") account of the Department of Defense, the Secretary shall at the same time cancel with the Treasury of the United States a sum in the same amount as the reobligation from a merged account of the Department of Defense.

(c) MONTHLY REPORTS.—The Secretary of Defense shall submit to the congressional defense

committees a monthly report, for each month beginning after the date of the enactment of this Act through September 1993, on the amount of funds reobligated during the month from merged accounts of the Department of Defense and the amount of funds canceled during the month from such accounts. Each report shall be submitted not later than the 21st day of the month after the month covered by the report.

(d) NOTICE-AND-WAIT.—(1) Whenever the Secretary of Defense proposes to reobligate from a merged (or so-called "M") account of the Department of Defense any sum in an amount greater than $10,000,000, the reobligation may not be made until—

(A) the Secretary notifies Congress of the amount to be reobligated, the source of the funds to be reobligated, and the purpose the funds will be reobligated for; and

(B) a period of 30 days passes after the notice is received.

(2) The limitation in paragraph (1) applies to reobligations for a single purpose in a sum greater than the amount specified in that paragraph. Such a reobligation may not be divided into several smaller sums to avoid such limitation.

(e) DURATION OF LIMITATIONS.—Subsections (a) and (b) shall cease to apply when all audits and cancellations of balances required by section 1406 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1680) have been completed.

SEC. 1004. ADDITIONAL TRANSITION AUTHORITY REGARDING CLOSING APPROPRIATION ACCOUNTS.

Section 1405(b) of the National Defense Authorization Act for Fiscal Year 1991 (31 U.S.C. 1551 note) is amended by adding at the end the following new paragraph:

"(8) OBLIGATIONS AND ADJUSTMENTS OF OBLIGATIONS FOR EXPIRED BUT NOT CLOSED ACCOUNTS.—(A) Subject to subparagraphs (B), (C), and (D), in the case of an appropriation account for a fiscal year before fiscal year 1992 for which the period of availability for obligation has expired but which has not been closed under the provisions of section 1552(a) of title 31, United States Code, or paragraph (4) of this section, an obligation and an adjustment of an obligation may be charged to any current appropriation account of the Department of Defense that is available for the same purpose as the expired account if—

"(i) the obligation would have been properly chargeable (except as to amount) to the expired account before the end of the period of availability of that account; and

"(ii) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense.

"(B) The total amount charged to a current appropriation account under subparagraph (A) may not exceed an amount equal to the lesser of—

"(i) one percent of the total amount of the appropriations for that account; or

"(ii) one percent of the total amount of the appropriations for the expired account.

"(C) No obligation or adjustment of an obligation may be charged pursuant to the provisions of this paragraph until the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are notified of the intent to make such a charge and a period of 30 days elapses after the notification is submitted.

"(D) CERTIFICATIONS.—No obligation or adjustment of an obligation may be charged pursuant to the provisions of this paragraph until the Secretary of Defense (except as otherwise provided in subparagraph (E)) certifies to Congress the following:

"(i) That the limitations on expending and obligating amounts established pursuant to section 1341 of title 31, United States Code, are being observed within the Department of Defense.

"(ii) That reports on any violations of such section 1341, whether intentional or inadvertent, are being submitted to the President and Congress immediately and with all relevant facts and a statement of actions taken as required by section 1351 of title 31, United States Code.

"(E) ALTERNATIVE TO CERTIFICATION.—If the Secretary of Defense is unable to make the certifications referred to in subparagraph (D) within 60 days after the date of the enactment of this subparagraph, the Secretary shall submit to the Congress a report stating that the Secretary is unable to make such certifications and setting forth the actions that the Secretary will take in order to enable the Secretary to make such certifications after the end of that period.".

SEC. 1005. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Federal Bureau of Investigation.

SEC. 1006. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 5006 of the One Hundred Second Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

Subtitle B—Naval Vessels and Related Matters

SEC. 1011. EAST COAST HOMEPORT FOR NUCLEAR-POWERED AIRCRAFT CARRIERS.

(a) FINDINGS.—Congress finds that—

(1) Mayport, Florida, has served well as a homeport for aircraft carriers;

(2) under existing carrier force structure plans, as conventionally fueled aircraft carriers are replaced by nuclear-powered aircraft carriers, there will be a requirement for a second East Coast homeport for nuclear-powered aircraft carriers (in addition to the existing homeport of Norfolk, Virginia); and

(3) Mayport ought to be the second East Coast homeport for nuclear-powered aircraft carriers, when such additional homeport becomes needed.

(b) DEVELOPMENT OF SECOND HOMEPORT.—Not later than April 1, 1993, the Secretary of the Navy shall submit to the congressional defense committees a report on the Navy's plan for developing a second East Coast homeport for nuclear-powered aircraft carriers. The report shall include a schedule, by fiscal year, for funding the development of a second homeport for nuclear-powered aircraft carriers on the East Coast of the United States. The schedule shall be consistent with the Navy's plan to retire conventionally fueled aircraft carriers and to deploy nuclear-powered aircraft carriers.

SEC. 1012. LIMITATION ON OVERSEAS SHIP REPAIRS.

Section 7309 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.".

SEC. 1013. NAVY MINE COUNTERMEASURE PROGRAM.

(a) EVALUATION.—(1) Not later than December 15, 1992, the Secretary of the Navy shall submit to the congressional defense committees and the Comptroller General of the United States a detailed report on actions and plans of the Navy for consolidation and centralization of control over forces assigned to the mine countermeasure mission. The report shall evaluate all facets of the mine countermeasure mission, including—

(A) proposed location of vessels, helicopters, and explosive ordinance detachment units;

(B) proposed command structure;

(C) proposed training policies; and

(D) proposed vessel procurement policies.

(2) The Comptroller General shall evaluate the report submitted under paragraph (1) and, not later than 30 days after the date of the submittal of the report, submit to the congressional defense committees an evaluation of the report.

(b) EVALUATION OF HOMEPORTS FOR MINE COUNTERMEASURE PROGRAM.—The report under subsection (a)(1) shall include a detailed evaluation and analysis of the use of Ingleside, Texas, as the planned homeport for all mine warfare ships, and a comparison of various alternative homeports for mine warfare ships (including an evaluation of the use of bases on the Atlantic Coast and the Pacific Coast as homeports for such ships).

(c) SUSPENSION OF CERTAIN ACTIVITIES PENDING RECEIPT OF REPORT.—The Secretary of the Navy may not take any action to relocate the functions and personnel of the Mine Warfare Command, the Fleet Mine Warfare School, the Mine Warfare Training Center, or any mine countermeasure helicopter squadron until 60 days after the later of—

(1) the date of the submittal of the report required under subsection (a)(1); or

(2) February 15, 1993.

SEC. 1014. TRANSFER OF CERTAIN VESSELS.

(a) TRANSFERS OF VESSELS TO BE USED AS TRAINING VESSELS.—The Secretary of the Navy shall transfer to the Department of Transportation the following vessels, to be assigned as training ships to Texas A&M University at Galveston, Texas, and to the Maine Maritime Academy at Castine, Maine, when those vessels are no longer required for use by the Navy:

(1) The U.S.N.S. Chauvenet (T–AG–29).

(2) The U.S.N.S. Harkness (T–AG–32).

(b) TRANSFER OF VESSEL FOR EDUCATION AND ENVIRONENTAL PURPOSES.—(1) Notwithstanding subsection (c) of section 7308 of title 10, United States Code, but subject to subsections (a) and (b) of that section, the Secretary of the Navy or the Secretary of Transportation (depending on which Secretary has jurisdiction over the vessel) may transfer the obsolete vessel Wahkiakum County (LST 1162) to the organization known as Ships for Youth and the Environment, a nonprofit corporation operating under the laws of the State of California, to be used for education and environmental purposes.

(2) The Secretary making the transfer under paragraph (1) may require such terms and conditions in connection with the transfer as the Secretary considers appropriate.

SEC. 1015. REPORT ON COMPLIANCE WITH DOMESTIC SHIP REPAIR LAW.

(a) REPORT REQUIRED.—The Secretary of the Navy shall submit to Congress a report describing the practice of the Department of the Navy in complying with section 7309 of title 10, United States Code, relating to restrictions on construction or repair of vessels in foreign shipyards. The Secretary shall include in such report sufficient data to demonstrate the degree of compliance or noncompliance of the Department of the Navy with that section.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 1016. REPEAL OF REQUIREMENT FOR CONSTRUCTION OF COMBATANT AND ESCORT VESSELS IN NAVY YARDS.

(a) REPEAL.—Subsection (a) of section 7299a of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENTS.—(1) Subsections (b), (c), and (d) of section 7299a of title 10, United States Code, are redesignated as subsections (a), (b), and (c), respectively.

(2) Paragraph (2) of subsection (c) of such section, as so redesignated, is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)".

Subtitle C—Fast Sealift Program

SEC. 1021. PROCUREMENT OF SHIPS FOR THE FAST SEALIFT PROGRAM.

(a) ACQUISITION AND CONVERSION OF U.S. BUILT VESSELS.—Notwithstanding any other provision of law, the Secretary of the Navy may use funds available for the Fast Sealift Program—

(1) to acquire vessels for the program from among available vessels built in United States shipyards; and

(2) to convert in United States shipyards vessels built in United States shipyards.

(b) ACQUISITION OF FIVE FOREIGN-BUILT VESSELS.—Notwithstanding any other provision of law, funds available for the Fast Sealift Program may be used for the acquisition of five vessels built in foreign shipyards and for conversion of those vessels in United States shipyards if the Secretary of the Navy determines that acquisition of those vessels is necessary to expedite the availability of vessels for sealift.

SEC. 1022. MODIFICATION OF FAST SEALIFT PROGRAM.

Section 1424(b) of Public Law 101–510 (104 Stat. 1683), as amended by section 1015 of Public Law 102–190 (105 Stat. 1458), is amended by striking out paragraph (4) and inserting in lieu thereof the following new paragraphs:

"(4) The vessels constructed under the program shall incorporate propulsion systems whose main components (that is, the engines, reduction gears, and propellers) are manufactured in the United States.

"(5) The vessels constructed under the program shall incorporate bridge and machinery control systems and interior communications equipment which—

"(A) are manufactured in the United States; and

"(B) have more than half of their value, in terms of cost, added in the United States.

"(6) The Secretary of Defense may waive the requirement of paragraph (5) with respect to a system or equipment described in that paragraph if—

"(A) the system or equipment is not available; or

"(B) the costs of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.".

SEC. 1023. REPORT ON OBLIGATIONS FOR STRATEGIC SEALIFT.

(a) REPORT.—The Secretary of Defense shall submit to the Congress a report on the specific purposes for which the Secretary intends to obligate during fiscal year 1993 the funds available for the procurement of strategic sealift. The information in the report shall be presented by program, project, and activity.

(b) LIMITATION.—Funds appropriated to the Navy for procurement for shipbuilding and conversion and available for strategic sealift may not be obligated during fiscal year 1993 until 30 days after the date on which the Secretary of Defense submits the report required by subsection (a).

SEC. 1024. NATIONAL DEFENSE SEALIFT FUND.

(a) ESTABLISHMENT AND USE OF FUND.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2218. National Defense Sealift Fund

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the 'National Defense Sealift Fund'.

"(b) ADMINISTRATION OF FUND.—The Secretary of Defense shall administer the Fund consistent with the provisions of this section.

"(c) FUND PURPOSES.—(1) Funds in the National Defense Sealift Fund shall be available for obligation and expenditure only for—

"(A) construction (including design of vessels), purchase, alteration, and conversion of Department of Defense sealift vessels;

"(B) operation, maintenance, and lease or charter of Department of Defense vessels for national defense purposes;

"(C) installation and maintenance of defense features for national defense purposes on privately owned and operated vessels that are constructed in the United States and documented under the laws of the United States; and

"(D) research and development relating to national defense sealift.

"(2) Funds in the National Defense Sealift Fund may be obligated or expended only for programs, projects, and activities and only in amounts authorized in, or otherwise permitted under, an Act other than an appropriations Act.

"(3) Funds obligated and expended for a purpose set forth in subparagraph (B) or (D) of paragraph (1) may be derived only from funds deposited in the National Defense Sealift Fund pursuant to subsection (d)(1).

"(d) DEPOSITS.—There shall be deposited in the Fund the following:

"(1) All funds appropriated to the Department of Defense for fiscal years after fiscal year 1993 for—

"(A) construction (including design of vessels), purchase, alteration, and conversion of national defense sealift vessels;

"(B) operations, maintenance, and lease or charter of national defense sealift vessels;

"(C) installation and maintenance of defense features for national defense purposes on privately owned and operated vessels; and

"(D) research and development relating to national defense sealift.

"(2) All receipts from the disposition of national defense sealift vessels, excluding receipts from the sale, exchange, or scrapping of National Defense Reserve Fleet vessels under sections 508 and 510 of the Merchant Marine Act of 1936 (46 U.S.C. App. 1158, 1160), shall be deposited in the Fund.

"(3) All receipts from the charter of vessels under section 1424(c) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 7291 note).

"(e) ACCEPTANCE OF SUPPORT.—(1) The Secretary of Defense may accept from any person, foreign government, or international organization any contribution of money, personal property (excluding vessels), or assistance in kind for support of the sealift functions of the Department of Defense.

"(2) Any contribution of property accepted under paragraph (1) may be retained and used by the Department of Defense or disposed of in accordance with procedures prescribed by the Secretary of Defense.

"(3) The Secretary of Defense shall deposit in the Fund money and receipts from the disposition of any property accepted under paragraph (1).

"(f) LIMITATIONS.—(1) Not more than a total of five vessels built in foreign ship yards may be purchased with funds in the National Defense Sealift Fund pursuant to subsection (c)(1).

"(2) Construction, alteration, or conversion of vessels with funds in the National Defense Sealift Fund pursuant to subsection (c)(1) shall be conducted in United States ship yards and shall be subject to section 1424(b) of Public Law 101–510 (104 Stat. 1683).

"(g) EXPIRATION OF FUNDS AFTER 5 YEARS.—No part of an appropriation that is deposited in the National Defense Sealift Fund pursuant to subsection (d)(1) shall remain available for obligation more than five years after the end of fiscal year for which appropriated except to the extent specifically provided by law.

"(h) BUDGET REQUESTS.—Budget requests submitted to Congress for the National Defense Sealift Fund shall separately identify—

"(1) the amount requested for programs, projects, and activities for construction (including design of vessels), purchase, alteration, and conversion of national defense sealift vessels;

"(2) the amount requested for programs, projects, and activities for operation, maintenance, and lease or charter of national defense sealift vessels;

"(3) the amount requested for programs, projects, and activities for installation and maintenance of defense features for national defense purposes on privately owned and operated vessels that are constructed in the United States and documented under the laws of the United States; and

"(4) the amount requested for programs, projects, and activities for research and development relating to national defense sealift.

"(i) TITLE OR MANAGEMENT OF VESSELS.—Nothing in this section shall be construed to affect or modify title to, management of, or funding responsibilities for, any vessel of the National Defense Reserve Fleet, or assigned to the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).

"(j) AUTHORITY FOR CERTAIN USE OF FUNDS.—Upon a determination by the Secretary of Defense that such action serves the national defense interest and after consultation with the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives, the Secretary may use funds available for obligation or expenditure for a purpose specified under subsection (c)(1)(A), (B), (C), and (D) for any purpose under subsection (c)(1).

"(k) DEFINITIONS.—In this section:

"(1) The term 'Fund' means the National Defense Sealift Fund established by subsection (a).

"(2) The term 'Department of Defense sealift vessel' means any ship owned, operated, controlled, or chartered by the Department of Defense that is—

"(A) a fast sealift ship, including any vessel in the Fast Sealift Program established under section 1424 of Public Law 101–510 (104 Stat. 1683);

"(B) a maritime prepositioning ship;

"(C) an afloat prepositioning ship;

"(D) an aviation maintenance support ship; or

"(E) a hospital ship.

"(3) The term 'national defense sealift vessel' means—

"(A) a Department of Defense sealift vessel; and

"(B) a national defense reserve fleet vessel, including a vessel in the Ready Reserve Force maintained under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2218. National Defense Sealift Fund.".

(b) TRANSFER AUTHORITY.—(1) Subject to paragraph (2), and to the extent provided in appropriations Acts, the Secretary of Defense may transfer to the National Defense Sealift Fund for construction (including design of vessels), purchase, alteration, and conversion of Department of Defense sealift vessels not to exceed $1,875,100,000 from unobligated balances of appropriations made to the Navy for fiscal years 1990, 1991, and 1992 for shipbuilding and conversion, Navy, for sealift.

(2) Funds transferred to the National Defense Sealift Fund pursuant to paragraph (1) shall remain available for the same period for which the transferred funds were originally appropriated.

(c) AUTHORIZATION FOR FISCAL YEAR 1993.—There is authorized to be appropriated to the National Defense Sealift Fund for fiscal year 1993 $613,200,000 for construction (including design of vessels), purchase, alteration, and conversion of national defense sealift vessels or for installation and maintenance of defense features necessary for the national defense for national defense purposes on privately owned and operated vessels that are constructed in the United States and documented under the laws of the United States.

(d) FISCAL YEAR 1993 LIMITATION.—Not more than $10,000,000 in the National Defense Sealift Fund may be obligated during fiscal year 1993 until 30 days after the date on which the Secretary of Defense submits to Congress a report on the specific purposes for which funds made available from such Fund during fiscal year 1993 are to be used. The information in the report shall be stated by program, project, and activity.

Subtitle D—Defense Maritime Logistical Readiness

SEC. 1031. REVITALIZATION OF UNITED STATES SHIPBUILDING INDUSTRY.

(a) IN GENERAL.—The Secretary of Defense shall require that all sealift ships built under the fast sealift program established in section 1424 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1683) shall be constructed and designed to commercial specifications.

(b) INTERAGENCY WORKING GROUP TO FORMULATE A PROGRAM TO PRESERVE SHIPYARD INDUSTRIAL BASE.—(1) Not later than March 1, 1993, the President shall establish an interagency working group for the sole purpose of developing and implementing a comprehensive plan to enable and ensure that domestic shipyards can compete effectively in the international shipbuilding market.

(2) The working group shall include representatives from all appropriate agencies, including the Department of Defense, the Department of State, the Department of Commerce, the Department of Transportation, the Department of Labor, the Office of the United States Trade Representative, and the Maritime Administration.

(3) The President shall submit to Congress the comprehensive plan developed by the working group not later than October 1, 1993.

(c) REPORT ON SHIP DUMPING PRACTICES.—The Secretary of Transportation shall prepare a report on the countries that provide subsidies for the construction or repair of vessels in foreign shipyards or that engage in ship dumping practices.

(d) REPORT ON DEFENSE CONTRACTS.—The Secretary of Defense shall prepare a report on—

(1) the amount of Department of Defense contracts that were awarded to companies physically located or headquartered in the countries identified in the Secretary of Transportation's report under subsection (d) for the most recent year for which data is available; and

(2) the effect on defense programs of a prohibition of awarding contracts to companies physically located or headquartered in the countries identified in the Secretary of Transportation's report under subsection (d).

(e) REPORT ON ADEQUACY OF UNITED STATES SHIPBUILDING INDUSTRY.—The Secretary of Defense shall prepare a report on—

(1) the adequacy of United States shipbuilding industry to meet military requirements, including sealift, during the period of 1994 through 1999; and

(2) the causes of any inadequacy identified and actions that could be taken to correct such inadequacies.

(f) SUBMISSION OF REPORTS.—The reports under subsections (c), (d), and (e) shall be submitted to Congress with the President's budget for fiscal year 1994.

(g) PENALTY FOR FAILURE TO COMPLY.—(1) Except as provided in paragraph (2), if the President fails to submit to Congress a comprehensive plan as required by subsection (b) by October 1, 1993, no funds appropriated to the Department of Defense for fiscal year 1994 may be used to enter into a contract for the construction, repair, or purchase of any product or service with any company that has headquarters in any country that continues to provide a subsidy to a foreign shipyard for the construction or repair of vessels or that engages in ship dumping practices.

(2) Paragraph (1) shall not apply if the President—

(A) notifies Congress that he is unable to submit the plan by the time required under subsection (c); and

(B) includes with the notice a brief explanation of the reasons for the delay and a statement that the plan will be submitted by April 15, 1994.

(h) DEFINITIONS.—For purposes of subsection (c):

(1) The term "foreign shipyard" includes a ship construction or repair facility located in a foreign country that is directly or indirectly owned, controlled, managed, or financed by a foreign shipyard that receives or benefits from a subsidy.

(2) The term "subsidy" includes any of the following:

(A) Officially supported export credits and development assistance.

(B) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including—

(i) grants;

(ii) loans and loan guarantees other than those available on the commercial market;

(iii) forgiveness of debt;

(iv) equity infusions on terms inconsistent with commercially reasonable investment practices;

(v) preferential provision of goods and services; and

(vi) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

(C) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

(D) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

(E) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

(F) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

(G) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

(H) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

(3) The term "vessel" means any self-propelled, sea-going vessel—

(A) of not less than 100 gross tons, as measured under the International Convention of Tonnage Measurement of Ships, 1969; and

(B) not exempt from entry under section 441 of the Tariff Act of 1930 (19 U.S.C. 1431).

Subtitle E—Counter-Drug Activities

SEC. 1041. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) SUPPORT AUTHORIZED.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) is amended by striking out "and 1993," and inserting in lieu thereof "1993, and 1994,".

(b) TYPES OF SUPPORT.—Subsection (b) of such section is amended—

(1) by striking out paragraph (6) and inserting in lieu thereof the following new paragraph:

"(6) The detection, monitoring, and communication of the movement of—

"(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

"(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary."; and

(2) by adding at the end the following new paragraph:

"(9) The provision of linguist and intelligence analysis services.".

(c) LIMITATION ON COUNTER-DRUG REQUIREMENTS.—(1) Such section is further amended—

(A) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(B) by inserting after subsection (b) the following new subsection:

"(c) LIMITATION ON COUNTER-DRUG REQUIREMENTS.—The Secretary of Defense may not limit the requirements for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements.".

(2) Subsection (g)(2) of such section, as redesignated by paragraph (1), is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

(d) FUNDING OF SUPPORT ACTIVITIES.—(1) Such section is further amended by striking out

subsection (h), as redesignated by subsection (c)(1).

(2) Of the amount authorized to be appropriated for fiscal year 1993 under section 301(14) for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

SEC. 1042. MAINTENANCE AND OPERATION OF EQUIPMENT.

Section 374(b) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) Detection, monitoring, and communication of the movement of surface traffic outside of the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary."; and

(2) in paragraph (3), by striking out "paragraph (2)(C)" and inserting in lieu thereof "paragraph(2)(D)".

SEC. 1043. COUNTER-DRUG DETECTION AND MONITORING SYSTEMS PLAN.

(a) REQUIREMENTS OF DETECTION AND MONITORING SYSTEMS.—The Secretary of Defense shall establish requirements for counter-drug detection and monitoring systems to be used by the Department of Defense in the performance of its mission under section 124(a) of title 10, United States Code, as lead agency of the Federal Government for the detection and monitoring of the transit of illegal drugs into the United States. Such requirements shall be designed—

(1) to minimize unnecessary redundancy between counter-drug detection and monitoring systems;

(2) to grant priority to assets and technologies of the Department of Defense that are already in existence or that would require little additional development to be available for use in the performance of such mission;

(3) to promote commonality and interoperability between counter-drug detection and monitoring systems in a cost-effective manner; and

(4) to maximize the potential of using counter-drug detection and monitoring systems for other defense missions whenever practicable.

(b) EVALUATION OF SYSTEMS.—The Secretary of Defense shall identify and evaluate existing and proposed counter-drug detection and monitoring systems in light of the requirements established under subsection (a). In carrying out such evaluation, the Secretary shall—

(1) assess the capabilities, strengths, and weaknesses of counter-drug detection and monitoring systems; and

(2) determine the optimal and most cost-effective combination of use of counter-drug detection and monitoring systems to carry out activities relating to the reconnaissance, detection, and monitoring of drug traffic.

(c) SYSTEMS PLAN.—Based on the results of the evaluation under subsection (b), the Secretary of Defense shall prepare a plan for the development, acquisition, and use of improved counter-drug detection and monitoring systems by the Armed Forces. In developing the plan, the Secretary shall also make every effort to determine which counter-drug detection and monitoring systems should be eliminated from the counter-drug program based on the results of such evaluation. The plan shall include an estimate by the Secretary of the full cost to implement the plan, including the cost to develop, procure, operate, and maintain equipment used in counter-drug detection and monitoring activities performed under the plan and training and personnel costs associated with such activities.

(d) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements established under subsection (a) and the results of the evaluation conducted under subsection (b). The report shall include the plan prepared under subsection (c).

(e) LIMITATION ON OBLIGATION OF FUNDS.—(1) Except as provided in paragraph (2), none of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1993 pursuant to an authorization of appropriations in this Act may be obligated or expended for the procurement or upgrading of a counter-drug detection and monitoring system, for research and development with respect to such a system, or for the lease or rental of such a system until after the date on which the Secretary of Defense submits to Congress the report required under subsection (d).

(2) Paragraph (1) shall not prohibit obligations or expenditures of funds for—

(A) any procurement, upgrading, research and development, or lease of a counter-drug detection and monitoring system that is necessary to carry out the evaluation required under subsection (b); or

(B) the operation and maintenance of counter-drug detection and monitoring systems used by the Department of Defense as of the date of the enactment of this Act.

(f) DEFINITION.—For purposes of this section, the term "counter-drug detection and monitoring systems" means land-, air-, and sea-based detection and monitoring systems suitable for use by the Department of Defense in the performance of its mission—

(1) under section 124(a) of title 10, United States Code, as lead agency of the Federal Government for the detection and monitoring of the aerial and maritime transit of illegal drugs into the United States; and

(2) to provide support to law enforcement agencies in the detection, monitoring, and communication of the movement of traffic at, near, and outside the geographic boundaries of the United States.

SEC. 1044. EXTENSION OF AUTHORITY TO TRANSFER EXCESS PERSONAL PROPERTY.

Section 1208(c) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 372 note) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

SEC. 1045. PILOT OUTREACH PROGRAM TO REDUCE DEMAND FOR ILLEGAL DRUGS.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot outreach program to reduce the demand for illegal drugs. The program shall include outreach activities by the active and reserve components of the Armed Forces and shall focus primarily on youths in general and inner-city youths in particular.

(b) PAYMENT OF TRAVEL AND LIVING EXPENSES.—The Secretary of Defense may provide travel and living allowances to members of the Armed Forces who participate in the pilot outreach program to permit such members to carry out demand reduction activities in areas beyond the vicinity of military installations and National Guard facilities.

(c) FUNDING.—Funds available to the Department of Defense for drug interdiction and counter-drug activities may be used for carrying out the pilot outreach program described in subsection (a).

(d) DURATION OF PROGRAM.—The pilot outreach program described in subsection (a) shall be conducted for a test period ending three years after the date of the enactment of this Act.

(e) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report that assesses the effectiveness of the pilot outreach program and includes the recommendations of the Secretary regarding the continuation of the program.

Subtitle F—Technical and Clerical Amendments

SEC. 1051. REORGANIZATION OF SECTION 101 DEFINITIONS.

(a) IN GENERAL.—Section 101 of title 10, United States Code, is amended to read as follows:

"§101. Definitions

"(a) IN GENERAL.—The following definitions apply in this title:

"(1) The term 'United States', in a geographic sense, means the States and the District of Columbia.

"(2) The term 'Territory' (except as provided in section 101(1) of title 32 for laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States) means any Territory organized after August 10, 1956, so long as it remains a Territory.

"(3) The term 'possessions' includes the Virgin Islands, Guam, American Samoa, and the Guano Islands, so long as they remain possessions, but does not include any Territory or Commonwealth.

"(4) The term 'armed forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

"(5) The term 'uniformed services' means—

"(A) the armed forces;

"(B) the commissioned corps of the National Oceanic and Atmospheric Administration; and

"(C) the commissioned corps of the Public Health Service.

"(6) The term 'department', when used with respect to a military department, means the executive part of the department and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of the department. When used with respect to the Department of Defense, such term means the executive part of the department, including the executive parts of the military departments, and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of Defense, including those of the military departments.

"(7) The term 'executive part of the department' means the executive part of the Department of Defense, Department of the Army, Department of the Navy, or Department of the Air Force, as the case may be, at the seat of government.

"(8) The term 'military departments' means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

"(9) The term 'Secretary concerned' means—

"(A) the Secretary of the Army, with respect to matters concerning the Army;

"(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy;

"(C) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

"(D) the Secretary of Transportation, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.

"(10) The term 'service acquisition executive' means the civilian official within a military department who is designated as the service acquisition executive for purposes of regulations and procedures providing for a service acquisition executive for that military department.

"(11) The term 'Defense Agency' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department (other than such an entity that is designated by the Secretary as a Department of Defense Field Activity); or

"(B) that is designated by the Secretary of Defense as a Defense Agency.

"(12) The term 'Department of Defense Field Activity' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department; and

"(B) that is designated by the Secretary of Defense as a Department of Defense Field Activity.

"(13) The term 'contingency operation' means a military operation that—

"(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

"(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 672(a), 673, 673b, 673c, 688, 3500, or 8500 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.

"(14) The term 'supplies' includes material, equipment, and stores of all kinds.

"(15) The term 'pay' includes basic pay, special pay, retainer pay, incentive pay, retired pay, and equivalent pay, but does not include allowances.

"(b) PERSONNEL GENERALLY.—The following definitions relating to military personnel apply in this title:

"(1) The term 'officer' means a commissioned or warrant officer.

"(2) The term 'commissioned officer' includes a commissioned warrant officer.

"(3) The term 'warrant officer' means a person who holds a commission or warrant in a warrant officer grade.

"(4) The term 'general officer' means an officer of the Army, Air Force, or Marine Corps serving in or having the grade of general, lieutenant general, major general, or brigadier general.

"(5) The term 'flag officer' means an officer of the Navy or Coast Guard serving in or having the grade of admiral, vice admiral, rear admiral, or rear admiral (lower half).

"(6) The term 'enlisted member' means a person in an enlisted grade.

"(7) The term 'grade' means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

"(8) The term 'rank' means the order of precedence among members of the armed forces.

"(9) The term 'rating' means the name (such as 'boatswain's mate') prescribed for members of an armed force in an occupational field. The term 'rate' means the name (such as 'chief boatswain's mate') prescribed for members in the same rating or other category who are in the same grade (such as chief petty officer or seaman apprentice).

"(10) The term 'original', with respect to the appointment of a member of the armed forces in a regular or reserve component, refers to that member's most recent appointment in that component that is neither a promotion nor a demotion.

"(11) The term 'authorized strength' means the largest number of members authorized to be in an armed force, a component, a branch, a grade, or any other category of the armed forces.

"(12) The term 'regular', with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office in a regular component of an armed force.

"(13) The term 'active-duty list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 620 of this title) which contains the names of all officers of that armed force, other than officers described in section 641 of this title, who are serving on active duty.

"(14) The term 'medical officer' means an officer of the Medical Corps of the Army, an officer of the Medical Corps of the Navy, or an officer in the Air Force designated as a medical officer.

"(15) The term 'dental officer' means an officer of the Dental Corps of the Army, an officer of the Dental Corps of the Navy, or an officer of the Air Force designated as a dental officer.

"(c) RESERVE COMPONENTS.—The following definitions relating to the reserve components apply in this title:

"(1) The term 'National Guard' means the Army National Guard and the Air National Guard.

"(2) The term 'Army National Guard' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

"(A) is a land force;

"(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

"(C) is organized, armed, and equipped wholly or partly at Federal expense; and

"(D) is federally recognized.

"(3) The term 'Army National Guard of the United States' means the reserve component of the Army all of whose members are members of the Army National Guard.

"(4) The term 'Air National Guard' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

"(A) is an air force;

"(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

"(C) is organized, armed, and equipped wholly or partly at Federal expense; and

"(D) is federally recognized.

"(5) The term 'Air National Guard of the United States' means the reserve component of the Air Force all of whose members are members of the Air National Guard.

"(6) The term 'reserve', with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office held as a Reserve of one of the armed forces.

"(d) DUTY STATUS.—The following definitions relating to duty status apply in this title:

"(1) The term 'active duty' means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

"(2) The term 'active duty for a period of more than 30 days' means active duty under a call or order that does not specify a period of 30 days or less.

"(3) The term 'active service' means service on active duty or full-time National Guard duty.

"(4) The term 'active status' means the status of a reserve commissioned officer, other than a commissioned warrant officer, who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.

"(5) The term 'full-time National Guard duty' means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.

"(6) The term 'inactive-duty training' means—

"(A) duty prescribed for Reserves by the Secretary concerned under section 206 of title 37 or any other provision of law; and

"(B) special additional duties authorized for Reserves by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

Such term includes those duties when performed by Reserves in their status as members of the National Guard.

"(e) RULES OF CONSTRUCTION.—In this title—

"(1) 'shall' is used in an imperative sense;

"(2) 'may' is used in a permissive sense;

"(3) 'no person may * * *' means that no person is required, authorized, or permitted to do the act prescribed;

"(4) 'includes' means 'includes but is not limited to'; and

"(5) 'spouse' means husband or wife, as the case may be.

"(f) REFERENCE TO TITLE 1 DEFINITIONS.—For other definitions applicable to this title, see sections 1 through 5 of title 1.".

(b) CROSS REFERENCE CORRECTIONS.—

(1) Section 232(7) of title 18, United States Code, is amended—

(A) by striking out ", but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code," and inserting in lieu thereof "members of the National Guard (as defined in section 101 of title 10),"; and

(B) by striking out ", not included within the definition of National Guard as defined by such section 101(9)," and inserting in lieu thereof "not included within the National Guard (as defined in section 101 of title 10),".

(2) Section 101(26) of title 37, United States Code, is amended by striking out "section 101(47) of title 10," and inserting in lieu thereof "section 101 of title 10,".

(3) Section 3401(a)(1) of title 39, United States Code, is amended by striking out "section 101(4) and (22) of title 10," and inserting in lieu thereof "section 101 of title 10,".

SEC. 1052. MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of subchapter II of chapter 21 is amended by inserting "Sec." above "431.".

(2) Section 571(a) is amended by inserting a period at the end of each item in the table.

(3) Section 574(d)(3) is amended by striking out "active duty list" and inserting in lieu thereof "active-duty list".

(4) The heading of section 578 is amended by striking out the first semicolon and inserting in lieu thereof a colon.

(5) Section 581(d)(2) is amended by striking out "Board" both places it appears and inserting in lieu thereof "board".

(6) The table of sections at the beginning of chapter 33A is amended—

(A) by inserting "to be" in the item relating to section 576 after "Information"; and

(B) by striking out the first semicolon in the item relating to section 578 and inserting in lieu thereof a colon.

(7) Section 615 is amended—

(A) in subsection (b)(5), by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)"; and

(B) in subsection (d), by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)".

(8) Sections 616(a), 617(a), 618(a)(1), and 618(a)(2) are each amended by striking out "section 615(a)" and inserting in lieu thereof "section 615(b)".

(9) Section 618(b) is amended by striking out "section 615(b)" in paragraphs (2)(A) and (4) and inserting in lieu thereof "section 615(c)".

(10) Section 628(b)(1) is amended by striking out "section 558" and inserting in lieu thereof "section 573".

(11) Section 945(a)(1) is amended by striking out "section 943(e)(1)(B) of this title (art. 143(e)(1)(B))" and inserting in lieu thereof "section 942(e)(1)(B) of this title (article 142(e)(1)(B))".

(12) Section 1052(b) is amended by inserting a close parenthesis before the period at the end.

(13) Section 1079(j)(2)(B) is amended by inserting a close parenthesis after "1395x(dd)(2)".

(14) Section 1104 is amended—

(A) by striking out "section 5011 of title 38" in subsections (a), (b), and (c) and inserting in lieu thereof "section 8011 of title 38"; and

(B) by striking out "section 5011A of title 38" in subsection (d) and inserting in lieu thereof "section 8011A of title 38".

(15) Section 1174a(c)(2) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "December 5, 1991".

(16) Section 1175 is amended—

(A) in subsection (a), by striking out "Reserve component" and inserting in lieu thereof "reserve component"; and

(B) in subsection(d)(1), by striking out "prior to the time this provision is enacted" and inserting in lieu thereof "before December 5, 1991".

(17) Section 1263(a) is amended by striking out "564 note" and inserting in lieu thereof "580 note".

(18) Section 1401(a) is amended by striking out "564" in the column in the table under the heading "For sections" and inserting in lieu thereof "580".

(19) Section 1552(a)(2) is amended by striking out "announcing a decision not to promote an enlisted member to a higher grade" and inserting in lieu thereof "announcing the promotion and appointment of an enlisted member to an initial or higher grade or the decision not to promote an enlisted member to a higher grade".

(20) Section 1581(b) is amended by striking out "the date of the enactment of this section" in paragraphs (1) and (2) and inserting in lieu thereof "December 5, 1991,".

(21) Section 1592 is amended by inserting "section" after "established under".

(22) Section 1733(b)(1)(B)(ii) is amended by striking out "1736(a)(3)" and inserting in lieu thereof "1737(a)(3)".

(23) Section 2304(j)(3)(A) is amended by striking out "section 8(e) of the Small Business Act (15 U.S.C. 637(e))" and inserting in lieu thereof "section 8(d) of the Small Business Act (15 U.S.C. 637(d))".

(24) Section 2307(e) is amended by striking out "(l)" after "(e)" and inserting in lieu thereof "(1)".

(25)(A) Section 2322 is repealed.

(B) The table of sections at the beginning of chapter 137 is amended by striking out the item relating to section 2322.

(26) Section 2324 is amended—

(A) by striking out subsection (f)(5); and

(B) in subsection (l)—

(i) by striking out "subsection (e)(2)(C)" in paragraph (2) and inserting in lieu thereof "paragraph (3)"; and

(ii) by adding at the end the following new paragraph:

"(3) The committees named in this paragraph are—

"(A) the Committees on Armed Services and on Government Operations of the House of Representatives; and

"(B) the Committees on Armed Services and on Governmental Affairs of the Senate.".

(27) Section 2372(e)(1) is amended by striking out "on the day before" and all that follows through the semicolon and inserting in lieu thereof "on December 4, 1991;".

(28) Section 2391(b)(1)(C) is amended by striking out "publicly-announced" and inserting in lieu thereof "publicly announced".

(29) Section 2397(a)(1) is amended by striking out "that contract" and inserting in lieu thereof "that the contract".

(30)(A) Section 2409(d) is amended to read as follows:

"(d) COORDINATION WITH SECTION 2409a.—This section does not apply in the case of an employee who files a timely complaint under section 2409a of this title that meets the requirements of regulations promulgated under subsection (c) of that section.".

(B) The amendment made by subparagraph (A) shall take effect as if enacted immediately following the enactment of Public Law 102–25 (105 Stat. 75).

(31) Section 2411(1)(D) is amended by striking out "organized for" and all that follows through the period and inserting in lieu thereof "organized for profit purposes or nonprofit purposes.".

(32) Section 2503(6) is amended by striking out "section 2508" and inserting in lieu thereof "section 2522".

(33) Section 2507(d)(3)(A) is amended by striking out "government-owned" and inserting in lieu thereof "Government-owned".

(34) Section 2509(b) is amended—

(A) in paragraph (1), by striking out "section 2508" and inserting in lieu thereof "section 2522"; and

(B) in paragraph (5)(B)(ii), by striking out "five-year defense program" and inserting in lieu thereof "multiyear defense program".

(35) Section 2701(j) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1992 and 1993" and inserting in lieu thereof "December 5, 1991,".

(36) Section 2708 is amended—

(A) in subsection (b)(1)—

(i) by striking out "all contracts" and inserting in lieu thereof "each contract"; and

(ii) by striking out "all subcontracts under such contracts" and inserting in lieu thereof "any subcontract under any such contract"; and

(B) in subsection (d), by striking out "For purposes of" and inserting in lieu thereof "In".

(37) Section 2801(d) is amended by striking out "sections 2828(g) and 2830" and inserting in lieu thereof "sections 2830 and 2835".

(38) Section 2902(b)(9) is amended by striking out "non-voting" and inserting in lieu thereof "nonvoting".

(39) Section 6325(b) is amended by striking out "section 602 or 5721" and inserting in lieu thereof "section 602 (as in effect before February 1, 1992) or section 5721".

(40) Section 8252 is amended—

(A) by striking out "(a) Except as provided in subsection (b), in" and inserting in lieu thereof "In"; and

(B) by striking out subsection (b).

SEC. 1053. AMENDMENTS TO PUBLIC LAW 102–190.

Effective as of December 5, 1991, the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) is amended as follows:

(1) Section 232(b)(2) (105 Stat. 1321) is amended by inserting "the" after "United States and".

(2) Section 234(a) (105 Stat. 1323) is amended by striking out "FOLLOW-ON" and inserting in lieu thereof "FOLLOW-ON".

(3) Section 702(b)(1)(C) (105 Stat. 1401) is amended by striking out "(15)(D)" and inserting in lieu thereof "(15)".

(4) Section 803(a)(1) (105 Stat. 1414) is amended by inserting open quotation marks at the beginning of the unquoted paragraphs (1), (2), and (3) (within the quoted material in such section).

(5) Section 806(c) (105 Stat. 1419) is amended by inserting a close parenthesis before the period at the end.

(6) Section 822(d)(1) (105 Stat. 1435) is amended by striking out "To the extent provided" and inserting in lieu thereof "Subject to such limitations as may be provided".

(7) Section 1049(b) (105 Stat. 1469) is repealed.

(8) Section 1063(d)(1) (105 Stat. 1476) is amended by striking out "of Public Law 101–25" and inserting in lieu thereof "of Public Law 102–25".

(9) Section 2870(2) (105 Stat. 1562) is amended by inserting "through" after "and all that follows".

SEC. 1054. AMENDMENTS TO OTHER LAWS.

(a) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 301b is amended—

(A) by striking out subsection (j); and

(B) by redesignating subsection (k) as subsection (j).

(2) Section 301d(c) is amended—

(A) in paragraph (2), by striking out "owned" and inserting in lieu thereof "owed"; and

(B) in paragraph (3), by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991" and inserting in lieu thereof "November 5, 1990".

(3) Section 303a(b) is amended by striking out "301d," after "such sections".

(4) Section 406(g)(1)(A) is amended by inserting a semicolon after "title 10".

(5) Section 406b(d) by striking out "Section 420" and inserting in lieu thereof "Section 421".

(6) Section 559(c)(3)(A)(i) is amended by striking out "of this subparagraph".

(7) Section 1007(i)(3) is amended by striking out "and warrant officers" and inserting in lieu thereof ", warrant officers, and limited duty officers".

(b) 1990 BASE CLOSURE ACT.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in section 2903(c)(4)—

(A) by striking out the first sentence; and

(B) by striking out "(4)" before "In addition to"; and

(2) in section 2906, by redesignating the second subsection (d) (added by section 2827(a)(1) of Public Law 102–190) as subsection (e).

(c) PUBLIC LAW 102–25.—Public Law 102–25 is amended as follows:

(1) Section 361(d) (105 Stat. 93) is amended by striking out "section 4108(e) of title 38," and inserting in lieu thereof "section 7423(e) of title 38,".

(2) Section 702(b)(4) (105 Stat. 117) is amended by striking out "section 558(c)(3)(A)(i)" and inserting in lieu thereof "section 559(c)(3)(A)(i)".

(d) MENTOR-PROTEGE PILOT PROGRAM.—Section 831(m) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended—

(1) in paragraph (2)(C), by striking out "637(a)(13)" and inserting in lieu thereof "637(a)(15)";

(2) by redesignating the second paragraph (6) and paragraph (7) as paragraphs (7) and (8), respectively; and

(3) in paragraph (8), as so redesignated, by striking out "section 46 of title 41, United States Code," and inserting in lieu thereof "the first section of the Act of June 25, 1938 (41 U.S.C. 46; popularly known as the 'Wagner-O'Day Act'),".

(e) TITLE 31, UNITED STATES CODE.—

(1) The items relating to sections 1551 and 1552 in the table of sections at the beginning of chapter 15 of title 31, United States Code, are amended to read as follows:

"1551. Definitions; applicability of subchapter.
"1552. Procedure for appropriation accounts available for definite periods.".

(2) The heading of section 1551 of such title is amended to read as follows:

"§1551. Definitions; applicability of subchapter".

(f) PUBLIC LAW 101-533.—Section 3(c)(2) of Public Law 101-533 (22 U.S.C. 3142) is amended by striking out "section 2368 of title 10" and inserting in lieu thereof "section 2522 of title 10".

(g) TITLE 14, UNITED STATES CODE.—Section 514(b) of title 14, United States Code, is amended by inserting a close parenthesis before the period at the end.

(h) PUBLIC LAW 99-661.—Section 1408(c) of the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99-661; 20 U.S.C. 4707(c)) is amended by striking out "(except special obligations issued exclusively to the fund)".

(i) HOMEOWNERS ASSISTANCE PROGRAM.—Section 1013(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374(a)(1)) is amended by striking out "serviceman" and inserting in lieu thereof "member of the Armed Forces of the United States".

SEC. 1055. COORDINATION WITH OTHER PROVISIONS OF ACT.

For purposes of applying the amendments made by provisions of this Act other than sections 1052, 1053, and 1054, those sections shall be treated as having been enacted immediately before the other provisions of this Act.

Subtitle G—Amendments to the Uniform Code of Military Justice

SEC. 1061. CHIEF JUDGE OF THE COURT OF MILITARY APPEALS.

(a) DESIGNATION AND TERM OF SERVICE.—(1) Section 943(a) (article 143(a)) of title 10, United States Code, is amended to read as follows:

"(a) CHIEF JUDGE.—(1) The chief judge of the United States Court of Military Appeals shall be the judge of the court in regular active service who is senior in commission among the judges of the court who—

"(A) have served for one or more years as judges of the court; and

"(B) have not previously served as chief judge.

"(2) In any case in which there is no judge of the court in regular active service who has served as a judge of the court for at least one year, the judge of the court in regular active service who is senior in commission and has not served previously as chief judge shall act as the chief judge.

"(3) Except as provided in paragraph (4), a judge of the court shall serve as the chief judge under paragraph (1) for a term of five years. If no other judge is eligible under paragraph (1) to serve as chief judge upon the expiration of that term, the chief judge shall continue to serve as chief judge until another judge becomes eligible under that paragraph to serve as chief judge.

"(4)(A) The term of a chief judge shall be terminated before the end of five years if—

"(i) the chief judge leaves regular active service as a judge of the court; or

"(ii) the chief judge notifies the other judges of the court in writing that such judge desires to be relieved of his duties as chief judge.

"(B) The effective date of a termination of the term under subparagraph (A) shall be the date on which the chief judge leaves regular active service or the date of the notification under subparagraph (A)(ii), as the case may be.

"(5) If a chief judge is temporarily unable to perform his duties as a chief judge, the duties shall be performed by the judge of the court in active service who is present, able and qualified to act, and is next in precedence.".

(b) TRANSITION PROVISIONS.—For purposes of section 943(a) (article 943(a)) of title 10, United States Code, as amended by subsection (a)—

(1) the person serving as the chief judge of the United States Court of Military Appeals on the date of the enactment of this Act shall be deemed to have been designated as the chief judge under such section; and

(2) the five-year term provided in paragraph (3) of such section shall be deemed to have begun on the date on which such judge was originally designated as the chief judge under section 867(a) or 943 of title 10, United States Code, as the case may be, as that provision of law was in effect on the date of the designation.

SEC. 1062. RETIREMENT OF JUDGES OF THE COURT OF MILITARY APPEALS.

(a) IN GENERAL.—(1) Section 945 (article 145) of title 10, United States Code, is amended by adding at the end the following:

"(i) ELIGIBILITY TO ELECT BETWEEN RETIREMENT SYSTEMS.—(1) This subsection applies with respect to any person who—

"(A) prior to being appointed as a judge of the United States Court of Military Appeals, performed civilian service of a type making such person subject to the Civil Service Retirement System; and

"(B) would be eligible to make an election under section 301(a)(2) of the Federal Employees' Retirement System Act of 1986, by virtue of being appointed as such a judge, but for the fact that such person has not had a break in service of sufficient duration to be considered someone who is being reemployed by the Federal Government.

"(2) Any person with respect to whom this subsection applies shall be eligible to make an election under section 301(a)(2) of the Federal Employees' Retirement System Act of 1986 to the same extent and in the same manner (including subject to the condition set forth in section 301(d) of such Act) as if such person's appointment constituted reemployment with the Federal Government.".

(2) The amendment made by paragraph (1) shall apply with respect to any appointment which takes effect on or after the date of the enactment of this Act.

(b) ADDITIONAL ELECTIONS.—(1) Any individual who is a judge in active service on the United States Court of Military Appeals shall be eligible to make an election under section 301(a)(2) of the Federal Employees' Retirement System Act of 1986 if—

(A) such individual is such a judge on the date of the enactment of this Act; and

(B) as of the date of the election, such individual is—

(i) subject to the Civil Service Retirement System; or

(ii) covered by Social Security but not subject to the Federal Employees' Retirement System.

(2) An election under this subsection—

(A) shall not be effective unless it is—

(i) made within 30 days after the date of the enactment of this Act; and

(ii) in compliance with the condition set forth in section 301(d) of the Federal Employees' Retirement System Act of 1986; and

(B) may not be revoked.

(3) For the purpose of this subsection, a judge of the United States Court of Military Appeals shall be considered to be "covered by Social Security" if such judge's service is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986.

SEC. 1063. JURISDICTION REGARDING OFFENSES COMMITTED DURING PERIODS OF PRIOR SERVICE.

Section 803(a) (article 3(a)) of title 10, United States Code, is amended to read as follows:

"(a) Subject to section 843 of this title (article 43), a person who is in a status in which the person is subject to this chapter and who committed an offense against this chapter while formerly in a status in which the person was subject to this chapter is not relieved from amenability to the jurisdiction of this chapter for that offense by reason of a termination of that person's former status.".

SEC. 1064. POSTPONEMENT OF CONFINEMENT.

Section 857 (article 57) of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) In any case in which a court-martial sentences a person referred to in paragraph (2) to confinement, the convening authority may postpone the service of the sentence to confinement, without the consent of that person, until after the person has been permanently released to the armed forces by a State or foreign country referred to in that paragraph.

"(2) Paragraph (1) applies to a person subject to this chapter who—

"(A) while in the custody of a State or foreign country is temporarily returned by that State or foreign country to the armed forces for trial by court-martial; and

"(B) after the court-martial, is returned to that State or foreign country under the authority of a mutual agreement or treaty, as the case may be.

"(3) In this subsection, the term 'State' includes the District of Columbia and any commonwealth, territory, or possession of the United States.".

SEC. 1065. SENTENCING AT REHEARINGS.

Section 863 (article 63) of title 10, United States Code, is amended—

(1) by striking out "imposed" in the second sentence and inserting in lieu thereof "approved"; and

(2) by inserting "approved" in the third sentence after "the pretrial agreement, the".

SEC. 1066. AMENDMENTS TO PUNITIVE ARTICLES.

(a) STANDARD FOR DRUNKENNESS.—(1) Section 911 (article 111) of title 10, United States Code, is amended to read as follows:

"§911. Art. 111. Drunken or reckless operation of a vehicle, aircraft, or vessel

"Any person subject to this chapter who—

"(1) operates or physically controls any vehicle, aircraft, or vessel in a reckless or wanton manner or while impaired by a substance described in section 912a(b) of this title (article 112a(b)), or

"(2) operates or is in actual physical control of any vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person's blood or breath is 0.10 grams of alcohol per 100 milliliters of blood or 0.10 grams of alcohol per 210 liters of breath, as shown by chemical analysis,

shall be punished as a court-martial may direct.".

(2) The item relating to section 911 (article 111) in the table of sections at the beginning of subchapter X of chapter 47 of such title is amended to read as follows:

"911. 111. Drunken or reckless operation of a vehicle, aircraft, or vessel.".

(b) CLARIFICATION.—Section 918(3) (article 118(3)) of such title is amended by striking out "others" and inserting in lieu thereof "another".

(c) REMOVAL OF LIMITATIONS RELATING TO GENDER AND MARITAL RELATIONSHIP.—Section 920(a) (article 120(a)) of such title is amended—

(A) by striking out "with a female not his wife"; and

(B) by striking out "her".

SEC. 1067. EFFECTIVE DATE.

The amendments made by sections 1063, 1064, 1065, and 1066 shall take effect on the date of the enactment of this Act and shall apply with respect to offenses committed on or after that date.

Subtitle H—Other Matters

SEC. 1071. USE OF AIRCRAFT ACCIDENT INVESTIGATION REPORTS.

(a) TREATMENT OF REPORTS OF AIRCRAFT ACCIDENT INVESTIGATIONS.—(1) Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2254. Treatment of reports of aircraft accident investigations

"(a) IN GENERAL.—(1) Whenever the Secretary of a military department conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Secretary, the records and report of the investigations shall be treated in accordance with this section.

"(2) For purposes of this section, an accident investigation is any form of investigation of an aircraft accident other than an investigation (known as a 'safety investigation') that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.

"(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—(1) The Secretary concerned, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation, before the release of the final accident investigation report relating to the accident, if the Secretary concerned determines—

"(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

"(B) that release of such tapes, reports, or other information—

"(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

"(ii) would not compromise national security.

"(2) A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

"(c) OPINIONS REGARDING CAUSATION OF ACCIDENT.—Following a military aircraft accident—

"(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion (or opinions) as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion (or opinions) of the investigators as to the cause or causes of the accident; and

"(2) if the evidence surrounding the accident is not sufficient for those investigators to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the investigators, substantially contributed to or caused the accident.

"(d) USE OF INFORMATION IN CIVIL PROCEEDINGS.—For purposes of any civil or criminal proceeding arising from an aircraft accident, any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such information be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.

"(e) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2254. Treatment of reports of aircraft accident investigations.".

(b) DEADLINE FOR REGULATIONS.—Regulations under section 2254 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 180 days after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Section 2254 of title 10, United States Code, as added by subsection (a), shall apply with respect to accidents occurring on or after the date on which regulations are first prescribed under that section.

SEC. 1072. SURVIVOR NOTIFICATION AND ACCESS TO REPORTS RELATING TO SERVICE MEMBERS WHO DIE.

(a) AVAILABILITY OF FATALITY REPORTS AND RECORDS.—

(1) REQUIREMENT.—The Secretary of each military department shall ensure that fatality reports and records pertaining to any member of the Armed Forces who dies in the line of duty shall be made available to family members of the service member in accordance with this subsection.

(2) INFORMATION TO BE PROVIDED AFTER NOTIFICATION OF DEATH.—Within a reasonable period of time after family members of a service member are notified of the member's death, but not more than 30 days after the date of notification, the Secretary concerned shall ensure that the family members—

(A) in any case in which the cause or circumstances surrounding the death are under investigation, are informed of that fact, of the names of the agencies within the Department of Defense conducting the investigations, and of the existence of any reports by such agencies that have been or will be issued as a result of the investigations; and

(B) are furnished, if the family members so desire, a copy of any completed investigative report and any other completed fatality reports that are available at the time family members are provided the information described in subparagraph (A) to the extent such reports may be furnished consistent with sections 552 and 552a of title 5, United States Code.

(3) ASSISTANCE IN OBTAINING REPORTS.—(A) In any case in which an investigative report or other fatality reports are not available at the time family members of a service member are provided the information described in paragraph (2)(A) about the member's death, the Secretary concerned shall ensure that a copy of such investigative report and any other fatality reports are furnished to the family members, if they so desire, when the reports are completed and become available, to the extent such reports may be furnished consistent with sections 552 and 552a of title 5, United States Code.

(B) In any case in which an investigative report or other fatality reports cannot be released at the time family members of a service member are provided the information described in paragraph (2)(A) about the member's death because of section 552 or 552a of title 5, United States Code, the Secretary concerned shall ensure that the family members—

(i) are informed about the requirements and procedures necessary to request a copy of such reports; and

(ii) are assisted, if the family members so desire, in submitting a request in accordance with such requirements and procedures.

(C) The requirement of subparagraph (B) to inform and assist family members in obtaining copies of fatality reports shall continue until a copy of each report is obtained, or access to any such report is denied by competent authority within the Department of Defense.

(4) WAIVER.—The requirements of paragraph (2) or (3) may be waived on a case-by-case basis, but only if the Secretary of the military department concerned determines that compliance with such requirements is not in the interests of national security.

(b) REVIEW OF COMBAT FATALITY NOTIFICATION PROCEDURES.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the fatality notification procedures used by the military departments. Such review shall examine the following matters:

(A) Whether uniformity in combat fatality notification procedures among the military departments is desirable, particularly with respect to—

(i) the use of one or two casualty notification and assistance officers;

(ii) the use of standardized fatality report forms and witness statements;

(iii) the use of a single center for all military departments through which combat fatality information may be processed; and

(iv) the use of uniform procedures and the provision of a dispute resolution process for instances in which members of one of the Armed Forces inflict casualties on members of another of the Armed Forces.

(B) Whether existing combat fatality report forms should be modified to include a block or blocks with which to identify the cause of death as "friendly fire", "U.S. ordnance", or "unknown".

(C) Whether the existing "Emergency Data" form prepared by members of the Armed Forces should be revised to allow members to specify provision for notification of additional family members in cases such as the case of a divorced service member who leaves children with both a current and a former spouse.

(D) Whether the military departments should, in all cases, provide family members of a service member who died as a result of injuries sustained in combat with full and complete details of the death of the service member, regardless of whether such details may be graphic, embarrassing to the family members, or reflect negatively on the military department concerned.

(E) Whether, and when, the military departments should inform family members of a service member who died as a result of injuries sustained in combat about the possibility that the death may have been the result of friendly fire.

(F) The criteria and standards which the military departments should use in deciding when disclosure is appropriate to family members of a member of the military forces of an allied nation who died as a result of injuries sustained in combat when the death may have been the result of fire from United States armed forces and an investigation into the cause or circumstances of the death has been conducted.

(2) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). Such report shall be submitted not later than March 31, 1993, and shall include recommendations on the matters examined in the review and on any other matters the Secretary determines to be appropriate based upon the review or on any other reviews undertaken by the Department of Defense.

(c) DEFINITIONS.—In this section:

(1) The term "fatality reports" includes investigative reports and any other reports pertaining

to the cause or circumstances of death of a member of the Armed Forces in the line of duty (such as autopsy reports, battlefield reports, and medical reports).

(2) The term "family members" means parents, spouses, adult children, and such other relatives as the Secretary concerned considers appropriate.

(d) APPLICABILITY.—(1) Except as provided in paragraph (2), this section applies with respect to deaths of members of the Armed Forces occurring after the date of the enactment of this Act.

(2) With respect to deaths of members of the Armed Forces occurring before the date of the enactment of this Act, the Secretary concerned shall provide fatality reports to family members upon request as promptly as practicable.

SEC. 1073. ADMISSION OF CIVILIANS AS STUDENTS AT THE UNITED STATES NAVAL POSTGRADUATE SCHOOL.

(a) CIVILIAN ATTENDANCE.—Chapter 605 of title 10, United States Code, is amended—

(1) by redesignating section 7047 as section 7048; and

(2) by inserting after section 7046 the following new section:

"§7047. Students at institutions of higher education: admission

"(a) ADMISSION PURSUANT TO RECIPROCAL AGREEMENT.—The Secretary of the Navy may enter into an agreement with an accredited institution of higher education to permit a student described in subsection (b) enrolled at that institution to receive instruction at the Naval Postgraduate School on a tuition-free basis. In exchange for the admission of the student, the institution of higher education shall be required to permit an officer of the armed forces to attend on a tuition-free basis courses offered by that institution corresponding in length to the instruction provided to the student at the Naval Postgraduate School.

"(b) ELIGIBLE STUDENTS.—A student enrolled at an institution of higher education that is party to an agreement under subsection (a) may be admitted to the Naval Postgraduate School pursuant to that agreement if—

"(1) the student is a citizen of the United States or lawfully admitted for permanent residence in the United States; and

"(2) the Secretary of the Navy determines that the student has a demonstrated ability in a field of study designated by the Secretary as related to naval warfare and national security.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 7047 and inserting in lieu thereof the following new items:

"7047. Students at institutions of higher education: admission.

"7048. Conferring of degrees on graduates.".

SEC. 1074. REPEAL OF CERTAIN REPORTING REQUIREMENT.

Section 1309 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 10 U.S.C. 113 note) is repealed.

SEC. 1075. RESTRICTION ON OBLIGATION OF FUNDS FOR NEW MUSEUMS.

(a) PROHIBITION ON OBLIGATION OF FUNDS FOR CERTAIN NEW MUSEUMS.—Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense for fiscal year 1992 may not be obligated for the purposes of—

(1) the construction or capitalization of—

(A) the National D-Day Museum;

(B) the Airborne and Special Operations Museum; or

(C) the Naval Undersea Museum; or

(2) the renovation of the submarine U.S.S. Blueback for the Oregon Museum of Science and Industry.

(b) EXCEPTION.—The funds referred to in subsection (a) may be obligated for the purpose specified for a museum referred to in that subsection if, with respect to that museum, the Secretary of Defense certifies to Congress that—

(1) the use of Department of Defense funds for that museum is of a higher priority than the use of such funds for the expansion of any existing Department of Defense museum;

(2) in authorizing construction of a new Department of Defense museum, the Secretary would select that museum as one of the Secretary's first four choices for the construction of such a new museum; and

(3) the use of Department of Defense funds for that purpose would make a unique contribution to the mission of the military departments.

SEC. 1076. ARMY MILITARY HISTORY FELLOWSHIP PROGRAM.

(a) IN GENERAL.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§4316. Military history fellowships

"(a) FELLOWSHIPS.—The Secretary of the Army shall prescribe regulations under which the Secretary may award fellowships in military history of the Army to the persons described in subsection (b).

"(b) ELIGIBLE PERSONS.—The persons eligible for awards of fellowships under this section are citizens and nationals of the United States who—

"(1) are graduate students in United States military history;

"(2) have completed all requirements for a doctoral degree other than preparation of a dissertation; and

"(3) agree to prepare a dissertation in a subject area of military history determined by the Secretary.

"(c) REGULATIONS.—The regulations prescribed under this section shall include—

"(1) the criteria for award of fellowships;

"(2) the procedures for selecting recipients;

"(3) the basis for determining the amount of a fellowship; and

"(4) the total amount that may be awarded as fellowships during an academic year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 4315 the following:

"4316. Military history fellowships.".

SEC. 1077. ELECTION OF LEAVE OR LUMP-SUM PAYMENT FOR CERTAIN EMPLOYEES WHO MOVED BETWEEN NONAPPROPRIATED FUND EMPLOYMENT AND DEPARTMENT OF DEFENSE OR COAST GUARD EMPLOYMENT BEFORE APRIL 16, 1991.

(a) ELECTION OF LEAVE OR PAYMENT.—An employee referred to in subsection (b) of section 6308 of title 5, United States Code, who made an employment move described in such subsection after December 31, 1986, and before April 16, 1991, shall be permitted to elect—

(1) to repay the lump-sum payment received under section 5551(a) of that title based on such employment move in lieu of annual leave and have the annual leave recredited to the employee's leave account; or

(2) to keep the lump-sum payment in lieu of that annual leave.

(b) NOTIFICATION; DEADLINE FOR ELECTION.—(1) The head of the agency employing an employee described in subsection (a) shall notify the employee in writing of the provisions of this section. Such written notification shall occur not later than the later of—

(A) 60 days after the date of the enactment of this Act; or

(B) 60 days after the date of the commencement of the employee's employment with the agency.

(2) An employee shall make an election authorized by subsection (a) within 90 days after receiving the written notification required under paragraph (1). An employee who does not make the election within that 90-day period shall be considered to have elected to keep the lump-sum payment.

(c) REPAYMENT OF LUMP-SUM PAYMENT.—An employee who elects to repay the lump-sum payment shall make the repayment not later than two years after the date of the election. The repayment by an employee shall be made in one payment of the entire amount of the lump-sum payment received by that employee in lieu of annual leave.

(d) LEAVE CREDITS.—Upon repayment of the lump-sum payment received by an employee, the employee shall, in accordance with section 6308 of such title, be recredited with the annual leave associated with the lump-sum payment. Annual leave recredited under this subsection shall be credited to a separate leave account for the employee and shall be available for use by the employee until the last day of the second leave year following the leave year in which the leave is recredited. If the employee is separated from service, the annual leave recredited under this section that is unused and still available shall be available for a lump-sum payment under section 5551 or 5552(1) of such title but may not be retained to the credit of the employee under section 5552(s) of such title.

SEC. 1078. STUDY AND REPORT REGARDING EQUITY IN BENEFITS FOR TEMPORARY FEDERAL EMPLOYEES.

(a) IN GENERAL.—The Office of Personnel Management shall conduct a study and, not later than April 1, 1993, report to Congress, in writing, on the feasibility of providing to temporary employees of the Government the same health-insurance, life-insurance, and retirement benefits, and other rights or benefits, as are generally available to those employed by the Government on a permanent basis.

(b) MATTERS TO BE SPECIFICALLY ADDRESSED.—The report under subsection (a) shall specifically address—

(1) the various types of temporary appointments currently allowable under civil-service law and regulations, and the terms and conditions pertinent to each;

(2) the circumstances in which, or the purposes for which, each of the various types of temporary appointments is appropriate;

(3) the rights and benefits generally available to individuals employed by the Government on a permanent basis—

(A) which are currently unavailable to some or all temporary employees; and

(B) of those identified under subparagraph (A), which might appropriately be made available to one or more classes of temporary employees;

(4) alternative means by which some or all of the temporary employees referred to in paragraph (3)(A) could be afforded one or more of the rights or benefits identified under paragraph (3)(B); and

(5) whether any of the alternatives identified under paragraph (4) could be implemented by the Office under existing law, and, if so—

(A) when the Office intends to implement those measures; or

(B) the reasons why the Office either does not intend to implement those measures or cannot provide a timetable for their implementation.

(c) RECOMMENDATIONS.—(1) In addition to the results of the study, the Office's report shall include recommendations for any legislation or administrative action which the Office considers necessary to carry out the purposes of this section.

(2) Any recommendation which involves the amending of existing statutes shall include draft legislation.

SEC. 1079. DESIGNATION OF UNITED STATES MILITARY PHYSICIANS AS CIVIL SURGEONS UNDER THE IMMIGRATION AND NATIONALITY ACT IN CONNECTION WITH THE ARMED FORCES IMMIGRATION ADJUSTMENT ACT OF 1991.

Notwithstanding any other provision of law, United States military physicians with not less than four years professional experience shall be considered to be civil surgeons for the purpose of the performance of physical examinations required under section 234 of the Immigration and Nationality Act (8 U.S.C. 1224) of special immigrants described in section 101(a)(27)(K) of such Act (8 U.S.C. 1101(a)(27)(K)).

SEC. 1080. USE OF ARMED FORCES INSIGNIA ON STATE LICENSE PLATES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§1057. Use of armed forces insignia on State license plates

"(a) The Secretary concerned may approve an application by a State to use or imitate the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on motor vehicle license plates issued by the State to an individual who is a member or former member of the armed forces.

"(b) The Secretary concerned may prescribe any regulations necessary regarding the display of the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on the license plates described in subsection (a).

"(c) In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1057. Use of armed forces insignia on State license plates.".

SEC. 1081. CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Many of the skills, capabilities, and resources that the Armed Forces have developed to meet military requirements can assist in meeting the civilian domestic needs of the United States.

(2) Members of the Armed Forces have the training, education, and experience to serve as role models for United States youth.

(3) As a result of the reductions in the Armed Forces resulting from the ending of the Cold War, the Armed Forces will have fewer overseas deployments and lower operating tempos, and there will be a much greater opportunity than in the past for the Armed Forces to assist civilian efforts to address critical domestic problems.

(4) The United States has significant domestic needs in areas such as health care, nutrition, education, housing, and infrastructure that cannot be met by current and anticipated governmental and private sector programs.

(5) There are significant opportunities for the resources of the Armed Forces, which are maintained for national security purposes, to be applied in cooperative efforts with civilian officials to address these vital domestic needs.

(6) Civil-military cooperative efforts can be undertaken in a manner that is consistent with the military mission and does not compete with the private sector.

(b) ESTABLISHMENT OF CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.—Chapter 20 of title 10, United States Code, is amended—

(1) by adding at the end the following new subchapter:

"SUBCHAPTER II—CIVIL-MILITARY COOPERATION

"Sec.
"410. Civil-Military Cooperative Action Program.

"§410. Civil-Military Cooperative Action Program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a program to be known as the 'Civil-Military Cooperative Action Program'. Under the program, the Secretary may, in accordance with other applicable law, use the skills, capabilities, and resources of the armed forces to assist civilian efforts to meet the domestic needs of the United States.

"(b) PROGRAM OBJECTIVES.—The program shall have the following objectives:

"(1) To enhance individual and unit training and morale in the armed forces through meaningful community involvement of the armed forces.

"(2) To encourage cooperation between civilian and military sectors of society in addressing domestic needs.

"(3) To advance equal opportunity.

"(4) To enrich the civilian economy of the United States through education, training, and transfer of technological advances.

"(5) To improve the environment and economic and social conditions.

"(6) To provide opportunities for disadvantaged citizens of the United States.

"(c) ADVISORY COUNCILS.—(1) The Secretary of Defense shall encourage the establishment of advisory councils on civil-military cooperation at the regional, State, and local levels, as appropriate, in order to obtain recommendations for projects and activities under the program and guidance for the program from persons who are knowledgeable about regional, State, and local conditions and needs.

"(2) The advisory councils should include officials from relevant military organizations, representatives of appropriate local, State, and Federal agencies, representatives of civic and social service organizations, business representatives, and labor representatives.

"(3) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to such councils.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the provision of assistance under the program. The regulations shall include the following:

"(1) Rules governing the types of assistance that may be provided.

"(2) Procedures governing the delivery of assistance that ensure, to the maximum extent practicable, that such assistance is provided in conjunction with, rather than separate from, civilian efforts.

"(3) Procedures for appropriate coordination with civilian officials to ensure that the assistance—

"(A) meets a valid need; and

"(B) does not duplicate other available public services.

"(4) Procedures for the provision of assistance in a manner that does not compete with the private sector.

"(5) Procedures to minimize the extent to which Department of Defense resources are applied exclusively to the program.

"(6) Standards to ensure that assistance is provided under this section in a manner that is consistent with the military mission of the units of the armed forces involved in providing the assistance.

"(e) CONSTRUCTION OF PROVISION.—Nothing in this section shall be construed as authorizing—

"(1) the use of the armed forces for civilian law enforcement purposes; or

"(2) the use of Department of Defense personnel or resources for any program, project, or activity that is prohibited by law."; and

(2) by inserting below the chapter heading the following:

"Subchapter Sec.
"I. Humanitarian Assistance 401
"II. Civil-Military Cooperation 410

"SUBCHAPTER I—HUMANITARIAN ASSISTANCE".

SEC. 1082. LIMITATION ON SUPPORT FOR UNITED STATES CONTRACTORS SELLING ARMS OVERSEAS.

(a) SUPPORT FOR CONTRACTORS.—In the event that a United States defense contractor or industrial association requests the Department of Defense or a military department to provide support in the form of military equipment for any airshow or trade exhibition to be held outside the United States, such equipment may not be supplied unless the contractor or association agrees to reimburse the Treasury of the United States for—

(1) all incremental costs of military personnel accompanying the equipment, including food, lodging, and local transportation;

(2) all incremental transportation costs incurred in moving such equipment from its normally assigned location to the airshow or trade exhibition and return; and

(3) any other miscellaneous incremental costs not included under paragraphs (1) and (2) that are incurred by the Federal Government but would not have been incurred had military support not been provided to the contractor or industrial association.

(b) DEPARTMENT OF DEFENSE EXHIBITIONS.—(1) A military department may not participate directly in any airshow or trade exhibition held outside the United States unless the Secretary of Defense—

(A) determines that it is in the national security interests of the United States for the military department to do so; and

(B) provides to the congressional defense committees at least 45 days before the opening of the airshow or trade exhibition a report detailing—

(i) why the show or exhibition is in the national security interest;

(ii) a description of the implications that promoting the sale of the weapons in question will have on arms control; and

(iii) an estimate of any costs to be incurred.

(2) The Secretary of Defense may not delegate the authority to make the determination referred to in paragraph (1)(A) below the level of the Under Secretary of Defense for Policy.

(c) DEFINITION.—In this section, the term "incremental transportation cost" includes the cost of transporting equipment to an airshow or trade exhibition only to the extent that the provision of transportation by the Department of Defense described in subsection (a)(2) does not fulfill legitimate training requirements that would otherwise have to be met.

SEC. 1083. SENSE OF CONGRESS REGARDING THE TIME LIMITATIONS FOR CONSIDERATION OF MILITARY DECORATIONS AND AWARDS.

(a) FINDINGS.—Congress finds the following:

(1) Former members of the Armed Forces, military units, and veteran organizations throughout the United States will be celebrating the 50th anniversary of World War II at reunions and other events through 1995.

(2) A number of individuals who served in the Armed Forces during World War II, and groups of former members of the Armed Forces who served together in units during World War II have expressed interest in individual and unit decorations and awards involving their World War II service that were never presented.

(3) In some cases, the Secretaries of the military departments have declined to consider individual and unit decorations and awards involving World War II service that were established by administrative action solely because of time

limitations established administratively on the submission of recommendations for the decorations and awards.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretaries of the military departments should consider a recommendation for a decoration or award for World War II service without regard to time limitations on the consideration of the recommendation if the recommendation—

(1) is submitted before December 31, 1995;

(2) involves a decoration or award that is not established by Act of Congress; and

(3) presents new information or evidence that the original recommendation was not submitted or was mishandled due to administrative error.

SEC. 1084. SENSE OF CONGRESS RELATING TO AWARD OF THE NAVY EXPEDITIONARY MEDAL TO DOOLITTLE RAIDERS.

It is the sense of Congress that the President should award the Navy Expeditionary Medal to members of the Navy who served in Navy Task Force 16, culminating in the air-raid commonly known as the "Doolittle Raid on Tokyo", during April 1942, regardless of the time limitations on the consideration of such awards.

SEC. 1085. SENSE OF CONGRESS REGARDING THE AWARD OF THE PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Purple Heart should be awarded to members of the Armed Forces killed or wounded by friendly fire while actively engaged with the enemy.

(2) Historically, the military services have responded with tentativeness and reluctance when considering the award of the Purple Heart to members of the Armed Forces killed or wounded by friendly fire while actively engaged with the enemy, including engagements during the Persian Gulf War.

(3) The Congress recognizes that the Secretaries of the military departments contend that, as a matter of policy, the Purple Heart has been awarded as described in paragraph (1), including during the Persian Gulf War.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the Secretaries of the military departments should ensure that in the future the Purple Heart is awarded without hesitation to members of the Armed Forces killed or wounded by friendly fire while actively engaged with the enemy; and

(2) that the Secretaries of the military departments should award the Purple Heart in each case of a member of the Armed Forces killed or wounded on or after December 7, 1941, by friendly fire while actively engaged with the enemy which is known to the Secretary or for which an application is made to the Secretary in such a manner as the Secretary requires.

SEC. 1086. STUDY OF EFFECTS OF OPERATIONS DESERT SHIELD AND DESERT STORM MOBILIZATIONS OF RESERVES AND MEMBERS OF THE NATIONAL GUARD WHO WERE SELF-EMPLOYED OR OWNERS OF SMALL BUSINESSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The service of the members of the Armed Forces of the United States in Operations Desert Shield and Desert Storm was commendable.

(2) The Reserves and the members of the National Guard contributed to the readiness, preparedness, and combat capability of the coalition forces that participated in the liberation of Kuwait.

(3) The Reserves and the members of the National Guard ordered to active duty in connection with Operations Desert Shield and Desert Storm who were self-employed or were owners of small businesses possibly suffered unique financial difficulties resulting from their absence from their businesses for such active duty service.

(b) STUDY AND REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a study examining the economic and other effects on the Reserves and members of the National Guard referred to in subsection (a)(3) resulting from their absence from their businesses for active duty service in connection with Operations Desert Shield and Desert Storm; and

(2) submit a report on the results of the study to the Committees on Armed Services of the Senate and the House of Representatives.

(c) CONTENT OF REPORT.—The report shall include the following matters:

(1) The number of Reserves and members of the National Guard ordered to active duty in connection with Operations Desert Shield and Desert Storm who were self-employed or were owners of small businesses.

(2) A description of the businesses owned by those Reserves and members of the National Guard when such personnel were ordered to active duty.

(3) A detailed analysis of the economic effects on the businesses of such personnel resulting from the absence of such personnel for active duty service.

(4) A discussion of the factors that contributed to any financial hardship or gain for such businesses during the period of the absence of such personnel.

(5) The extent to which such personnel voluntarily separated from the Armed Forces, assumed an inactive status, or retired after being released from active duty.

(6) An analysis of the rates of such separations, change of status, and retirements.

Subtitle I—Youth Service Opportunities

SEC. 1091. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) PROGRAM AUTHORITY.—During fiscal years 1993 through 1995, the Secretary of Defense, acting through the Chief of the National Guard Bureau, may conduct a pilot program to be known as the "National Guard Civilian Youth Opportunities Program".

(b) PURPOSE.—The purpose of the pilot program is to provide a basis for determining—

(1) whether the life skills and employment potential of civilian youth who cease to attend secondary school before graduating can be significantly improved through military-based training, including supervised work experience in community service and conservation projects, provided by the National Guard; and

(2) whether it is feasible and cost effective for the National Guard to provide military-based training to such youth for the purpose of achieving such improvements.

(c) CONDUCT OF PROGRAM IN 10 NATIONAL GUARD JURISDICTIONS.—The Secretary of Defense may provide for the conduct of the pilot program in any 10 of the States.

(d) PROGRAM AGREEMENTS.—(1) To carry out the pilot program in a State, the Secretary of Defense shall enter into an agreement with the Governor of the State or, in the case of the District of Columbia, with the commanding general of the District of Columbia National Guard.

(2) Each agreement under the pilot program shall provide for the Governor or, in the case of the District of Columbia, the commanding general to establish, organize, and administer a National Guard civilian youth opportunities program in the State.

(3) The agreement may provide for the Secretary to reimburse the State for civilian personnel costs attributable to the use of civilian employees of the National Guard in the conduct of the National Guard civilian youth opportunities program.

(e) PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.—(1) A school dropout from secondary school shall be eligible to participate in a National Guard civilian youth opportunities program conducted under the pilot program.

(2) The Secretary shall prescribe the standards and procedures for selecting participants for a National Guard civilian youth opportunities program from among school dropouts eligible to participate in the program.

(f) AUTHORIZED BENEFITS FOR PARTICIPANTS.—(1) To the extent provided in an agreement entered into in accordance with subsection (d) and subject to the approval of the Secretary, a person selected for training in a National Guard civilian youth opportunities program conducted under the pilot program may receive the following benefits in connection with that training:

(A) Allowances for travel expenses, personal expenses, and other expenses.

(B) Quarters.

(C) Subsistence.

(D) Transportation.

(E) Equipment.

(F) Clothing.

(G) Recreational services and supplies.

(H) Other services.

(I) Subject to paragraph (2), a temporary stipend upon the successful completion of the training, as characterized in accordance with procedures provided in the agreement.

(2) In the case of a person selected for training in a National Guard civilian youth opportunities program conducted under the pilot program who afterwards becomes a member of the Civilian Community Corps under subtitle H of title I of the National and Community Service Act of 1990 (as added by section 1092(a)), the person may not receive a temporary stipend under paragraph (1)(I) while the person is a member of that Corps. The person may receive the temporary stipend after completing service in the Corps unless the person elects to receive benefits provided under subsection (f) or (g) of section 195G of such Act.

(g) PROGRAM PERSONNEL.—(1) Personnel of the National Guard of a State in which a National Guard civilian youth opportunities program is conducted under the pilot program may serve on full-time National Guard duty for the purpose of providing command, administrative, training, or supporting services for that program. For the performance of those services, any such personnel may be ordered to duty under section 502(f) of title 32, United States Code, for not longer than the period of the program.

(2) For fiscal year 1993, personnel so serving may not be counted for the purposes of—

(A) any provision of law limiting the number of personnel that may be serving on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components; or

(B) section 524 of title 10, United States Code, relating to the number of reserve component officers who may be on active duty or full-time National Guard duty in certain grades.

(3) A Governor participating in the pilot program and the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the pilot program) may procure by contract the temporary full time services of such civilian personnel as may be necessary to augment National Guard personnel in carrying out a National Guard civilian youth opportunities program under the pilot program.

(4) Civilian employees of the National Guard performing services for such a program and contractor personnel performing such services may be required, when appropriate to achieve a program objective, to be members of the National Guard and to wear the military uniform.

(h) EQUIPMENT AND FACILITIES.—(1) Equipment and facilities of the National Guard, including military property of the United States issued to the National Guard, may be used in carrying out the pilot program.

(2) Activities under the pilot program shall be considered noncombat activities of the National Guard for purposes of section 710 of title 32, United States Code.

(i) STATUS OF PARTICIPANTS.—(1) A person receiving training under the pilot program shall be considered an employee of the United States for the purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation of Federal employees for work injuries).

(B) Section 1346(b) and chapter 171 of title 28, United States Code, and any other provision of law relating to the liability of the United States for tortious conduct of employees of the United States.

(2) In the application of the provisions of law referred to in paragraph (1)(A) to a person referred to in paragraph (1)—

(A) the person shall not be considered to be in the performance of duty while the person is not at the assigned location of training or other activity or duty authorized in accordance with a program agreement referred to in subsection (d), except when the person is traveling to or from that location or is on pass from that training or other activity or duty;

(B) the person's monthly rate of pay shall be deemed to be the minimum rate of pay provided for grade GS–2 of the General Schedule under section 5332 of title 5, United States Code; and

(C) the entitlement of a person to receive compensation for a disability shall begin on the day following the date on which the person's participation in the pilot program is terminated.

(3) A person referred to in paragraph (1) may not be considered an employee of the United States for any purpose other than a purpose set forth in that paragraph.

(j) SUPPLEMENTAL RESOURCES.—(1) To carry out a National Guard civilian youth opportunities program conducted under the pilot program, the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard may supplement any funding made available pursuant to subsection (m) out of other resources (including gifts) available to the Governor or the commanding general.

(2) The provision of funds authorized to be appropriated for the pilot program shall not preclude a Governor participating in the pilot program, or the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the pilot program), from accepting, using, and disposing of gifts or donations of money, other property, or services for the pilot program.

(k) REPORT.—(1) Within 90 days after the end of the one-year period beginning on the first day of the pilot program, the Secretary shall submit to the congressional defense committees a report on the design, conduct, and effectiveness of the pilot program during that one-year period. The report shall include an assessment of the matters set forth in paragraphs (1) and (2) of subsection (b).

(2) In preparing the report required by paragraph (1), the Secretary shall coordinate with the Governor of each State in which a National Guard civilian youth opportunities program is carried out under the pilot program and, if such a program is carried out in the District of Columbia, with the commanding general of the District of Columbia National Guard.

(l) DEFINITIONS.—In this section:

(1) The term "pilot program" means the National Guard Civilian Youth Opportunities Program authorized to be conducted under subsection (a).

(2) The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(3) The term "school dropout" has the meaning established for the term by the Secretary of Education pursuant to section 6201(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3271(a)).

(4) The term "full-time National Guard duty" has the meaning given that term in section 101 of title 32, United States Code.

(m) FUNDING.—Of the amounts appropriated for the Department of Defense for operation and maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301, $50,000,000 shall be available to carry out the pilot program for fiscal year 1993.

SEC. 1092. CIVILIAN COMMUNITY CORPS.

(a) CIVILIAN COMMUNITY CORPS.—(1) Title I of the National and Community Service Act of 1990 (42 U.S.C. 12510 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle H—Civilian Community Corps

"SEC. 195. PURPOSE.

"It is the purpose of this subtitle to authorize the establishment of a Civilian Community Corps to provide a basis for determining—

"(1) whether residential service programs administered by the Federal Government can significantly increase the support for national service and community service by the people of the United States;

"(2) whether such programs can expand the opportunities for willing young men and women to perform meaningful, direct, and consequential acts of community service in a manner that will enhance their own skills while contributing to their understanding of civic responsibility in the United States;

"(3) whether retired members and former members of the Armed Forces of the United States, members and former members of the Armed Forces discharged or released from active duty in connection with reduced Department of Defense spending, members and former members of the Armed Forces discharged or transferred from the Selected Reserve of the Ready Reserve in connection with reduced Department of Defense spending, and other members of the Armed Forces not on active duty and not actively participating in a reserve component of the Armed Forces can provide guidance and training under such programs that contribute meaningfully to the encouragement of national and community service; and

"(4) whether domestic national service programs can serve as a substitute for the traditional option of military service in the Armed Forces of the United States which, in times of reductions in the size of the Armed Forces, is a diminishing national service opportunity for young Americans.

"SEC. 195A. ESTABLISHMENT OF CIVILIAN COMMUNITY CORPS DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Commission on National and Community Service may establish the Civilian Community Corps Demonstration Program to carry out the purpose of this subtitle.

"(b) PROGRAM COMPONENTS.—Under the Civilian Community Corps Demonstration Program authorized by subsection (a), the members of a Civilian Community Corps shall receive training and perform service in at least one of the following two program components:

"(1) A national service program.

"(2) A summer national service program.

"(c) RESIDENTIAL PROGRAMS.—Both program components are residential programs. The members of the Corps in each program shall reside with other members of the Corps in Corps housing during the periods of the members' agreed service.

"SEC. 195B. NATIONAL SERVICE PROGRAM.

"(a) IN GENERAL.—Under the national service program component of the Civilian Community Corps Demonstration Program authorized by section 195A(a), eligible young people shall work in teams on Civilian Community Corps projects.

"(b) ELIGIBLE PARTICIPANTS.—A person shall be eligible for selection for the national service program if the person—

"(1) is at least 16 and not more than 24 years of age; and

"(2) is a high school graduate or has not received a high school diploma or its equivalent.

"(c) DIVERSE BACKGROUNDS OF PARTICIPANTS.—In selecting persons for the national service program, the Director shall endeavor to ensure that participants are from economically, geographically, and ethnically diverse backgrounds.

"(d) NECESSARY PARTICIPANTS.—To the extent practicable, at least 50 percent of the participants in the national service program shall be economically disadvantaged youths.

"(e) PERIOD OF PARTICIPATION.—Persons desiring to participate in the national service program shall enter into an agreement with the Director to participate in the Corps for a period of not less than nine months and not more than one year, as specified by the Director, and may renew the agreement for not more than one additional such period.

"SEC. 195C. SUMMER NATIONAL SERVICE PROGRAM.

"(a) IN GENERAL.—Under the summer national service program of the Civilian Community Corps Demonstration Program authorized by section 195A(a), a diverse group of youth aged 14 through 18 years who are from urban or rural areas shall work in teams on Civilian Community Corps projects.

"(b) NECESSARY PARTICIPANTS.—To the extent practicable, at least 50 percent of the participants in the summer national service program shall be economically disadvantaged youths.

"(c) SEASONAL PROGRAM.—The training and service of Corps members under the summer national service program in each year shall be conducted after April 30 and before October 1 of that year.

"SEC. 195D. CIVILIAN COMMUNITY CORPS.

"(a) DIRECTOR.—Upon the establishment of the Civilian Community Corps Demonstration Program, the Civilian Community Corps shall be under the direction of the Director of the Civilian Community Corps appointed pursuant to section 195H(c)(1).

"(b) MEMBERSHIP IN CIVILIAN COMMUNITY CORPS.—

"(1) PARTICIPANTS TO BE MEMBERS.—Persons selected to participate in the national service program or the summer national service program components of the Program shall become members of the Civilian Community Corps.

"(2) SELECTION OF MEMBERS.—The Director or the Director's designee shall select individuals for membership in the Corps.

"(3) APPLICATION FOR MEMBERSHIP.—To be selected to become a Corps member an individual shall submit an application to the Director or to any other office as the Director may designate, at such time, in such manner, and containing such information as the Director shall require. At a minimum, the application shall contain information about the work experience of the applicant and sufficient information to enable the Director, or the superintendent of the appropriate camp, to determine whether selection of the applicant for membership in the Corps is appropriate.

"(c) ORGANIZATION OF CORPS INTO UNITS.—

"(1) UNITS.—The Corps shall be divided into permanent units. Each Corps member shall be assigned to a unit.

"(2) UNIT LEADERS.—The leader of each unit shall be selected from among persons in the per-

manent cadre established pursuant to section 195H(c)(2). The designated leader shall accompany the unit throughout the period of agreed service of the members of the unit.

"(d) CAMPS.—

"(1) UNITS TO BE ASSIGNED TO CAMPS.—The units of the Corps shall be grouped together as appropriate in camps for operational, support, and boarding purposes. The Corps camp for a unit shall be in a facility or central location established as the operational headquarters and boarding place for the unit. Corps members may be housed in the camps.

"(2) CAMP SUPERINTENDENT.—There shall be a superintendent for each camp. The superintendent is the head of the camp.

"(3) ELIGIBLE SITE FOR CAMP.—A camp may be located in a facility referred to in section 195K(a)(3).

"(e) DISTRIBUTION OF UNITS AND CORPS.—The Director shall ensure that the Corps units and camps are distributed in urban areas and rural areas in various regions throughout the United States.

"(f) STANDARDS OF CONDUCT.—

"(1) IN GENERAL.—The superintendent of each camp shall establish and enforce standards of conduct to promote proper moral and disciplinary conditions in the camp.

"(2) SANCTIONS.—Under procedures prescribed by the Director, the superintendent of a camp may—

"(A) transfer a member of the Corps in that camp to another unit or camp if the superintendent determines that the retention of the member in the member's unit or in the superintendent's camp will jeopardize the enforcement of the standards or diminish the opportunities of other Corps members in that unit or camp, as the case may be; or

"(B) dismiss a member of the Corps from the Corps if the superintendent determines that retention of the member in the Corps will jeopardize the enforcement of the standards or diminish the opportunities of other Corps members.

"(3) APPEALS.—Under procedures prescribed by the Director, a member of the Corps may appeal to the Director a determination of a camp superintendent to transfer or dismiss the member. The Director shall provide for expeditious disposition of appeals under this paragraph.

"SEC. 195E. TRAINING.

"(a) COMMON CURRICULUM.—Each member of the Civilian Community Corps shall be provided with between three and six weeks of training that includes a comprehensive service-learning curriculum designed to promote team building, discipline, leadership, work, training, citizenship, and physical conditioning.

"(b) ADVANCED SERVICE TRAINING.—

"(1) NATIONAL SERVICE PROGRAM.—Members of the Corps participating in the national service program shall receive advanced training in basic, project-specific skills that the members will use in performing their community service projects.

"(2) SUMMER NATIONAL SERVICE PROGRAM.—Members of the Corps participating in the summer national service program shall not receive advanced training referred to in paragraph (1) but, to the extent practicable, may receive other training.

"(c) TRAINING PERSONNEL.—

"(1) IN GENERAL.—Members of the cadre appointed under section 195H(c)(2) shall provide the training for the members of the Corps, including, as appropriate, advanced service training and ongoing training throughout the members' periods of agreed service.

"(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, or other qualified individuals.

"(d) FACILITIES.—The training may be provided at installations and other facilities of the Department of Defense, and at National Guard facilities, identified under section 195K(a)(3).

"SEC. 195F. SERVICE PROJECTS.

"(a) PROJECT REQUIREMENTS.—The service projects carried out by the Civilian Community Corps shall—

"(1) meet an identifiable public need;

"(2) emphasize the performance of community service activities that provide meaningful community benefits and opportunities for service learning and skills development;

"(3) to the maximum extent practicable, encourage work to be accomplished in teams of diverse individuals working together; and

"(4) include continued education and training in various technical fields.

"(b) PROJECT PROPOSALS.—

"(1) DEVELOPMENT OF PROPOSALS.—

"(A) SPECIFIC EXECUTIVE DEPARTMENTS.—Upon the establishment of the Program, the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Housing and Urban Development shall develop proposals for Corps projects pursuant to guidance which the Director of the Civilian Community Corps shall prescribe.

"(B) OTHER SOURCES.—Other public and private organizations and agencies, including representatives of local communities in the vicinity of a Corps camp, may develop proposals for projects for a Corps camp. Corps members shall also be encouraged to identify projects for the Corps.

"(2) CONSULTATION REQUIREMENTS.—The process for developing project proposals under paragraph (1) shall include consultation with the Commission on National and Community Service, representatives of local communities, and persons involved in other youth service programs.

"(c) PROJECT SELECTION, ORGANIZATION, AND PERFORMANCE.—

"(1) SELECTION.—The superintendent of a Corps camp shall select the projects to be performed by the members of the Corps assigned to the units in that camp. The superintendent shall select projects from among the projects proposed or identified pursuant to subsection (b).

"(2) INNOVATIVE LOCAL ARRANGEMENTS FOR PROJECT PERFORMANCE.—The Director shall encourage camp superintendents to negotiate with representatives of local communities, to the extent practicable, innovative arrangements for the performance of projects. The arrangements may provide for cost-sharing and the provision by the communities of in-kind support and other support.

"SEC. 195G. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

"(a) IN GENERAL.—The Director of the Civilian Community Corps shall provide for members of the Civilian Community Corps to receive benefits authorized by this section.

"(b) LIVING ALLOWANCE.—The Director shall provide a living allowance to members of the Corps for the period during which such members are engaged in training or any activity on a Corps project. The Director shall establish the amount of the allowance at any amount not in excess of the amount equal to 100 percent of the poverty line that is applicable to a family of two (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(c) OTHER AUTHORIZED BENEFITS.—While receiving training or engaging in service projects as members of the Civilian Community Corps, members may be provided the following benefits:

"(1) Allowances for travel expenses, personal expenses, and other expenses.

"(2) Quarters.

"(3) Subsistence.

"(4) Transportation.

"(5) Equipment.

"(6) Clothing.

"(7) Recreational services and supplies.

"(8) Other services determined by the Director to be consistent with the purposes of the Program.

"(d) SUPPORTIVE SERVICES.—As the Director determines appropriate, the Director may provide each member of the Corps with health care services, child care services, counseling services, and other supportive services.

"(e) POST SERVICE BENEFITS.—Upon completion of the agreed period of service with the Corps, a member shall elect to receive the educational assistance under subsection (f) or the cash benefit under subsection (g).

"(f) EDUCATIONAL ASSISTANCE.—

"(1) AUTHORITY.—

"(A) CORPS MEMBERS COMPLETING AGREED SERVICE.—The Director shall provide educational assistance to each Corps member who—

"(i) completes a period of agreed service in the Corps; and

"(ii) elects to receive the assistance.

"(B) CORPS MEMBERS NOT COMPLETING AGREED SERVICE.—The Director may provide educational assistance to a Corps member who—

"(i) through no fault on the part of the Corps member, does not complete the period of agreed service; and

"(ii) requests the assistance.

"(2) AMOUNT.—

"(A) AMOUNT FOR COMPLETE SERVICE.—The amount of the educational assistance provided to a Corps member under paragraph (1)(A) shall be—

"(i) in the case of a Corps member in the national service program, $5,000 for each period of agreed service in the Corps; and

"(ii) in the case of a Corps member in the summer national service program, $1,000 for each period of agreed service in the Corps.

"(B) PRORATED AMOUNT FOR INCOMPLETE SERVICE.—The amount of the educational assistance provided to a Corps member under paragraph (1)(B) shall be determined by multiplying—

"(i) the amount that would be applicable to the member under subparagraph (A) if the member had completed the agreed period of service, by

"(ii) the percentage determined by dividing the period of the Corps member's service by the period of the Corps member's agreed period of service.

"An amount that is not an even multiple of $1 shall be rounded down to the next lower even multiple of $1.

"(C) ADJUSTMENT OF AMOUNT.—To the extent provided in appropriations Acts, whenever the maximum permissible grant amount for a year under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) is increased, the amount of the educational assistance payment under subparagraph (A)(i) shall be increased to the amount equal to the sum of that maximum permissible grant amount (as increased) plus $2,500.

"(3) USES OF ASSISTANCE.—Educational assistance provided for a person under this subsection may be used only for—

"(A) payment of any student loan, whether from a Federal source or a non-Federal source; or

"(B) tuition, room and board, books and fees, and other costs of attendance (determined in accordance with section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)) that are associated with attendance at an institution of higher education on a full-time basis.

"(4) APPLICATION.—To receive educational assistance under this section, a person shall submit to the Director such information and documentation as the Director may require. In the case of use of the educational assistance for expenses referred to in paragraph (3)(B), the information submitted to the Director shall include, as a minimum, the academic program of, and a letter of acceptance from, the institution of higher education at which the educational assistance is to be used.

"(g) CASH BENEFIT.—

"(1) IN GENERAL.—The Director shall provide a cash benefit to each Corps member electing to receive the cash benefit.

"(2) AMOUNT.—The amount of the cash benefit payable to a member of the Corps shall be equal to 50 percent of the amount of the educational assistance that the member would have been entitled to receive under subsection (f) if the member had elected to receive the educational assistance.

"(h) OTHER POST-SERVICE BENEFITS.—To the extent the Director considers appropriate, upon a Corps member's completion of the agreed period of service with the Corps, the Director shall provide information and counseling to the member to assist the member—

"(1) to pursue a high school diploma or the equivalent;

"(2) to pursue a degree at an institution of higher education; or

"(3) to obtain employment and support services as necessary and appropriate.

"SEC. 195H. ADMINISTRATIVE PROVISIONS.

"(a) BOARD.—The Board shall monitor and supervise the administration of the Civilian Community Corps Demonstration Program authorized to be established under section 195A. In carrying out this section, the Board shall—

"(1) approve such guidelines, recommended by the Director, for the design, selection of members, and operation of the Civilian Community Corps as the Board considers appropriate;

"(2) evaluate the progress of the Corps in providing a basis for determining the matters set forth in section 195; and

"(3) carry out any other activities determined appropriate by the Board.

"(b) EXECUTIVE DIRECTOR.—The Executive Director of the Commission on National and Community Service shall—

"(1) monitor the overall operation of the Civilian Community Corps;

"(2) coordinate the activities of the Corps with other youth service programs administered by the Commission; and

"(3) carry out any other activities determined appropriate by the Board.

"(c) STAFF.—

"(1) DIRECTOR.—

"(A) APPOINTMENT.—Upon the establishment of the Program, the Board, in consultation with the Executive Director, shall appoint a Director of the Civilian Community Corps. The Director may be selected from among retired commissioned officers of the Armed Forces of the United States.

"(B) DUTIES.—The Director shall—

"(i) design, develop, and administer the Civilian Community Corps programs;

"(ii) be responsible for managing the daily operations of the Corps; and

"(iii) report to the Board through the Executive Director.

"(C) AUTHORITY TO EMPLOY STAFF.—The Director may employ such staff as is necessary to carry out this subtitle. The Director shall, to the maximum extent practicable, utilize in staff positions personnel who are detailed from departments and agencies of the Federal Government and, to the extent the Director considers appropriate, shall request and accept detail of personnel from such departments and agencies in order to do so.

"(2) PERMANENT CADRE.—

"(A) ESTABLISHMENT.—The Director shall establish a permanent cadre of supervisors and training instructors for Civilian Community Corps programs.

"(B) APPOINTMENT.—The Director shall appoint the members of the permanent cadre.

"(C) EMPLOYMENT CONSIDERATIONS.—In appointing individuals to cadre positions, the Director shall—

"(i) give consideration to retired, discharged, and other inactive members and former members of the Armed Forces recommended under section 195K(a)(2);

"(ii) give consideration to former VISTA, Peace Corps, and youth service program personnel;

"(iii) ensure that the cadre is comprised of males and females of diverse ethnic, economic, professional, and geographic backgrounds; and

"(iv) consider applicants' experience in other youth service programs.

"(D) COMMUNITY SERVICE CREDIT.—Service as a member of the cadre shall be considered as a community service opportunity for purposes of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 and as employment with a public service or community service organization for purposes of section 4464 of that Act.

"(E) TRAINING.—The Director shall provide to members of the permanent cadre appropriate training in youth development techniques and the principles of service learning. All members of the permanent cadre shall be required to participate in the training.

"(3) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director, the members of the permanent cadre, and the other staff personnel shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The rates of pay of such persons may be established without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(4) VOLUNTARY SERVICES.—Notwithstanding any other provision of law, the Director may accept the voluntary services of individuals. While away from their homes or regular places of business on the business of the Corps, such individuals may be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"SEC. 195I. STATUS OF CORPS MEMBERS AND CORPS PERSONNEL UNDER FEDERAL LAW.

"(a) IN GENERAL.—Except as otherwise provided in this section, members of the Civilian Community Corps shall not, by reason of their status as such members, be considered Federal employees or be subject to the provisions of law relating to Federal employment.

"(b) WORK-RELATED INJURIES.—

"(1) IN GENERAL.—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, members of the Corps shall be considered as employees of the United States within the meaning of the term 'employee', as defined in section 8101 of such title.

"(2) SPECIAL RULE.—In the application of the provisions of subchapter I of chapter 81 of title 5, United States Code, to a person referred to in paragraph (1), the person shall not be considered to be in the performance of duty while absent from the person's assigned post of duty unless the absence is authorized in accordance with procedures prescribed by the Director.

"(c) TORT CLAIMS PROCEDURE.—A member of the Corps shall be considered an employee of the United States for purposes of chapter 171 of title 28, United States Code, relating to tort claims liability and procedure.

"SEC. 195J. CONTRACT AND GRANT AUTHORITY.

"(a) PROGRAMS.—The Director may, by contract or grant, provide for any public or private organization to perform any program function under this subtitle.

"(b) EQUIPMENT AND FACILITIES.—

"(1) FEDERAL AND NATIONAL GUARD PROPERTY.—The Director shall enter into agreements, as necessary, with the Secretary of Defense, the Governor of a State, territory or commonwealth, or the commanding general of the District of Columbia National Guard, as the case may be, to utilize—

"(A) equipment of the Department of Defense and equipment of the National Guard; and

"(B) Department of Defense facilities and National Guard facilities identified pursuant to section 195K(a)(3).

"(2) OTHER PROPERTY.—The Director may enter into contracts or agreements for the use of other equipment or facilities to the extent practicable to train and house members of the Civilian Community Corps and leaders of Corps units.

"SEC. 195K. RESPONSIBILITIES OF OTHER DEPARTMENTS.

"(a) SECRETARY OF DEFENSE.—

"(1) LIAISON OFFICE.—

"(A) ESTABLISHMENT.—Upon the establishment of the Program, the Secretary of Defense shall establish an office to provide for liaison between the Secretary and the Civilian Community Corps.

"(B) DUTIES.—The office shall—

"(i) in order to assist in the recruitment of personnel for appointment in the permanent cadre, make available to the Director information in the registry established by section 4462 of the National Defense Authorization Act for Fiscal Year 1993; and

"(ii) provide other assistance in the coordination of Department of Defense activities with the Corps.

"(2) CORPS CADRE.—

"(A) LIST OF RECOMMENDED PERSONNEL.—Upon the establishment of the Program, the Secretary of Defense, in consultation with the liaison office established under paragraph (1) shall develop a list of individuals to be recommended for appointment in the permanent cadre of Corps personnel. Such personnel shall be selected from among members and former members of the Armed Forces referred to in section 195(3) who are commissioned officers, noncommissioned officers, former commissioned officers, or former noncommissioned officers.

"(B) RECOMMENDATIONS REGARDING GRADE AND PAY.—The Secretary of Defense shall recommend to the Director an appropriate rate of pay for each person recommended for the cadre pursuant to this paragraph.

"(C) CONTRIBUTION FOR RETIRED MEMBER'S PAY.—If a listed individual receiving retired or retainer pay is appointed to a position in the cadre and the rate of pay for that individual is established at the amount equal to the difference between the active duty pay and allowances which that individual would receive if ordered to active duty and the amount of the individual's retired or retainer pay, the Secretary of Defense shall pay, by transfer to the Commission on National and Community Service from amounts available for pay of active duty members of the Armed Forces, the amount equal to 50 percent of that individual's rate of pay for service in the cadre.

"(3) FACILITIES.—Upon the establishment of the Program, the Secretary of Defense shall identify military installations and other facilities of the Department of Defense and, in consultation with the adjutant generals of the State National Guards, National Guard facilities that may be used, in whole or in part, by the Civilian Community Corps for training or housing Corps

members. The Secretary of Defense shall carry out this paragraph in consultation with the liaison office established under paragraph (1).

"(4) INFORMATION REGARDING CORPS.—The Secretary of Defense may permit Armed Forces recruiters to inform potential applicants for the Corps regarding service in the Corps as an alternative to service in the Armed Forces.

"(b) SECRETARY OF LABOR.—Upon the establishment of the Program, the Secretary of Labor shall identify and assist in establishing a system for the recruitment of persons to serve as members of the Civilian Community Corps. In carrying out this subsection, the Secretary of Labor may utilize the Employment Service Agency or the Office of Job Training.

"SEC. 195L. ADVISORY BOARD.

"(a) ESTABLISHMENT AND PURPOSE.—Upon the establishment of the Program, there shall also be established a Civilian Community Corps Advisory Board to advise the Director of the Civilian Community Corps concerning the administration of this subtitle and to assist in the development and administration of the Corps.

"(b) MEMBERSHIP.—The Advisory Board shall be composed of the following members:

"(1) The Secretary of Labor.

"(2) The Secretary of Defense.

"(3) The Secretary of the Interior.

"(4) The Secretary of Agriculture.

"(5) The Secretary of Education.

"(6) The Secretary of Housing and Urban Development.

"(7) The Chief of the National Guard Bureau.

"(8) Individuals appointed by the Director from among persons who are broadly representative of educational institutions, voluntary organizations, industry, youth, and labor unions.

"(9) The Chair of the Commission on National and Community Service.

"(c) INAPPLICABILITY OF TERMINATION REQUIREMENT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

"SEC. 195M. ANNUAL EVALUATION.

"Pursuant to the provisions for evaluations conducted under section 179, and in particular subsection (g) of such section, the Commission on National and Community Service shall conduct an annual evaluation of the Civilian Community Corps programs authorized under this subtitle.

"SEC. 195N. FUNDING LIMITATION.

"The Commission, in consultation with the Director, shall ensure that no amounts appropriated under section 501 are utilized to carry out this subtitle.

"SEC. 195O. DEFINITIONS.

"In this subtitle:

"(1) BOARD.—The term 'Board' means the Board of Directors of the Commission on National and Community Service.

"(2) CORPS.—The terms 'Civilian Community Corps' and 'Corps' mean the Civilian Community Corps required under section 195D as part of the Civilian Community Corps Demonstration Program.

"(3) CORPS CAMP.—The term 'Corps camp' means the facility or central location established as the operational headquarters and boarding place for particular Corps units.

"(4) CORPS MEMBERS.—The term 'Corps members' means persons receiving training and participating in projects under the Civilian Community Corps Demonstration Program.

"(5) DIRECTOR.—The term 'Director' means the Director of the Civilian Community Corps.

"(6) EXECUTIVE DIRECTOR.—The term 'Executive Director' means the Executive Director of the Commission on National and Community Service.

"(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(8) PROGRAM.—The terms 'Civilian Community Corps Demonstration Program' and 'Program' mean the Civilian Community Corps Demonstration Program established pursuant to section 195A.

"(9) SERVICE LEARNING.—The term 'service learning', with respect to Corps members, means a method—

"(A) under which Corps members learn and develop through active participation in thoughtfully organized service experiences that meet actual community needs;

"(B) that provides structured time for a Corps member to think, talk, or write about what the Corps member did and saw during an actual service activity;

"(C) that provides Corps members with opportunities to use newly acquired skills and knowledge in real life situations in their own communities; and

"(D) that helps to foster the development of a sense of caring for others, good citizenship, and civic responsibility.

"(10) SUPERINTENDENT.—The term 'superintendent', with respect to a Corps camp, means the head of the camp under section 195D(d).

"(11) UNIT.—The term 'unit' means a unit of the Corps referred to in section 195D(c).".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the National and Community Service Act of 1990 is amended by inserting after the item relating to section 190 the following:

"SUBTITLE H—CIVILIAN COMMUNITY CORPS

"Sec. 195. Purpose.
"Sec. 195A. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 195B. National service program.
"Sec. 195C. Summer national service program.
"Sec. 195D. Civilian Community Corps.
"Sec. 195E. Training.
"Sec. 195F. Service projects.
"Sec. 195G. Authorized benefits for Corps members.
"Sec. 195H. Administrative provisions.
"Sec. 195I. Status of Corps members and Corps personnel under Federal law.
"Sec. 195J. Contract and grant authority.
"Sec. 195K. Responsibilities of other departments.
"Sec. 195L. Advisory board.
"Sec. 195M. Annual evaluation.
"Sec. 195N. Funding limitation.
"Sec. 195O. Definitions.".

(b) REPORT AND STUDY REQUIREMENTS.—(1) Not later than 180 days after the date on which the Commission on National Community Service establishes the Civilian Community Corps Demonstration Program authorized by section 195A of the National and Community Service Act of 1990 (as added by subsection (a)), the Commission shall prepare and submit to the appropriate committees of Congress a progress report on the implementation of the provisions of subtitle H of title I of such Act. The progress report shall include an assessment of the activities undertaken in establishing and administering Civilian Community Corps camps and an analysis of the level of coordination of Corps activities with activities of other departments or agencies of the Federal Government.

(2) Not later than 90 days after the end of the one-year period beginning on the first day of the Civilian Community Corps Demonstration Program established pursuant to section 195A of the National and Community Services Act of 1990 (as added by subsection (a)), the Board of Directors of the Commission on National and Community Service and the Director of the Civilian Community Corps shall prepare and submit to the appropriate committees of Congress a report concerning the desirability and feasibility of establishing the Civilian Community Corps as an independent agency of the Federal Government.

(c) FUNDING.—Of the amounts appropriated for the Department of Defense for operation and maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301, $30,000,000 shall be available for the Civilian Community Corps Demonstration Program established pursuant to section 195A of the National and Community Service Act of 1990 (as added by subsection (a)).

SEC. 1093. COORDINATION OF PROGRAMS.

(a) COORDINATED ADMINISTRATION.—To the maximum extent practicable, the Chief of the National Guard Bureau, the Board of Directors and Executive Director of the Commission on National and Community Service, and the Director of the Civilian Community Corps shall coordinate the National Guard Youth Opportunities Program established pursuant to section 1091 and the Civilian Community Corps Demonstration Program established pursuant to the authorization contained in section 195A of the National and Community Service Act of 1990 (as added by section 1092(a)).

(b) OBJECTIVES.—The officials referred to in subsection (a) shall ensure that—

(1) the programs referred to in subsection (a) are conducted in such a manner in relationship to each other that the public benefit of those programs is maximized;

(2) to the maximum extent appropriate to meet the needs of program participants, persons who complete participation in the National Guard Youth Opportunities Program and are eligible and apply to participate in the Civilian Community Corps under the Civilian Community Corps Demonstration Program are accepted for participation in that Program; and

(3) the programs referred to in subsection (a) are conducted simultaneously in competition with each other in the same immediate area of the United States only when the population of eligible participants in that area is sufficient to justify the simultaneous conduct of such programs in that area.

SEC. 1094. OTHER PROGRAMS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) INCREASED COMMISSION ACTIVITIES.—It is the purpose of this section to increase the ability of the Commission on National and Community Service to expand non-residential programs that perform worthwhile urban and rural community projects that assist in the economic transition of localities affected by Department of Defense conversion. The Commission may also explore the potential for developing a program that would permit members of the Civilian Community Corps established under subtitle H of title I of the National and Community Services Act of 1990, as added by section 1092, to provide training to such participants at residential facilities and return them to their local communities for the service portion of their period of agreed service. To the extent practicable, such effort shall be coordinated with the National Guard Civilian Youth Opportunities Program authorized by section 1091 and with the Civilian Community Corps Demonstration Program established pursuant to the authorization contained in section 195A the National and Community Services Act of 1990, as added by section 1092.

(b) FUNDING AND USE OF FUNDS.—(1) Of the amounts appropriated for the Department of Defense for operation and maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301, $30,000,000 shall be available to the Board of Directors of the Commission on National and Community Service for activities under subtitles B, C, D, E, F, and G of

the National and Community Service Act of 1990 (42 U.S.C. 12510 et seq.). Such amount shall be in addition to, and not a substitute for, amounts authorized to be appropriated under section 501 of such Act (42 U.S.C. 12681).

(2) In the use of the funds made available under paragraph (1), the Commission shall give special consideration to—

(A) programs located in communities where facilities of military installation (as defined in section 2687(e)(1) of title 10, United States Code) have been closed;

(B) programs that employ retired, inactive, or discharged military personnel;

(C) programs that involve military personnel participating in volunteer services;

(D) programs that test whether a non-residential, community based youth service corps can engender in young men and women a commitment to civic responsibility and involvement in their communities;

(E) programs that test whether such non-residential corps permit young people who have received military-based training to use their skills and knowledge to improve their communities; and

(F) programs that test whether retired, discharged, or inactive members and former members of the Armed Forces can play a meaningful role in service-learning by acting as mentors, teachers, counselors and role models.

SEC. 1095. LIMITATION ON OBLIGATION OF FUNDS.

(a) CIVILIAN COMMUNITY CORPS DEMONSTRATION PROGRAM.—The amount made available pursuant to section 1092(c) for the Civilian Community Corps Demonstration Program under subtitle H of title I of the National and Community Service Act of 1990 (as added by section 1092(a)), may be obligated for that program only if expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) OTHER COMMISSION ON NATIONAL AND COMMUNITY SERVICE PROGRAMS.—The amount made available pursuant to section 1094(b) for activities under subtitles B, C, D, E, F, and G of the National and Community Service Act of 1990 (42 U.S.C. 12510 et seq.) may be obligated for such activities only if expenditures for such activities have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) EFFECT ON APPROPRIATIONS FOR PROGRAMS NOT COUNTED AGAINST DEFENSE CATEGORY.—(1) Not later than the third day after the date of the enactment of this Act, the Director of the Office of Management and Budget shall make a determination as to the classification by discretionary spending limit category for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 of amounts appropriated for fiscal year 1993 under section 301 and made available for the Civilian Community Corps Demonstration Program under subtitle H of title I of the National and Community Service Act of 1990 (as added by section 1092(a)) or for activities under subtitles B, C, D, E, F, and G of such Act. If the Director determines that any such amount shall not classify against the defense category (as described in subsections (a) and (b)), then the President shall submit to Congress a report stating that the Director has made such a determination and containing the amounts that will not classify against the defense category and an explanation for the determination.

(2) The amounts listed in the report under paragraph (1) may be transferred only to the programs under title III that are classified against the defense category pursuant to amounts specified in appropriation Acts. Any such transfer shall be taken into account for purposes of calculating all reports under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE XI—ARMY GUARD COMBAT REFORM INITIATIVE

SEC. 1101. SHORT TITLE.

This title may be cited as the "Army National Guard Combat Readiness Reform Act of 1992".

Subtitle A—Deployability Enhancements

SEC. 1111. MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.

(a) ESTABLISHMENT OF MINIMUM PERCENTAGE.—The Secretary of the Army shall have an objective of increasing the percentage of qualified prior active-duty personnel in the Army National Guard to 65 percent, in the case of officers, and to 50 percent, in the case of enlisted members, by September 30, 1997.

(b) INTERIM ACCESSION PERCENTAGES.—The Secretary shall prescribe regulations establishing for each of fiscal years 1993 through 1997 an accession percentage for officers, and a separate accession percentage for enlisted members, for prior active-duty personnel so as to facilitate compliance with the objectives stated in subsection (a).

(c) QUALIFIED PRIOR ACTIVE-DUTY PERSONNEL.—For purposes of this section, qualified prior active-duty personnel are members of the Army National Guard with not less than two years of active duty.

(d) DEADLINE FOR REGULATIONS.—The regulations required by subsection (a) shall be prescribed not later than March 15, 1993. The Secretary shall submit those regulations to the Committees on Armed Services of the Senate and House of Representatives not later than April 1, 1993.

SEC. 1112. SERVICE IN SELECTED RESERVE IN LIEU OF ACTIVE-DUTY SERVICE.

(a) ACADEMY GRADUATES AND DISTINGUISHED ROTC GRADUATES TO SERVE IN SELECTED RESERVE FOR PERIOD OF ACTIVE-DUTY SERVICE OBLIGATION NOT SERVED ON ACTIVE DUTY.—(1) An officer who is a graduate of one of the service academies or who was commissioned as a distinguished Reserve Officers' Training Corps graduate and who is permitted to be released from active duty before the completion of the active-duty service obligation applicable to that officer shall serve the remaining period of such active-duty service obligation as a member of the Selected Reserve.

(2) The Secretary concerned may waive paragraph (1) in a case in which the Secretary determines that there is no unit position available for the officer.

(b) ROTC GRADUATES.—The Secretary of the Army shall provide a program under which graduates of the Reserve Officers' Training Corps program may perform their minimum period of obligated service by a combination of (A) two years of active duty, and (B) such additional period of service as is necessary to complete the remainder of such obligation, to be served in the National Guard.

SEC. 1113. REVIEW OF OFFICER PROMOTIONS BY COMMANDER OF ASSOCIATED ACTIVE DUTY UNIT.

(a) REVIEW.—Whenever an officer in an Army National Guard unit as defined in subsection (b) is recommended for a unit vacancy promotion to a grade above first lieutenant, the recommended promotion shall be reviewed by the commander of the active duty unit associated with the National Guard unit of that officer or another active-duty officer designated by the Secretary of the Army. The commander or other active-duty officer designated by the Secretary of the Army shall provide to the promoting authority, through the promotion board convened by the promotion authority to consider unit vacancy promotion candidates, before the promotion is made, a recommendation of concurrence or nonconcurrence in the promotion. The recommendation shall be provided to the promoting authority within 60 days after receipt of notice of the recommended promotion.

(b) IMPLEMENTATION.—Subsection (a) shall take effect—

(1) on April 1, 1993, for officers in Army National Guard units that on that date are designated as round-out/round-up units;

(2) on October 1, 1993, for officers in other units of the Army National Guard in the Selected Reserve of the Ready Reserve that are designated as early deploying units; and

(3) on April 1, 1994, for officers in all other Army National Guard combat units.

(c) REPORT ON FEASIBILITY.—The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report, not later than March 1, 1993, containing a plan for implementation of subsection (a). The Secretary may include with the report such proposals for legislation to clarify, improve, or modify the provisions of subsection (a) in order to better carry out the purposes of those provisions as the Secretary considers appropriate.

SEC. 1114. NONCOMMISSIONED OFFICER EDUCATION REQUIREMENTS.

(a) NONWAIVABILITY.—Any standard prescribed by the Secretary of the Army establishing a military education requirement for noncommissioned officers that must be met as a requirement for promotion to a higher noncommissioned officer grade may be waived only if the Secretary determines that the waiver is necessary in order to preserve unit leadership continuity under combat conditions.

(b) AVAILABILITY OF TRAINING POSITIONS.—The Secretary of the Army shall ensure that there are sufficient training positions available to enable compliance with subsection (a).

SEC. 1115. INITIAL ENTRY TRAINING AND NONDEPLOYABLE PERSONNEL ACCOUNT.

(a) ESTABLISHMENT OF PERSONNEL ACCOUNT.—The Secretary of the Army shall establish a personnel accounting category for members of the Army National Guard to be used for categorizing members of the National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment. The account shall be designed so that it is compatible with the decentralized personnel systems of the Army Guard and Reserve. The account shall be used for the reporting of personnel readiness and may not be used as a factor in establishing the level of Army Guard and Reserve force structure.

(b) USE OF ACCOUNT.—Until a member of the Army National Guard has completed the minimum training necessary for deployment, the member may not be assigned to fill a position in a National Guard unit but shall be carried in the account established under subsection (a).

(c) TIME FOR QUALIFICATION FOR DEPLOYMENT.—(1) If at the end of 24 months after a member of the Army National Guard enters the National Guard, the member has not completed the minimum training required for deployment, the member shall be discharged from the Army National Guard.

(2) The Secretary of the Army may waive the requirement in paragraph (1) in the case of

health care providers and in other cases determined necessary. The authority to make such a waiver may not be delegated.

SEC. 1116. MINIMUM PHYSICAL DEPLOYABILITY STANDARDS.

The Secretary of the Army shall transfer the personnel classification of a member of the Army National Guard from the National Guard unit of the member to the personnel account established pursuant to section 1115 if the member does not meet minimum physical profile standards required for deployment. Any such transfer shall be made not later than 90 days after the date on which the determination that the member does not meet such standards is made.

SEC. 1117. MEDICAL ASSESSMENTS.

The Secretary of the Army shall require that—

(1) each member of the Army National Guard undergo a medical and dental screening on an annual basis; and

(2) each member of the Army National Guard over the age of 40 undergo a full physical examination not less often than every two years.

SEC. 1118. DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.

(a) DEVELOPMENT OF PLAN.—The Secretary of the Army shall develop a plan to ensure that units of the Army National Guard scheduled for early deployment in the event of a mobilization (as determined by the Secretary) are dentally ready (as defined in regulations of the Secretary) for deployment.

(b) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on such plan not later than February 15, 1993. The Secretary shall include in the report any legislative proposals that the Secretary considers necessary in order to implement the plan.

SEC. 1119. COMBAT UNIT TRAINING.

The Secretary of the Army shall establish a program to minimize the post-mobilization training time required for combat units of the Army National Guard. The program shall require—

(1) that unit premobilization training emphasize—

(A) individual soldier qualification and training;

(B) collective training and qualification at the crew, section, team, and squad level; and

(C) maneuver training at the platoon level as required of all Army units; and

(2) that combat training for command and staff leadership include annual multi-echelon training to develop battalion, brigade, and division level skills, as appropriate.

SEC. 1120. USE OF COMBAT SIMULATORS.

The Secretary of the Army shall expand the use of simulations, simulators, and advanced training devices and technologies in order to increase training opportunities for members and units of the Army National Guard.

Subtitle B—Assessment of National Guard Capability

SEC. 1121. DEPLOYABILITY RATING SYSTEM.

The Secretary of the Army shall modify the readiness rating system for units of the Army Reserve and Army National Guard to ensure that the rating system provides an accurate assessment of the deployability of a unit and those shortfalls of a unit that require the provision of additional resources. In making such modifications, the Secretary shall ensure that the unit readiness rating system is designed so—

(1) that the personnel readiness rating of a unit reflects—

(A) both the percentage of the overall personnel requirement of the unit that is manned and deployable and the fill and deployability rate for critical occupational specialties necessary for the unit to carry out its basic mission requirements; and

(B) the number of personnel in the unit who are qualified in their primary military occupational specialty; and

(2) that the equipment readiness assessment of a unit—

(A) documents all equipment required for deployment;

(B) reflects only that equipment that is directly possessed by the unit;

(C) specifies the effect of substitute items; and

(D) assesses the effect of missing components and sets on the readiness of major equipments items.

SEC. 1122. INSPECTIONS.

Section 105 of title 32, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall";

(B) by striking out "and" at the end of paragraph (5);

(C) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(D) by inserting after paragraph (6) the following:

"(7) the units of the Army National Guard meet requirements for deployment."; and

(2) in subsection (b), by inserting "; and for determining which units of the National Guard meet deployability standards" before the period.

Subtitle C—Compatibility of Guard Units With Active Component Units

SEC. 1131. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.

(a) ASSOCIATE UNITS.—The Secretary of the Army shall require that each National Guard combat unit of the Army National Guard be associated with an active-duty combat unit.

(b) RESPONSIBILITIES.—The commander (at a brigade or higher level) of the associated active duty unit for any National Guard combat unit shall be responsible for—

(1) approving the training program of the National Guard unit;

(2) reviewing the readiness report of the National Guard unit;

(3) assessing the manpower, equipment, and training resources requirements of the National Guard unit; and

(4) validating, not less often than annually, the compatibility of the National Guard unit with the active duty forces.

(c) IMPLEMENTATION.—The Secretary of the Army shall begin to implement subsection (a) during fiscal year 1993 and shall achieve full implementation of the plan not later than October 1, 1995.

SEC. 1132. TRAINING COMPATIBILITY.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (105 Stat. 1353) is amended by adding at the end the following new paragraph:

"(4) After September 30, 1994, not less than 3,000 warrant officers and enlisted members in addition to those assigned under paragraph (2) shall be assigned to serve as advisers under the program.".

SEC. 1133. SYSTEMS COMPATIBILITY.

(a) COMPATIBILITY PROGRAM.—The Secretary of the Army shall develop and implement a program to ensure that Army personnel systems, Army supply systems, Army maintenance management systems, and Army finance systems are compatible across all Army components.

(b) REPORT.—Not later than September 30, 1993, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the program under subsection (a) and setting forth a plan for implementation of the program by the end of fiscal year 1997.

SEC. 1134. EQUIPMENT COMPATIBILITY.

Section 115b(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) A statement of the current status of the compatibility of equipment between the Army reserve components and active forces of the Army, the effect of that level of incompatibility on combat effectiveness, and a plan to achieve full equipment compatibility.".

SEC. 1135. DEPLOYMENT PLANNING REFORM.

(a) REQUIREMENT FOR PRIORITY SYSTEM.—The Secretary of the Army shall develop a system for identifying the priority for mobilization of Army reserve component units. The priority system shall be based on regional contingency planning requirements and doctrine to be integrated into the Army war planning process.

(b) UNIT DEPLOYMENT DESIGNATORS.—The system shall include the use of Unit Deployment Designators to specify the post-mobilization training days allocated to a unit before deployment. The Secretary shall specify standard designator categories in order to group units according to the timing of deployment after mobilization.

(c) USE OF DESIGNATORS.—(1) The Secretary shall establish procedures to link the Unit Deployment Designator system to the process by which resources are provided for National Guard units.

(2) The Secretary shall develop a plan that allocates greater funding for training, full-time support, equipment, and manpower in excess of 100 percent of authorized strength to units assigned unit deployment designators that allow fewer post-mobilization training days.

(3) The Secretary shall establish procedures to identify the command level at which combat units would, upon deployment, be integrated with active component forces consistent with the Unit Deployment Designator system.

SEC. 1136. QUALIFICATION FOR PRIOR-SERVICE ENLISTMENT BONUS.

Section 308i(c) of title 37, United States Code, is amended by striking out the period at the end and inserting in lieu thereof "and may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and attained a level of qualification commensurate with the member's grade and years of service.".

SEC. 1137. STUDY OF IMPLEMENTATION FOR ALL RESERVE COMPONENTS.

The Secretary of Defense shall conduct an assessment of the feasibility of implementing the provisions of this title for all reserve components. Not later than December 31, 1993, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a plan for such implementation.

TITLE XII—SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Operation Desert Storm

SEC. 1201. EXTENSION OF SUPPLEMENTAL AUTHORIZATIONS FOR OPERATION DESERT STORM.

Sections 101, 102(c), and 106 of Public Law 102–25 (105 Stat. 78) are each amended by striking out "fiscal years 1991 and 1992" each place it appears and inserting in lieu thereof "fiscal years 1991, 1992, and 1993".

SEC. 1202. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 1992 in accordance with subsection (a) of section 101 of Public Law 102–25 (105 Stat. 78), to be available under subsection (b)(1) of such section, the sum of $429,000,000 for military personnel as follows:

(1) ARMY.—For the Army, $399,000,000.

(2) NAVY.—For the Navy, $30,000,000.

(b) INCREASED LIMITATION ON AUTHORITY FOR TRANSFER OF FISCAL YEAR 1992 AUTHORIZA-

TIONS.—The total amount of the transfer authority provided for the Secretary of Defense for fiscal year 1992 in Public Law 102–190 or any other Act is increased by the amounts of the funds appropriated pursuant to subsection (a) that are transferred to fiscal year 1992 appropriations accounts pursuant to sections 101 and 102(c) of Public Law 102–25, as amended by section 1201.

SEC. 1203. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 1993 in accordance with subsection (a) of section 101 of Public Law 102–25 (105 Stat. 78), to be available under subsection (b) of such section, the sum of $87,700,000 for military personnel as follows:

(1) ARMY.—For the Army, $29,300,000.

(2) NAVY.—For the Navy, $35,300,000.

(3) MARINE CORPS.—For the Marine Corps, $3,100,000.

(4) AIR FORCE.—For the Air Force, $20,000,000.

(b) INCREASED LIMITATION ON AUTHORITY FOR TRANSFER OF FISCAL YEAR 1993 AUTHORIZATIONS.—The amount of the transfer authority provided in section 1001 is increased by the amounts of the funds appropriated pursuant to subsection (a) that are transferred to fiscal year 1993 appropriations accounts pursuant to sections 101 and 102(c) of Public Law 102–25, as amended by section 1201.

SEC. 1204. RELATIONSHIP TO OTHER AUTHORIZATIONS.

The authorizations of appropriations in sections 1202 and 1203 are in addition to the amounts otherwise authorized to be appropriated to the Department of Defense for fiscal year 1992 and for fiscal year 1993 by any other provision of this Act or by any other Act enacted before the date of the enactment of this Act.

Subtitle B—Hurricane Andrew and Typhoon Omar

SEC. 1211. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1992 to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar $529,300,000 as follows:

(1) For Military Personnel:

(A) For the Navy, $10,700,000.

(B) For the Air Force, $58,200,000.

(C) For the Air Force Reserve, $8,800,000.

(D) For the Air National Guard, $1,900,000.

(2) For Operation and Maintenance:

(A) For the Army, $1,400,000.

(B) For the Navy, $142,900,000.

(C) For the Air Force, $228,000,000.

(D) For the Defense Agencies, $31,500,000.

(E) For the Army Reserve, $3,300,000.

(F) For the Air Force Reserve, $13,200,000.

(G) For the Army National Guard, $1,400,000.

(H) For the Air National Guard, $2,000,000.

(3) For Military Construction:

(A) For the Air Force inside the United States, $10,000,000.

(B) For the Air Force for family housing inside the United States, $16,000,000.

(b) AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1992 to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar $263,530,000 as follows:

(1) For military construction for the Navy outside the United States, $81,530,000.

(2) For military construction for the Air Force inside the United States, $66,000,000.

(3) For military construction for the Air Force outside the United States, $7,600,000.

(4) For family housing for the Navy outside the United States, $87,200,000.

(5) For family housing for the Air Force outside the United States, $21,200,000.

(c) EMERGENCY DESIGNATION.—The authorization of appropriations in subsection (b) are effective only to the extent that the appropriations are designated by the Congress as emergency appropriations for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 in an appropriations Act.

TITLE XIII—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Subtitle A—Burdensharing

SEC. 1301. OVERSEAS BASING ACTIVITIES.

(a) FUNDING REDUCTIONS.—(1)(A) The total amount appropriated to the Department of Defense for operation and maintenance and for military construction (including NATO Infrastructure) that is obligated to conduct overseas basing activities during fiscal year 1993 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $500,000,000.

(B) For purposes of subparagraph (A), the baseline for fiscal year 1993 is the sum of the amounts of the overseas funding estimates specified for such year for Operation and Maintenance; Family Housing, Operations; Family Housing, Construction; and Military Construction (including NATO Infrastructure) set forth on page 8 of the report of the Department of Defense dated January 1992, and entitled "Amended FY 1992/FY 1993 Biennial Budget Estimates for Defense Overseas Funding and Dependent Overseas Funding".

(2) It is the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal years 1994, 1995, and 1996 as—

(A) the number of United States military personnel stationed overseas is reduced in conformance with the provisions of section 1302 and the amendment made by section 1303; and

(B) the countries to which subsection (e)(1) and (e)(2) apply assume an increased share of the costs of United States military installations in those countries.

(b) DEFINITION.—In this section, the term "overseas basing activities" means the activities of the Department of Defense for which funds are provided through appropriations for operation and maintenance, including appropriations for family housing operations, and for military construction (including family housing construction and NATO Infrastructure) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(c) OFFSETS.—Reductions for purposes of subsection (a) in obligations of appropriated funds for overseas basing activities may be offset by either or a combination of the following:

(1) Increase in the level of host-nation support due to agreements reached under subsection (e) or otherwise.

(2) Accelerated withdrawal of United States forces or equipment under the provisions of section 1302 and the amendment made by section 1303.

(d) ALLOCATIONS OF SAVINGS.—The savings realized as a result of the reductions for purposes of subsection (a) will be allocated for operation and maintenance and military construction activities of the Department of Defense at military installations and facilities located inside the United States.

(e) DEFENSE BURDENSHARING AGREEMENTS FOR INCREASED HOST NATION SUPPORT.—(1) In order to achieve additional savings in fiscal year 1994 and in future fiscal years, the President should enter into a revised host-nation agreement with each foreign country described in paragraph (3)(A).

(2) For purposes of paragraph (1), a revised host-nation agreement is an agreement under which such foreign country, on or before September 30, 1994—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the non-personnel costs of United States military installations in that country.

SEC. 1302. OVERSEAS MILITARY END STRENGTH.

(a) REDUCTION IN UNITED STATES FORCE LEVELS ABROAD.—On and after September 30, 1996, no appropriated funds may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in nations outside the United States at any level in excess of 60 percent of the end strength level of such members on September 30, 1992.

(b) EXCEPTIONS.—(1) Subsection (a) shall not apply in the event of a declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization, Japan, the Republic of Korea, or any other ally of the United States.

(2) The President may waive the operation of subsection (a) if the President declares an emergency and immediately notifies Congress.

SEC. 1303. REDUCTION IN THE AUTHORIZED END STRENGTH FOR MILITARY PERSONNEL IN EUROPE.

(a) REDUCED END STRENGTH.—Subsection (c)(1) of section 1002 of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended by striking out "235,700" in the first sentence and all that follows and inserting in lieu thereof "100,000.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1995.

SEC. 1304. REPORTS ON OVERSEAS BASING.

(a) ANNUAL REPORT.—The Secretary of Defense shall, not later than March 31 of each year through 1997, submit to the Committees on Armed Services of the Senate and House of Rep-

resentatives, either separately or as part of another relevant report, a report that specifies—

(1) the stationing and basing plan for United States military forces outside the United States;

(2) the status of closures of United States military installations located outside the United States;

(3) the schedule for the negotiation of such closures;

(4) the potential savings to the United States resulting from such closures;

(5) the potential amount of receipts from residual value negotiations; and

(6) efforts and progress toward achieving host nation offsets under section 1301(e) and reduced end strength levels under section 1302.

(b) REPORT ON BUDGET IMPLICATIONS OF OVERSEAS BASING AGREEMENTS.—Whenever the Secretary of Defense enters into a basing agreement between the United States and a foreign country with respect to United States military forces outside the United States, the Secretary of Defense shall, in advance of the signing of the agreement, submit to the congressional defense committees a report on the Federal budget implications of the agreement.

SEC. 1305. BURDENSHARING CONTRIBUTIONS BY KUWAIT.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1465) is amended in subsections (a) and (f) by inserting ", Kuwait," after "Japan".

(b) AVAILABILITY OF CONTRIBUTIONS.—Subsection (c) of such section is amended by striking out "in the country making the contributions".

(c) CLERICAL AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1045. BURDENSHARING CONTRIBUTIONS BY JAPAN, KUWAIT, AND THE REPUBLIC OF KOREA.".

Subtitle B—Cooperative Agreements and Other Matters Concerning Allies

SEC. 1311. COOPERATIVE MILITARY AIRLIFT AGREEMENTS.

(a) LIQUIDATION OF CREDITS AND LIABILITIES.—Section 2350c(a)(2) of title 10, United States Code, is amended by striking out all after "liquidated" and inserting in lieu thereof "as agreed upon by the parties. Liquidation shall be either by direct payment to the country that has provided the greater amount of transportation or by the providing of in-kind transportation services to that country. The liquidation shall occur on a regular basis, but not less often than once every 12 months.".

(b) COUNTRIES ELIGIBLE FOR COOPERATIVE AGREEMENTS.—Section 2350c(e)(1) of such title is amended by striking out "or New Zealand" and inserting in lieu thereof ", New Zealand, Japan, and the Republic of Korea".

SEC. 1312. COOPERATIVE AGREEMENTS WITH ALLIES.

(a) ACQUISITION OF LOGISTICS SUPPORT, SUPPLIES, AND SERVICES FROM ALLIES.—Section 2341 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "in Europe and adjacent waters" and inserting in lieu thereof "outside the United States"; and

(2) in paragraph (2)—

(A) by striking out "in which elements of the armed forces are deployed (or are to be deployed)"; and

(B) by striking out "in such country or in the military region in which such country is located" and inserting in lieu thereof "outside the United States".

(b) LIMITATIONS ON AMOUNTS THAT MAY BE OBLIGATED OR ACCRUED BY THE UNITED STATES.—Section 2347 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "North Atlantic Treaty Organization" and inserting in lieu thereof "armed forces"; and

(B) by inserting "with other member countries of the North Atlantic Treaty Organization and subsidiary bodies of the North Atlantic Treaty Organization" after "(before the computation of offsetting balances)";

(2) in subsection (a)(2)—

(A) by striking out "in the military region affecting" and inserting in lieu thereof "involving the armed forces, the total amount of reimbursable liabilities that the United States may accrue under this subchapter (before the computation of offsetting balances) with"; and

(B) by striking out "the total amount of reimbursable liabilities that the United States may accrue under this subchapter (before the computation of offsetting balances) with such country";

(3) in subsection (b)(1)—

(A) by striking out "North Atlantic Treaty Organization" and inserting in lieu thereof "armed forces"; and

(B) by inserting "with other member countries of the North Atlantic Treaty Organization and subsidiary bodies of the North Atlantic Treaty Organization" after "(before the computation of offsetting balances)"; and

(4) in subsection (b)(2)—

(A) by striking out "in the military region affecting a country referred to in paragraph (1)" and inserting in lieu thereof "involving the armed forces"; and

(B) by striking out "from such country (before the computation of offsetting balances)" and inserting in lieu thereof "(before the computation of offsetting balances) with a country which is not a member of the North Atlantic Treaty Organization, but with which the United States has one or more acquisition or cross-servicing agreements".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to acquisitions of logistics support, supplies, and services under chapter 138 of title 10, United States Code, that are initiated on or after the date of enactment of this Act.

SEC. 1313. AUTHORITY FOR GOVERNMENT OF OMAN TO RECEIVE EXCESS DEFENSE ARTICLES.

Section 516(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)) is amended—

(1) by inserting "(1)" after "may transfer";

(2) by striking "structure and" and inserting "structure, (2)";

(3) by inserting "and (3) to those countries which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf, and which either received Foreign Military Financing (FMF) assistance in fiscal year 1990 or are in the Near East Region and received Foreign Military Financing (FMF) assistance in fiscal year 1991," after "southeastern flank of NATO which are eligible for United States security assistance,"; and

(4) by striking "and those countries which received Foreign Military Financing (FMF) assistance in fiscal year 1990 and which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf,".

SEC. 1314. REPORT ON POSSIBLE REVISIONS TO THE NORTH ATLANTIC TREATY.

(a) FINDINGS.—The Congress finds that—

(1) when the North Atlantic Treaty was signed in 1949, the clear military threat to the security of Western Europe was the Soviet Union and its allies in Eastern Europe;

(2) since 1949 it has been clearly understood by the people of the Western World that the primary mission of NATO was to deter an attack from the Soviet Bloc;

(3) the dramatic changes in Europe since the fall of the Berlin Wall in 1989, and the subsequent dissolution of the Warsaw Pact and the Soviet Union have fundamentally changed the security situation in Europe;

(4) one of the consequences of the breakdown of 40 years of Communist rule in Eastern Europe and the former Soviet Union has been ethnic conflict throughout the region, particularly in the Balkans and the Republics of the Former Soviet Union;

(5) those fundamental changes in the security threats facing NATO member nations have caused confusion concerning the mission of NATO in the post-cold war world and the role of NATO military forces outside of the NATO Theater, particularly in the former Soviet Union;

(6) if NATO is to continue to be relevant to the security interests of Western Europe and North America through the 1990's and beyond, the alliance's mission must be recrafted in order to enable it to address common transatlantic security concerns, including those beyond NATO's geographic boundaries; and

(7) a fundamental review of the North Atlantic Treaty is necessary, in light of the new security situation in Europe.

(b) REPORT.—Not later than April 1, 1993, the President shall submit to Congress a report on the North Atlantic Treaty of 1949. The report shall include—

(1) a detailed analysis of the forseeable threats to the security of NATO member nations;

(2) a determination whether the North Atlantic Treaty of 1949 should be revised to meet the future challenges to peace and security; and

(3) the extent to which the NATO charter permits the use of NATO forces for peacekeeping purposes, given the steadily increased use of military forces for such purposes, and the range of missions that should be considered for such peacekeeping to protect the interests of member nations

Subtitle C—Matters Relating to the Former Soviet Union and Eastern Europe

SEC. 1321. NUCLEAR WEAPONS REDUCTION.

(a) FINDINGS.—The Congress makes the following findings:

(1) On February 1, 1992, the President of the United States and the President of the Russian Federation agreed in a Joint Statement that "Russia and the United States do not regard each other as potential adversaries" and stated further that, "We will work to remove any remnants of cold war hostility, including taking steps to reduce our strategic arsenals".

(2) In the Treaty on the Non-Proliferation of Nuclear Weapons, in exchange for the non-nuclear-weapon states agreeing not to seek a nuclear weapons capability nor to assist other non-nuclear-weapon states in doing so, the United States agreed to seek the complete elimination of all nuclear weapons worldwide, as declared in the preamble to the Treaty, which states that it is a goal of the parties to the Treaty to "facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery" as well as in Article VI of the Treaty, which states that "each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament".

(3) Carrying out a policy of seeking further significant and continuous reductions in the nuclear arsenals of all countries, besides reducing the likelihood of the proliferation of nuclear weapons and increasing the likelihood of a successful extension and possible strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons in 1995, when the Treaty is scheduled

for review and possible extension, has additional benefits to the national security of the United States, including—

(A) a reduced risk of accidental enablement and launch of a nuclear weapon, and

(B) a defense cost savings which could be reallocated for deficit reduction or other important national needs.

(4) The Strategic Arms Reduction Talks (START) Treaty and the agreement by the President of the United States and the President of the Russian Federation on June 17, 1992, to reduce the strategic nuclear arsenals of each country to a level between 3,000 and 3,500 weapons are commendable intermediate stages in the process of achieving the policy goals described in paragraphs (1) and (2).

(5) The current international era of cooperation provides greater opportunities for achieving worldwide reduction and control of nuclear weapons and material than any time since the emergence of nuclear weapons 50 years ago.

(6) It is in the security interests of both the United States and the world community for the President and the Congress to begin the process of reducing the number of nuclear weapons in every country through multilateral agreements and other appropriate means.

(7) In a 1991 study, a committee of the National Academy of Sciences concluded that: "The appropriate new levels of nuclear weapons cannot be specified at this time, but it seems reasonable to the committee that U.S. strategic forces could in time be reduced to 1,000–2,000 nuclear warheads, provided that such a multilateral agreement included appropriate levels and verification measures for the other nations that possess nuclear weapons. This step would require successful implementation of our proposed post-START U.S.-Soviet reductions, related confidence-building measures in all the countries involved, and multilateral security cooperation in areas such as conventional force deployments and planning.".

(b) UNITED STATES POLICY.—It shall be the goal of the United States—

(1) to encourage and facilitate the denuclearization of Ukraine, Byelarus, and Kazakhstan, as agreed upon in the Lisbon ministerial meeting of May 23, 1992;

(2) to rapidly complete and submit for ratification by the United States the treaty incorporating the agreement of June 17, 1992, between the United States and the Russian Federation to reduce the number of strategic nuclear weapons in each country's arsenal to a level between 3,000 and 3,500;

(3) to facilitate the ability of the Russian Federation, Ukraine, Byelarus, and Kazakhstan to implement agreed mutual reductions under the START Treaty, and under the Joint Understanding of June 16-17, 1992 between the United States and the Russian Federation, on an accelerated timetable, so that all such reductions can be completed by the year 2000;

(4) to build on the agreement reached in the Joint Understanding of June 16-17, 1992, by entering into multilateral negotiations with the Russian Federation, the United Kingdom, France, and the People's Republic of China, and, at an appropriate point in that process, enter into negotiations with other nuclear armed states in order to reach subsequent stage-by-stage agreements to achieve further reductions in the number of nuclear weapons in all countries;

(5) to continue and extend cooperative discussions with the appropriate authorities of the former Soviet military on means to maintain and improve secure command and control over nuclear forces;

(6) in consultation with other member countries of the North Atlantic Treaty Organization and other allies, to initiate discussions to bring tactical nuclear weapons into the arms control process; and

(7) to ensure that the United States assistance to securely transport and store, and ultimately dismantle, former Soviet nuclear weapons and missiles for such weapons is being properly and effectively utilized.

(c) ANNUAL REPORT.—By February 1 of each year, the President shall submit to the Congress a report on—

(1) the actions that the United States has taken, and the actions the United States plans to take during the next 12 months, to achieve each of the goals set forth in paragraphs (1) through (6) of subsection (b); and

(2) the actions that have been taken by the Russian Federation, by other former Soviet republics, and by other countries to achieve those goals.

Each such report shall be submitted in unclassified form, with a classified appendix if necessary.

SEC. 1322. VOLUNTEERS INVESTING IN PEACE AND SECURITY (VIPS) PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Part II of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 89—VOLUNTEERS INVESTING IN PEACE AND SECURITY

"Sec.
"1801. Volunteer program to assist independent states of the former Soviet Union.
"1802. Participants in program.
"1803. Determining needs for volunteers; role of the Secretary of State.
"1804. Compensation and benefits.
"1805. Termination of program.

"§1801. Volunteer program to assist independent states of the former Soviet Union

"The Secretary of Defense may, in coordination with the Secretary of State, carry out a program in accordance with this chapter to provide technical assistance to address the infrastructure needs of the independent states of the former Soviet Union. Assistance under the program shall be provided by volunteers who are retired members of the armed forces, or who are former members of the armed forces, who have been recently released from active duty.

"§1802. Participants in program

"(a) If the Secretary of Defense carrys out a program under section 1801 of this title, the Secretary shall select the volunteers to participate in the program. Volunteers shall be selected from among individuals—

"(1) who have retired from active duty or been released from active duty under a voluntary separation program; and

"(2) who possess technical skills relevant to the infrastructure needs of the independent states of the former Soviet Union (as identified by the Secretary of State pursuant to section 1803(a) of this title), including skills in areas such as civil engineering, electrical engineering, nuclear plant safety, environmental cleanup, logistics, communications, and health care.

"(b) Volunteers may be selected from among individuals who were separated from active duty not more than two years before the date of the enactment of this chapter.

"(c)(1) The Secretary of Defense may employ volunteers, by contract, to provide services that use their technical skills for the benefit of governmental or nonprofit nongovernmental entities in any of the independent states of the former Soviet Union.

"(2) A person who is employed as a volunteer under paragraph (1) shall be considered to be an employee for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of such employment as a volunteer.

"(d) Volunteers may be required to agree to serve in an independent state of the former Soviet Union for a period of two years (in addition to such period of education and training provided under section 1803(c) of this title) except to the extent the Secretary of State determines otherwise.

"(e) The Secretary of Defense shall prescribe procedures for the selection of volunteers, including procedures for the submission of applications.

"(f) The Secretary of Defense may maintain a registry of applicants who are qualified to be volunteers, including the skills of such applicants.

"§1803. Determining needs for volunteers; role of the Secretary of State

"(a) The Secretary of Defense, in consultation with the Secretary of State, may identify the technical skills that could be provided by volunteers pursuant to this chapter and identify opportunities for the placement of volunteers with governmental or nongovernmental entities in each participating country.

"(b) The Secretary of State shall approve the functions to be performed by each volunteer assigned pursuant to this chapter and the assignment of each volunteer to an independent state of the former Soviet Union.

"(c) The Secretary of State may provide volunteers with language training, cultural orientation, and such other education and training as the Secretary determines appropriate. Any expenses incurred by the Secretary of State in carrying out this subsection shall be reimbursed by the Secretary of Defense from amounts currently available to the Secretary of Defense.

"(d) Each volunteer shall serve under the authority of the United States chief of mission to the participating country and shall be considered to be a member of the United States mission to that country.

"§1804. Compensation and benefits

"(a) Each volunteer may be paid a stipend at the annual rate of $25,000, subject to the availability of appropriations.

"(b) If the Secretary of Defense determines that it is necessary to do so in order to recruit qualified volunteers, the Secretary may provide volunteers with the allowances and other benefits considered appropriate by the Secretary, including the following:

"(1) Round-trip transportation for the volunteer and his or her dependents.

"(2) Medical care for the volunteer and dependents, if the volunteer is not otherwise eligible for medical care from the Department of Defense or such medical care is otherwise not reasonably available.

"(3) A housing allowance.

"(4) An overseas cost-of-living allowance.

"(5) Expenses of education of dependents.

"§1805. Termination of program

"The selection of volunteers to participate in the program under this chapter shall terminate on September 30, 1995.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

"89. Volunteers Investing in Peace and Security ..... 1801".

(b) REIMBURSEMENT OF OTHER AGENCIES.—The Secretary of Defense shall reimburse other departments and agencies for all costs, direct or indirect, of participation in the program established under chapter 89 of title 10, United States Code, as added by subsection (a).

(c) STUDY TO DETERMINE PROGRAM NEED AND AVAILABILITY OF VOLUNTEERS.—The Secretary

of Defense shall conduct a study to assess the need for the program under chapter 89 of title 10, United States Code, as added by subsection (a), and the availability of volunteers to participate in that program. The Secretary shall—

(1) in consultation with the Secretary of State, conduct a survey, of a scope considered necessary by the Secretary, to determine what technical skills may be required within the independent states of the former Soviet Union and the degree of need for these skills;

(2) determine the potential availability of former service members who are qualified in the required technical skills in a manner and of a duration considered necessary by the Secretary; and

(3) maintain a registry of the skills and former service members who volunteer to participate during the study required in paragraphs (1) and (2).

(d) EFFECTIVE DATE.—Chapter 89 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1992.

Subtitle D—Matters Relating to the Middle East and Persian Gulf Region

SEC. 1331. REPORT ON THE UNITED STATES STRATEGIC POSTURE IN THE MIDDLE EAST AND PERSIAN GULF REGION.

(a) REQUIREMENT FOR REPORT.—Not later than February 1, 1993, the Secretary of Defense, together with the Secretary of State and the Director for Central Intelligence, shall submit to Congress a report on the United States strategic posture in the Middle East and Persian Gulf region.

(b) CONTENT OF REPORT.—The report shall include an assessment of the following matters:

(1) The adequacy of United States power projection forces, strategic lift, forward deployed forces, prepositioned materiel, and force sustainability capabilities for protecting United States strategic interests in the Middle East and the Persian Gulf region in order to ensure the security needs of Israel, Egypt, and Persian Gulf states friendly to the United States.

(2) United States policy, plans, and programs for ensuring Israel's military and technological superiority over potential threats.

(3) United States capabilities for assisting Israel in a military emergency and the adequacy of United States military assistance and technology transfer for ensuring that Israel has the capability to deter war and to defend its territory with minimal risk and loss of life.

(4) The state of strategic cooperation between the United States and Israel, including—

(A) a thorough assessment of options for prepositioning in Israel appropriate defense articles for use by the United States in the region; and

(B) an assessment of United States policies, plans, and programs for ensuring that maximum advantage is taken of Israel's strategic location and Israel's ability to provide unique options regarding military technologies and production.

(5) The adequacy of United States power projection forces, military assistance, arms transfers, and cooperation arrangements for addressing Egypt's security arrangements to deter outside threats and to participate in regional security efforts with the United States and other nations.

(6) The adequacy of United States power projection forces, military assistance, and arms transfers for addressing the security requirements of the Gulf Cooperation Council States.

(7) The adequacy of the capabilities of the United States and countries friendly to the United States for deterring and defending against long-range missile threats and the use of weapons of mass destruction in the Middle East and the Persian Gulf region.

(c) INTELLIGENCE ASSESSMENT.—As part of the report submitted pursuant to subsection (a), the Secretary of Defense shall provide a military threat assessment for the Middle East and Persian Gulf region. The intelligence assessment shall include a description of—

(1) the overall military threat to United States strategic interests in the Persian Gulf region;

(2) the overall military threat to Israel and the military threats to Israel from individual countries, including an assessment of the Arab-Israeli military balance and a discussion of the changes taking place in that balance;

(3) the military threats to Egypt;

(4) the military threats to the Gulf Cooperation Council States; and

(5) the threats to United States interests and to regional States friendly to the United States that result from the proliferation of long-range missiles and weapons of mass destruction.

(d) FORM OF REPORT.—The report may be submitted in classified and unclassified forms.

SEC. 1332. PROHIBITION ON CONTRACTING WITH ENTITIES THAT COMPLY WITH THE SECONDARY ARAB BOYCOTT OF ISRAEL.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by sections 384, 808, 813, 834, 840, and 841, is further amended by adding at the end the following new section:

"§2410i. Prohibition on contracting with entities that comply with the secondary Arab boycott of Israel

"(a) POLICY.—Under section 3(5)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2402(5)(A)), it is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person.

"(b) PROHIBITION.—(1) Consistent with the policy referred to in subsection (a), the Department of Defense may not award a contract for an amount in excess of the small purchase threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))) to a foreign entity unless that entity certifies to the Secretary of Defense that it does not comply with the secondary Arab boycott of Israel.

"(2) In paragraph (1), the term "foreign entity" means a foreign person, a foreign company, or any other foreign entity.

"(c) WAIVER AUTHORITY.—The Secretary of Defense may waive the prohibition in subsection (b) in specific instances when the Secretary determines that the waiver is necessary in the national security interests of the United States. Within 15 days after the end of each fiscal year, the Secretary shall submit to Congress a report identifying each contract for which a waiver was granted under this subsection during that fiscal year.

"(d) EXCEPTIONS.—Subsection (b) does not apply—

"(1) to contracts for consumable supplies, provisions, or services that are intended to be used for the support of United States forces or of allied forces in a foreign country; or

"(2) to contracts pertaining to the use of any equipment, technology, data, or services for intelligence or classified purposes by the United States Government in the interests of national security or to the acquisition or lease of any such equipment, technology, data, or services by the United States Government in the interests of national security.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by sections 384, 808, 813, 834, 840, and 841, is further amended by adding at the end the following new item:

"2410i. Prohibition on contracting with entities that comply with the secondary Arab boycott of Israel.".

Subtitle E—International Peacekeeping Activities

SEC. 1341. UNITED NATIONS PEACEKEEPING AND ENFORCEMENT REPORT.

(a) REPORT REQUESTED.—Not later than the date on which the President submits to Congress the budget for fiscal year 1994 under section 1105 of title 31, United States Code, the President shall transmit to Congress a report on the proposals of the Secretary General of the United Nations contained in his report to the Security Council entitled "Preventive Diplomacy, Peacemaking and Peacekeeping", dated June 19, 1992.

(b) CONTENT OF PRESIDENT'S REPORT.—The President's report shall contain a comprehensive analysis and discussion of the proposals of the Secretary General, including, in particular, the following:

(1) The proposal that contributions for peacekeeping and related enforcement activities be funded out of the National Defense function of the budget rather than the "Contributions to International Peacekeeping Activities" account of the Department of State.

(2) The assignment of responsibilities within the Executive branch if such contributions are funded, in whole or in part, out of the National Defense function.

(3) The proposal that the United States and other member states of the United Nations negotiate special agreements under Article 43 of the United Nations Charter to provide for those states to make armed forces, assistance, and facilities available to the Security Council of the United Nations for the purposes stated in Article 42 of that Charter, not only on an ad hoc basis but on a permanent on-call basis for rapid deployment under Security Council authorization.

(4) The proposal that member states of the United Nations commit to keep equipment specified by the Secretary General available for immediate sale, loan, or donation to the United Nations when required.

(5) The proposal that member states of the United Nations make airlift and sealift capacity available to the United Nations free of cost or at lower than commercial rates.

(6) Such other information as may be necessary to inform Congress on matters relating to the Secretary General's proposals.

SEC. 1342. SUPPORT FOR PEACEKEEPING ACTIVITIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) International peacekeeping activities contribute to the national interests of the United States in maintaining global stability and order.

(2) International peacekeeping activities take many forms and include observer missions, ceasefire monitoring, human rights monitoring, refugee and humanitarian assistance, monitoring and conducting elections, monitoring of police in the demobilization of former combatants, and reforming judicial and other civil and administrative systems of government.

(3) International peacekeeping activities traditionally involve the presence of military troops, police forces, and, in recent years, civilian experts in transportation, logistics, medicine, electoral systems, human rights, land tenure, other economic and social issues, and other areas of expertise.

(4) International peacekeeping activities serve both the foreign policy interests and defense policy interests of the United States.

(5) The normal budget process of authorizing and appropriating funds a year in advance and reprogramming such funds is insufficient to satisfy the need for funds for peacekeeping efforts arising from an unanticipated crisis.

(6) Greater flexibility is needed to ensure the timely availability of funding to provide for peacekeeping activities.

(b) AUTHORIZED SUPPORT FOR FISCAL YEAR 1993.—(1) Subject to paragraph (2), the Sec-

retary may provide assistance for international peacekeeping activities during fiscal year 1993 in an amount not to exceed $300,000,000 in accordance with section 403 of title 10, United States Code, as added by subsection (c). Notwithstanding subsection (b) of that section, the assistance so provided may be derived from funds appropriated to the Department of Defense for fiscal year 1993 for operation and maintenance or from balances in working capital accounts.

(2) No amount may be obligated pursuant to paragraph (1) unless the expenditure of such amount has been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) AUTHORIZATION.—(1) Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§403. International peacekeeping activities

"(a) AUTHORITY.—To the extent provided in defense authorization Acts and appropriations Acts, the Secretary of Defense may furnish assistance in support of international peacekeeping activities of the United Nations or any regional organization of which the United States is a member.

"(b) FORMS OF ASSISTANCE.—Assistance provided under subsection (a) may include funds, supplies, services, and equipment. Any funds so provided shall be derived from amounts available to the Department of Defense for the fiscal year for which the assistance is provided.

"(c) LIMITATIONS RELATED TO AVAILABILITY OF STATE DEPARTMENT FUNDS.—Funds may be provided as assistance pursuant to subsection (a) for a fiscal year—

"(1) only if funds available to the Department of State for that fiscal year for contributions for international peacekeeping activities are insufficient or otherwise unavailable to meet the United States' fair share of costs for international peacekeeping activities, as determined by the President; and

"(2) only to the extent that such funds are required to meet unexpected and urgent requirements; and

"(3) only to the extent that the United States' fair share of such costs exceeds the amount that the President requests Congress to appropriate for the Department of State for such fiscal year for international peacekeeping activities.

"(d) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State before furnishing any assistance pursuant to subsection (a).

"(e) DETERMINATIONS REQUIRED.—No assistance may be furnished pursuant to subsection (a) unless the Secretary of Defense certifies to Congress that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(f) ADVANCE NOTICE TO CONGRESS.—Not less than 30 days before obligating any funds for purposes of subsection (a), the Secretary of Defense shall transmit to Congress a report on the proposed obligation. The report shall—

"(1) specify the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation;

"(2) specify the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds; and

"(3) include the certification required by subsection (e).

"(g) DEFINITION.—In this section, the term 'defense authorization Act' means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including the activities described in paragraph (7) of section 114(a) of this title.

"(h) TERMINATION.—The authority of the Secretary of Defense to furnish assistance under subsection (a) shall expire on September 30, 1993.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"403. International peacekeeping activities.".

Subtitle F—Overseas Operation and Maintenance Activities

SEC. 1351. PROHIBITION ON PAYMENT OF SEVERANCE PAY TO CERTAIN FOREIGN NATIONALS IN THE PHILIPPINES.

(a) PROHIBITION.—Funds available to the Department of Defense may not be used to pay severance pay to a foreign national employed by the Department of Defense in the Republic of the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Republic of the Philippines.

(b) PROHIBITION ON ALLOWANCE OF CERTAIN SEVERANCE PAY AS CONTRACT COSTS.—Funds available to the Department of Defense may not be used to pay the costs of severance pay paid by a contractor to a foreign national employed by the contractor under a defense service contract in the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Philippines.

SEC. 1352. FOREIGN SEVERANCE COSTS.

(a) REPEAL OF LIMITATION ON PROHIBITION OF PAYMENT OF CERTAIN FOREIGN SEVERANCE COSTS.—Section 311(b)(3)(B) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1412) is repealed.

(b) REVISION OF RULES CONCERNING SEVERANCE PAY FOR FOREIGN NATIONALS.—Section 2324(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Pursuant to regulations prescribed by the Secretary and subject to the availability of appropriations, the head of an agency awarding a covered contract (other than a contract to which paragraph (2) applies) may waive the application of the provisions of paragraphs (1)(M) and (1)(N) to that contract if the head of the agency determines that—

"(i) the application of such provisions to the contract would adversely affect the continuation of a program, project, or activity that provides significant support services for members of the armed forces stationed or deployed outside the United States;

"(ii) the contractor has taken (or has established plans to take) appropriate actions within the contractor's control to minimize the amount and number of incidents of the payment of severance pay by the contractor to employees under the contract who are foreign nationals; and

"(iii) the payment of severance pay is necessary in order to comply with a law that is generally applicable to a significant number of businesses in the country in which the foreign national receiving the payment performed services under the contract or is necessary to comply with a collective bargaining agreement.

"(B) The head of an agency shall include in the solicitation for a covered contract a statement indicating—

"(i) that a waiver has been granted under subparagraph (A) for the contract; or

"(ii) whether the head of the agency will consider granting such a waiver, and, if the agency head will consider granting a waiver, the criteria to be used in granting the waiver.

"(C) The head of an agency shall make the final determination regarding whether to grant a waiver under subparagraph (A) with respect to a covered contract before award of the contract.".

(b) APPLICABILITY.—The amendments made by subsection (a) apply to covered contracts (as defined in section 2324 of title 10, United States Code) that are in effect or are entered into on or after October 1, 1991, for costs incurred on or after October 1, 1991.

SEC. 1353. EXTENSION OF OVERSEAS WORKLOAD PROGRAM.

Section 1465(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1700; 10 U.S.C. 2341 note) is amended by striking out "fiscal year 1991 or 1992" and inserting in lieu thereof "fiscal year 1991, 1992, or 1993".

Subtitle G—Other Matters

SEC. 1361. STUDY OF PROVIDING FORWARD PRESENCE OF NAVAL FORCES DURING PEACETIME.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall conduct an analysis of options for providing forward presence of naval forces during peacetime. The analysis shall include an evaluation of the following considerations:

(1) The requirements of the commanders of the combatant commands for providing naval forces for forward peacetime presence.

(2) The capacity of alternative groups of naval forces, including aircraft carriers, large amphibious ships, and large surface combatants, to fulfill the forward presence mission.

(3) Potential locations and associated costs for homeporting additional aircraft carriers or other naval forces overseas.

(4) Estimated operations cost differentials for supporting forward naval operations.

(5) Estimated investment cost differentials for supporting forward naval operations.

(6) Potential availability of facilities for supporting forward naval operations.

(7) Potential host nation support or other offset contributions.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the analysis required by subsection (a).

SEC. 1362. PERMANENT AUTHORITY TO PAY CERTAIN EXPENSES OF PERSONNEL OF DEVELOPING COUNTRIES FOR ATTENDANCE AT BILATERAL OR REGIONAL COOPERATION CONFERENCES.

Subsection (e) of section 1051 of title 10, United States Code, is repealed.

SEC. 1363. REPORT ON PROLIFERATION OF MILITARY-BASED SATELLITES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the foreign development of, acquisition of, or access to satellites with capabilities for military applications and the implications of such development, acquisition, or access for the United States. The report shall include the following:

(1) A description of the current military satellite capability of Third World countries and other countries, including the projected threat posed by such capabilities to the United States in the future.

(2) A description of the current and planned efforts by the United States to develop an antisatellite capability to counter the global proliferation of satellites with capability for military applications.

(3) A review of other measures that the United States might use to counter the proliferation of such satellites.

(4) An assessment of the likelihood of any Third World country capable of ownership or control of satellites with capabilities for military applications of being able to obtain or develop an effective antisatellite capability.

(5) An assessment of the military requirement of the United States for antisatellite capabilities and a description of the existing management structure in the Government for the coordination of United States antisatellite programs.

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 1364. REPORT ON INTERNATIONAL MINE CLEARING EFFORTS IN REFUGEE SITUATIONS.

(a) FINDINGS.—The Congress finds that—

(1) an estimated 10–20 million mines are scattered across Cambodia, Afghanistan, Somalia, Angola, and other countries which have experienced conflict; and

(2) refugee repatriation and other humanitarian programs are being seriously hampered by the widespread use of anti-personnel mines in regional conflicts and civil wars.

(b) REPORT.—(1) The President shall provide a report on international mine clearing efforts in situations involving the repatriation and resettlement of refugees and displaced persons.

(2) The report shall include the following:

(A) An assessment of mine clearing needs in countries to which refugees and displaced persons are now returning, or are likely to return within the near future, including Cambodia, Angola, Afghanistan, Somalia and Mozambique, and an assessment of current international efforts to meet the mine clearing needs in the countries covered by the report.

(B) An analysis of the specific types of mines in the individual countries assessed and the availability of technology and assets within the international community for their removal.

(C) An assessment of what additional technologies and assets would be required to complete, expedite or reduce the costs of mine clearing efforts.

(D) An evaluation of the availability of technologies and assets within the United States Government which, if called upon, could be employed to augment or complete mine clearing efforts in the countries covered by the report.

(E) An evaluation of the desirability, feasibility and potential cost of United States assistance on either a unilateral or multilateral basis in such mine clearing operations.

(3) The report shall be submitted to the Congress not later than 180 days after the date of the enactment of this Act.

SEC. 1365. LANDMINE EXPORT MORATORIUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are specifically designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers, primarily in insurgencies in poor developing countries. Noncombatant civilians, including tens of thousands of children, have been the primary victims.

(2) Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing untold suffering to civilian populations. In Afghanistan, Cambodia, Laos, Vietnam, and Angola, tens of millions of unexploded landmines have rendered whole areas uninhabitable. In Afghanistan, an estimated hundreds of thousands of people have been maimed and killed by landmines during the 14-year civil war. In Cambodia, more than 20,000 civilians have lost limbs and another 60 are being maimed each month from landmines.

(3) Over 35 countries are known to manufacture landmines, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Department of State has approved ten licenses for the commercial export of anti-personnel landmines valued at $980,000, and during the past five years the Department of Defense has approved the sale of 13,156 anti-personnel landmines valued at $841,145.

(4) The United States signed, but has not ratified, the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. The Convention prohibits the indiscriminate use of landmines.

(5) When it signed the Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(6) The President should submit the convention to the Senate for its advice and consent to ratification, and the President should actively negotiate under United Nations auspices or other auspices an international agreement, or a modification of the Convention, to prohibit the sale, transfer or export of anti-personnel landmines. Such an agreement or modification would be an appropriate response to the end of the Cold War and the promotion of arms control agreements to reduce the indiscriminate killing and maiming of civilians.

(7) The United States should set an example for other countries in such negotiations, by implementing a one-year moratorium on the sale, transfer or export of anti-personnel landmines.

(c) STATEMENT OF POLICY.—(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer, or export, and further limiting the use, production, possession, and deployment of anti-personnel landmines.

(2) It is the sense of the Congress that the President should actively seek to negotiate under United Nations auspices or other auspices an international agreement, or a modification of the Convention, to prohibit the sale, transfer, or export of anti-personnel landmines.

(d) MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL LANDMINES ABROAD.—For a period of one year beginning on the date of the enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

(e) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

TITLE XIV—DEMILITARIZATION OF THE FORMER SOVIET UNION

Subtitle A—Short Title

SEC. 1401. SHORT TITLE.

This title may be cited as the "Former Soviet Union Demilitarization Act of 1992".

Subtitle B—Findings and Program Authority

SEC. 1411. DEMILITARIZATION OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

The Congress finds that it is in the national security interest of the United States—

(1) to facilitate, on a priority basis—

(A) the transportation, storage, safeguarding, and destruction of nuclear and other weapons of the independent states of the former Soviet Union, including the safe and secure storage of fissile materials, dismantlement of missiles and launchers, and the elimination of chemical and biological weapons capabilities;

(B) the prevention of proliferation of weapons of mass destruction and their components and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons;

(C) the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and

(D) other efforts designed to reduce the military threat from the former Soviet Union;

(2) to support the demilitarization of the massive defense-related industry and equipment of the independent states of the former Soviet Union and conversion of such industry and equipment to civilian purposes and uses; and

(3) to expand military-to-military contacts between the United States and the independent states of the former Soviet Union.

SEC. 1412. AUTHORITY FOR PROGRAMS TO FACILITATE DEMILITARIZATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized, in accordance with this title, to establish and conduct programs described in subsection (b) to assist the demilitarization of the independent states of the former Soviet Union.

(b) TYPES OF PROGRAMS.—The programs referred to in subsection (a) are limited to—

(1) transporting, storing, safeguarding, and destroying nuclear, chemical, and other weapons of the independent states of the former Soviet Union, as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228);

(2) establishing verifiable safeguards against the proliferation of such weapons and their components;

(3) preventing diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries;

(4) facilitating the demilitarization of the defense industries of the former Soviet Union and the conversion of military technologies and capabilities into civilian activities;

(5) establishing science and technology centers in the independent states of the former Soviet Union for the purpose of engaging weapons scientists, engineers, and other experts previously involved with nuclear, chemical, and other weapons in productive, nonmilitary undertakings; and

(6) expanding military-to-military contacts between the United States and the independent states of the former Soviet Union.

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the United States private sector.

(d) RESTRICTIONS.—United States assistance authorized by subsection (a) may not be provided unless the President certifies to the Congress, on an annual basis, that the proposed recipient country is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if such recipient has an obligation under a treaty or other agreement to destroy or dismantle any such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons;

(4) facilitating United States verification of any weapons destruction carried out under this title or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228);

(5) complying with all relevant arms control agreements; and

(6) observing internationally recognized human rights, including the protection of minorities.

Subtitle C—Administrative and Funding Authorities

SEC. 1421. ADMINISTRATION OF DEMILITARIZATION PROGRAMS.

(a) FUNDING.—(1) In recognition of the direct contributions to the national security interests of the United States of the activities specified in section 1412, funds transferred under sections 108 and 109 of Public Law 102–229 (105 Stat. 1708) are authorized to be made available to carry out this title. Of the amount available to carry out this title—

(A) not more than $40,000,000 may be made available for programs referred to in section 1412(b)(4) relating to demilitarization of defense industries;

(B) not more than $15,000,000 may be made available for programs referred to in section 1412(b)(6) relating to military-to-military contacts;

(C) not more than $25,000,000 may be made available for joint research development programs pursuant to section 1441;

(D) not more than $10,000,000 may be made available for the study, assessment, and identification of nuclear waste disposal activities by the former Soviet Union in the Arctic region;

(E) not more than $25,000,000 may be made available for Project PEACE; and

(F) not more than $10,000,000 may be made available for the Volunteers Investing in Peace and Security (VIPS) program under chapter 89 of title 10, United States Code, as added by section 1322.

(2) Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 105 Stat. 1695) is amended—

(A) by striking out "fiscal year 1992" and inserting "fiscal years 1992 and 1993"; and

(B) by striking out "$400,000,000" and inserting in lieu thereof "$800,000,000".

(3) Section 221(e) of such Act is amended—

(A) by inserting "for fiscal year 1992 or fiscal year 1993" after "under part B";

(B) by inserting "for that fiscal year" after "for that program"; and

(C) by striking out "for fiscal year 1992" and inserting in lieu thereof "for that fiscal year".

(b) TECHNICAL REVISIONS TO PUBLIC LAW 102–229.—Public Law 102–229 is amended—

(1) in section 108 (105 Stat. 1708), by striking out "contained in H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "(title II of Public Law 102–228)"; and

(2) in section 109 (105 Stat. 1708)—

(A) by striking out "H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "Public Law 102–228 (105 Stat. 1696)"; and

(B) by striking "of H.R. 3807".

Subtitle D—Reporting Requirements

SEC. 1431. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) IN GENERAL.—Not less than 15 days before obligating any funds made available for a program under this title, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(2) the activities and forms of assistance under this title for which the President plans to obligate such funds, including the projected involvement of United States Government departments and agencies and the United States private sector.

(b) INDUSTRIAL DEMILITARIZATION.—Any report under subsection (a) that covers proposed industrial demilitarization projects shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the United States private sector;

(4) the extent to which military production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1432. QUARTERLY REPORTS ON PROGRAMS.

Not later than 30 days after the end of the last fiscal year quarter of fiscal year 1992 and not later than 30 days after the end of each fiscal year quarter of fiscal year 1993, the President shall transmit to the Congress a report on the activities carried out under this title. Each such report shall set forth, for the preceding fiscal year quarter and cumulatively, the following:

(1) The amounts expended for such activities and the purposes for which they were expended.

(2) The source of the funds obligated for such activities, specified by program.

(3) A description of the participation of all United States Government departments and agencies and the United States private sector in such activities.

(4) A description of the activities carried out under this title and the forms of assistance provided under this title, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs authorized under this title.

Subtitle E—Joint Research and Development Programs

SEC. 1441. PROGRAMS WITH STATES OF FORMER SOVIET UNION.

The Congress encourages the Secretary of Defense to participate actively in joint research and development programs with the independent states of the former Soviet Union through the nongovernmental foundation established for this purpose by section 511 of the FREEDOM Support Act of 1992. To that end, the Secretary of Defense may spend those funds authorized in section 1421(a)(1)(C) for support, technical cooperation, in-kind assistance, and other activities with the following purposes:

(1) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(2) To assist the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(3) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(4) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(5) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent proliferation of weapons technologies and the dissolution of the technological infrastructure of those states.

TITLE XV—NONPROLIFERATION

SEC. 1501. SHORT TITLE.

This title may be cited as the "Weapons of Mass Destruction Control Act of 1992".

SEC. 1502. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the proliferation (A) of nuclear, biological, and chemical weapons (hereinafter in this title referred to as "weapons of mass destruction") and related technology and knowledge and (B) of missile delivery systems remains one of the most serious threats to international peace and the national security of the United States in the post-cold war era;

(2) the proliferation of nuclear weapons, given the extraordinary lethality of those weapons, is of particularly serious concern;

(3) the nonproliferation policy of the United States should continue to seek to limit both the supply of and demand for weapons of mass destruction and to reduce the existing threat from proliferation of such weapons;

(4) substantial funding of nonproliferation activities by the United States is essential to controlling the proliferation of all weapons of mass destruction, especially nuclear weapons and missile delivery systems;

(5) the President's nonproliferation policy statement of June 1992, and his September 10, 1992, initiative to increase funding for nonproliferation activities in the Department of Energy are praiseworthy;

(6) the Congress is committed to cooperating with the President in carrying out an effective policy designed to control the proliferation of weapons of mass destruction;

(7) the President should identify a full range of appropriate, high priority nonproliferation activities that can be undertaken by the United States and should include requests for full funding for those activities in the budget submission for fiscal year 1994;

(8) the Department of Defense and the Department of Energy have unique expertise that can further enhance the effectiveness of international nonproliferation activities;

(9) under the guidance of the President, the Secretary of Defense and the Secretary of Energy should continue to actively assist in United States nonproliferation activities and in formulating and executing United States nonproliferation policy, emphasizing activities such as improved capabilities (A) to detect and monitor proliferation, (B) to respond to terrorism, theft, and accidents involving weapons of mass destruction, and (C) to assist with interdiction and destruction of weapons of mass destruction and related weapons material; and

(10) in a manner consistent with United States nonproliferation policy, the Department of Defense and the Department of Energy should continue to maintain and to improve their capabilities to identify, monitor, and respond to proliferation of weapons of mass destruction and missile delivery systems.

SEC. 1503. REPORT ON DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY NONPROLIFERATION ACTIVITIES.

(a) REPORT REQUIRED.—The Secretary of Defense and the Secretary of Energy shall jointly submit to the committees of Congress named in subsection (d)(1) a report describing the role of the Department of Defense and the Department of Energy with respect to the nonproliferation policy of the United States.

(b) MATTERS TO BE COVERED IN REPORT.—The report shall—

(1) address how the Secretary of Defense integrates and coordinates existing intelligence and military capabilities of the Department of Defense and how the Secretary of Energy integrates and coordinates the intelligence and emergency response capabilities of the Department of Energy in support of the nonproliferation policy of the United States;

(2) identify existing and planned capabilities within the Department of Defense, including particular capabilities of the military services, and the Department of Energy to (A) detect and monitor clandestine weapons of mass destruction programs, (B) respond to terrorism or accidents involving such weapons and to theft of related weapons materials, and (C) assist with interdiction and destruction of weapons of mass destruction and related weapons materials;

(3) describe, for the Department of Defense, the degree to which the Secretary of Defense has incorporated a nonproliferation mission into the overall mission of the unified combatant commands and how the Special Operations Command might support the commanders of the unified and specified commands in that mission;

(4) consider the appropriate roles of the Defense Advance Research Projects Agency (DARPA), the Defense Nuclear Agency (DNA), the On-Site-Inspection Agency (OSIA), and other Department of Defense agencies, as well as the national laboratories of the Department of Energy, in providing technical assistance and support for the efforts of the Department of Defense and the Department of Energy with respect to nonproliferation; and

(5) identify existing and planned mechanisms for improving the integration of Department of Defense and Department of Energy nonproliferation activities with those of other Federal departments and agencies.

(c) COORDINATION WITH OTHER AGENCIES.—The report required by subsection (a) shall, for purposes of subsection (b)(5), be coordinated with the heads of other appropriate departments and agencies.

(d) SUBMISSION OF REPORT.—(1) The report required by subsection (a) shall be submitted—

(A) to the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) to the Committees on Armed Services, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

(2) The report shall be submitted not later than 180 days after the date of enactment of this Act and shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 1504. NONPROLIFERATION TECHNOLOGY INITIATIVE.

(a) FUNDS FOR DEPARTMENT OF DEFENSE ACTIVITIES.—

(1) Of the amount appropriated pursuant to section 103(3) for Other Procurement, Air Force, $5,000,000 shall be available for the AFTAC Chem/Biological Collection/Processing program.

(2) Of the amount appropriated pursuant to section 201(3) for Research, Development, Test, and Evaluation, Air Force, $6,500,000 shall be available for the Joint Seismic Program.

(3) Of the amount appropriated pursuant to section 201(4) for Research, Development, Test, and Evaluation, Defense Agencies—

(A) $11,600,000 shall be available for LIDAR,

(B) $5,000,000 shall be available for Seismic programs of the Defense Advanced Research Projects Agency, and

(C) $15,000,000 shall be available for Nuclear Proliferation Detection Technology programs of the Defense Advanced Research Projects Agency.

(b) FUNDS FOR DEPARTMENT OF ENERGY ACTIVITIES.—Of the amount appropriated pursuant to section 3104(a)(2) for Verification and Control Technologies, $86,000,000 shall be available for nuclear nonproliferation detection technologies and activities. Of such amount, not more than $30,000,000 may be obligated until the report required by section 1503 is submitted.

SEC. 1505. INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) ASSISTANCE FOR INTERNATIONAL NONPROLIFERATION ACTIVITIES.—Subject to the limitations and requirements provided in this section, during fiscal year 1993 the Secretary of Defense, under the guidance of the President, may provide assistance to support international nonproliferation activities.

(b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE PROVIDED.—Activities for which assistance may be provided under this section are activities such as the following:

(1) Activities carried out by the International Atomic Energy Agency (IAEA) that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968.

(2) Activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(3) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(4) Efforts to improve international cooperative monitoring of nuclear proliferation through joint technical projects and improved intelligence sharing.

(c) FORM OF ASSISTANCE.—(1) Assistance under this section may include funds and in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.

(2) Assistance under this section may be provided to international organizations in the form of funds only if the amount in the "Contributions to International Organizations" account of the Department of State is insufficient or otherwise unavailable to meet the United States fair share of assessments for international nuclear nonproliferation activities.

(3) No amount may be obligated for an expenditure under this section unless the Director of the Office of Management and Budget determines that the expenditure will be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) No assistance may be furnished under this section unless the Secretary of Defense determines and certifies to the Congress 30 days in advance that the provision of such assistance—

(A) is in the national security interest of the United States; and

(B) will not adversely affect the military preparedness of the United States.

(5) The authority to provide assistance under this section in the form of funds may be exercised only to the extent and in the amounts provided in advance in appropriations Act.

(d) SOURCES OF ASSISTANCE.—(1) Funds provided as assistance under this section shall be derived from amounts made available to the Department of Defense for fiscal year 1993 or from balances in working capital accounts of the Department of Defense.

(2) Supplies and equipment provided as assistance under this section may be provided, by loan or donation, from existing stocks of the Department of Defense and the Department of Energy.

(3) The total amount of the assistance provided in the form of funds under this section may not exceed $40,000,000. Of such amount, not more than $20,000,000 may be used for the activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(4) Not less than 30 days before obligating any funds to provide assistance under this section, the Secretary of Defense shall transmit to the committees of Congress named in subsection (e)(2) a report on the proposed obligation. Each such report shall specify—

(A) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(B) the activities and forms of assistance for which the Secretary of Defense plans to obligate the funds.

(e) QUARTERLY REPORT.—(1) Not later than 30 days after the end of each quarter of fiscal year 1993, the Secretary of Defense shall transmit to the committees of Congress named in paragraph (2) a report of the activities to reduce the proliferation threat carried out under this section. Each report shall set forth (for the preceding quarter and cumulatively)—

(A) the amounts spent for such activities and the purposes for which they were spent;

(B) a description of the participation of the Department of Defense and the Department of Energy and the participation of other Government agencies in those activities; and

(C) a description of the activities for which the funds were spent.

(2) The committees of Congress to which reports under paragraph (1) and under subsection (d)(2) are to be transmitted are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

TITLE XVI—IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992

SEC. 1601. SHORT TITLE.

This title may be cited as the "Iran-Iraq Arms Non-Proliferation Act of 1992".

SEC. 1602. UNITED STATES POLICY.

(a) IN GENERAL.—It shall be the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran or Iraq of any goods or technology, including dual-use goods or technology, wherever that transfer could materially contribute to either country's acquiring chemical, biological, nuclear, or destabilizing numbers and types of advanced conventional weapons.

(b) SANCTIONS.—(1) In the furtherance of this policy, the President shall apply sanctions and controls with respect to Iran, Iraq, and those nations and persons who assist them in acquiring weapons of mass destruction in accordance with the Foreign Assistance Act of 1961, the Nuclear Non-Proliferation Act of 1978, the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, chapter 7 of the Arms Export Control Act, and other relevant statutes, regarding the non-proliferation of weapons of mass destruction and the means of their delivery.

(2) The President should also urgently seek the agreement of other nations to adopt and in-

stitute, at the earliest practicable date, sanctions and controls comparable to those the United States is obligated to apply under this subsection.

(c) PUBLIC IDENTIFICATION.—The Congress calls on the President to identify publicly (in the report required by section 1607) any country or person that transfers goods or technology to Iran or Iraq contrary to the policy set forth in subsection (a).

SEC. 1603. APPLICATION TO IRAN OF CERTAIN IRAQ SANCTIONS.

The sanctions against Iraq specified in paragraphs (1) through (4) of section 586G(a) of the Iraq Sanctions Act of 1990 (as contained in Public Law 101–513), including denial of export licenses for United States persons and prohibitions on United States Government sales, shall be applied to the same extent and in the same manner with respect to Iran.

SEC. 1604. SANCTIONS AGAINST CERTAIN PERSONS.

(a) PROHIBITION.—If any person transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons, then the sanctions described in subsection (b) shall be imposed.

(b) MANDATORY SANCTIONS.—The sanctions to be imposed pursuant to subsection (a) are as follows:

(1) PROCUREMENT SANCTION.—For a period of two years, the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

(2) EXPORT SANCTION.—For a period of two years, the United States Government shall not issue any license for any export by or to the sanctioned person.

SEC. 1605. SANCTIONS AGAINST CERTAIN FOREIGN COUNTRIES.

(a) PROHIBITION.—If the President determines that the government of any foreign country transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons, then—

(1) the sanctions described in subsection (b) shall be imposed on such country; and

(2) in addition, the President may apply, in the discretion of the President, the sanction described in subsection (c).

(b) MANDATORY SANCTIONS.—Except as provided in paragraph (2), the sanctions to be imposed pursuant to subsection (a)(1) are as follows:

(1) SUSPENSION OF UNITED STATES ASSISTANCE.—The United States Government shall suspend, for a period of one year, United States assistance to the sanctioned country.

(2) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director to each appropriate international financial institution to oppose, and vote against, for a period of one year, the extension by such institution of any loan or financial or technical assistance to the sanctioned country.

(3) SUSPENSION OF CODEVELOPMENT OR COPRODUCTION AGREEMENTS.—The United States shall suspend, for a period of one year, compliance with its obligations under any memorandum of understanding with the sanctioned country for the codevelopment or coproduction of any item on the United States Munitions List (established under section 38 of the Arms Export Control Act), including any obligation for implementation of the memorandum of understanding through the sale to the sanctioned country of technical data or assistance or the licensing for export to the sanctioned country of any component part.

(4) SUSPENSION OF MILITARY AND DUAL-USE TECHNICAL EXCHANGE AGREEMENTS.—The United States shall suspend, for a period of one year, compliance with its obligations under any technical exchange agreement involving military and dual-use technology between the United States and the sanctioned country that does not directly contribute to the security of the United States, and no military or dual-use technology may be exported from the United States to the sanctioned country pursuant to that agreement during that period.

(5) UNITED STATES MUNITIONS LIST.—No item on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) may be exported to the sanctioned country for a period of one year.

(c) DISCRETIONARY SANCTION.—The sanction referred to in subsection (a)(2) is as follows:

(1) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Except as provided in paragraph (2), the President may exercise, in accordance with the provisions of that Act, the authorities of the International Emergency Economic Powers Act with respect to the sanctioned country.

(2) EXCEPTION.—Paragraph (1) does not apply with respect to urgent humanitarian assistance.

SEC. 1606. WAIVER.

The President may waive the requirement to impose a sanction described in section 1603, in the case of Iran, or a sanction described in section 1604(b) or 1605(b), in the case of Iraq and Iran, 15 days after the President determines and so reports to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives that it is essential to the national interest of the United States to exercise such waiver authority. Any such report shall provide a specific and detailed rationale for such determination.

SEC. 1607. REPORTING REQUIREMENT.

(a) ANNUAL REPORT.—Beginning one year after the date of the enactment of this Act, and every 12 months thereafter, the President shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report detailing—

(1) all transfers or retransfers made by any person or foreign government during the preceding 12-month period which are subject to any sanction under this title; and

(2) the actions the President intends to undertake or has undertaken pursuant to this title with respect to each such transfer.

(b) REPORT ON INDIVIDUAL TRANSFERS.—Whenever the President determines that a person or foreign government has made a transfer which is subject to any sanction under this title, the President shall, within 30 days after such transfer, submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report—

(1) identifying the person or government and providing the details of the transfer; and

(2) describing the actions the President intends to undertake or has undertaken under the provisions of this title with respect to each such transfer.

(c) FORM OF TRANSMITTAL.—Reports required by this section may be submitted in classified as well as in unclassified form.

SEC. 1608. DEFINITIONS.

For purposes of this title:

(1) The term "advanced conventional weapons" includes—

(A) such long-range precision-guided munitions, fuel air explosives, cruise missiles, low observability aircraft, other radar evading aircraft, advanced military aircraft, military satellites, electromagnetic weapons, and laser weapons as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways;

(B) such advanced command, control, and communications systems, electronic warfare systems, or intelligence collection systems as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways; and

(C) such other items or systems as the President may, by regulation, determine necessary for purposes of this title.

(2) The term "cruise missile" means guided missiles that use aerodynamic lift to offset gravity and propulsion to counteract drag.

(3) The term "goods or technology" means—

(A) any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment; and

(B) any information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data.

(4) The term "person" means any United States or foreign individual, partnership, corporation, or other form of association, or any of their successor entities, parents, or subsidiaries.

(5) The term "sanctioned country" means a country against which sanctions are required to be imposed pursuant to section 1605.

(6) The term "sanctioned person" means a person that makes a transfer described in section 1604(a).

(7) The term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961, other than—

(i) urgent humanitarian assistance or medicine, and

(ii) assistance under chapter 11 of part I (as enacted by the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992);

(B) sales and assistance under the Arms Export Control Act;

(C) financing by the Commodity Credit Corporation for export sales of agricultural commodities; and

(D) financing under the Export-Import Bank Act.

TITLE XVII—CUBAN DEMOCRACY ACT OF 1992

SEC. 1701. SHORT TITLE.

This title may be cited as the "Cuban Democracy Act of 1992".

SEC. 1702. FINDINGS.

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people's exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increasing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking haz-

ardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have dramatically reduced Cuba's external support and threaten Cuba's food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba's economy to survive current trends, provide the United States and the international democratic community with an unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban Communist Party Congress has underscored Castro's unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

SEC. 1703. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to seek a peaceful transition to democracy and a resumption of economic growth in Cuba through the careful application of sanctions directed at the Castro government and support for the Cuban people;

(2) to seek the cooperation of other democratic countries in this policy;

(3) to make clear to other countries that, in determining its relations with them, the United States will take into account their willingness to cooperate in such a policy;

(4) to seek the speedy termination of any remaining military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from any of the independent states of the former Soviet Union;

(5) to continue vigorously to oppose the human rights violations of the Castro regime;

(6) to maintain sanctions on the Castro regime so long as it continues to refuse to move toward democratization and greater respect for human rights;

(7) to be prepared to reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba;

(8) to encourage free and fair elections to determine Cuba's political future;

(9) to request the speedy termination of any military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from the government of any other country; and

(10) to initiate immediately the development of a comprehensive United States policy toward Cuba in a post-Castro era.

SEC. 1704. INTERNATIONAL COOPERATION.

(a) CUBAN TRADING PARTNERS.—The President should encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of this title.

(b) SANCTIONS AGAINST COUNTRIES ASSISTING CUBA.—

(1) SANCTIONS.—The President may apply the following sanctions to any country that provides assistance to Cuba:

(A) The government of such country shall not be eligible for assistance under the Foreign Assistance Act of 1961 or assistance or sales under the Arms Export Control Act.

(B) Such country shall not be eligible, under any program, for forgiveness or reduction of debt owed to the United States Government.

(2) DEFINITION OF ASSISTANCE.—For purposes of paragraph (1), the term "assistance to Cuba"—

(A) means assistance to or for the benefit of the Government of Cuba that is provided by grant, concessional sale, guaranty, or insurance, or by any other means on terms more favorable than that generally available in the applicable market, whether in the form of a loan, lease, credit, or otherwise, and such term includes subsidies for exports to Cuba and favorable tariff treatment of articles that are the growth, product, or manufacture of Cuba; and

(B) does not include—

(i) donations of food to nongovernmental organizations or individuals in Cuba, or

(ii) exports of medicines or medical supplies, instruments, or equipment that would be permitted under section 1705(c).

(3) APPLICABILITY OF SECTION.—This section, and any sanctions imposed pursuant to this section, shall cease to apply at such time as the President makes and reports to the Congress a determination under section 1708(a).

SEC. 1705. SUPPORT FOR THE CUBAN PEOPLE.

(a) PROVISIONS OF LAW AFFECTED.—The provisions of this section apply notwithstanding any other provision of law, including section 620(a) of the Foreign Assistance Act of 1961, and notwithstanding the exercise of authorities, before the enactment of this Act, under section 5(b) of the Trading With the Enemy Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979.

(b) DONATIONS OF FOOD.—Nothing in this or any other Act shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.

(c) EXPORTS OF MEDICINES AND MEDICAL SUPPLIES.—Exports of medicines or medical supplies, instruments, or equipment to Cuba shall not be restricted—

(1) except to the extent such restrictions would be permitted under section 5(m) of the Export Administration Act of 1979 or section 203(b)(2) of the International Emergency Economic Powers Act;

(2) except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

(3) except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; and

(4) except in a case in which the item to be exported could be used in the production of any biotechnological product.

(d) REQUIREMENTS FOR CERTAIN EXPORTS.—

(1) ONSITE VERIFICATIONS.—(A) Subject to subparagraph (B), an export may be made under subsection (c) only if the President determines that the United States Government is able to verify, by onsite inspections and other appropriate means, that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.

(B) Subparagraph (A) does not apply to donations to nongovernmental organizations in Cuba of medicines for humanitarian purposes.

(2) LICENSES.—Exports permitted under subsection (c) shall be made pursuant to specific licenses issued by the United States Government.

(e) TELECOMMUNICATIONS SERVICES AND FACILITIES.—

(1) TELECOMMUNICATIONS SERVICES.—Telecommunications services between the United States and Cuba shall be permitted.

(2) TELECOMMUNICATIONS FACILITIES.—Telecommunications facilities are authorized in such quantity and of such quality as may be necessary to provide efficient and adequate telecommunications services between the United States and Cuba.

(3) LICENSING OF PAYMENTS TO CUBA.—(A) The President may provide for the issuance of licenses for the full or partial payment to Cuba of amounts due Cuba as a result of the provision of telecommunications services authorized by this subsection, in a manner that is consistent with the public interest and the purposes of this title, except that this paragraph shall not require any withdrawal from any account blocked pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(B) If only partial payments are made to Cuba under subparagraph (A), the amounts withheld from Cuba shall be deposited in an account in a banking institution in the United States. Such account shall be blocked in the same manner as any other account containing funds in which Cuba has any interest, pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(4) AUTHORITY OF FEDERAL COMMUNICATIONS COMMISSION.—Nothing in this subsection shall be construed to supersede the authority of the Federal Communications Commission.

(f) DIRECT MAIL DELIVERY TO CUBA.—The United States Postal Service shall take such actions as are necessary to provide direct mail service to and from Cuba, including, in the absence of common carrier service between the 2 countries, the use of charter service providers.

(g) ASSISTANCE TO SUPPORT DEMOCRACY IN CUBA.—The United States Government may provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba.

SEC. 1706. SANCTIONS.

(a) PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.—

(1) PROHIBITION.—Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

(2) APPLICABILITY TO EXISTING CONTRACTS.—Paragraph (1) shall not affect any contract entered into before the date of the enactment of this Act.

(b) PROHIBITIONS ON VESSELS.—

(1) VESSELS ENGAGING IN TRADE.—Beginning on the 61st day after the date of the enactment of this Act, a vessel which enters a port or place in Cuba to engage in the trade of goods or services may not, within 180 days after departure from such port or place in Cuba, load or unload any freight at any place in the United States, except pursuant to a license issued by the Secretary of the Treasury.

(2) VESSELS CARRYING GOODS OR PASSENGERS TO OR FROM CUBA.—Except as specifically authorized by the Secretary of the Treasury, a vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has any interest may not enter a United States port.

(3) INAPPLICABILITY OF SHIP STORES GENERAL LICENSE.—No commodities which may be ex-

ported under a general license described in section 771.9 of title 15, Code of Federal Regulations, as in effect on May 1, 1992, may be exported under a general license to any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest.

(4) DEFINITIONS.—As used in this subsection—

(A) the term "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft;

(B) the term "United States" includes the territories and possessions of the United States and the customs waters of the United States (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)); and

(C) the term "Cuban national" means a national of Cuba, as the term "national" is defined in section 515.302 of title 31, Code of Federal Regulations, as of August 1, 1992.

(c) RESTRICTIONS ON REMITTANCES TO CUBA.—The President shall establish strict limits on remittances to Cuba by United States persons for the purpose of financing the travel of Cubans to the United States, in order to ensure that such remittances reflect only the reasonable costs associated with such travel, and are not used by the Government of Cuba as a means of gaining access to United States currency.

(d) CLARIFICATION OF APPLICABILITY OF SANCTIONS.—The prohibitions contained in subsections (a), (b), and (c) shall not apply with respect to any activity otherwise permitted by section 1705 or section 1707 of this Act or any activity which may not be regulated or prohibited under section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)).

SEC. 1707. POLICY TOWARD A TRANSITIONAL CUBAN GOVERNMENT.

Food, medicine, and medical supplies for humanitarian purposes should be made available for Cuba under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 if the President determines and certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the government in power in Cuba—

(1) has made a public commitment to hold free and fair elections for a new government within 6 months and is proceeding to implement that decision;

(2) has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms; and

(3) is not providing weapons or funds to any group, in any other country, that seeks the violent overthrow of the government of that country.

SEC. 1708. POLICY TOWARD A DEMOCRATIC CUBAN GOVERNMENT.

(a) WAIVER OF RESTRICTIONS.—The President may waive the requirements of section 1706 if the President determines and reports to the Congress that the Government of Cuba—

(1) has held free and fair elections conducted under internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) is moving toward establishing a free market economic system; and

(5) has committed itself to constitutional change that would ensure regular free and fair elections that meet the requirements of paragraph (2).

(b) POLICIES.—If the President makes a determination under subsection (a), the President shall take the following actions with respect to a Cuban Government elected pursuant to elections described in subsection (a):

(1) To encourage the admission or reentry of such government to international organizations and international financial institutions.

(2) To provide emergency relief during Cuba's transition to a viable economic system.

(3) To take steps to end the United States trade embargo of Cuba.

SEC. 1709. EXISTING CLAIMS NOT AFFECTED.

Except as provided in section 1705(a), nothing in this title affects the provisions of section 620(a)(2) of the Foreign Assistance Act of 1961.

SEC. 1710. ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—The authority to enforce this title shall be carried out by the Secretary of the Treasury. The Secretary of the Treasury shall exercise the authorities of the Trading With the Enemy Act in enforcing this title. In carrying out this subsection, the Secretary of the Treasury shall take the necessary steps to ensure that activities permitted under section 1705 are carried out for the purposes set forth in this title and not for purposes of the accumulation by the Cuban Government of excessive amounts of United States currency or the accumulation of excessive profits by any person or entity.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this title.

(c) PENALTIES UNDER THE TRADING WITH THE ENEMY ACT.—Section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16) is amended—

(1) by striking "That whoever" and inserting "(a) Whoever"; and

(2) by adding at the end the following:

"(b)(1) The Secretary of the Treasury may impose a civil penalty of not more than $50,000 on any person who violates any license, order, rule, or regulation issued under this Act.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) The penalties provided under this subsection may not be imposed for—

"(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

"(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

"(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

"(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.".

(d) APPLICABILITY OF PENALTIES.—The penalties set forth in section 16 of the Trading With the Enemy Act shall apply to violations of this title to the same extent as such penalties apply to violations under that Act.

(e) OFFICE OF FOREIGN ASSETS CONTROL.—The Department of the Treasury shall establish and maintain a branch of the Office of Foreign Assets Control in Miami, Florida, in order to strengthen the enforcement of this title.

SEC. 1711. DEFINITION.

As used in this title, the term "United States person" means any United States citizen or alien admitted for permanent residence in the United States, and any corporation, partnership, or other organization organized under the laws of the United States.

SEC. 1712. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act.

TITLE XVIII—FEDERAL CHARTERS FOR PATRIOTIC ORGANIZATIONS

Subtitle A—Military Order of the World Wars

SEC. 1801. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER.

The Military Order of the World Wars, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and is granted a Federal charter.

SEC. 1802. POWERS.

The Military Order of the World Wars (in this subtitle referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 1803. OBJECTS AND PURPOSES.

The objects and purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

(1) Promoting military service associations.

(2) Promoting patriotic education and military, naval, and air science.

(3) Defending the honor and integrity of the Federal Government and the Constitution.

(4) Fostering fraternal relations among all branches of the Armed Forces.

(5) Encouraging the adoption of a suitable policy of national security.

(6) Encouraging the commemoration of military service and the establishment of war memorials.

SEC. 1804. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1805. MEMBERSHIP.

Except as provided in section 1808, eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the articles of incorporation and bylaws of the corporation.

SEC. 1806. BOARD OF DIRECTORS.

Except as provided in section 1808, the composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1807. OFFICERS OF CORPORATION.

Except as provided in section 1808, the positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1808. PROHIBITION AGAINST DISCRIMINATION.

In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1809. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) STOCK.—The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(d) CONGRESSIONAL APPROVAL.—The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by virtue of this subtitle.

SEC. 1810. LIABILITY.

The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

SEC. 1811. BOOKS AND RECORDS.

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

SEC. 1812. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(75) The Military Order of the World Wars.".

SEC. 1813. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 2 of the Act referred to in section 1812. The report shall not be printed as a public document.

SEC. 1814. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this section is expressly reserved to the Congress.

SEC. 1815. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986. If the corporation fails to maintain such status, the charter granted by this subtitle shall expire.

SEC. 1816. TERMINATION.

The charter granted by this subtitle shall expire if the corporation fails to comply with—

(1) any restriction or other provision of this subtitle;

(2) any provision of its bylaws or articles of incorporation; or

(3) any provision of the laws of the District of Columbia that apply to corporations such as the corporation recognized under this subtitle.

SEC. 1817. DEFINITION.

For purposes of this subtitle, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

Subtitle B—Retired Enlisted Association, Incorporated

SEC. 1821. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER.

The Retired Enlisted Association, Incorporated, a nonprofit corporation organized under the laws of the State of Colorado, is recognized as such and is granted a Federal charter.

SEC. 1822. POWERS.

The Retired Enlisted Association, Incorporated (in this subtitle referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 1823. OBJECTS AND PURPOSES.

The objects and purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

(1) Upholding and defending the Constitution of the United States.

(2) Promoting health, prosperity, and scholarship among its members and their dependents and survivors through benevolent programs.

(3) Assisting veterans and their dependents and survivors through a service program established for that purpose.

(4) Improving conditions for retired enlisted service members, veterans, and their dependents and survivors.

(5) Fostering fraternal and social activities among its members in recognition that cooperative action is required for the furtherance of their common interests.

SEC. 1824. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1825. MEMBERSHIP.

Except as provided in section 1828, eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the articles of incorporation and bylaws of the corporation.

SEC. 1826. BOARD OF DIRECTORS.

Except as provided in section 1828, the composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1827. OFFICERS OF CORPORATION.

Except as provided in section 1828, the positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1828. PROHIBITION AGAINST DISCRIMINATION.

In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of the directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, handicap, age or national origin.

SEC. 1829. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) STOCK.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) CONGRESSIONAL APPROVAL.—The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by virtue of this subtitle.

SEC. 1830. LIABILITY.

The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

SEC. 1831. BOOKS AND RECORDS.

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

SEC. 1832. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law," approved August 30, 1964 (36 U.S.C. 1101), as amended by section 1812 of this Act, is further amended by adding at the end the following:

"(76) The Retired Enlisted Association, Incorporated.".

SEC. 1833. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 2 of the Act referred to in section 1832. The report shall not be printed as a public document.

SEC. 1834. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this section is expressly reserved to the Congress.

SEC. 1835. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986. If the corporation fails to maintain such status, the charter granted by this subtitle shall expire.

SEC. 1836. EXCLUSIVE RIGHTS TO NAMES.

The corporation shall have the sole and exclusive right to use the names "The Retired Enlisted Association, Incorporated", "The Retired Enlisted Association", "Retired Enlisted Association", and "TREA", and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section may be construed to conflict or interfere with rights that are established or vested before the date of the enactment of this Act.

SEC. 1837. TERMINATION.

If the corporation fails to comply with any of the restrictions or provisions of this subtitle, the charter granted by this subtitle shall expire.

SEC. 1838. DEFINITION.

For purposes of this subtitle, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1993".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(1), and, in the case of the project described in sec-

tion 2105(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for such project, the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$105,300,000
	Fort McClellan	$10,100,000
Alaska	Fort Wainwright	$3,950,000
Arkansas	Pine Bluff Arsenal	$26,800,000
California	Sierra Army Depot	$2,450,000
Colorado	Fitzsimons Army Medical Center	$25,400,000
Georgia	Fort Gillem	$2,700,000
	Fort Gordon	$23,000,000
	Fort McPherson	$10,200,000
	Hunter Army Airfield	$5,400,000
Hawaii	Schofield Barracks	$23,300,000
Kansas	Fort Riley	$13,200,000
Kentucky	Fort Knox	$15,600,000
Louisiana	Fort Polk	$7,400,000
Maryland	Aberdeen Proving Ground	$3,400,000
New Jersey	Fort Monmouth	$3,550,000
	Picatinny Arsenal	$6,050,000
New Mexico	White Sands Missile Range	$6,000,000
New York	Fort Drum	$21,500,000
	United States Military Academy, West Point	$1,600,000
North Carolina	Fort Bragg	$8,700,000
Oklahoma	Fort Sill	$1,500,000
Pennsylvania	Letterkenny Army Depot	$5,400,000
Texas	Corpus Christi Army Depot	$21,200,000
	Fort Bliss	$24,960,000
	Fort Hood	$33,000,000
	Red River Army Depot	$3,600,000
Utah	Tooele Army Depot	$9,200,000
Virginia	Fort Belvoir	$1,200,000
	Fort Pickett	$5,800,000
CONUS Classified	Classified Location	$2,700,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Grafenwoehr	$11,600,000
OCONUS Classified	Classified Locations	$1,700,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Hawaii	Oahu Various	200 units	$23,000,000
Kentucky	Fort Campbell	96 units	$8,200,000
Texas	Fort Hood	227 units	$25,000,000
Virginia	Fort Pickett	26 units	$2,300,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $8,940,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $92,600,000.

SEC. 2104. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(3), the Secretary of the Army may make advances to the Secretary of Transportation for the construction of defense roads under section 210 of title 23, United States Code, at Pohakaloa Training Area, Hawaii, in the total amount of $2,400,000.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,127,397,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $338,860,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $13,300,000.

(3) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $2,400,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $3,800,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $112,300,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $160,040,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,363,697,000, of which not more than $358,241,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $133,000,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount—

(1) authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $95,300,000 (the balance of the amount authorized under section 2101(a) of the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama).

SEC. 2106. INCREASE IN LIMITATION ON LEASING OF MILITARY FAMILY HOUSING WORLDWIDE BY THE DEPARTMENT OF THE ARMY.

Section 2105(a)(6)(B) the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1512) is amended by striking out "$360,783,000" and inserting in lieu thereof "$395,783,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for such project, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Camp Pendleton Marine Corps Base	$25,500,000
	Lemoore, Naval Air Station	$680,000
	Mare Island Naval Shipyard	$8,000,000
	Miramar Naval Air Station	$9,700,000
	Port Hueneme, Naval Construction Battalion Center	$14,300,000
	Seal Beach, Naval Weapons Station	$2,150,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$4,600,000
Connecticut	New London, Naval Submarine Base	$12,500,000
Florida	Cecil Field, Naval Air Station	$5,850,000
Georgia	Albany, Marine Corps Logistics Base	$6,800,000
Hawaii	Barking Sands, Pacific Missile Range Facility	$4,580,000
	Honolulu, Naval Communication Area Master Station, Eastern Pacific	$1,400,000
	Pearl Harbor, Naval Supply Center	$6,700,000
	Pearl Harbor, Navy Public Works Center	$24,900,000
Indiana	Crane, Naval Surface Warfare Center	$6,000,000
Maryland	Annapolis, United States Naval Academy, Annapolis	$11,000,000
	Indian Head, Naval Ordnance Station	$7,890,000
	Patuxent River Naval Warfare Center, Aircraft Division	$60,990,000
Mississippi	Gulfport, Naval Construction Battalion Center	$4,650,000
	Meridian Naval Air Station	$1,100,000
North Carolina	New River Marine Corps Air Station	$3,600,000
	Cherry Point, Marine Corps Air Station	$4,680,000
Rhode Island	Newport, Naval Education and Training Center	$540,000
South Carolina	Charleston, Naval Weapons Station	$1,110,000
Tennessee	Memphis, Naval Air Station	$14,110,000
Texas	Corpus Christi, Naval Air Station	$4,900,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Kingsville, Naval Air Station	$20,120,000
Virginia	Damneck, Fleet Combat Training Center	$19,427,000
	Little Creek, Naval Amphibious Station	$8,000,000
	Norfolk, Naval Air Station	$3,100,000
	Norfolk, Naval Station	$880,000
	Norfolk, Naval Station, Fort Story Annex	$5,650,000
	Norfolk, Naval Supply Center	$12,400,000
	Oceana, Naval Air Station	$3,190,000
	Quantico Combat Development Center	$5,000,000
	Yorktown, Naval Weapons Station	$1,100,000
Washington	Bangor, Trident Refit Facility	$1,550,000
	Bremerton, Puget Sound Naval Shipyard	$14,800,000
	Bremerton, Naval Inactive Ship Maintenance Facility	$1,200,000
	Everett, Naval Station	$5,600,000
	Puget Sound Naval Station	$13,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Souda Bay, Naval Support Activity	$7,600,000
Various Locations	Host Nation Infrastructure Support	$3,000,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Camp Pendleton Marine Corps Base	300 units	$30,600,000
	San Diego Navy Public Works Center	300 units	$30,400,000
Connecticut	New London, Naval Submarine Base	100 units	$11,850,000
Hawaii	Kauai, Pacific Missile Range Facility	13 units	$2,330,000
	Oahu, Naval Complex	758 units	$117,180,000
New Jersey	Earle, Naval Weapons Station	Community Center	$1,100,000
Virginia	Norfolk, Naval Station	Demolition and Site Preparation	$7,000,000
Washington	Bangor/ Bremerton Naval Complex	200 units	$19,500,000
	Kitsap County	200 units	$19,500,000
West Virginia	Sugar Grove Naval Radio Station	8 units	$930,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $14,200,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $130,844,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,450,529,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $312,557,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $10,600,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $75,692,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $385,434,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $661,246,000, of which not more than $104,470,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $50,990,000 (the balance of the amount authorized under section 2201(a) for the construction of the Large Anachoic Chamber Facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland).

SEC. 2205. POWER PLANT RELOCATION, NAVY PUBLIC WORKS CENTER, GUAM.

Section 2201(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2097) is amended—

(1) in the matter under the heading "GUAM" by striking out the item relating to the Navy Public Works Center and inserting in lieu thereof the following:

"Navy Public Works Center, $34,490,000."; and

(2) in the matter under the heading "PHILIPPINES" by striking out the item relating to the Navy Public Works Center, Subic Bay, and inserting in lieu thereof the following:

"Navy Public Works Center, Subic Bay, $570,000.".

SEC. 2206. REVISED AUTHORIZATIONS FOR CERTAIN MARINE CORPS PROJECTS.

(a) REVISED AUTHORIZATION.—Section 2201(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2095) is amended in the matter under the heading "NORTH CAROLINA" by striking out the items relating to Marine Corps Air Station, Cherry Point, and inserting in lieu thereof the following:

"Marine Corps Air Station, Cherry Point, $24,100,000.".

(b) CONFORMING AMENDMENTS.—Section 2205(a) of such Act (102 Stat. 2099) is amended—

(1) by striking out "$2,369,875,000" and inserting in lieu thereof "$2,361,555,000"; and

(2) in paragraph (1), by striking out "$1,296,450,000" and inserting in lieu thereof "$1,288,770,000".

SEC. 2207. DEFENSE ACCESS ROADS, NAVAL STATION PASCAGOULA, MISSISSIPPI.

Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(5) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1519), the Secretary of the Navy shall expend such amounts as the Secretary determines necessary for planning and design for defense access roads that are critical for access to Naval Station Pascagoula, Mississippi, as determined by the Secretary of the Navy.

SEC. 2208. MILITARY FAMILY HOUSING, NAVAL AIR STATION WHIDBEY ISLAND, WASHINGTON.

The Secretary of the Navy shall include in the budget request for the Navy for fiscal year 1994 a request for funds for the design of 300 family housing units at Naval Air Station Whidbey Island, Washington.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), and, in the case of the projects described in paragraphs (2), (3), and (4) of section 2304(b), other amounts appropriated pursuant to authorizations enacted after this Act for such project, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base	$960,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Maxwell Air Force Base	$20,600,000
Alaska	Clear Air Force Station	$2,250,000
	Eielson Air Force Base	$40,950,000
	Elmendorf Air Force Base	$22,550,000
	Galena Airport	$4,850,000
	King Salmon Airport	$6,400,000
	Shemya Air Force Base	$3,350,000
Arizona	Libby Army Air Field	$15,300,000
	Davis Monthan Air Force Base	$3,500,000
	Luke Air Force Base	$2,950,000
	Navajo Army Depot	$3,900,000
Arkansas	Little Rock Air Force Base	$3,860,000
California	Beale Air Force Base	$5,600,000
	Edwards Air Force Base	$24,500,000
	March Air Force Base	$2,250,000
	McClellan Air Force Base	$9,900,000
	Travis Air Force Base	$11,680,000
	Vandenberg Air Force Base	$26,250,000
Colorado	Peterson Air Force Base	$3,500,000
	United States Air Force Academy	$4,260,000
Delaware	Dover Air Force Base	$21,260,000
District of Columbia	Bolling Air Force Base	$9,400,000
Florida	Cape Canaveral Air Force Station	$40,800,000
	Eglin Air Force Base	$65,680,000
	Patrick Air Force Base	$7,700,000
Georgia	Moody Air Force Base	$4,380,000
	Robins Air Force Base	$11,500,000
Illinois	Scott Air Force Base	$960,000
Kansas	McConnell Air Force Base	$960,000
Louisiana	Barksdale Air Force Base	$28,320,000
Maryland	Andrews Air Force Base	$820,000
Massachusetts	Hanscom Air Force Base	$4,200,000
Mississippi	Keesler Air Force Base	$13,240,000
Missouri	Whiteman Air Force Base	$62,270,000
Montana	Malmstrom Air Force Base	$1,100,000
Nebraska	Offutt Air Force Base	$6,190,000
Nevada	Nellis Air Force Base	$10,930,000
New Jersey	McGuire Air Force Base	$8,970,000
New Mexico	Cannon Air Force Base	$2,800,000
	Holloman Air Force Base	$11,420,000
North Carolina	Pope Air Force Base	$22,180,000
	Seymour Johnson Air Force Base	$5,230,000
North Dakota	Cavalier Air Force Station	$1,450,000
	Grand Forks Air Force Base	$6,500,000
	Minot Air Force Base	$8,650,000
Ohio	Wright-Patterson Air Force Base	$12,170,000
Oklahoma	Altus Air Force Base	$7,300,000
	Tinker Air Force Base	$21,280,000
	Vance Air Force Base	$2,350,000
South Carolina	Charleston Air Force Base	$32,150,000
	Shaw Air Force Base	$2,380,000
South Dakota	Ellsworth Air Force Base	$3,880,000
Texas	Brooks Air Force Base	$9,000,000
	Dyess Air Force Base	$7,300,000
	Goodfellow Air Force Base	$3,250,000
	Kelly Air Force Base	$21,360,000
	Lackland Air Force Base	$9,000,000
	Laughlin Air Force Base	$6,000,000
	Randolph Air Force Base	$1,250,000
	Sheppard Air Force Base	$6,990,000
Utah	Hill Air Force Base	$6,100,000
Virginia	Langley Air Force Base	$7,050,000
Washington	Fairchild Air Force Base	$2,510,000
	McChord Air Force Base	$2,540,000
Wyoming	F.E. Warren Air Force Base	$1,050,000
Various Locations	Various Locations	$2,800,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Ascension Island	Power/Desalinization Plant	$22,000,000
Germany	Rhein-Main Air Base	$3,100,000
Greenland	Thule Air Base	$24,900,000
Guam	Andersen Air Force Base	$23,240,000
Portugal	Lajes Field	$8,450,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
California	Beale Air Force Base	Housing office	$306,000
	March Air Force Base	320 units	$38,351,000
Florida	Patrick Air Force Base	250 units	$22,500,000
Georgia	Moody Air Force Base	Housing maintenance facility	$290,000
	Robins Air Force Base	55 units	$3,153,000
Illinois	Scott Air Force Base	1,068 units	$60,000,000
Louisiana	Barksdale Air Force Base	Housing maintenance and storage facility	$443,000
New Mexico	Cannon Air Force Base	361 units	$32,951,000
	Cannon Air Force Base	Housing office.	$480,000
North Dakota.	Minot Air Force Base	Housing office.	$286,000
South Carolina.	Shaw Air Force Base	Housing office.	$351,000
Utah	Hill Air Force Base	82 units	$6,353,000
Portugal	Lajes Field	Water wells	$865,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $7,457,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $150,000,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,062,707,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $667,290,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $81,690,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $95,000,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $283,786,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $927,941,000 of which not

more than $150,800,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $59,000,000 (the balance of the amount authorized under section 2301(a) for the construction of the climate test chamber at Elgin Air Force Base, Florida);

(3) $11,000,000 (the balance of the amount authorized under section 2301(a) for the construction of apron and hydrant system at Barksdale Air Force Base, Louisiana); and

(4) $40,000,000 (the balance of the amount authorized under section 2301(a) for the construction of family housing at Scott Air Force Base, Illinois).

SEC. 2305. CHILD DEVELOPMENT CENTER RELOCATION, BUCKLEY AIR NATIONAL GUARD BASE, COLORADO.

Section 2301(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1770) is amended in the matter under the heading "COLORADO" by striking out the item relating to Lowry Air Force Base and inserting in lieu thereof the following:

"Buckley Air National Guard Base, $4,550,000.".

SEC. 2306. AUTHORIZED FAMILY HOUSING LEASE PROJECTS.

Subject to section 2835 of title 10, United States Code, the Secretary of the Air Force may enter into contracts for the lease of family housing units in the number of units shown, and at the net present value shown, for the following installations:

(1) Bolling Air Force Base, District of Columbia, 550 units, $54,200,000.

(2) Andrews Air Force Base, Maryland, 550 units, $54,200,000.

SEC. 2307. AUTHORIZED MILITARY HOUSING RENTAL GUARANTEE PROJECTS.

Subject to section 2836 of title 10, United States Code, the Secretary of the Air Force may enter into rental guarantee agreements for military housing in the number of units shown for the following installations:

(1) Elmendorf Air Force Base, Alaska, 302 units.

(2) Patrick Air Force Base, Florida, 409 units

(3) Offutt Air Force Base, Nebraska, 400 units.

SEC. 2308. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1992 PROJECTS.—(1) Section 2301 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521) is amended—

(A) under the heading "ALASKA", by striking out the item relating to Shemya Air Force Base and inserting in lieu thereof the following:

"Shemya Air Force Base, $10,300,000.";

(B) under the heading "ARIZONA", by striking out the item relating to Luke Air Force Base and inserting in lieu thereof the following:

"Luke Air Force Base, $6,000,000.";

(C) by striking out the following:

"MONTANA

"Conrad Strategic Training Range Site, $700,000.

"Havre Strategic Training Range Site, $700,000.";

(D) under the heading "NEW YORK", by striking out the item relating to Griffiss Air Force Base and inserting in lieu thereof the following:

"Griffiss Air Force Base, $1,500,000.";

(E) under the heading "SOUTH DAKOTA", by striking out the item relating to Ellsworth Air Force Base and inserting in lieu thereof the following:

"Ellsworth Air Force Base, $2,040,000."; and

(F) under the heading "TEXAS", by striking out the item relating to Sheppard Air Force Base and inserting in lieu thereof the following:

"Sheppard Air Force Base, $16,250,000.".

(2) Section 2305(a) of such Act (105 Stat. 1525) is amended—

(A) by striking out "$2,089,303,000" and inserting in lieu thereof "$2,054,713,000"; and

(B) in paragraph (1), by striking out "$778,970,000" and inserting in lieu thereof "$744,380,000".

(b) FISCAL YEAR 1991 PROJECTS.—(1) Section 2301 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended—

(A) under the heading "GEORGIA", by striking out the item relating to Robins Air Force Base and inserting in lieu thereof the following:

"Robins Air Force Base, $8,700,000.";

(B) under the heading "MICHIGAN", by striking out the item relating to K.I. Sawyer Air Force Base and inserting in lieu thereof the following:

"K.I. Sawyer Air Force Base, $1,400,000."; and

(C) under the heading "OKLAHOMA", by striking out the item relating to Tinker Air Force Base and inserting in lieu thereof the following:

"Tinker Air Force Base, $53,350,000.".

(2) Section 2302(a) of such Act (104 Stat. 1773) is amended by striking out the item relating to Myrtle Beach Air Force Base, South Carolina.

(3) Section 2304(a) of such Act (104 Stat. 1773) is amended—

(A) by striking out "$1,922,733,000" and inserting in lieu thereof "$1,905,075,000";

(B) in paragraph (1), by striking out "$742,255,000" and inserting in lieu thereof "$724,855,000"; and

(C) in paragraph (7)(A), by striking out "$182,965,000" and inserting in lieu thereof "$182,707,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1) and, in the case of the projects described in paragraphs (2), (3), (4), and (5) of section 2403(c), other amounts appropriated pursuant to authorizations enacted after this Act for such projects, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Reutilization and Marketing Office, March Air Force Base, California	$630,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	$1,700,000
	Defense General Supply Center, Richmond, Virginia	$2,900,000
Defense Medical Facility Office	Beale Air Force Base, California	$3,500,000
	Elmendorf Air Force Base, Alaska	$160,000,000
	March Air Force Base, California	$18,000,000
	Fitzsimons Army Medical Center, Colorado	$390,000,000
	Walter Reed Army Medical Center, District of Columbia	$147,300,000
	Fort Leonard Wood, Missouri	$3,000,000
	Fort Bragg, North Carolina	$250,000,000
	Millington Naval Air Station, Tennessee	$10,000,000
National Security Agency	Fort Meade, Maryland	$6,700,000
Section 6 Schools	Fort Bragg, North Carolina	$3,950,000
Strategic Defense Initiative Organization	Barking Sands, Hawaii	$2,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
DOD Dependent Schools	Hohenfels, Germany	$13,500,000
Defense Nuclear Agency	Johnston Island	$1,500,000
National Security Agency	Classified Locations	$9,590,,000
Strategic Defense Initiative Organization	Kwajelein	$22,000,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(9), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,567,146,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $87,950,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $46,590,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, $27,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $16,000,000.

(5) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,508,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $90,818,000.

(8) For conforming storage facilities constructed under the authority of section 2404(a) of the Military Construction Authorization Act, 1987, $3,580,000.

(9) For energy conservation projects authorized by section 2402, $60,000,000.

(10) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), $440,700,000.

(11) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $1,743,600,000.

(12) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $28,400,000, of which not more than $23,559,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS.—Funds in the amount of $5,230,000 appropriated to the Department of Defense for fiscal years before fiscal year 1993 for military construction functions of the Defense Agencies that remain available for obligation on the date of enactment of this Act are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2401(a) for the Defense Logistics Agency.

(c) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b);

(2) $134,000,000 (the balance of the amount authorized for construction of the Walter Reed Institute of Research, District of Columbia);

(3) $145,000,000 (the balance of the amount authorized for construction of the Hospital at Elmendorf Air Force Base, Alaska);

(4) $240,000,000 (the balance of the amount authorized for construction of the Army Medical Center at Fort Bragg, North Carolina); and

(5) $388,000,000 (the balance of the amount authorized for Fitzsimons Army Medical Center, Colorado).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $60,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1992, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $208,672,000; and

(B) for the Army Reserve, $34,850,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $17,200,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $305,759,000; and

(B) for the Air Force Reserve, $36,580,000.

SEC. 2602. REDUCTIONS IN CERTAIN PRIOR YEAR AUTHORIZATIONS OF APPROPRIATIONS FOR AIR FORCE RESERVE MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1989.—Section 2601(3)(B) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2114) is amended by striking out "$63,600,000" and inserting in lieu thereof "$62,440,000".

(b) FISCAL YEAR 1990.—Section 2601(3)(B) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1645) is amended by striking out "$35,600,000" and inserting in lieu thereof "$29,050,000".

(c) FISCAL YEAR 1991.—Section 2601(3)(B) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1781) is amended by striking out "$37,700,000" and inserting in lieu thereof "$33,930,000".

TITLE XXVII— EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1995; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1995; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1996 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189, 103 Stat. 1645), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, or 2301 of that Act and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), shall remain in effect until October 1, 1993, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1994, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1990 Project Authorizations

State	Installation or location	Project	Amount
Kansas	Fort Riley	Child development center	$1,500,000
Louisiana	Fort Polk	Range modernization	$9,600,000
Pennsylvania	New Cumberland Army Depot	Hazardous material storage facility	$14,000,000
Virginia	Fort Lee	Enlisted petroleum training facility	$8,300,000

Navy: Extension of 1990 Project Authorizations

State	Installation or location	Project	Amount
California	Navy Public Works Center, San Francisco	344 housing units	$34,000,000
Texas	Ingleside Naval Station	EOD complex	$1,000,000
		BEQ II project	$6,200,000
		Magazines	$910,000
Pennsylvania	Philadelphia Naval Shipyard	Hazardous and flammable material warehouse	$3,000,000

Air Force: Extension of 1990 Project Authorizations

State or country	Installation or location	Project	Amount
Colorado	Lowry Air Force Base	Computer operations facility	$15,500,000
		Logistics support facility	$3,500,000
Ohio	Newark Air Force Base	Child development center	$680,000
Oklahoma	Tinker Air Force Base	EMP test facility	$9,300,000
Turkey	Incirlik Air Force Base	Post office	$550,000

SEC. 2703. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1992; and

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. PROMOTION OF ENERGY SAVINGS AT MILITARY INSTALLATIONS.

(a) ENERGY SAVING ACTIVITIES.—Section 2865 of title 10, United States Code, is amended—

(1) by striking out subsection (b)(3);

(2) by redesignating subsection (d) as subsection (f); and

(3) by inserting after subsection (c) the following new subsection:

"(d) ENERGY SAVING ACTIVITIES.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by any gas or electric utility for the management of electricity demand or for energy conservation.

"(2) The Secretary of Defense may authorize any military installation to accept any financial incentive, goods, or services generally available from a gas or electric utility, to adopt technologies and practices that the Secretary determines are cost effective for the Federal Government.

"(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into agreements with gas or electric utilities to design and implement cost-effective demand and conservation incentive programs (including energy management services, facilities alterations, and the installation and maintenance of energy saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

"(4)(A) If an agreement under paragraph (3) provides for a utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repayed by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

"(B) Subject to the availability of appropriations, repayment of costs advanced under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

"(C) An agreement under paragraph (3) shall provide that title to any energy-saving device or technology installed at a military installation pursuant to the agreement vested in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.".

(b) ENERGY CONSERVATION CONSTRUCTION PROJECTS.—Such section is further amended by inserting after subsection (d), as added by subsection (a)(3), the following new subsection:

"(e) ENERGY CONSERVATION CONSTRUCTION PROJECTS.—(1) The Secretary of Defense may carry out a military construction project for energy conservation, not previously authorized, using funds appropriated or otherwise made available for that purpose.

"(2) When a decision is made to carry out a project under paragraph (1), the Secretary of Defense shall notify in writing the Committees on Armed Services and Appropriations of the Senate and House of Representatives of that decision. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees.".

(c) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking out "paragraph (3)(B)" and inserting in lieu thereof "subsection (d)(2)".

(d) TECHNICAL AMENDMENT.—Subsection (f) of such section, as redesignated by subsection (a)(2), is amended by striking out "Beginning with fiscal year 1991 and by no later than December 31, 1991, and of each year thereafter," and inserting in lieu thereof "Not later than December 31 of each year,".

(e) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "ENERGY PERFORMANCE GOAL AND PLAN.—" after "(a)";

(2) in subsection (b), by inserting "USE OF ENERGY COST SAVINGS.—" after "(b)";

(3) in subsection (c), by inserting "SHARED ENERGY SAVINGS CONTRACTS.—" after "(c)"; and

(4) in subsection (f), as redesignated by subsection (a)(2), by inserting "ANNUAL REPORT.—" after "(f)".

SEC. 2802. AUTHORITY TO CONSTRUCT REPLACEMENT FAMILY HOUSING UNITS.

(a) AUTHORITY TO CONSTRUCT REPLACEMENT UNITS.—Section 2825 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) The Secretary concerned may construct replacement military family housing units in lieu of improving existing military family housing units if—

"(A) the improvement of the existing housing units has been authorized by law;

"(B) the Secretary determines that the improvement project is no longer cost-effective after a review of post-design or bid cost estimates;

"(C) the Secretary submits to the committees referred to in subsection (b)(1) a notice containing—

"(i) an economic analysis demonstrating that the improvement project would exceed 70 percent of the cost of constructing replacement housing units intended for members of the armed forces in the same pay grade or grades as those members who occupy the existing housing units; and

"(ii) if the replacement housing units are intended for members of the armed forces in a different pay grade or grades, a justification of the need for the replacement housing units based upon the long-term requirements of the armed forces in the location concerned; and

"(D) a period of 21 days elapses after the date on which the Secretary submits the notice required by subparagraph (C).

"(2) The amount that may be expended to construct replacement military family housing units under this subsection may not exceed the amount that is otherwise available to carry out the previously authorized improvement project.".

(b) CONFORMING AMENDMENT.—Section 2822(b) of such title is amended by adding at the end the following new paragraph:

"(5) Replacement housing units constructed under section 2825(c) of this title.".

Subtitle B—Defense Base Closure and Realignment

SEC. 2821. USE OF PROCEEDS OF THE TRANSFER OR DISPOSAL OF COMMISSARY STORE AND OTHER FACILITIES AND PROPERTY.

(a) BASE CLOSURES UNDER 1988 ACT.—(1) Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following new subparagraph:

"(C)(i) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this title, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in a reserve account established in the Treasury to be administered by the Secretary. The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(I) commissary stores; and

"(II) real property and facilities for nonappropriated fund instrumentalities.

"(ii) The amount deposited under clause (i) shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(iii) As used in this subparagraph:

"(I) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

"(II) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

"(III) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(2) Section 209 of such Act is amended by striking out paragraph (10).

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out subsection (d), as added by section 344(b)(1)(B) of Public Law 102–190, and inserting in lieu thereof the following new subsection:

"(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(4)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

"(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(3) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(A) commissary stores; and

"(B) real property and facilities for nonappropriated fund instrumentalities.

"(4) As used in this subsection:

"(A) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores

fized under section 2685 of title 10, United States Code.

"(B) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

"(C) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(c) CLOSURE OF FOREIGN MILITARY INSTALLATIONS.—Section 2921(d)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended in the first sentence by striking out "the value of the improvements carried out" and inserting in lieu thereof "the depreciated value of the investment made".

SEC. 2822. DEMONSTRATION PROJECT FOR THE USE OF A NATIONAL RELOCATION CONTRACTOR TO ASSIST THE DEPARTMENT OF DEFENSE.

(a) USE OF NATIONAL RELOCATION CONTRACTOR.—Subject to the availability of appropriations therefor, the Secretary of Defense shall enter into a one-year contract with a private relocation contractor operating on a nationwide basis to test the cost-effectiveness of using national relocation contractors to administer the Homeowners Assistance Program. The contract shall be competitively awarded not later than 30 days after the date of the enactment of this Act.

(b) REPORT ON CONTRACT.—Not later than one year after the date on which the Secretary of Defense enters into the contract under subsection (a), the Comptroller General shall submit to Congress a report containing the Comptroller General's evaluation of the effectiveness of using the national contractor for administering the program referred to in subsection (a). The report shall compare the cost and efficiency of such administration with the cost and efficiency of—

(1) the program carried out by the Corps of Engineers using its own employees; and

(2) the use of contracts with local relocation companies at military installations being closed or realigned.

SEC. 2823. CHANGE IN DATE OF REPORT OF COMPTROLLER GENERAL TO CONGRESS AND DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2903(d)(5)(B) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out "May 15 of each year" and inserting in lieu thereof "April 15 of each year".

SEC. 2824. AVAILABILITY OF CERTAIN FEDERAL PROPERTY FOR APPLICATION FOR USE TO ASSIST THE HOMELESS.

(a) AVAILABILITY OF PROPERTY AFTER HOLDING PERIOD.—Section 501(c)(4)(C) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(c)(4)(C)) is amended to read as follows:

"(C) For purposes of subparagraph (A), property shall not be considered to remain available for application for use to assist the homeless after the 60-day holding period provided under subsection (d) if—

"(i) an application for or written expression of interest in the property is made under any law for use of the property for any purpose; or

"(ii) the Administrator receives a bona fide offer to purchase the property or advertises for the sale of the property by public auction.".

(b) TECHNICAL CORRECTION.—Section 501(f)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(f)(2)) is amended by inserting "or" after "Unutilized".

SEC. 2825. REVISION OF REQUIREMENTS RELATING TO BUDGET DATA ON BASE CLOSURES.

(a) COVERED FUNDING REQUESTS.—(1) Subsection (a) of section 2822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1546; 10 U.S.C. 2687 note) is amended—

(A) by striking out "each military construction project" and inserting in lieu thereof "military construction relating to the closure or realignment of the installation"; and

(B) by striking out "the cost of such project" and inserting in lieu thereof "the cost of such construction".

(2) Subsection (b) of such section is amended—

(A) by striking out "of a military construction project" and inserting in lieu thereof "of military construction"; and

(B) by striking out "the project" and inserting in lieu thereof "the construction".

(b) INVESTIGATION BY INSPECTOR GENERAL.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "each military construction project" and inserting in lieu thereof "the military construction"; and

(B) by striking out "the project" and inserting in lieu thereof "such construction"; and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following new paragraph (2):

"(2) The Inspector General shall submit to the congressional defense committees a report describing the results of each investigation conducted under paragraph (1).".

SEC. 2826. CONSIDERATION OF COMMUNITY ABILITY TO COMPETE FOR THE RELOCATION OF FINANCE AND ACCOUNTING ACTIVITIES.

(a) CONSIDERATION OF FACTORS.—In evaluating and selecting communities as sites for the relocation of financial and accounting activities under the management of the Defense Finance Accounting Service, the Secretary of Defense shall ensure that consideration is provided to the ability of States and communities to compete for the relocation based upon their relative size and potential to make offers of incentives for the relocation.

(b) REPORT.—The Secretary of Defense shall, with respect to the relocation described in subsection (a) and not later than February 28, 1993, submit to the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of using competitive procedures among communities to acquire property (through lease or otherwise) and other incentives without providing reimbursement to the community for such property or incentives.

SEC. 2827. OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT.

(a) USE OF ACCOUNT AT OVERSEAS FACILITIES.—Subsection (c) of section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in the first sentence of paragraph (2), by striking out "in connection with facility maintenance and repair and environmental restoration at military installations in the United States." and inserting in lieu thereof the following: "in connection with—

"(A) facility maintenance and repair and environmental restoration at military installations in the United States; and

"(B) facility maintenance and repair and compliance with applicable environmental laws at military installations outside the United States that the Secretary anticipates will be occupied by the Armed Forces for a long period.";

(2) by striking out the second sentence of paragraph (2); and

(3) by adding at the end the following new paragraphs:

"(3) Funds in the Department of Defense Overseas Facility Investment Recovery Account shall remain available until expended.".

(b) PAYMENTS-IN-KIND.—Such section is further amended by adding at the end the following new subsection:

"(e) NEGOTIATIONS FOR PAYMENTS-IN-KIND.—Before the Secretary of Defense enters into negotiations with a host country regarding the acceptance by the United States of any payment-in-kind in connection with the release to the host country of improvements made by the United States at military installations in the host country, the Secretary shall submit a written notice to the congressional defense committees containing a justification for entering into negotiations for payments-in-kind with the host country and the types of benefit options to be pursued by the Secretary in the negotiations."

(c) ANNUAL REPORT ON OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT.—Such section is further amended by adding after subsection (e), as added by subsection (b), the following new subsection:

"(f) REPORT ON STATUS AND USE OF SPECIAL ACCOUNT.—Not later than January 15 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the operations of the Department of Defense Overseas Military Facility Investment Recovery Account during the preceding fiscal year and proposed uses of funds in the special account during the next fiscal year. The report shall include the following:

"(1) The amount of each deposit in the account during the preceding fiscal year, and the source of the amount.

"(2) The balance in the account at the end of that fiscal year.

"(3) The amounts expended from the account by each military department during that fiscal year.

"(4) With respect to each military installation for which money was deposited in the account as a result of the release of real property or improvements of the installation to a host country during that fiscal year—

"(A) the total amount of the investment of the United States in the installation, expressed in terms of constant dollars of that fiscal year;

"(B) the depreciated value (as determined by the Secretary of a military department under regulations to be prescribed by the Secretary of Defense) of the real property and improvements that were released; and

"(C) the explanation of the Secretary for any difference between the benefits received by the United States for the real property and improvements and the depreciated value (as so determined) of that real property and improvements.

"(5) A list identifying all military installations outside the United States for which the Secretary proposes to make expenditures from the Department of Defense Overseas Facility Investment Recovery Account under subsection (c)(2)(B) during the next fiscal year and specifying the amount of the proposed expenditures for each identified military installation.

"(6) A descricption of the purposes for which the expenditures proposed under paragraph (5) will be made and the need for such expenditures.".

Subtitle C—Land Transactions

SEC. 2831. MODIFICATION OF LAND EXCHANGE, SAN DIEGO, CALIFORNIA.

Section 837 of the Military Construction Authorization Act, 1985 (Public Law 98–407; 98 Stat. 1529) is amended—

(1) in subsection (a) by striking out "or the San Diego Energy Recovery Project, a joint powers agency of the city and county of San Diego (hereinafter in this section referred to as 'SANDER'),";

(2) by striking out subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (e) and (f);

(4) by inserting after subsection (b) the following new subsections:

"(c) ALTERNATIVE CONSIDERATION.—(1) In lieu of the 120 acres of land referred to in subsection (b) as consideration for the conveyance under subsection (a), the Secretary of the Navy may permit the City to convey to the Secretary—

"(A) other real property suitable for use, as determined by the Secretary, for military family housing;

"(B) an amount equal to the fair market value of the parcel conveyed under subsection (a), as determined by the Secretary; or

"(C) a combination of real property and cash.

"(2) The Secretary may permit the alternative conveyance under paragraph (1) only if the Secretary determines that the City will use the 120 acres of land for purposes associated with the clean water program of the City that are compatible with the mission and operations of the adjacent Naval Air Station, Miramar.

"(d) FAIR MARKET VALUE; USE OF PROCEEDS.—The total value of the consideration to be provided to the United States under subsections (b) and (c) shall be at least equal to the fair market value of the lands conveyed under subsection (a), as determined by the Secretary of the Navy. The City shall pay any difference to the United States. Subject to the availability of appropriations for this purpose, the Secretary may use any amounts paid under this section solely for the purpose of acquiring in the San Diego area a suitable site for, or constructing or acquiring by direct purchase, military family housing. Any funds received by the Secretary under this section and not used within 30 months after receipt shall be deposited into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).";

and

(5) in subsection (e), as redesignated by paragraph (3), by striking out "or SANDER or by the City and SANDER".

SEC. 2832. LAND ACQUISITION AND EXCHANGE, MYRTLE BEACH AIR FORCE BASE AND POINSETT WEAPONS RANGE, SOUTH CAROLINA.

(a) LAND CONVEYANCE.—The Secretary of the Air Force may convey to the State of South Carolina all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 3,744 acres and comprising the Myrtle Beach Air Force Base, South Carolina, or any portion of that parcel, together with any improvements thereon.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the State of South Carolina shall—

(A) convey to the United States all right, title, and interest of the State of South Carolina in and to the parcels of land (together with any improvements thereon) described to in paragraph (2); and

(B) pay to the United States an amount equal to the amount, if any, by which the fair market value of the land conveyed under subsection (a) exceeds the fair market value of the land conveyed under subparagraph (A).

(2) The parcels of land referred to in paragraph (1) are the following:

(A) The Poinsett Weapons Range, a parcel consisting of approximately 8,358 acres that is located in Sumter County, South Carolina, and is currently leased by the Air Force from the State of South Carolina.

(B) Other parcels contiguous to the Poinsett Weapons Range that—

(i) are owned by the State of South Carolina, including parcels acquired by the State of South Carolina for the purposes of satisfying the requirements of this subsection; and

(ii) the Secretary determines are necessary for the Air Force to improve or enlarge the configuration of the Poinsett Weapons Range to suit the needs of the Air Forces as a bombing range.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcels of real property to be conveyed pursuant to subsections (a) and (b)(1)(A). Such determinations shall be final.

(d) USE OF FUNDS.—Any funds paid to the Secretary under subsection (b)(1)(B) shall be deposited in the Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and shall be available for use in accordance with subsection (b) of such section 2906.

(e) RESERVATION FOR HARVESTING FOREST PRODUCTS.—The Secretary may accept the conveyance of the parcel of real property referred to in subsection (b)(1)(A) subject to a reservation permitting the harvesting of forest products on the parcel by the South Carolina State Forestry Commission. A reservation granted under this subsection shall be subject to such conditions as the Secretary may prescribe.

(f) DESCRIPTIONS OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be conveyed pursuant to subsections (a) and (b)(1)(A) shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the State of South Carolina.

(g) REVERSIONARY INTEREST.—The major portion of the land to be conveyed by the State of South Carolina under subsection (b)(2) was originally conveyed to the South Carolina State Forestry Commission by the United States under the Bankhead-Jones Farm Tenant Act (50 Stat. 522; 7 U.S.C. 1000 et seq.), subject to reservation of mineral rights and subject also to a reversion of title if the State ceased to use such properties for public purposes. The conveyance of such land to the United States under subsection (b)(2) shall be deemed to be in compliance with the public purpose covenants imposed upon conveyance to the South Carolina State Forestry Commission.

(h) AUTHORITY TO ACQUIRE ADDITIONAL LAND.—Subject to section 2662(a) of title 10, United States Code, and the availability of appropriations for this purpose, the Secretary may acquire such additional parcels of land in the vicinity of Poinsett Weapons Range, South Carolina, as the Secretary determines are necessary to enhance the usefulness of the Poinsett Weapons Range as a bombing range.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyances under this section that the Secretary considers to be appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, PITTSBURGH, PENNSYLVANIA.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army may convey, without reimbursement, to the Urban Redevelopment Authority of Pittsburgh, Pennsylvania, all right, title, and interest of the United States in and to a tract of real property (including improvements thereon) known as the Hays Army Ammunition Plant and consisting of approximately 11.9983 acres in the Borough of West Homestead and the City of Pittsburgh, Pennsylvania.

(b) CONDITION OF TRANSFER.—The Secretary may not make the conveyance authorized by subsection (a) unless the Secretary is able to issue a statement of condition certifying that the Hays Army Ammunition Plant is environmentally clean and safe for nonmilitary use.

(c) LEGAL DESCRIPTION AND SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of such survey shall be borne by the Urban Redevelopment Authority of Pittsburgh.

(d) OTHER TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LEASES OF PROPERTY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) LEASE AUTHORIZED WITH UNION PACIFIC RAILROAD COMPANY.—(1) The Secretary of the Navy may lease to the Union Pacific Railroad Company (in this subsection referred to as the "Company") not more than 15 acres of real property, together with improvements thereon, located at the Naval Supply Center, Oakland, California.

(2) The lease authorized in paragraph (1) shall—

(A) be for an initial period of not more than 25 years;

(B) contain an option for the Company to extend the lease for an additional period of not more than 25 years; and

(C) contain the restriction that the Company use the leased property only for freight transportation purposes.

(3)(A) As consideration for the lease of the real property under paragraph (1), the Company—

(i) shall pay to the Navy the long-term fair market rental value of the leased property; and

(ii) may be required to furnish additional consideration as provided in subparagraph (B).

(B) The Secretary may require that the lease include a provision for the Company—

(i) to pay the Navy an amount (as determined by the Secretary) for the costs of replacing at the Naval Supply Center, Oakland, California, the facilities vacated by the Navy on the leased property or to construct the replacement facilities for the Navy; and

(ii) to pay the Navy an amount (as so determined) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(4)(A) Section 2667(d) of title 10, United States Code, shall apply to amounts paid under paragraph (3)(A)(i).

(B) The Secretary may use amounts received under paragraph (3)(B) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on the leased property and for relocating operations of the Navy from the vacated facilities to the replacement facilities.

(5) The Secretary may authorize the Company to demolish existing facilities on the leased property and, consistent with the restriction required by paragraph (2)(C), construct new facilities on the property for the use of the Company.

(b) LEASE AUTHORIZED WITH CITY OR PORT OF OAKLAND.—(1) The Secretary of the Navy may lease to the City of Oakland, California, or the Port of Oakland, California (in this subsection referred to as the "City" and the "Port", respectively), not more than 195 acres of real property, together with improvements thereon, located at the Naval Supply Center, Oakland, California.

(2) The lease authorized under paragraph (1) shall—

(A) be for a term of not more than 50 years; and

(B) shall contain the restriction that the City or the Port (as the case may be) use the leased property in a manner consistent with Navy operations conducted at the Naval Supply Center.

(3)(A) As consideration for the lease of the real property under paragraph (1), the City or the Port (as the case may be)—

(i) shall pay to the Navy the long-term fair market rental value of the leased property; and

(ii) may be required to furnish additional consideration as provided in subparagraph (B).

(B) The Secretary may require that the lease include a provision for the City or the Port (as the case may be)—

(i) to pay the Navy an amount (as determined by the Secretary) for the costs of replacing at the Naval Supply Center, Oakland, California, the facilities vacated by the Navy on the leased property or to construct the replacement facilities for the Navy; and

(ii) to pay the Navy an amount (as so determined) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(4) The Secretary may not enter into the lease authorized by paragraph (1) until 21 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of the terms of the proposed lease and a description of the consideration that the Secretary expects to receive under the lease.

(5)(A) The Secretary may use amounts paid under paragraph (3)(A)(i) to pay for improvement, maintenance, repair, construction, or restoration activities at the Naval Supply Center, Oakland, California.

(B) The Secretary may use amounts received under paragraph (3)(B) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on the leased property and for relocating operations of the Navy from the vacated facilities to the replacement facilities.

(6) The Secretary may authorize the City or the Port (as the case may be) to demolish existing facilities on the leased property and, consistent with the restriction required by paragraph (2)(B), construct new facilities on the property for the use of the City or the Port.

(c) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the leases authorized under this section as the Secretary considers appropriate to protect the interests of the United States.

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 2338 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1225) is repealed.

SEC. 2835. GRANT OF EASEMENT AT NAVAL AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) AUTHORITY TO GRANT EASEMENT.—The Secretary of the Navy may grant to San Diego Gas and Electric Company (in this section referred to as "SDG&E") an easement on a parcel of real property consisting of approximately 120 acres that is located in the northeast portion of Naval Air Station, Miramar, California (in this section referred to as the "Air Station"). The purpose of the easement is to enable SDG&E to construct, operate, and maintain an electric transmission substation and associated electric transmission lines.

(b) CONSIDERATION.—(1) As consideration for the grant of an easement to SDG&E under subsection (a), SDG&E shall pay to the United States an amount that is not less than the fair market value of that easement, as determined by the Secretary.

(2) The Secretary may accept from SDG&E, in lieu of payment of up to 50 percent of the agreed consideration, the following:

(A) The establishment of an alternative source of 12 kilovolts of electric power for the Air Station.

(B) Such improvements to the electrical distribution system of the Air Station as the Secretary designates for the purposes of this paragraph.

(c) USE OF PROCEEDS.—(1) The amounts of consideration paid under subsection (b) shall be deposited in the special account established for the Department of the Navy under section 2667(d)(1)(A) of title 10, United States Code.

(2) Subject to the availability of appropriations for this purpose, of the sums in such account—

(A) there shall be available for facility maintenance and repair and for environmental restoration by the Department of the Navy the amount equal to 50 percent of the total agreed consideration for the grant of the easement under subsection (a); and

(B) there shall be available for facility maintenance and repair or environmental restoration of the Air Station, the amount equal to the excess (if any) of 50 percent of such total consideration over the amount equal to the sum of—

(i) the total cost incurred by SDG&E for the establishment of the alternative power source pursuant to subsection (b)(2)(A); and

(ii) the total cost of the improvements made by SDG&E pursuant to subsection (b)(2)(B).

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property subject to the easement granted under this section shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by SDG&E.

(e) ADDITIONAL TERMS.—The Secretary may require any additional terms and conditions in connection with the grant of an easement under this section that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, NAVAL RESERVE CENTER, SANTA BARBARA, CALIFORNIA.

(a) CONVEYANCE.—The Secretary of the Navy may convey to the City of Santa Barbara, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre, including improvements thereon, which is the location of the Santa Barbara Naval Reserve Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the lesser of—

(1) $2,400,000; or

(2) the cost incurred by the Secretary in constructing a naval reserve center to replace the naval reserve center conveyed under subsection (a).

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the City enter into an agreement with the Secretary of Transportation for the City—

(A) to permit, at no cost to the Federal Government, the Coast Guard to remain in the space currently occupied by the Coast Guard in the facility referred to in subsection (a); or

(B) to provide the Coast Guard, at no cost to the Federal Government, with space in a facility acceptable to the Secretary of Transportation that is sufficient to replace the space referred to in subparagraph (A) from which the Coast Guard is displaced by the City.

(2) That the City enter into an agreement with the Administrator of the National Oceanic and Atmospheric Administration for the City—

(A) to permit, at no cost to the Federal Government, the National Oceanic and Atmospheric Administration (in this section referred to as "NOAA") to remain until May 1, 1993 (or a later date agreed to by the City and the Administrator), in the space currently occupied by NOAA in the facility referred to in subsection (a); or

(B) to provide NOAA until May 1, 1993 (or a later date agreed to by the City and the Administrator), at no cost to the Federal Government, with space in a facility acceptable to the Administrator that is sufficient to replace the space referred to in subparagraph (A) from which NOAA is displaced by the City.

(3) That the City enter into an agreement with the Secretary of the Navy for the City to permit the Navy to use, at no cost to the Federal Government, the naval reserve center referred to in subsection (a) until the replacement facility to be constructed in accordance with subsection (d) is suitable for occupancy by the Navy, as determined by the Secretary.

(d) REPLACEMENT CENTER.—The Secretary of the Navy shall use the amount paid by the City under subsection (b) to construct a naval reserve center to replace the naval reserve center conveyed pursuant to subsection (a). Such replacement center shall be constructed at the Naval Construction Battalion Center, Port Hueneme, California, or at another location determined by the Secretary to be suitable for such a center.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance and agreements under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, FOREST GLEN ANNEX, WALTER REED ARMY MEDICAL CENTER, MARYLAND.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army shall convey, without consideration, to the Maryland-National Capital Park and Planning Commission (in this section referred to as the "Commission") all right, title, and interest of the United States in and to approximately 10 acres of real property at the Forest Glen Annex of the Walter Reed Army Medical Center, consisting of woodlands located north and west of Ireland Drive.

(b) CONDITION ON USE OF CONVEYED PROPERTY.—The conveyance required by subsection (a) shall be subject to the condition that the Commission use the property conveyed only as a public park and maintain the property in its entirety as woodlands for the public benefit.

(c) REVERSION.—If the Secretary determines at any time that the Commission is not complying with the condition specified in subsection (b), all right, title, and interest in and to the property conveyed pursuant to subsection (a) shall revert to the United States.

(d) LEGAL DESCRIPTION AND SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The Commission shall bear the expense of the survey.

SEC. 2838. LAND CONVEYANCE, WILLIAMS AIR FORCE BASE, ARIZONA.

(a) IN GENERAL.—(1) The United States may acquire by condemnation or otherwise—

(A) all right, title, and interest of the State of Arizona (including any mineral rights) in and to the trust lands of the State of Arizona described in paragraph (2); and

(B) any trust mineral estate of the State of Arizona located beneath the surface estates of the United States in the lands described in paragraph (3).

(2) The trust lands referred to in paragraph (1)(A) are as follows:

(A) A parcel or parcels consisting of approximately 81,121 acres located in the Goldwater Aerial Gunnery Range, Yuma County and Maricopa County, Arizona, and used by the Air Force for activities relating to aerial gunnery and bombing practice.

(B) A parcel or parcels consisting of approximately 7,563 acres located in the Yuma Test Sta-

tion, Yuma County, Arizona, and used by the Army for activities relating to field artillery testing.

(C) A parcel or parcels consisting of approximately 1,537 acres located in the Fort Huachuca East Range, Cochise County, Arizona, and used by the Army for activities relating to field training exercises.

(D) A parcel or parcels consisting of approximately 133 acres located in Davis-Monthan Air Force Base, Tucson, Arizona.

(E) A parcel consisting of approximately five acres located in section 14, T4N, R3E of the State of Arizona, Phoenix, Arizona, and used as part of the Arizona National Memorial Cemetery.

(3) The lands referred to in paragraph (1)(B) are as follows:

(A) A parcel or parcels consisting of approximately 50,355 acres located in the Goldwater Aerial Gunnery Range, Arizona.

(B) A parcel or parcels consisting of approximately 12,781 acres located in the Yuma Test Station, Arizona.

(C) A parcel or parcels consisting of approximately 12,943 acres located in the Fort Huachuca East Range, Arizona.

(b) CONSIDERATION.—As consideration for the acquisition by the United States of Arizona trust lands under paragraph (1)(A) of subsection (a) and any mineral rights under paragraph (1)(B) of that subsection, the Secretary of the Air Force shall convey to the State of Arizona all right, title, and interest of the United States in and to a parcel of real property located at Williams Air Force Base, Arizona, together with any improvements thereon, that is approximately equal in fair market value to the fair market value of the property and mineral rights acquired under that subsection.

(c) CONDITIONS.—The Secretary may make the conveyance described in subsection (b) only if—

(1) the fair market value of the real property and mineral rights acquired by the United States under subsection (a) is at least equal to the fair market value of the property conveyed by the Secretary under subsection (b);

(2) the conveyance of the Secretary to the State of Arizona under subsection (b) is accepted as full consideration for the conveyance of property and mineral rights to the United States under subsection (a) and terminates all right, title, and interest of all parties other than the United States in and to the property and mineral rights conveyed to the United States under subsection (a); and

(3) the Secretary has complied with all environmental protection, remediation, and restoration laws that are applicable to the disposal of the real property at Williams Air Force Base, Arizona, that is conveyed to the State of Arizona under subsection (b).

(d) RESTRICTION ON USE OF CERTAIN PROPERTY.—The Secretary of Veterans Affairs shall use as a cemetery any property referred to in paragraph (2)(E) of subsection (a) that is acquired by the United States under that subsection. Such use shall be subject to the provisions of chapter 24 of title 38, United States Code.

(e) LIMITATION ON CONVEYANCE AUTHORITY.—The conveyance of real property described in subsection (b) may not be made until adequate prior opportunity has been provided for the disposition of such property as provided in section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), except the requirement for disposition by public advertising.

(f) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary of the Air Force shall determine the fair market value of the parcels of real property to be acquired pursuant to subsection (a)(1)(A), the mineral rights to be acquired pursuant to subsection (a)(1)(B), and the parcel of real property to be conveyed pursuant to subsection (b). Such determinations shall be final.

(g) DESCRIPTIONS OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be acquired pursuant to subsection (a)(1)(A), the parcels of real property referred to in subsection (a)(1)(B), and the parcels of real property conveyed pursuant to subsection (b) shall be determined by surveys that are satisfactory to the Secretary of the Air Force and the State of Arizona. The cost of such surveys shall be borne by the State of Arizona.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require any additional terms and conditions in connection with the conveyance and acquisitions under this section that the Secretary considers to be appropriate to protect the interests of the United States.

SEC. 2839. MODIFICATION OF LAND EXCHANGE, BURLINGTON, VERMONT.

Section 2387 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1800) is amended—

(1) in subsection (b), by striking out "the Burlington, Vermont, area" and inserting in lieu thereof "the State of Vermont";

(2) in subsection (c)(1)(A), by striking out "$800,000" and inserting in lieu thereof "$600,000, with such payment to be made (before the date of the conveyance authorized by subsection (a)) in a lump sum, in yearly installments, or under such other terms and conditions as the Secretary considers to be in the interest of the United States";

(3) in subsection (c)(2), by striking out "January 1, 1993," and inserting in lieu thereof "June 1, 1995,"; and

(4) by adding at the end of subsection (c) the following new paragraph:

"(3) The Secretary may permit the City of Burlington, Vermont, to make alterations or improvements to the property referred to in subsection (a) before the Secretary conveys the property to the City. The making of such alterations and improvements pursuant to this paragraph shall be subject to terms and conditions that the Secretary considers to be appropriate and shall be subject to the prior approval of the Secretary.".

SEC. 2840. CONVEYANCE OF WASTE WATER TREATMENT PLANT, FORT RITCHIE, MARYLAND.

(a) IN GENERAL.—The Secretary of the Army may convey to the Washington County, Maryland, Sanitary District (in this section referred to as the "Sanitary District") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 4.5 acres, including a waste water treatment facility and other improvements located thereon, located at Fort Ritchie, Maryland.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a) the Sanitary District shall provide the Army with disposal services, waste water treatment services, and other related services at the facility. The value of the services provided the Army shall be equal to the fair market value of the property conveyed pursuant to subsection (a), as determined jointly by the Secretary and the Sanitary District.

(c) CONDITIONS.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Sanitary District reserve 70 percent of the operating capacity of the waste water treatment facility referred to in subsection (a) for use by the Army in the event that such use is necessitated by a realignment or change in the operations of the Army at Fort Ritchie, Maryland.

(2) That the Sanitary District ensure the compliance of the waste water treatment facility with applicable environmental laws, including the construction of any improvement and the satisfaction of any permit or license requirements that may be necessary to ensure such compliance.

(3) That the cost of the construction of the improvements referred to in paragraph (2) be borne by the Sanitary District and the Army according to the pro rata share of the operating capacity of the waste water treatment facility reserved to the Army and the Sanitary District, respectively.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Sanitary District.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. ACQUISITION OF INTERESTS IN LAND, NAVAL RADIO STATION, JIM CREEK, WASHINGTON.

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Navy may acquire all right, title, and interest (including timber rights) of any party in and to a parcel of land consisting of approximately 225 acres, or any portion of the parcel, located in Snohomish County, Washington, and comprising a portion of Naval Radio Station, Jim Creek, Washington.

(b) CONSIDERATION.—(1) As consideration for an interest acquired by the Secretary pursuant to the authority in subsection (a), the Secretary—

(A) shall pay the person conveying that interest, out of funds available to the Secretary for the acquisition of interests in real property (including unobligated prior year funds available for the Legacy Resource Management Program), the amount determined under paragraph (2);

(B) shall, with the consent of that person, convey to such person all right, title, and interest of the United States in and to a quantity of merchantable timber at the Naval Radio Station, Jim Creek, determined under paragraph (2); or

(C) shall, with the consent of such person, make such a payment and such a conveyance to that person.

(2) The total of the amount paid a person pursuant to paragraph (1)(A), if any, and the fair market value of the quantity (to the extent of the interest) of merchantable timber conveyed to that person pursuant to paragraph (1)(B), if any, shall be equal to the fair market value of the property interest acquired from that person under subsection (a).

(c) OPTION TO PURCHASE.—The Secretary may purchase an option to purchase a property interest authorized to be acquired under subsection (a). The Secretary may use funds referred to in subsection (b)(1)(A) for the purchase of such an option.

(d) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the property interests acquired under subsection (a) and the merchantable timber, if any, conveyed under subsection (b). Such determinations shall be final.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of each parcel of real property an interest in which is acquired under subsection (a) or conveyed under subsection (b) shall be determined by a survey that is satisfactory to the Secretary and is conducted at no cost to the United States (except that the Secretary shall bear such cost in the case of a gift to the United States).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the acquisitions authorized under subsection (a) and the conveyances, if any, authorized under subsection (b) that the Secretary considers to be necessary to protect the interests of the United States.

SEC. 2842. REAL PROPERTY CONVEYANCE, NAVAL STATION PUGET SOUND, EVERETT, WASHINGTON.

(a) IN GENERAL.—(1) The Secretary of the Navy may convey to any person all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) The parcel of land referred to in paragraph (1) is a parcel of land located in the State of Washington consisting of approximately 68 acres and comprising the naval family housing area at Paine Field, Snohomish County, Washington, together with improvements thereon.

(b) CONSIDERATION.—(1) In consideration for the conveyance of the parcel of land authorized in subsection (a), the person accepting the conveyance shall—

(A) pay the Secretary an amount equal to the fair market value of the parcel and any improvements located thereon; or

(B) convey to the United States of all right, title, and interest of the person in and to the parcel of land, together with any improvements thereon, located in the area of the Naval Station Puget Sound, Everett, Washington, that the Secretary determines to be suitable for family housing for Naval Station Puget Sound and, if the fair market value of the parcel conveyed by the United States exceeds the fair market value of the parcel conveyed to the United States, pay to the Secretary the amount equal to such excess.

(2) The Secretary shall determine the fair market value of the parcel of land conveyed pursuant to subsection (a)(1) and the parcels of land, if any, conveyed pursuant to paragraph (1)(B).

(c) NOTICE TO COMMITTEES.—The Secretary may not enter into a conveyance or sale of real property, as the case may be, under this section until the Secretary has notified the congressional defense committees of the details of the proposed conveyance or sale, as the case may be, and a period of 21 days has elapsed following the day on which the committees receive the notification.

(d) USE OF FUNDS.—(1) Subject to the availability of appropriations for this purpose, the Secretary shall use any amounts paid to the Secretary under subsection (b)(1) for the following purposes:

(A) Acquiring in the vicinity of Naval Station Puget Sound land that is suitable (as determined by the Secretary) for family housing for Naval Station Puget Sound.

(B) Acquiring or constructing not more than 350 units of family housing for Naval Station Puget Sound.

(2) If amounts referred to in paragraph (1) remain unexpended after the acquisition or construction of the family housing referred to in that paragraph, the Secretary shall deposit such unexpended amounts in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcel of land conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. CONVEYANCE OF HASTINGS RADAR BOMB SCORING SITE, NEBRASKA.

(a) CONVEYANCE.—The Secretary of the Air Force may convey to Central Community College, Hastings Nebraska (in this section referred to as the "College"), all right, title, and interest of the United States in and to three parcels of property located in Hastings, Nebraska, which have served as a support complex for the Hastings Radar Bomb Scoring Site.

(b) CONSIDERATION.—In consideration for the conveyance under subsection (a), the College shall pay to the United States an amount equal to the fair market value of the land conveyed under subsection (a), as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary shall deposit the proceeds of the sale of property authorized by this section in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the College.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCE, ABBEVILLE, ALABAMA.

(a) IN GENERAL.—The Secretary of the Army may convey, without consideration, to the City of Abbeville, Alabama, all right, title, and interest of the United States in and to a parcel of land consisting of approximately four acres, together with improvements thereon, the site of a proposed Army Reserve Center, Abbeville, Alabama.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the City of Abbeville, Alabama.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under this section that the Secretary considers to be appropriate to protect the interests of the United States.

SEC. 2845. EXTENSION OF TIME IN WHICH TO ENTER INTO LEASE AT HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

The time period within which the Secretary of the Navy shall enter into the lease of real property at the Hunters Point Naval Shipyard, San Francisco, California, required under section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1790) is extended to May 30, 1993.

SEC. 2846. TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) IN GENERAL.—The Secretary of the Navy may—

(1) negotiate the termination of the remaining lease of the Navy of 2.27 acres of land located at the Georgia Institute of Technology, Atlanta, Georgia (in this section referred to as the "Institute"); and

(2) sell to the Institute the Naval Reserve Center facilities located on such land.

(b) CONSIDERATION.—As consideration for the termination of the lease interest referred to in subsection (a)(1) and the sale of the facilities referred to in subsection (a)(2), the Institute shall pay the Secretary an amount equal to the aggregate of the fair market value of the remaining lease referred to in such subsection (a)(1) and the facilities referred to in such subsection (a)(2).

(c) USE OF FUNDS.—(1)(A) Subject to the availability of appropriations for this purpose and subparagraph (B), the Secretary shall use the amount paid by the Institute under subsection (b) to expand the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in a manner which permits the use of a portion of that Center as replacement facilities for the naval reserve facilities referred to in subsection (a)(1).

(B) The expanded portion of the Marine Corps Reserve Center described under subparagraph (A) shall be under the jurisdiction of the Marine Corps Reserve.

(2) If any portion of the amount referred to in paragraph (1) remains unexpended after the construction of the naval reserve facilities referred to in that paragraph, the Secretary shall deposit that portion in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection section that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. LAND CONVEYANCE, FORT CHAFFEE, ARKANSAS.

(a) CONVEYANCE.—The Secretary of the Army shall convey to the City of Fort Smith, Arkansas (in this section referred to as the "City"), all right, title, and interest (other than any oil, gas, or mineral interest) of the United States in and to a parcel of real property consisting of approximately 400 acres, together with improvements thereon, located at Fort Chaffee, Arkansas.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City—

(1) shall provide the Army with such services at Fort Chaffee as the Secretary and the City shall jointly determine, the fair market value of which services shall be equal to the fair market value of the property conveyed pursuant to subsection (a); or

(2) shall—

(A) provide the Army with such services at Fort Chaffee as the Secretary and the City shall jointly determine; and

(B) in the event that the fair market value of the property conveyed pursuant to subsection (a) exceeds the fair market value of the services provided under subparagraph (A), pay to the Secretary the amount equal to such excess.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a) and the value of the services, if any, to be provided under paragraph (1) or (2) of subsection (b). Such determinations shall be final.

(d) USE OF PROCEEDS.—The Secretary shall deposit the amount of the consideration, if any, paid under subsection (b)(2)(B) in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of land conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2848. MODIFICATION OF LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA.

(a) ADJUSTMENT OF BOUNDARIES.—Subsection (b) of section 603 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25, 105 Stat. 107) is amended by adding at the end the following new paragraph:

"(3) Subsequent to the identification of the parcel of land pursuant to paragraph (1), the Secretary may, with the concurrence of appropriate representatives of Caroline County, Virginia, and the Commonwealth, make minor adjustments to the boundaries of the parcel of land identified so that the parcel of land conveyed pursuant to this section better serves the purposes intended by this section.".

(b) ACTIONS AFTER CONVEYANCE.—Subsection (c)(2) of such section is amended—

(1) in subparagraph (A), by striking out "construct and operate on such parcel of land a regional correctional facility" and inserting in lieu thereof "provide for the construction and operation of a regional correctional facility on such parcel of land"; and

(2) in subparagraph (B), by striking out "constructs and operates such facility" and inserting in lieu thereof "provides for the construction and operation of such facility".

(c) EXTENSION OF DATE FOR START OF CONSTRUCTION.—Subsection (d)(1)(A)(i) of such section is amended by striking out "24 months after the date of enactment of this Act" and inserting in lieu thereof "April 1, 1995".

Subtitle D—Other Matters

SEC. 2851. CLARIFICATION OF AUTHORITY TO LEASE NON-EXCESS PROPERTY.

Section 2667(b)(4) of title 10, United States Code, is amended by inserting ", in the case of the lease of real property," after "shall provide".

SEC. 2852. STORAGE OF HAZARDOUS MATERIALS ON ARSENAL PROPERTY IN CONJUNCTION WITH THIRD-PARTY CONTRACTS.

Section 2692(b) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(8) the storage of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated by a private person in connection with the authorized and compatible use by that person of an industrial-type facility of the Department of Defense.".

SEC. 2853. REPORT ON CONTINUED MILITARY NEED FOR BELLOWS AIR FORCE STATION, HAWAII.

(a) REPORT REQUIRED.—The Secretary of Defense, the Secretary of the Air Force, and the Secretary of the Navy shall jointly prepare a report evaluating the military necessity of maintaining Bellows Air Force Station on the Island of Oahu, Hawaii, as a military installation of the Department of Defense.

(b) COMMUNICATION FACILITY.—As part of the report, the Secretary of the Air Force shall describe one or more alternative locations under the jurisdiction of the Department of Defense in the State of Hawaii that would be suitable for the communication operations currently conducted at Bellows Air Force Station and the cost of relocating such operations.

(c) MARINE CORPS TRAINING.—As part of the report, the Secretary of the Navy shall describe one or more alternative locations under the jurisdiction of the Department of Defense in the State of Hawaii that would be suitable for the training activities of the Marine Corps periodically conducted at Bellows Air Force Station.

(d) SUBMISSION OF REPORTS.—The report required by this section shall be submitted to Congress not later than March 1, 1993.

SEC. 2854. PROHIBITION ON COMMERCIAL DEVELOPMENT OF CALVERTON PINE BARRENS, CALVERTON, NEW YORK.

(a) PROHIBITION.—Notwithstanding any other provision of law, in the event that any parcel of the Calverton Pine Barrens is conveyed by a department or agency of the Federal Government, the instrument of conveyance shall provide for the reversion to the United States of the parcel, or any portion thereof, that is used or developed after such conveyance for commercial purposes (as determined by the head of the appropriate department or agency of the Federal Government).

(b) DEFINITION.—(1) For the purpose of this section, the term "Calverton Pine Barrens" means the parcel of real property consisting of approximately 3,243 acres of real property located at the Naval Weapons Industrial Reserve Plant, Calverton, New York.

(2) The exact acreage and legal description of the Calverton Pine Barrens shall be determined by a survey satisfactory to the Secretary of the Navy.

SEC. 2855. TECHNICAL REVISIONS TO CERTAIN MAPS INVOLVING COASTAL BARRIER RESOURCES SYSTEM.

(a) TECHNICAL REVISIONS REQUIRED.—Not later than the end of the 30-day period beginning on the date of the enactment of this Act, the Secretary of the Interior shall make such technical revisions to the maps described in subsection (c) as are necessary to ensure that—

(1) on the maps referred to in subparagraphs (A) and (B) of subsection (c)(2), depictions of areas as "otherwise protected areas" do not include any area that is not an otherwise protected area within the meaning of that term under section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note);

(2) on the map referred to in subsection (c)(2)(C), depictions of areas as "otherwise protected areas" identified as "VA-60P" do not include—

(A) any area that is located south of the north bank of the Salt Ponds Inlet in Hampton, Virginia; and

(B) the area that is located north of the line described in subsection (d), other than any part of that area which is an otherwise protected area within the meaning of that term under section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note);

(3) on the map referred to in subsection (c)(2)(A), the area consisting of approximately 5,221 acres and owned by the National Audubon Society as of September 28, 1992 (known as the "Audubon Sanctuary"), along with the associated aquatic habitat of Pine Island Bay and Goat Island Bay shall be designated and depicted as NC-01, a unit of the Coastal Barrier Resources System by the Secretary in accordance with subsection (b); and

(4) on the map referred to in subsection (c)(2)(C), areas designated as "otherwise protected areas" identified as "VA-60P" that are—

(A) north of the north bank of Salt Ponds Inlet in Hampton, Virginia; and

(B) south of the line described in subsection (d),

shall be designated and depicted on the map as VA-60, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

(b) SPECIAL RULE FOR CERTAIN REVISIONS.—In designating the units in accordance with paragraphs (3) and (4) of subsection (a), the Secretary of the Interior may make any minor and technical modifications to the boundaries of such unit as may be necessary to correct existing clerical and typographical errors in the map. The local government in which the unit is located may recommend any corrections to be considered by the Secretary.

(c) MAPS DESCRIBED.—The maps referred to in subsection (a) are—

(1) included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990; and

(2) entitled, respectively—

(A) "Pine Island Bay Unit, NC-01P",

(B) "Roosevelt Natural Area Unit, NC-05P", and

(C) "Plum Island Unit VA-59P Long Creek Unit VA-60P".

(d) LINE DESCRIBED.—The line referred to in subsection (a)(2)(B) is a line described as follows:

Beginning at an iron pipe in the low water line of Chesapeake Bay; said iron pipe being located 265.00 feet in a southerly direction from the south eastern corner of Fox Hill Shores Subdivision (as shown in Plat Book 9, page 161 as recorded in the Circuit Court for the City of Hampton, Virginia) and from this TRUE POINT OF BEGINNING running thence North 66 degrees 47 minutes 46 seconds West 995.79 feet to a found iron pipe; thence South 15 degrees 47 minutes 20 seconds East 270.65 feet to a found iron pipe; thence South 73 degrees 59 minutes 57 seconds West 836.68 feet to a point marking the low water line of Long Creek; being known as the southerly property line of Riley's Way.

SEC. 2856. HOMEOWNERS ASSISTANCE FOR CERTAIN INDIVIDUALS AFFECTED BY HURRICANE ANDREW.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense may reimburse the persons described in subsection (b) for losses of real property owned by such persons that result from damage caused by Hurricane Andrew.

(b) ELIGIBLE PERSONS.—A person eligible for reimbursement under this section is any civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, Homestead Air Force Base, Florida, on or before August 24, 1992;

(2) incident to such assignment or employment, owned and occupied a one- or two-family dwelling, manufactured home, or condominium unit in the vicinity of Homestead Air Force Base; and

(3) as a result of the effects of Hurricane Andrew, incurred damage to the dwelling, manufactured home, or condominium unit such that—

(A) the dwelling, manufactured home, or condominium unit is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the dwelling, manufactured home, or condominium unit on August 23, 1992 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the dwelling, manufactured home, or condominium unit on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement which an eligible person may be paid for a loss of real property under this section shall be determined as follows:

(1) In the case of an eligible owner of a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 23, 1992 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of an eligible owner of a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 24, 1992, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the real property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such property in the same manner that the Secretary holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(e) FUNDING.—(1) Notwithstanding subsection (d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374(d)), the Secretary shall make reimbursements under this section from the fund established by such subsection (d).

(2) Notwithstanding subsection (i) of such Act, there is hereby authorized to be appropriated for the fund referred to in paragraph (1) such amounts as may be necessary to carry out the purposes of this section.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of $4,058,409,000, to be allocated as follows:

(1) For research and development, $1,214,900,000.

(2) For weapons testing, $375,000,000.

(3) For production and surveillance, $2,142,600,000.

(4) For program direction, $325,909,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD–101, general plant projects, various locations, $28,650,000.

Project GPD–121, general plant projects, various locations, $27,350,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 93–D–123, complex–21, various locations, $26,000,000.

Project 92–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $35,000,000.

Project 92–D–122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado, $5,300,000.

Project 92–D–123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado, $8,700,000.

Project 92–D–126, replace emergency notification systems, various locations, $10,900,000.

Project 91–D–127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $6,300,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $50,120,000.

Project 90–D–126, environmental, safety, and health enhancements, various locations, $9,200,000.

Project 88–D–104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $34,400,000.

Project 88–D–122, facilities capability assurance program, various locations, $87,100,000.

Project 86–D–130, tritium loading facility replacement, Savannah River Plant, South Carolina, $4,865,000.

Project 85–D–105, combined device assembly facility, Nevada Test Site, Nevada, $3,610,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $230,845,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $128,200,000.

SEC. 3102. NEW PRODUCTION REACTORS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out new production reactor activities necessary for national security programs in the amount of $184,028,000.

(b) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the amount specified in subsection (a) reduced by $150,000,000.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,098,452,000, to be allocated as follows:

(1) For corrective activities—environment, $2,431,000.

(2) For corrective activities—defense programs, $7,386,000.

(3) For environmental restoration, $1,448,427,000.

(4) For waste management, $2,252,037,000.

(5) For technology development, $320,700,000.

(6) For transportation management, $19,335,000.

(7) For program direction, $48,136,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) to carry out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD–171, general plant projects, various locations, $83,285,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $1,000,000.

Project 93–D–174, plant drain waste water treatment upgrades, Y–12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93–D–175, industrial waste compaction facility, Y–12 Plant, Oak Ridge, Tennessee, $2,200,000.

Project 93–D–176, Oak Ridge reservation storage facility, K–25 Plant, Oak Ridge, Tennessee, $4,000,000.

Project 93–D–177, disposal of K–1515 sanitary water treatment plant waste, K–125 Plant, Oak Ridge, Tennessee, $1,500,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $2,700,000.

Project 93–D–180, environmental monitoring–RCRA groundwater monitoring installation, Richland, Washington, $8,700,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $350,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $4,495,000.

Project 93–D–183, multi-tank waste storage facility, Richland, Washington, $10,300,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $1,500,000.

Project 93–D–185, landlord program safety compliance, Phase II, Richland, Washington, $849,000.

Project 93–D–186, 200 area unsecured core area fabrication shop, Richland, Washington, $1,000,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, $2,000,000.

Project 93–D–188, new sanitary landfill, Savannah River, South Carolina, $2,000,000.

Project 92–D–171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,000,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $1,900,000.

Project 92–D–173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $7,000,000.

Project 92–D–177, tank 101–AZ waste retrieval system, Richland, Washington, $3,000,000.

Project 92–D–180, inter-area line upgrade, Savannah River, South Carolina, $3,170,000.

Project 92–D–181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $8,000,000.

Project 92–D–182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $3,700,000.

Project 92–D–183, transportation complex, Idaho National Engineering Laboratory, Idaho, $5,860,000.

Project 92–D–184, Hanford infrastructure underground storage tanks, Richland, Washington, $3,700,000.

Project 92–D–185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington, $6,500,000.

Project 92–D–187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $1,724,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $1,000,000.

Project 92–D–402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, California, $5,500,000.

Project 92–D–403, tank upgrade project, Lawrence Livermore National Laboratory, California, $10,100,000.

Project 91–EM–100, environmental and molecular sciences laboratory, Richland, Washington, $28,500,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $21,800,000.

Project 91–D–172, high-level waste tank farm replacement, Idaho Chemical Processing Plant,

Idaho National Engineering Laboratory, Idaho, $57,530,000.

Project 91–D–173, hazardous low-level waste processing tanks, Savannah River, South Carolina, $15,300,000.

Project 91–D–175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $981,000.

Project 90–D–103, environment, safety, and health improvements, various locations, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,315,000.

Project 90–D–174, decontamination laundry facility, Richland, Washington, $7,442,000.

Project 90–D–175, landlord program safety compliance-I, Richland, Washington, $4,753,000.

Project 90–D–176, transuranic (TRU) waste facility, Savannah River, South Carolina, $5,000,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $41,700,000.

Project 89–D–122, production waste storage facilities, Y–12 Plant, Oak Ridge, Tennessee, $4,200,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $49,950,000.

Project 89–D–173, tank farm ventillation upgrade, Richland, Washington, $7,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $15,795,000.

Project 89–D–175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,900,000.

Project 88–D–173, Hanford waste vitrification plant, Richland, Washington, $81,471,000.

Project 87–D–181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $1,904,000.

Project 87–D–180, burial ground expansion, Savannah River, South Carolina, $8,800,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $2,755,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $10,330,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $32,600,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $153,198,000, to be allocated as follows:

(1) For corrective activities—defense programs, $1,120,000.

(2) For waste management, $132,749,000.

(3) For technology development, $16,200,000.

(4) For transportation management, $465,000.

(5) For program direction, $2,664,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $23,962,000 for program savings and facility transition expenses.

(e) USE OF FUNDS.—From funds authorized to be appropriated pursuant to subsection (a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $40,000,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3104. NUCLEAR MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out nuclear materials production and other defense programs necessary for national security programs in the amount of $2,617,256,000, to be allocated as follows:

(1) For nuclear materials production, $1,418,875,000.

(2) For verification and control technology, $301,215,000.

(3) For nuclear safeguards and security, $86,837,000.

(4) For security investigations, $58,289,000.

(5) For security evaluations, $15,150,000.

(6) For nuclear safety, $25,490,000.

(7) For naval reactors, $711,400,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials production:

Project GPD–146, general plant projects, various locations, $32,260,000.

Project 93–D–147, domestic water system upgrade, Phase I, Savannah River, South Carolina, $1,000,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $800,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $2,000,000.

Project 93–D–153, uranium recovery hydrogen fluoride system upgrade, Y–12 Plant, Oak Ridge, Tennessee, $2,400,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $12,500,000.

Project 92–D–141, reactor seismic improvement, Savannah River, South Carolina, $5,000,000.

Project 92–D–142, nuclear material processing training center, Savannah River, South Carolina, $11,700,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $8,000,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $4,100,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $3,500,000.

Project 90–D–141, Idaho Chemical Processing Plant fire protection, Idaho National Engineering Laboratory, Idaho, $1,553,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $39,685,000.

Project 90–D–150, reactor safety assurance, Phases I, II, and III, Savannah River, South Carolina, $4,210,000.

Project 89–D–140, additional separations safeguards, Savannah River, South Carolina, $13,104,000.

Project 89–D–148, improved reactor confinement system, Savannah River, South Carolina, $4,240,000.

Project 86–D–149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $11,651,000.

Project 86–D–152, reactor electrical distribution system, Savannah River, South Carolina, $5,647,000.

Project 85–D–145, fuel production facility, Savannah River Site, South Carolina, $17,000,000.

(2) For verification and control technology:

Project 90–D–186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $10,000,000.

(3) For nuclear safeguards and security:

Project GPD–186, general plant projects, Central Training Academy, Albuquerque, New Mexico, $2,000,000.

(4) For naval reactors development:

Project GPN–101, general plant projects, various locations, $8,500,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,200,000.

Project 92–D–200, laboratories facilities upgrades, various locations, $7,500,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $13,600,000.

Project 90–N–103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $500,000.

Project 90–N–104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,900,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For nuclear materials production, $80,900,000.

(2) For verification and control technology, $16,500,000.

(3) For nuclear safeguards and security, $5,327,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors development, $60,400,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c)—

(1) reduced by—

(A) $400,000,000 for recovery of overpayment to the Savannah River Pension Fund;

(B) $45,000,000 for anticipated savings; and

(C) $31,082,000 for use of prior-year balances; and

(2) increased by $22,400,000 for education programs.

SEC. 3105. FUNDING USES AND LIMITATIONS.

(a) INERTIAL CONFINEMENT FUSION.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses and capital equipment, $212,300,000 shall be available for the defense inertial confinement fusion program.

(b) FIRE PROTECTION AND COOLING OR REFRIGERATION SYSTEMS.—None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1993 may be obligated for the design, purchase, or installation of any fire protection system or cooling or refrigeration system that utilizes class I chlorofluorocarbons (as listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)) unless the Secretary of Energy determines that an alternative system meeting the operational requirements of the Department of Energy is not commercially available or is not cost-effective when analyzed under a life-cycle cost analysis.

(c) RECONFIGURATION OF NONNUCLEAR ACTIVITIES.—(1) None of the funds appropriated or otherwise made available to the Department of Energy may be obligated for the implementation of the reconfiguration of any nonnuclear activities of the Department of Energy until—

(A) the Secretary of Energy submits a report to the congressional defense committees that contains an analysis of the projected life-cycle costs and benefits of the proposed nonnuclear reconfiguration and an analysis—

(i) of the alternatives to the current configuration of nonnuclear activities of the Department of Energy identified in any environmental

documentation prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321); and

(ii) that takes into account all relevant costs and benefits and includes a discounted cash flow analysis of each alternative;

(B) the Secretary certifies to the congressional defense committees that the discounted cash flow analysis demonstrates that the closure of each Department of Energy nonnuclear defense facility or activity identified for closure and each transfer of a nonnuclear activity pursuant to the proposed nonnuclear reconfiguration is cost effective;

(C) in the case of components for which the production is proposed to be moved to a government-owned, contractor-operated facility because of nonnuclear reconfiguration and that have been produced in a contractor-owned, contractor-operated facility after January 1, 1989, the Secretary certifies to the congressional defense committees that such production is cost-effective on a component-by-component basis;

(D) the Secretary certifies to the congressional defense committees that the reconfiguration of nonnuclear activities of the Department of Energy will not increase technological, environmental, safety, or health risks relating to the operation of the facilities of the Department; and

(E) 90 days have elapsed after the later of—

(i) the date of the submittal of the report under subparagraph (A); and

(ii) the date of the certification under subparagraph (B).

(2) This subsection may not be construed to prohibit the obligation of funds for the purpose of conducting any study or analysis that the Secretary determines necessary for assessing the cost-effectiveness, practicability, or feasibility of reconfiguring the activities of the Department of Energy to nonnuclear purposes.

(d) NUCLEAR PRODUCTION REACTORS.—Funds authorized to be appropriated under section 3102 for fiscal year 1993 and otherwise made available to the Secretary of Energy for such fiscal year for the new production reactors program shall be available only for the following purposes and in the following amounts:

(1) For close-out of the new production reactors program (including completion of documentation and test programs underway as of October 1, 1992), $136,028,000.

(2) For evaluation of an advanced light water reactor and a modular high temperature gas reactor to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $30,000,000.

(3) For research on accelerator production of tritium, $18,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, 3103, and 3104, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—

(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Other Matters

SEC. 3131. USE OF FUNDS FOR PAYMENT OF PENALTY ASSESSED AGAINST FERNALD ENVIRONMENTAL MANAGEMENT PROJECT.

The Secretary of Energy may pay to the Environmental Protection Agency, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3103, a stipulated civil penalty in the amount of $100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Fernald Environmental Management Project.

SEC. 3132. REPORT ON DEPARTMENT OF ENERGY CITIZEN ADVISORY GROUPS.

(a) REPORT.—Not later than May 15, 1993, the Secretary of Energy shall submit to the Congress a report on the role and effectiveness of citizen advisory groups for the Department of Energy. The report shall include an assessment of—

(1) the effectiveness of existing advisory groups that advise the Department of Energy;

(2) the desirability of establishing new or replacement advisory groups with respect to the Department of Energy; and

(3) methods of improving public participation in environmental and waste management activities of the Department of Energy.

(b) COMMENTS AND RECOMMENDATIONS.—In preparing the report required under subsection (a), the Secretary of Energy shall solicit comments and recommendations from existing advisory groups that advise the Department of Energy, the general public, environmental organizations, and appropriate officials of States in which Department of Energy facilities are located. The Secretary shall include such comments and recommendations in the report.

SEC. 3133. NUCLEAR WEAPONS COUNCIL MEMBERSHIP.

Section 179(a)(1) title 10, United States Code, is amended to read as follows:

"(1) The Under Secretary of Defense for Acquisition.".

SEC. 3134. REPORTS ON THE DEVELOPMENT OF NEW TRITIUM PRODUCTION CAPACITY.

(a) REPORT BY THE SECRETARY OF ENERGY.—(1) The Secretary of Energy shall annually submit to the congressional defense committees a report on the new tritium production capacity of the Department of Energy.

(2) The annual report shall include the following:

(A) An estimate of the date by which new production reactor capacity will be necessary in order to maintain the active and any reserve stockpile of nuclear weapons of the United States.

(B) An estimate of the date on which construction of such capacity should begin in order to maintain the active and any reserve stockpile.

(C) An assessment of the technical adequacy of the methods available for the production of tritium, including an assessment of the risk that each method may fail to produce tritium on a reliable basis within the period necessary for meeting the requirements of the United States.

(D) An assessment of the capability of the potential industrial suppliers of new tritium production capacity, including reactors, to design and construct such capacity by the date estimated pursuant to subparagraph (A).

(3) The Secretary shall submit the annual report in 1993 and each year thereafter until the construction of the new tritium production capacity is completed. The Secretary shall submit the report not later than 60 days after the date on which the President submits the budget to Congress under section 1105 of title 31, United States Code. The report shall be submitted in unclassified form with a classified appendix if necessary.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the technology chosen for new tritium production capacity shall be the technology that has the highest probability of successfully sustaining operation, the lowest risk of operational failure, and the lowest cost of construction and operation (including any revenues accruing to the United States from such operation).

SEC. 3135. TECHNOLOGY TRANSFER.

(a) EXPEDITED REVIEW OF AGREEMENTS WITH SMALL BUSINESSES.—Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)) is amended—

(1) in subparagraph (C)(i), by striking out "Any agency" and inserting in lieu thereof "Except as provided in subparagraph (D), any agency"; and

(2) by adding at the end the following new subparagraph:

"(D)(i) Any non-Federal entity that operates a laboratory pursuant to a contract with a Federal agency shall submit to the agency any cooperative research and development agreement that the entity proposes to enter into with a small business firm and the joint work statement required with respect to that agreement.

"(ii) A Federal agency that receives a proposed agreement and joint work statement under clause (i) shall review and approve, request specific modifications to, or disapprove the proposed agreement and joint work statement within 30 days after such submission. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the agreement and approval of a joint work statement under this clause.

"(iii) In any case in which an agency which has contracted with an entity referred to in clause (i) disapproves or requests the modification of a cooperative research and development agreement or joint work statement submitted under that clause, the agency shall transmit a written explanation of such disapproval or modification to the head of the laboratory concerned.".

(b) TECHNOLOGY TRANSFER TO SMALL BUSINESSES.—(1) The Secretary of Energy shall establish a program to facilitate and encourage the transfer of technology to small businesses and shall issue guidelines relating to the program not later than May 1, 1993.

(2) For the purposes of this subsection, the term "small business" means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(c) FUNDING.—Funds authorized to be appropriated to the Department of Energy and made available for laboratory directed research and development shall be available for cooperative research and development agreements or other arrangements for technology transfer.

SEC. 3136. EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2074) is amended—

(1) by inserting "(A)" after "(1)";

(2) in the first sentence, by striking out "or construction management at the Hanford Reservation, Washington," and all that follows through the period, and inserting in lieu thereof the following: "or construction management—

"(i) at the Hanford Reservation, Washington, to loan personnel in accordance with this section to the community development organization known as the Tri City Industrial Development Council serving Benton and Franklin Counties, Washington; and

"(ii) at the Idaho National Engineering Laboratory, Idaho, to loan personnel in accordance with this section to any community-based organization."; and

(3) by striking out the second sentence and inserting in lieu thereof the following:

"(B) Any loan under subparagraph (A) shall be for the purpose of assisting in the diversification of the local economy by reducing reliance by local communities on national security programs at the Hanford Reservation and the Idaho National Engineering Laboratory.".

(b) FUNDING.—Subsection (a)(3) of such section is amended by inserting after the first sentence the following: "In fiscal year 1993, the Secretary of Energy may not obligate or expend for loans of personnel under this section more than $125,000 with respect to the Hanford Reservation. In each of fiscal years 1993 and 1994, the Secretary of Energy may not obligate or expend for loans of personnel under this section more than $250,000 with respect to the Idaho National Engineering Laboratory.".

(c) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such section is amended by inserting "or the Idaho National Engineering Laboratory, Idaho," after "Hanford Reservation, Washington,".

(d) DURATION OF PROGRAM.—Subsection (c) of such section is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993, with respect to the Hanford Reservation, and September 30, 1994, with respect to the Idaho National Engineering Laboratory".

SEC. 3137. STUDY OF CONVERSION OF NEVADA TEST SITE FOR USE FOR SOLAR ENERGY PRODUCTION PURPOSES.

(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of the Environmental Protection Agency, shall carry out and submit to Congress a study on the utilization of the Nevada Test Site, Nevada, or portions thereof, for the development of—

(1) solar energy research and production technologies;

(2) environmental technologies research and testing; and

(3) emergency management and response technology.

(b) STUDY ELEMENTS.—In carrying out the study under subsection (a), the Secretary of Energy shall consider the following:

(1) The potential of the Nevada Test Site for solar energy production from a variety of solar energy production technologies, including technologies for the production of thermal energy and photovoltaic energy.

(2) The costs and benefits of the use of the site for development of the technologies.

(3) The effect of the development of the Nevada Test Site on the economy and employment rates in the region in which the Nevada Test Site is located.

(4) The effectiveness of plans for retraining current employees at the Nevada Test Site for employment in technologies addressed by the study.

(5) The effect of the development of the various technologies at the Nevada Test Site on the manufacturing and export economy of the United States.

(6) The extent to which the development of technologies at the Nevada Test Site is compatible with current and proposed alternative uses of the Site, including the compatibility of such development with environmental restoration and other clean-up activities at the Site and with continuing use of the Site for limited nuclear testing.

(7) The extent to which the conduct of such activities at the Nevada Test Site would duplicate the conduct of activities undertaken at other Federal facilities.

(8) The extent to which alternative uses of the Site would be consistent with projected and potential national security uses, including nuclear explosives testing of the Site.

(9) The extent to which conversion and development of the Site as a commercial facility is practicable and feasible.

Subtitle D—International Fissile Material and Warhead Control

SEC. 3151. NEGOTIATIONS.

(a) IN GENERAL.—The Congress urges the President to enter into negotiations with member states of the Commonwealth of Independent States, to complement ongoing and future arms reduction negotiations and agreements, with the goal of achieving verifiable agreements in the following areas:

(1) Dismantlement of nuclear weapons.

(2) The safeguard and permanent disposal of nuclear materials.

(3) An end by the United States and member states of the Commonwealth of Independent States to the production of plutonium and highly enriched uranium for nuclear weapons.

(4) The extension of negotiations on these issues to all nations capable of producing nuclear weapons materials.

(b) EXCHANGES OF INFORMATION.—The Congress urges the President, in order to establish a

data base on production capabilities of member states of the Commonwealth of Independent States and their stockpiles of fissile materials and nuclear weapons, to seek to achieve agreements with such states to reciprocally release information on—

(1) United States and the member states nuclear weapons stockpiles, including the number of warheads and bombs by type, and schedules for weapons production and dismantlement;

(2) the location, mission, and maximum annual production capacity of United States and member states facilities that are essential to the production of tritium for replenishment of that nation's tritium stockpile;

(3) the inventory of United States and member states facilities dedicated to the production of plutonium and highly enriched uranium for weapons purposes; and

(4) United States and members states stockpiles of plutonium and highly enriched uranium used for nuclear weapons.

(c) TECHNICAL WORKING GROUPS.—The Congress urges the President, in order to facilitate the achievement of agreements referred to in subsection (a), to establish with member states of the Commonwealth of Independent States and with other nations capable of producing nuclear weapons material bilateral or multilateral technical working groups to examine and demonstrate cooperative technical monitoring and inspection arrangements that could be applied to the verification of—

(1) information on mission, location, and maximum annual production capacity of nuclear material production facilities and the size of stockpiles of plutonium and highly enriched uranium;

(2) nuclear arms reduction agreements that would include provisions requiring the verifiable dismantlement of nuclear warheads; and

(3) bilateral or multilateral agreements to halt the production of plutonium and highly enriched uranium for nuclear weapons.

(d) REPORT.—The President shall submit to the Congress, not later than March 31, 1993, a report on the progress made by the President in implementing the actions called for in subsections (a) through (c).

(e) PRODUCTION BY COMMONWEALTH OF INDEPENDENT STATES.—The Congress urges the Presidents of the member states of the Commonwealth of Independent States—

(1) to institute a moratorium on production of plutonium and highly enriched uranium for nuclear weapons; and

(2) to pledge to continue such moratorium for so long as the United States does not produce such materials.

SEC. 3152. AUTHORITY TO RELEASE CERTAIN RESTRICTED DATA.

Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended by adding at the end the following new subsection:

"f. Notwithstanding any other law, the President may publicly release Restricted Data regarding the nuclear weapons stockpile of the United States if the United States and member states of the Commonwealth of Independent States reach reciprocal agreement on the release of such data.".

SEC. 3153. DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) PROGRAM.—Of funds authorized to be appropriated in section 3104 for fiscal year 1993 for verification and control activities, $10,000,000 shall be available only to carry out a program—

(1) to develop and demonstrate a means for verifiable dismantlement of nuclear warheads;

(2) to safeguard and dispose of nuclear materials; and

(3) to develop reliable techniques and procedures for verifying a global ban on the production of fissile materials for weapons purposes.

(b) REPORT.—The Secretary shall include a report on such program in budget justification documents submitted to Congress in support of the budget of the Department of Energy for fiscal year 1994. The report shall be submitted in both classified and unclassified form.

SEC. 3154. PRODUCTION OF TRITIUM.

Nothing in this part may be construed as intending to affect the production of tritium.

Subtitle E—Defense Nuclear Workers

SEC. 3161. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORK FORCE RESTRUCTURING PLAN.

(a) IN GENERAL.—Upon determination that a change in the workforce at a defense nuclear facility is necessary, the Secretary of Energy (hereinafter in this subtitle referred to as the "Secretary") shall develop a plan for restructuring the work force for the defense nuclear facility that takes into account—

(1) the reconfiguration of the defense nuclear facility; and

(2) the plan for the nuclear weapons stockpile that is the most recently prepared plan at the time of the development of the plan referred to in this subsection.

(b) CONSULTATION.—(1) In developing a plan referred to in subsection (a) and any updates of the plan under subsection (e), the Secretary shall consult with the Secretary of Labor, appropriate representatives of local and national collective-bargaining units of individuals employed at Department of Energy defense nuclear facilities, appropriate representatives of departments and agencies of State and local governments, appropriate representatives of State and local institutions of higher education, and appropriate representatives of community groups in communities affected by the restructuring plan.

(2) The Secretary shall determine appropriate representatives of the units, governments, institutions, and groups referred to in paragraph (1).

(c) OBJECTIVES.—In preparing the plan required under subsection (a), the Secretary shall be guided by the following objectives:

(1) Changes in the work force at a Department of Energy defense nuclear facility—

(A) should be accomplished so as to minimize social and economic impacts;

(B) should be made only after the provision of notice of such changes not later than 120 days before the commencement of such changes to such employees and the communities in which such facilities are located; and

(C) should be accomplished, when possible, through the use of retraining, early retirement, attrition, and other options that minimize layoffs.

(2) Employees whose employment in positions at such facilities is terminated shall, to the extent practicable, receive preference in any hiring of the Department of Energy (consistent with applicable employment seniority plans or practices of the Department of Energy and with section 3152 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1682)).

(3) Employees shall, to the extent practicable, be retrained for work in environmental restoration and waste management activities at such facilities or other facilities of the Department of Energy.

(4) The Department of Energy should provide relocation assistance to employees who are transferred to other Department of Energy facilities as a result of the plan.

(5) The Department of Energy should assist terminated employees in obtaining appropriate retraining, education, and reemployment assistance (including employment placement assistance).

(6) The Department of Energy should provide local impact assistance to communities that are affected by the restructuring plan and coordinate the provision of such assistance with—

(A) programs carried out by the Department of Labor pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

(B) programs carried out pursuant to the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (Part D of Public Law 101-510; 10 U.S.C. 2391 note); and

(C) programs carried out by the Department of Commerce pursuant to title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.).

(d) IMPLEMENTATION.—The Secretary shall, subject to the availability of appropriations for such purpose, work on an ongoing basis with representatives of the Department of Labor, work force bargaining units, and States and local communities in carrying out a plan required under subsection (a).

(e) PLAN UPDATES.—Not later than one year after issuing a plan referred to in subsection (a) and on an annual basis thereafter, the Secretary shall issue an update of the plan. Each updated plan under this subsection shall—

(1) be guided by the objectives referred to in subsection (c), taking into account any changes in the function or mission of the Department of Energy defense nuclear facilities and any other changes in circumstances that the Secretary determines to be relevant;

(2) contain an evaluation by the Secretary of the implementation of the plan during the year preceding the report; and

(3) contain such other information and provide for such other matters as the Secretary determines to be relevant.

(f) SUBMITTAL TO CONGRESS.—(1) The Secretary shall submit to Congress a plan referred to in subsection (a) with respect to a defense nuclear facility within 90 days after the date on which a notice of changes described in subsection (c)(1)(B) is provided to employees of the facility, or 90 days after the date of the enactment of this Act, whichever is later.

(2) The Secretary shall submit to Congress any updates of the plan under subsection (e) immediately upon completion of any such update.

SEC. 3162. PROGRAM TO MONITOR DEPARTMENT OF ENERGY WORKERS EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program for the identification and on-going medical evaluation of current and former Department of Energy employees who are subject to significant health risks as a result of the exposure of such employees to hazardous or radioactive substances during such employment.

(b) IMPLEMENTATION OF PROGRAM.—(1) The Secretary shall, with the concurrence of the Secretary of Health and Human Services, issue regulations under which the Secretary shall implement the program. Such regulations shall, to the extent practicable, provide for a process to—

(A) identify the hazardous substances and radioactive substances to which current and former Department of Energy employees may have been exposed as a result of such employment;

(B) identify employees referred to in subparagraph (A) who received a level of exposure identified under paragraph (2)(B);

(C) determine the appropriate number, scope, and frequency of medical evaluations and laboratory tests to be provided to employees who have received a level of exposure identified under paragraph (2)(B) to permit the Secretary to evaluate fully the extent, nature, and medical consequences of such exposure;

(D) make available the evaluations and tests referred to in subparagraph (C) to the employees referred to in such subparagraph;

(E) ensure that privacy is maintained with respect to medical information that personally identifies any such employee; and

(F) ensure that employee participation in the program is voluntary.

(2)(A) In determining the most appropriate means of carrying out the activities referred to in subparagraphs (A) through (D) of paragraph (1), the Secretary shall consult with the Secretary of Health and Human Services under the agreement referred to in subsection (c).

(B) The Secretary of Health and Human Services, with the assistance of the Director of the Centers for Disease Control and the Director of the National Institute for Occupational Safety and Health, and the Secretary of Labor shall identify the levels of exposure to the substances referred to in subparagraph (A) of paragraph (1) that present employees referred to in such subparagraph with significant health risks under Federal and State occupational, health, and safety standards;

(3) In prescribing the guidelines referred to in paragraph (1), the Secretary shall consult with representatives of the following entities:

(A) The American College of Occupational and Environmental Medicine.

(B) The National Academy of Sciences.

(C) The National Council on Radiation Protection.

(D) Any labor organization or other collective bargaining agent authorized to act on the behalf of employees of a Department of Energy defense nuclear facility.

(4) The Secretary shall provide for each employee identified under paragraph (1)(D) and provided with any medical examination or test under paragraph (1)(E) to be notified by the appropriate medical personnel of the identification and the results of any such examination or test. Each notification under this paragraph shall be provided in a form that is readily understandable by the employee.

(5) The Secretary shall collect and assemble information relating to the examinations and tests carried out under paragraph (1)(E).

(6) The Secretary shall commence carrying out the program described in this subsection not later than 1 year after the date of the enactment of this Act.

(c) AGREEMENT WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Secretary of Health and Human Services relating to the establishment and conduct of the program required and regulations issued under this section.

SEC. 3163. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Department of Energy defense nuclear facility" means—

(A) a production facility or utilization facility (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina; and the Mound Laboratory, Ohio), but the term does not include any facility that does not conduct atomic energy defense activities and does not include any facility or activity covered by Executive Order Number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program;

(B) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary;

(C) a testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the Nevada Test Site, Nevada; the Pinnellas Plant, Florida; and the Pantex facility, Texas);

(D) an atomic weapons research facility that is under the control or jurisdiction of the Secretary (including the Lawrence Livermore, Los Alamos, and Sandia National Laboratories); or

(E) any facility described in paragraphs (1) through (4) that—

(i) is no longer in operation;

(ii) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration; and

(iii) was operated for national security purposes.

(2) The term "Department of Energy employee" means any employee of the Department of Energy employed at a Department of Energy defense nuclear facility, including any employee of a contractor or subcontractor of the Department of Energy employed at such a facility.

SEC. 3201. AUTHORIZATION FOR DEFENSE NUCLEAR SAFETY BOARD.

There are authorized to be appropriated for fiscal year 1993, $13,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. NUCLEAR SAFETY IN EASTERN EUROPE AND THE FORMER SOVIET UNION.

(a) FINDINGS.—The Congress finds that—

(1) the Chernobyl nuclear reactor accident on April 26, 1986, has resulted in $283 to $352 billion worth of damage, with more than 4,000,000 people still living on land contaminated with radiation;

(2) there are 16 Chernobyl-type RBMK reactors now operating in Russia, Ukraine, and Lithuania, all of which have faulty designs, poor construction, and dangerously lax and outdated operating procedures;

(3) there are dozens of Soviet-designed reactors now operating in Eastern Europe and the former Soviet Union with poor construction and lax and outdated operating procedures;

(4) a serious nuclear reactor accident in one of the newly freed states of Eastern Europe and the former Soviet Union would seriously exacerbate these states' difficult progress towards economic recovery and could lead to political instability;

(5) retrofitting the RBMK reactors with modern Western safety equipment will result in only marginal safety improvements at great expense; and

(6) alternative power sources, such as natural gas turbines, and modern energy efficiency measures and technologies could displace the need for much of the power which these reactors provide.

(b) UNITED STATES POLICY.—It is the sense of Congress that the President should undertake bilateral and multilateral initiatives, including trade initiatives, to—

(1) assist in bringing on line enough replacement power and modern energy efficiency measures and technologies in the states of Eastern Europe and the former Soviet Union so that the RBMK reactors may be shut down as soon as possible and placed in stable condition to prevent radiological contamination;

(2) assist the states of Eastern Europe and the former Soviet Union in upgrading their other nuclear reactors to Western standards of safety and in ensuring that all of their nuclear reactors receive routine maintenance and repairs;

(3) encourage and provide technical assistance to Russia and Ukraine to enact domestic legislation governing nuclear reactor safety;

(4) negotiate formal agreements for nuclear cooperation with Russia and Ukraine;

(5) identify nuclear safety research as a principal focus of the soon-to-be created nuclear science centers in Ukraine and Russia; and

(6) make greater resources available to the International Atomic Energy Agency to promote programs of nuclear safety in Eastern Europe and the former Soviet Union.

(c) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report with a systematic assessment of the nuclear reactor safety situation in Eastern Europe and the former Soviet Union, with a description of specific bilateral and multilateral initiatives the Administration is taking and plans to take to address these nuclear safety issues.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Modernization Program

SEC. 3301. DEFINITIONS.

For purposes of this subtitle:

(1) The terms "National Defense Stockpile" and "stockpile" mean the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile in order to modernize the stockpile. The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Aluminum Oxide, Abrasive Grain	51,022 short tons
Aluminum Oxide, Fused Crude	249,867 short tons
Antimony	2,007 short tons
Asbestos, Chrysotile	3,004 short tons
Bauxite, Metal Grade, Jamaican	12,457,740 long tons
Bauxite, Metal Grade, Surinam	5,299,597 long tons
Bauxite, Refactory	207,067 long tons
Beryl Ore	17,729 short tons
Bismuth	1,825,955 pounds
Cadmium	6,328,570 pounds
Chromite, Chemical Grade Ore	208,414 short dry tons

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
Chromite, Metallurgical Grade Ore	1,511,356 short dry tons
Chromite, Refractory Grade Ore	232,414 short dry tons
Chromium, Ferro	576,526 short tons
Cobalt	13,000,000 pounds of contained cobalt
Copper	29,641 short tons
Diamond, Bort	4,001,334 carats
Diamond Stones	2,422,075 carats
Fluorspar, Acid Grade	892,856 short dry tons
Fluorspar, Metallurgical Grade	410,822 short dry tons
Germanium	713 kilograms
Graphite, Natural, Malagasy, Crystalline	10,573 short tons
Graphite, Natural, Other than Ceylon & Malagasy	2,803 short tons
Iodine	5,835,022 pounds
Jewel bearings	51,778,337 pieces
Lead	610,053 short tons
Manganese, Ferro	938,285 short tons
Manganese Ore, Metallurgical Grade	1,627,425 short dry tons
Manganese, Battery Grade, Natural Ore	68,226 short dry tons
Manganese, Battery Grade, Synthetic Diozide	3,011 short dry tons
Mercury	128,026 flasks (76-pounds)
Mica, Phlogopite Splittings	963,251 pounds
Nickel	37,214 short tons
Quartz Crystals, Natural	800,000 pounds
Rutile	39,200 short tons
Sapphire & Ruby	16,305,502 carats
Sebacic Acid	5,009,697 pounds
Silicon Carbide	28,774 short tons
Silver	83,951,492 troy ounces
Tin	141,278 metric tons
Vegetable Tannin, Chestnut	4,976 long tons
Vegetable Tannin, Quebracho	28,832 long tons
Vegetable Tannin, Wattle	15,000 long tons
Zinc	378,768 short tons

(b) CONDITIONS ON DISPOSAL.—The authority of the President under subsection (a) to dispose of materials stored in the stockpile may not be used unless and until the President submits to Congress a revised annual materials plan under section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2(b)) that—

(1) complies with the requirements of section 10(c) of such Act (50 U.S.C. 98h–1), as added by section 3314; and

(2) contains the certification of the Secretary of Defense that the disposal of such materials will not adversely affect the capability of the National Defense Stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of such Act (50 U.S.C. 98h–5(b)).

(c) REQUIRED USE OF PREVIOUS DISPOSAL AUTHORITIES.—(1) The President shall complete the disposal of all quantities of materials in the National Defense Stockpile that—

(A) have been previously authorized for disposal by law; and

(B) have not been disposed of before the date of the enactment of this Act.

(2) The disposal of materials required by this subsection shall be completed before the end of the five-year period beginning on October 1, 1992, unless the President notifies Congress that the Market Impact Committee established under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(c)), as added by section 3314, determines that completion of the disposal of such materials during such period would result in the undue disruption of the usual markets of such materials. The notification shall also indicate the date on which the disposal of such materials will be completed.

(d) SPECIAL LIMITATION REGARDING SILVER.—(1) The disposal of silver under this section may only occur in the form of coins or, subject to paragraph (2), as material furnished by the Federal Government to a contractor for the use of the contractor in the performance of a Federal Government contract.

(2) A contractor receiving silver as Government furnished material shall pay the Federal Government the amount equal to the fair market value of the silver, as determined by the National Defense Stockpile Manager. The amount paid by the contractor for the silver shall be deposited in the National Defense Stockpile Transaction Fund.

(e) SPECIAL LIMITATION REGARDING CHROMITE AND MANGANESE ORES.—During fiscal year 1993, the disposal of chromite and manganese ores of metallurgical grade under subsection (a) may be made only for processing within the United States and the territories and possessions of the United States.

(f) SPECIAL LIMITATION REGARDING CHROMIUM AND MANGANESE FERRO.—The disposal of chromium ferro and manganese ferro under subsection (a) may not commence before October 1, 1993.

(g) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is in addition to any other disposal authority provided by law.

SEC. 3303. USE OF BARTER ARRANGEMENTS IN MODERNIZATION PROGRAM.

The President may enter into barter arrangements to dispose of materials under section 3302 in order to acquire strategic and critical materials for, or upgrade strategic and critical materials in, the National Defense Stockpile.

SEC. 3304. DEPOSIT OF PROCEEDS FROM DISPOSALS IN THE NATIONAL DEFENSE STOCKPILE FUND.

All moneys received from the sale of materials under section 3302 shall be deposited in the National Defense Stockpile Transaction Fund.

SEC. 3305. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) USE FOR ACQUISITIONS AND OTHER PURPOSES.—During fiscal year 1993, the National Defense Stockpile Manager may obligate up to $66,000,000 of the funds in the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) RESEARCH AND DEVELOPMENT PROGRAMS.—Of the amount specified in subsection (a), $25,000,000 may be obligated for materials development and research under subparagraph (G) of such section.

SEC. 3306. ADVISORY COMMITTEE REGARDING OPERATION AND MODERNIZATION OF THE STOCKPILE.

(a) APPOINTMENT.—Not later than March 15, 1993, the President shall appoint an advisory committee under section 10(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1(a)) to make recommendations to the President concerning the operation and modernization of the National Defense Stockpile.

(b) MEMBERSHIP.—The committee shall consist of members who have expertise regarding strategic and critical materials, including—

(1) employees of Federal agencies (including the Department of Defense, the Department of State, the Department of Commerce, the Department of Energy, the Department of the Treasury, the Department of the Interior, and the Federal Emergency Management Agency);

(2) representatives of mining, processing, and fabricating industries and consumers that would be affected by the acquisition of materials for the stockpile or the disposal of materials from the stockpile; and

(3) other interested persons or representatives of interested organizations.

SEC. 3307. SPECIAL RULE FOR 1993 REPORT ON STOCKPILE REQUIREMENTS.

In the report on stockpile requirements required to be submitted to Congress by January 15, 1993, pursuant to section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5), the Secretary of Defense shall include, in addition to the Secretary's recommendations with respect to stockpile requirements based upon the planning assumptions developed under subsection (b) of such section, the following information:

(1) A list of recommendations with respect to stockpile requirements that is based upon and

consistent with the planning assumptions and scenarios that support—

(A) the defense capabilities and programs of the Armed Forces specified in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 1994; and

(B) the future-years defense program submitted under section 221 of title 10, United States Code, with respect to that budget.

(2) An explanation of the reasons for any deviation between the Secretary's recommendations with respect to stockpile requirements prepared under section 14(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5(a)) and the list of recommendations with respect to stockpile requirements required by paragraph (1).

SEC. 3308. CONFORMING AMENDMENTS.

Part A of title XXXIII of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1583) is amended—

(1) in sections 3301(a), 3301(d), and 3302(a), by striking out "fiscal years 1992 and 1993" and inserting in lieu thereof "fiscal year 1992"; and

(2) in sections 3301(a), 3301(d), and 3302(b), by striking out "each of such fiscal years" and inserting in lieu thereof "such fiscal year".

Subtitle B—Programmatic Changes

SEC. 3311. PROCEDURES FOR CHANGING OBJECTIVES FOR STOCKPILE QUANTITIES ESTABLISHED AS OF THE END OF FISCAL YEAR 1987.

Section 3(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following new paragraph:

"(2) The President shall notify Congress in writing of any change proposed to be made in the quantity of any material to be stockpiled. The President may make the change effective on or after the 30th legislative day following the date of the notification. The President shall include a full explanation and justification for the proposed change with the notification. For purposes of this paragraph, a legislative day is a day on which both Houses of Congress are in session.".

SEC. 3312. REPEAL OF LIMITATION ON EXCESS BALANCE IN FUND.

Section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)) is amended—

(1) by striking out "(1)"; and

(2) by striking out ", or (2)" and all that follows through "$100,000,000." and inserting in lieu thereof a period.

SEC. 3313. AUTHORIZED PURPOSES FOR EXPENDITURES FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) MAINTENANCE AND DISPOSAL OF MATERIALS.—Section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) is amended—

(1) in paragraph (2)(A)—

(A) by inserting ", maintenance, and disposal" after "acquisition"; and

(B) by striking out "section 6(a)(1)" and inserting in lieu thereof "section 6(a)"; and

(2) in paragraph (2)(B), by striking out "such acquisition" and inserting in lieu thereof "such acquisition, maintenance, and disposal".

(b) REHABILITATION OF FACILITIES AND DISPOSAL OF HAZARDOUS MATERIALS.—Paragraph (2) of such section is further amended by adding at the end the following new subparagraphs:

"(H) Improvement or rehabilitation of facilities, structures, and infrastructure needed to maintain the integrity of stockpile materials.

"(I) Disposal of hazardous materials that are stored in the stockpile and authorized for disposal by law.".

(c) PROHIBITION ON USE OF FUNDS FOR EMPLOYEE SALARIES AND EXPENSES.—Such section is further amended by adding at the end the following new paragraph:

"(4) Notwithstanding paragraph (2), moneys in the fund may not be used to pay salaries and expenses of stockpile employees.".

SEC. 3314. MARKET IMPACT COMMITTEE.

Section 10 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–1) is amended by adding at the end the following new subsection:

"(c)(1) The President shall appoint a Market Impact Committee composed of representatives from the Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of State, the Department of the Treasury, and the Federal Emergency Management Agency, and such other persons as the President considers appropriate. The representatives from the Department of Commerce and the Department of State shall be Cochairmen of the Committee.

"(2) The Committee shall advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile that are proposed to be included in the annual materials plan submitted to Congress under section 11(b), or in any revision of such plan, and shall submit to the manager the Committee's recommendations regarding those acquisitions and disposals.

"(3) The annual materials plan or the revision of such plan, as the case may be, shall contain—

"(A) the views of the Committee on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile;

"(B) the recommendations submitted by the Committee under paragraph (2); and

"(C) for each acquisition or disposal provided for in the plan or revision that is inconsistent with a recommendation of the Committee, a justification for the acquisition or disposal.

"(4) In developing recommendations for the National Defense Stockpile Manager under paragraph (2), the Committee shall consult from time to time with representatives of producers, processors, and consumers of the types of materials stored in the stockpile.".

SEC. 3315. CLARIFICATION OF THE STOCKPILE STATUS OF CERTAIN MATERIALS.

All materials purchased under section 303 of the Defense Production Act (50 U.S.C. App. 2093) and held in the Defense Production Act inventory as of June 30, 1992, are hereby transferred to the National Defense Stockpile and shall be managed, controlled, and subject to disposal by the National Defense Stockpile Manager as provided in the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a et seq.).

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $142,565,000 for fiscal year 1993 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1993".

Subtitle A—Annual Authorization

SEC. 3511. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—For fiscal year 1993, the Panama Canal Commission (subject to subsection (b)) may make such expenditures and, without regard to fiscal year limitations, may enter into such contracts and commitments, within the limits of funds and borrowing authority available to it in accordance with law, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1993.

(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—For fiscal year 1993, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $51,156,000 for administrative expenses, of which not more than—

(1) $12,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) $6,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) $34,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) PURCHASE OF PASSENGER VEHICLES.—Funds available to the Panama Canal Commission may be used for the purchase of passenger motor vehicles (including large heavy-duty vehicles) to be used to transport Commission personnel across the Isthmus of Panama. A passenger motor vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission. No passenger motor vehicle may be purchased with such funds for a price in excess of $18,000.

SEC. 3512. HEALTH CARE.

Section 1321(e)(1) of the Panama Canal Act of 1979 (22 U.S.C. 3731) is amended by inserting after "health care services" the following: "provided by medical facilities licensed and approved by the Republic of Panama (and not operated by the United States)".

SEC. 3513. VESSEL TONNAGE MEASUREMENT.

Section 1602(a) of the Panama Canal Act of 1979 (22 U.S.C. 3792) is amended in the first sentence by inserting ", or its equivalent," after "net vessel tons of one hundred cubic feet each of actual earning capacity".

SEC. 3514. CONSISTENCY WITH PANAMA CANAL TREATIES OF 1977 AND IMPLEMENTING LAWS.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and laws of the United States implementing those treaties.

Subtitle B—Composition and Dissolution of Commission

SEC. 3521. COSTS OF DISSOLUTION.

(a) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after section 1304 the following:

"DISSOLUTION OF COMMISSION

"SEC. 1305. (a)(1) The Commission shall conduct a study of—

"(A) the costs associated with the dissolution of the Commission, including the composition, location, and costs of the office authorized to be established under subsection (b); and

"(B) costs and liabilities incurred or administered by the Commission that will not be paid before the date of that dissolution.

"(2) The Commission shall submit to the Congress, by not later than September 30, 1996, a report on the findings and conclusions of the study under this subsection. The report shall include an estimate of the period of time which may be required to close out the affairs of the Commission after the termination of the Panama Canal Treaty of 1977.

"(b) The Commission shall during fiscal year 1998 establish an office to close out the affairs of the Commission that are still pending after the termination of the Panama Canal Treaty of 1977.

"(c)(1) There is established in the Treasury of the United States a fund to be known as the 'Panama Canal Commission Dissolution Fund' (hereinafter in this section referred to as the 'Fund'). The Fund shall be managed by the Commission until the termination of the Panama Canal Treaty of 1977 and by the office established under subsection (b) thereafter.

"(2)(A) Subject to paragraph (5), the Fund shall be available after September 30, 1998, to pay—

"(i) the costs of operating the office established under subsection (b); and

"(ii) the costs and liabilities associated with dissolution of the Commission, including such costs incurred or identified after the termination of the Panama Canal Treaty of 1977.

"(B) Payments from the Fund made during the period beginning on October 1, 1998, and ending with the termination of the Panama Canal Treaty of 1977 shall be subject to the approval of the Board provided for in section 1102.

"(3) The Fund shall consist of—

"(A) such amounts as may be deposited into the Fund by the Commission, from amounts collected as toll receipts, to pay the costs described in paragraph (2); and

"(B) amounts credited to the Fund under paragraph (4).

"(4)(A) The Secretary of the Treasury shall invest excess amounts in the Fund in public debt securities with maturities suitable to the needs of the Fund, as determined by the manager of the Fund.

"(B) Securities invested under subparagraph (A) shall bear interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(C) Interest earned on securities invested under subparagraph (A) shall be credited to and form part of the Fund.

"(5) Amounts in the Fund may not be obligated or expended in any fiscal year unless the obligation or expenditure is specifically authorized by law.

"(6) The Fund shall terminate on October 1, 2004. Amounts in the Fund on that date shall be deposited in the general fund of the Treasury of the United States.".

(b) CONFORMING AMENDMENTS.—

(1) AVAILABILITY OF TOLL RECEIPTS.—Section 1302(c) of the Panama Canal Act of 1979 (22 U.S.C. 3712(c)) is amended—

(A) in paragraph (1), by inserting after "toll receipts" in the first sentence the following: "(other than amounts of toll receipts deposited into the Panama Canal Commission Dissolution Fund under section 1305)"; and

(B) in paragraph (3)(A), by inserting "and the Panama Canal Dissolution Fund" after "Panama Canal Revolving Fund".

(2) BASES OF TOLLS.—Section 1602(b) of the Panama Canal Act of 1979 (22 U.S.C. 3792(b)) is amended by striking "Panama Canal," and inserting "Panama Canal (including costs authorized to be paid from the Panama Canal Dissolution Fund under section 1305(c)),".

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Panama Canal Act of 1979 is amended by inserting after the item relating to section 1304 the following new item:

"1305. Dissolution of Commission.".

SEC. 3522. RECOMMENDATIONS BY PRESIDENT ON CHANGES TO PANAMA CANAL COMMISSION STRUCTURE.

(a) REPORT.—The President shall conduct a study and, if warranted, develop a plan setting forth recommendations for such changes, if any, to the Panama Canal Commission for the operation of the Panama Canal during the period before the termination of the Panama Canal Treaty of 1977 as the President determines would facilitate and encourage the operation of the canal through an autonomous entity under the Government of Panama after the transfer of the canal on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements. The President shall submit the study and, if warranted, plan to Congress, together with a legislative proposal containing any changes to existing law required to implement the plan, not later than one year after the date of the enactment of this Act.

(b) PREPARATION OF PLAN.—Recommendations to the President for purposes of the study and plan required by subsection (a) shall be prepared with the participation of a representative of each of the following:

(1) The Secretary of State.
(2) The Secretary of Defense.
(3) The Secretary of the Treasury.
(4) The Secretary of Commerce.
(5) The Secretary of Transportation.
(6) The Panama Canal Commission.

(c) PLAN TO BE CONSISTENT WITH PANAMA CANAL TREATY.—The study and, if warranted, plan submitted by the President pursuant to subsection (a) shall be consistent with the Panama Canal Treaty of 1977 and related agreements.

SEC. 3523. REPORT BY COMPTROLLER GENERAL ON CHANGES TO PANAMA CANAL COMMISSION STRUCTURE.

(a) REPORT.—The Comptroller General shall submit to Congress a report analyzing the effectiveness of the fiscal, operational, and management structure of the Panama Canal Commission and setting forth recommendations for such changes to that structure as the Comptroller General determines would, if implemented, enable the Commission to operate more efficiently and, thereby, serve as a model for the Government of Panama for the operation of the Panama Canal after the transfer of the Panama Canal on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements. The Comptroller General shall submit the report to Congress not later than one year after the date of the enactment of this Act.

(b) PREPARATION OF REPORT.—In developing the report required by subsection (a), the Comptroller General shall seek the views of each of the following:

(1) The Secretary of State.
(2) The Secretary of Defense.
(3) The Secretary of the Treasury.
(4) The Secretary of Commerce.
(5) The Secretary of Transportation.
(6) The Panama Canal Commission.

(c) REPORT TO BE CONSISTENT WITH PANAMA CANAL TREATY.—The recommendations in the report submitted by the Comptroller General pursuant to subsection (a) shall be consistent with the Panama Canal Treaty of 1977 and related agreements.

DIVISION D—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 4001. SHORT TITLE.

This division may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Act of 1992".

TITLE XLI—FINDINGS

SEC. 4101. FINDINGS.

Congress makes the following findings:

(1) The collapse of communism in Eastern Europe and the dissolution of the Soviet Union have fundamentally changed the military threat that formed the basis for the national security policy of the United States since the end of World War II.

(2) The change in the military threat presents a unique opportunity to restructure and reduce the military requirements of the United States.

(3) As the United States proceeds with the post-Cold War defense build down, the Nation must recognize and address the impact of reduced defense spending on the military personnel, civilian employees, and defense industry workers who have been the foundation of the national defense policies of the United States.

(4) The defense build down will have a significant impact on communities as procurements are reduced and military installations are closed and realigned.

(5) Despite the changes in the military threat, the United States must maintain the capability to respond to regional conflicts that threaten the national interests of the United States, and to reconstitute forces in the event of an extended conflict.

(6) The skills and capabilities of military personnel, civilian employees of the Department of Defense, defense industry workers, and defense industries represent an invaluable national resource that can contribute to the economic growth of the United States and to the long-term vitality of the national technology and industrial base.

(7) Prompt and vigorous implementation of defense conversion, and transition assistance programs is essential to ensure that the defense build down is structured in a manner that—

(A) enhances the long-term ability of the United States to maintain a strong and vibrant national technology and industrial base; and

(B) promotes economic growth.

TITLE XLII—DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION

Subtitle A—Purposes and Establishment of New Chapter in Title 10

SEC. 4201. PURPOSES.

The purposes of this title are to consolidate, revise, clarify, and reenact policies and requirements, and to enact additional policies and requirements, relating to the national technology and industrial base, defense reinvestment, and defense conversion programs that further national security objectives.

SEC. 4202. ESTABLISHMENT OF NEW CHAPTER IN TITLE 10.

(a) REPEAL AND REDESIGNATION OF EXISTING PROVISIONS.—Chapter 148 (other than sections 2504 through 2507), chapter 149 (other than sections 2517 and 2518), and chapter 150 (other than sections 2524, 2525, and 2526) of title 10, United States Code, are repealed. Sections 2504, 2505, 2506, and 2507 of such title are redesignated as sections 2531, 2532, 2533, and 2534, respectively.

(b) NEW CHAPTER 148.—Part IV of subtitle A of title 10, United States Code, is amended by inserting before section 2531, as so redesignated, the following new chapter 148:

"CHAPTER 148—NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, DEFENSE REINVESTMENT, AND DEFENSE CONVERSION

"Subchapter Sec.
"I. Definitions 2491
"II. Policies and Planning 2501
"III. Programs for Development, Application, and Support of Dual-Use Technologies 2511
"IV. Manufacturing Technology and Dual-Use Assistance Extension Programs 2521
"V. Miscellaneous Technology Base Policies and Programs 2531

"SUBCHAPTER I—DEFINITIONS

"Sec.
"2491. Definitions.

"SUBCHAPTER II—POLICIES AND PLANNING

"Sec.
"2501. Congressional defense policy concerning national technology and industrial base, reinvestment, and conversion.

"2502. National Defense Technology and Industrial Base Council.
"2503. National defense program for analysis of the technology and industrial base.
"2504. Center for the Study of Defense Economic Adjustment.
"2505. National technology and industrial base: periodic defense capability assessments.
"2506. National technology and industrial base: periodic defense capability plan.
"2507. Data collection authority of President.
"SUBCHAPTER III—PROGRAMS FOR DEVELOPMENT, APPLICATION, AND SUPPORT OF DUAL-USE TECHNOLOGIES
"Sec.
"2511. Defense dual-use critical technology partnerships.
"2512. Commercial-military integration partnerships.
"2513. Regional technology alliances assistance program.
"2514. Encouragement of technology transfer.
"2515. Office of Technology Transition.
"2516. Military-Civilian Integration and Technology Transfer Advisory Board
"2517. Office for Foreign Defense Critical Technology Monitoring and Assessment.
"2518. Overseas foreign critical technology monitoring and assessment financial assistance program.
"SUBCHAPTER IV—MANUFACTURING TECHNOLOGY AND DUAL-USE ASSISTANCE EXTENSION PROGRAMS
"Sec.
"2521. National Defense Manufacturing Technology Program.
"2522. Defense Advanced Manufacturing Technology Partnerships.
"2523. Manufacturing extension programs.
"2524. Defense dual-use assistance extension program.
"SUBCHAPTER V—MISCELLANEOUS TECHNOLOGY BASE POLICIES AND PROGRAMS
"Sec.
"2531. Defense memoranda of understanding and related agreements.
"2532. Offset policy; notification.
"2533. Limitation on use of funds: procurement of goods which are other than American goods.
"2534. Miscellaneous limitations on the procurement of goods other than United States goods.
"2535. Defense Industrial Reserve.".

(c) REFERENCE.—A reference in this title to chapter 148 shall be considered to be a reference to chapter 148 of title 10, United States Code, as added by subsection (b).

SEC. 4203. DEFINITIONS.

(a) IN GENERAL.—Subchapter I of chapter 148, as established by section 4202, is amended by inserting after the table of sections the following:

"§2491. Definitions

"In this chapter:

"(1) The term 'national technology and industrial base' means the persons and organizations that are engaged in research, development, production, or maintenance activities conducted within the United States and Canada.

"(2) The term 'dual-use' with respect to products, services, standards, processes, or acquisition practices, means products, services, standards, processes, or acquisition practices, respectively, that are capable of meeting requirements for military and nonmilitary application.

"(3) The term 'dual-use critical technology' means a critical technology that has military applications and nonmilitary applications.

"(4) The term 'technology and industrial base sector' means a group of public or private persons and organizations that engage in, or are capable of engaging in, similar research, development, or production activities.

"(5) The terms 'Federal laboratory' and 'laboratory' have the meaning given the term 'laboratory' in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)).

"(6) The term 'critical technology' means a technology that is—

"(A) a national critical technology; or

"(B) a defense critical technology.

"(7) The term 'national critical technology' means a technology that appears on the list of national critical technologies contained in the most recent biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)).

"(8) The term 'defense critical technology' means a technology that appears on the list of critical technologies contained, pursuant to subsection (f) of section 2505 of this title, in the most recent national technology and industrial base assessment submitted to Congress by the Secretary of Defense pursuant to section 2506(e) of this title.

"(9) The term 'eligible firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

"(B) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business of a parent company that is incorporated in a country the government of which—

"(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations or agreements; and

"(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.

Such term includes a consortium of such companies or other business entities, as determined by the Secretary of Commerce.

"(10) The term 'manufacturing technology' means techniques and processes designed to improve manufacturing quality, productivity, and practices, including quality control, shop floor management, inventory management, and worker training, as well as manufacturing equipment and software.

"(11) The term 'manufacturing extension program' means a public or private, nonprofit program for the improvement of the quality, productivity, and performance of United States-based small manufacturing firms in the United States.

"(12) The term 'United States-based small manufacturing firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) engages in manufacturing;

"(B) has less than 500 employees; and

"(C) is an eligible firm.".

(b) TRANSITION PROVISION.—Until the first national technology and industrial base assessment is submitted to Congress by the Secretary of Defense pursuant to section 2506(e) of title 10, United States Code, as added by section 4216, the term "defense critical technology" for the purposes of chapter 148 of such title, as added by section 4202, shall have the meaning given such term in section 2521 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act.

Subtitle B—Defense Policies and Planning Concerning National Technology and Industrial Base, Reinvestment, and Conversion

SEC. 4211. CONGRESSIONAL DEFENSE POLICY CONCERNING NATIONAL TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION.

Subchapter II of chapter 148, as established by section 4202, is amended by inserting after the table of sections the following:

"§2501. Congressional defense policy concerning national technology and industrial base, reinvestment, and conversion

"(a) DEFENSE POLICY OBJECTIVES FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—It is the policy of Congress that the national technology and industrial base be capable of meeting the following national security objectives:

"(1) Supplying and equipping the force structure of the armed forces that is necessary to achieve—

"(A) the objectives set forth in the national security strategy report submitted to Congress by the President pursuant to section 104 of the National Security Act of 1947 (50 U.S.C. 404a);

"(B) the policy guidance of the Secretary of Defense provided pursuant to section 113(g) of this title; and

"(C) the future-years defense program submitted to Congress by the Secretary of Defense pursuant to section 221 of this title.

"(2) Sustaining production, maintenance, repair, and logistics for military operations of various durations and intensity.

"(3) Maintaining advanced research and development activities to provide the armed forces with systems capable of ensuring technological superiority over potential adversaries.

"(4) Reconstituting within a reasonable period the capability to develop and produce supplies and equipment, including technologically advanced systems, in sufficient quantities to prepare fully for a war, national emergency, or mobilization of the armed forces before the commencement of that war, national emergency, or mobilization.

"(b) POLICY OBJECTIVES RELATING TO DEFENSE REINVESTMENT, DIVERSIFICATION, AND CONVERSION.—It is the policy of Congress that, during a period of reduction in defense expenditures, the United States further the national security objectives set forth in subsection (a) through programs of reinvestment, diversification, and conversion of defense resources that—

"(1) promote economic growth in high-wage, high-technology industries and preserve the industrial and technical skill base;

"(2) promote economic growth through further reduction of the Federal budget deficit and thereby free up capital for private investment and job creation in the civilian sector;

"(3) bolster the national technology base, including support and exploitation of critical technologies with both military and civilian application;

"(4) support retraining of separated military, defense civilian, and defense industrial personnel for jobs in activities important to national economic growth and security;

"(5) assist those activities being undertaken at the State and local levels to support defense economic reinvestment, conversion, adjustment, and diversification activities; and

"(6) assist small businesses adversely affected by reductions in defense expenditures.

"(c) CIVIL-MILITARY INTEGRATION POLICY.—It is the policy of Congress that the United States attain the national technology and industrial base objectives set forth in subsection (a) through acquisition policy reforms that have the following objectives:

"(1) Relying, to the maximum extent practicable, upon the commercial national tech-

nology and industrial base that is required to meet the national security needs of the United States.

"(2) Reducing the reliance of the Department of Defense on technology and industrial base sectors that are economically dependent on Department of Defense business.

"(3) Reducing Federal Government barriers to the use of commercial products, processes, and standards.".

SEC. 4212. NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.

(a) ESTABLISHMENT OF COUNCIL.—Subchapter II of chapter 148, as amended by section 4211, is further amended by inserting after section 2501 the following:

"§2502. National Defense Technology and Industrial Base Council

"(a) ESTABLISHMENT.—There is a National Defense Technology and Industrial Base Council.

"(b) COMPOSITION.—The Council is composed of the following members:

"(1) The Secretary of Defense, who shall serve as chairman.

"(2) The Secretary of Energy.

"(3) The Secretary of Commerce.

"(4) The Secretary of Labor

"(5) Such other officials as may be determined by the President.

"(c) RESPONSIBILITIES.—The Council shall have the following responsibilities:

"(1) To ensure effective cooperation among departments and agencies of the Federal Government, and to provide advice and recommendations to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Secretary of Labor, concerning—

"(A) the capabilities of the national technology and industrial base to meet the national security objectives set forth in section 2501(a) of this title;

"(B) programs for achieving, during a period of reduction in defense expenditures, the defense reinvestment, diversification, and conversion objectives set forth in section 2501(b) of this title; and

"(C) changes in acquisition policy that strengthen the national technology and industrial base.

"(2) To provide overall policy guidance to ensure effective implementation by agencies of the Federal Government of defense reinvestment and conversion activities during a period of reduction in defense expenditures.

"(3) To prepare the periodic assessment and the periodic plan required by sections 2505 and 2506 of this title, respectively.".

(b) ECONOMIC ADJUSTMENT COMMITTEE.—Section 4004 of the Defense Economic Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101–510; 10 U.S.C. 2391 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) CHAIRMAN.—Until October 1, 1997, the Secretary of Defense shall be the chairman of the Committee. After that, the chairmanship shall rotate annually among the Secretary of Defense, Secretary of Labor, and the Secretary of Commerce.

"(c) EXECUTIVE COUNCIL.—Until October 1, 1997, the National Defense Technology and Industrial Base Council shall function as an Executive Council of the Committee. Under the direction of the chairman of the Committee, the Executive Council shall develop policies and procedures to ensure that communities, businesses, and workers substantially and seriously affected by reductions in defense expenditures are advised of the assistance available to such communities, businesses, and workers under programs administered by the departments and agency comprising the Council.".

SEC. 4213. NATIONAL DEFENSE PROGRAM FOR ANALYSIS OF THE TECHNOLOGY AND INDUSTRIAL BASE.

(a) ESTABLISHMENT OF PROGRAM.—Subchapter II of chapter 148, as amended by section 4212, is further amended by inserting after section 2502 the following:

"§2503. National defense program for analysis of the technology and industrial base

"(a) ESTABLISHMENT.—(1) The Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council, shall establish a program for analysis of the national technology and industrial base.

"(2) As determined by the Secretary of Defense, the program shall be administered by one of the following:

"(A) An existing federally funded research and development center.

"(B) A consortium of existing federally funded research and development centers and other nonprofit entities.

"(C) A private sector entity (other than a federally funded research and development center).

"(D) The National Defense University.

"(3) A contract may be awarded under subparagraph (A), (B), or (C) of paragraph (2) only through the use of competitive procedures.

"(4) The Secretary of Defense shall ensure that there is appropriate coordination between the program and the Critical Technologies Institute.

"(b) SUPERVISION OF PROGRAM.—The Secretary of Defense shall carry out the program through the Under Secretary of Defense for Acquisition. In carrying out the program, the Under Secretary shall consult with the Secretary of Energy, the Secretary of Commerce, and the Secretary of Labor.

"(c) FUNCTIONS.—The functions of the program shall include, with respect to the national technology and industrial base, the following:

"(1) The assembly of timely and authoritative information.

"(2) Initiation of studies and analyses.

"(3) Provision of technical support and assistance to—

"(A) the National Defense Technology and Industrial Base Council in the preparation of the periodic assessments required by section 2505 of this title and the periodic plans required by section 2506 of this title;

"(B) the defense acquisition university structure and its elements; and

"(C) other departments and agencies of the Federal Government in accordance with guidance established by the Council.

"(4) Dissemination, through the National Technical Information Service of the Department of Commerce, of unclassified information and assessments for further dissemination within the Federal Government and to the private sector.".

(b) DEADLINE FOR ESTABLISHMENT.—The Secretary of Defense shall establish the program required by section 2503 of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act. The Secretary of Defense shall ensure that a contract solicitation is issued and a contract is awarded in a timely manner to facilitate the establishment of that program within the period set forth in the preceding sentence. The preceding sentence shall not apply if the Secretary determines that the program shall be administered by the National Defense University.

(c) FISCAL YEAR 1993 FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $5,000,000 shall be available for the program for analysis of the national technology and industrial base established pursuant to section 2503 of title 10, United States Code, as added by subsection (a).

SEC. 4214. CENTER FOR THE STUDY OF DEFENSE ECONOMIC ADJUSTMENT.

(a) CENTER FOR THE STUDY OF DEFENSE ECONOMIC ADJUSTMENT.—Subchapter II of chapter 148, as amended by section 4213, is further amended by inserting after section 2503 the following:

"§2504. Center for the Study of Defense Economic Adjustment

"(a) ESTABLISHMENT.—The Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council, shall establish within the National Defense University a Defense Economic Adjustment Center for the study of issues related to the conversion and reutilization of defense personnel, resources, and facilities. The Center shall be affiliated with the Industrial College of the Armed Forces and the Institute for National Strategic Studies of the National Defense University. The activities of the Center shall be integrated with existing activities and studies regarding acquisition, mobilization, the defense industrial base, and reconstitution.

"(b) PRIMARY RESPONSIBILITIES.—In conducting studies of economic conversion, the Center shall focus on the development of defense economic adjustment methods and the technical assistance necessary to implement these methods. In accordance with procedures established by the Secretary of Defense, the Center shall coordinate its activities with other education and training elements of the Department of Defense that the Secretary may establish or assign to assist in accomplishing the defense reinvestment, diversification, and conversion objectives set forth in section 2501(b) of this title.

"(c) STAFF AND FACILITIES.—Upon the request of the Secretary of Defense, the head of a Federal agency may detail, on a reimbursable basis, personnel of the agency to serve on the staff of the Center.

"(d) OTHER SERVICES.—The Center may make office space available to personnel of universities and defense contractors invited to participate in defense economic adjustment activities of the center.

"(e) ADDITIONAL CENTERS AND CONVERSION ACTIVITIES.—The Secretary of Defense may establish additional defense economic adjustment centers or similar entities within the educational and training structure of the Department of Defense or may assign additional economic conversion functions to existing organizations within such structure as may be necessary to assist the Center established pursuant to subsection (a). These additional functions may include the provision of training and technical assistance to implement economic adjustment methods developed by the Center.".

(b) TIME FOR ESTABLISHMENT.—The Secretary of Defense shall establish the Defense Economic Adjustment Center under section 2504 of title 10, United States Code, as added by subsection (a), not later than 120 days after the date of the enactment of this Act.

(c) FISCAL YEAR 1993 FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $2,000,000 shall be available for the Center for the Study of Defense Economic Adjustment.

SEC. 4215. NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFENSE CAPABILITY ASSESSMENTS.

Subchapter II of chapter 148, as amended by section 4214, is further amended by inserting after section 2504 the following:

"§2505. National technology and industrial base: periodic defense capabilty assessments

"(a) COMPREHENSIVE ASSESSMENT.—The National Defense Technology and Industrial Base

Council shall, on a regular and periodic basis and not less often than annually through fiscal year 1997 and biennially thereafter, prepare a comprehensive assessment of the capability of the national technology and industrial base to attain each of the national security objectives set forth in section 2501(a) of this title.

"(b) TECHNOLOGY AND INDUSTRIAL BASE SECTOR CAPABILITY ANALYSIS.—Each assessment under subsection (a) shall include the following:

"(1) An analysis of the role, capability, and continued economic viability of those technology and industrial base sectors that are critical to attaining each of the objectives set forth in section 2501(a) of this title.

"(2) An analysis of the present and projected financial condition of each technology and industrial base sector.

"(3) An analysis of the impact of the terminations and significant reductions of major research and development programs and procurement programs of the Department of Defense on the capability of those technology and industrial base sectors that are critical to attaining each of the national security objectives set forth in section 2501(a) of this title during a period of reduction in defense expenditures.

"(4) A critical technology analysis that identifies the product and process technologies that are most critical for attaining the national security objectives set forth in section 2501(a) of this title.

"(c) FOREIGN DEPENDENCY CONSIDERATIONS.—In the preparation of the periodic assessment, the Council shall include considerations of foreign dependency.

"(d) ISSUANCE.—The Secretary of Defense shall prescribe by regulation a schedule for the compietion of the periodic assessment that ensures sufficient time for the consideration of the assessment in the preparation of the periodic national technology and industrial base plan required by section 2506 of this title.".

SEC. 4216. NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PLAN AND MAJOR DEFENSE PROGRAM PLANNING.

(a) MULTIYEAR PLAN.—Subchapter II of chapter 148, as amended by section 4215, is further amended by inserting after section 2505 the following:

"§2506. National technology and industrial base: periodic defense capability plan

"(a) IN GENERAL.—The National Defense Technology and Industrial Base Council shall prepare annually through fiscal year 1997 and biennially thereafter a multiyear plan for ensuring, to the maximum extent practicable, that the policies and programs of the Department of Defense, the Department of Energy, and other departments and agencies of the Federal Government are planned, coordinated, funded, and implemented in a manner designed to attain each of the national security objectives set forth in section 2501(a) of this title. In preparing each plan, the Council shall take into account the most recent national technology and industrial base assessment prepared pursuant to section 2505 of this title.

"(b) PROGRAM GUIDANCE TO BE INCLUDED IN PLAN.—Each plan under subsection (a) shall also provide specific guidance (including goals, milestones, and priorities) for the following:

"(1) National defense programs and policies of the Department of Defense and Department of Energy that are necessary to ensure the continued viability of each technology and industrial base sector that is necessary to support the objectives stated in section 2501(a) of this title.

"(2) National defense programs and policies of the Department of Defense and Department of Energy that are necessary in each such sector—

"(A) to reduce dependence on foreign sources that could create a military vulnerability; and

"(B) to provide for alternative sources in the event that the foreign sources become unavailable.

"(3) The composition and management of the Defense Industrial Reserve under section 2535 of this title.

"(4) National defense programs and policies of the Department of Defense and Department of Energy relating to manufacturing technology.

"(5) Development of each defense critical technology.

"(6) Ensuring that financial policies of the Department of Defense and Department of Energy (for national security programs) are designed to meet the policies set forth in section 2501 of this title.

"(7) Encouragement of the effective use of commercial products and processes by the Department of Defense and the Department of Energy for national security programs.

"(8) For each plan through fiscal year 1997, national defense programs and policies of the Department of Defense and Department of Energy relating to the transition from economic dependence on defense expenditures of those technology and industrial base sectors and businesses that are at least partially dependent economically on defense expenditures.

"(9) Enhancement of the skills and capabilities of the work force in the national technology and industrial base in support of the national security objectives set forth in section 2501(a) of this title.

"(10) Enhancement of the effectiveness of the major defense acquisition program regulations prescribed pursuant to section 2430(b) of this title.

"(c) LONG-RANGE PLANS.—Each plan through fiscal year 1997 shall include the following:

"(1) A long-range plan for technology development and use of model demonstration defense facilities for environmental restoration and waste management.

"(2) A long-range plan to develop advanced technology to carry out transportation projects that further the national security objectives set forth in section 2501(a) of this title.

"(3) A long-range national security energy technology plan to further the national security objectives of section 2501(a) of this title.

"(4) A long-range national defense communications networking plan to further the national security objectives of section 2501(a) of this title.

"(d) ACQUISITION REFORM GUIDANCE.—Each plan shall include—

"(1) recommendations for legislation that the Council considers appropriate for eliminating any adverse effect of Federal law on the capability of the national technology and industrial base to further the national security objectives set forth in section 2501(a) of this title; and

"(2) specific guidance to ensure that maximum use is made of authority to waive regulations or conduct test programs in pursuit of such objectives.

"(e) ISSUANCE.—(1) The Secretary of Defense shall provide the plan to the Secretaries of the military departments and the heads of the other elements of the Department of Defense not later than the date on which the Secretary provides those officials with the guidance required by section 113(g)(1) of this title.

"(2) The Secretary of Defense shall transmit to Congress, not later than March 31 of each year through 1997 and every odd-numbered year thereafter—

"(A) the plan prepared under this section, including any changes necessary to reflect the budget submitted by the President during that year under section 1105 of title 31; and

"(B) the national technology and industrial base periodic assessment prepared pursuant to section 2505 of this title that pertains to such plan and budget.

"(3) The plan and assessment shall be submitted to Congress in classified and unclassified forms. Proprietary information that may be withheld from disclosure under section 552 of title 5 shall be provided only in the classified version.".

(b) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PLANNING FOR MAJOR PROGRAMS.—(1) Chapter 144 of title 10, United States Code, as amended by section 821, is further amended by adding at the end the following new section:

"§2440. TECHNOLOGY AND INDUSTRIAL BASE PLANS.

The Secretary of Defense shall prescribe regulations requiring consideration of the national technology and industrial base in the development and implementation of acquisition plans for each major defense acquisition program.".

(2) The table of sections at the beginning of such chapter, as amended by section 821, is further amended by adding at the end the following:

"2440. Technology and industrial base plans.".

SEC. 4217. DATA COLLECTION AUTHORITY.

Subchapter II of chapter 148, as amended by section 4216, is further amended by inserting after section 2506 the following new section:

"§2507. Data collection authority of President

"(a) The President shall be entitled, by regulation, subpoena, or otherwise, to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, and take the sworn testimony of, and administer oaths and affirmations to, any person as may be necessary or appropriate, in the President's discretion, to the enforcement or the administration of this chapter and the regulations issued under this chapter.

"(b) The President shall issue regulations insuring that the authority of this section will be used only after the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by competent authority and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency.

"(c) Any person who willfully performs any act prohibited or willfully fails to perform any act required by the provisions of subsection (a), or any rule, regulation, or order thereunder, shall be fined under title 18 or imprisoned not more than one year, or both.

"(d) Information obtained under section (a) which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information shall not be published or disclosed unless the President determines that the withholding thereof is contrary to the interest of the national defense. Any person who willfully violates this subsection shall be fined under title 18 or imprisoned not more than one year, or both.

"(e) The President may make such rules, regulations, and orders as he considers necessary or appropriate to carry out the provisions of this section. Any regulation or order under this section may be established in such form and manner, may contain such classification and differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the President are necessary or proper to effectuate the purposes of this section, or to prevent circumvention or evasion, or to facilitate enforcement of this section, or any rule, regulation, or order issued under this section.

"(f) In this section:

"(1) The term 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof,

or any other government, or any of its political subdivisions, or any agency of any of the foregoing, except that no punishment provided by this section shall apply to the United States, or to any such government, political subdivision, or government agency.

"(2) The term 'national defense' means programs for military and atomic energy production or construction, military assistance to any foreign nation, stockpiling, space, and directly related activity.".

SEC. 4218. IMPLEMENTATION OF REQUIREMENTS FOR ASSESSMENT, PLANNING, AND ANALYSIS.

(a) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations, including milestones for actions, to ensure the timely and thorough collection of information, completion of assessments, and issuance of plans to be accomplished by the Secretary of Defense that are required by the provisions of subchapter II of chapter 148. Such regulations shall be prescribed in consultation with the other heads of departments comprising the National Defense Technology and Industrial Base Council.

(b) FIRST ASSESSMENT AND PLAN.—(1) The first assessment required by section 2505 of title 10, United States Code, as added by section 4215, shall be completed not later than September 30, 1993.

(2) The first plan required by section 2506 of such title, as added by section 4216, shall be completed not later than December 1, 1993.

(3) The Secretary may prescribe regulations authorizing the presentation of information in a preliminary form in the first periodic assessment and the first periodic plan to the extent that the necessary information cannot reasonably be collected, analyzed, or presented in accordance with section 2505 or 2506, respectively, of title 10, United States Code, by the dates specified in paragraphs (1) and (2).

(c) TEXTILES.—The periodic national technology and industrial base assessment submitted to Congress pursuant to section 2506(e) of title 10, United States Code, shall include, through 1995, a specific assessment of the capability of the domestic textile and apparel industrial base of the United States to support national defense mobilization requirements. Each such assessment shall include the following:

(1) An identification of textile and apparel mobilization requirements of the Department of Defense that cannot be satisfied on a timely basis by domestic industries.

(2) An assessment of the effect that any inadequacy in the textile and apparel industrial base would have on a mobilization.

(3) Recommendations for ways to alleviate any such inadequacy that the Secretary considers critical to national defense mobilization requirements.

SEC. 4219. IMPLEMENTING REGULATIONS CONCERNING THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PERIODIC ASSESSMENT.

(a) RULE OF CONSTRUCTION.—Except as otherwise expressly provided, in this section each reference to a section is a reference to a section of title 10, United States Code.

(b) INITIAL REGULATIONS.—The Secretary of Defense shall ensure that the initial regulations prescribed to implement section 2505 provide that the periodic assessment required by such section address the matters set forth in this section.

(c) SECTOR ROLE ANALYSIS.—The initial regulations shall provide that the analysis required by section 2505(b)(1), concerning the role and capability of each technology and industrial base sector in furthering each of the national security objectives of section 2501(a), include the following:

(1) An analysis of the current and projected capability of each sector to attain each such objective for each of the following periods:

(A) The fiscal year during which the assessment is submitted to Congress pursuant to section 2506(e).

(B) The following fiscal year.

(C) The multiyear period covered by the future-years defense program submitted under section 221 during the fiscal year referred to in subparagraph (A).

(2) For each period described in paragraph (1), an analysis of the present and projected capabilities of prime contractors, subcontractors, the Defense Industrial Reserve, and departments and agencies of the Federal Government with respect to each of the following:

(A) Research and development, including research and development regarding the critical technologies identified in the analysis pursuant to section 2505(b)(4).

(B) Application of critical technologies to the production of goods and the furnishing of services.

(C) Test and evaluation.

(D) Low rate production.

(E) High volume production.

(F) Repair and maintenance.

(G) Design and prototyping.

(H) Work force skills and capabilities, including improvements that build on the skill and experience of the work force.

(d) FINANCIAL CAPABILITY ANALYSIS.—The initial regulations shall provide that the analysis required by section 2505(b)(2), concerning the present and projected financial capability of each technology and industrial base sector, specifically consider the following matters:

(1) Trends in the following:

(A) Profitability.

(B) Levels of capital investment.

(C) Expenditures on research and development.

(D) Levels of debt.

(2) The effects of actual and potential commercial sales.

(3) The consequences of mergers, acquisitions, and takeovers.

(4) The effects of Department of Defense financial policies, including the following:

(A) Policies relating to progress payments or other financing by the Department of Defense.

(B) Policies relating to the return on contractor investment.

(C) Policies relating to the allocation of contract risk between the Department of Defense and a contractor.

(5) The effects of expenditures in the technology and industrial base sector by departments and agencies of the Federal Government other than the Department of Defense and the Department of Energy (for national security programs).

(6) The analysis required by section 2505(b)(3).

(e) ANALYSIS OF IMPACT OF DEPARTMENT OF DEFENSE REDUCTIONS.—The initial regulations shall provide that, in the periodic assessment, the analysis required by section 2505(b)(3), concerning the impact of terminations and significant reductions of programs referred to in such section on the capability of each technology and industrial base sector to further each of the national security objectives set forth in section 2501(a), specifically consider the impact of the terminations and significant reductions that—

(1) have taken place in the fiscal year before the fiscal year in which such periodic assessment is submitted to Congress pursuant to section 2506(e); or

(2) are provided for—

(A) in the budget submitted to Congress by the President in that fiscal year; and

(B) in the future-years defense program submitted with such budget.

(f) CRITICAL TECHNOLOGY ANALYSIS.—The initial regulations shall provide, with respect to the critical technology analysis required by section 2505(b)(4), the following:

(1) That the number of technologies so identified not exceed 20.

(2) That the analysis be prepared in consultation with the Critical Technologies Institute.

(3) That, for each technology, the analysis include the following:

(A) The reasons for selection of that technology as a technology critical to the Department of Defense.

(B) The potential dual-use applications of that technology.

(C) The relationship between the activities of the Department of Defense and other Federal agencies in the development of that technology.

(D) The potential contributions that the private sector can be expected to make from its own resources in connection with the development of civilian applications for such technology.

(E) A comparison of the position of the United States to the positions of other nations in the development of that technology, including the potential contributions that other nations can make to meeting the needs of the United States for that technology.

(g) ECONOMIC VIABILITY ANALYSIS.—(1) The initial regulations shall provide that the economic viability analysis required by section 2505(b)(5) include, for each of the periods described in subsection (c)(1) of this section, an analysis of the following matters:

(A) The extent to which each technology and industrial base sector is—

(i) dependent on defense expenditures to ensure continued viability;

(ii) dependent on a mix of defense and nondefense Federal Government expenditures to ensure continued viability;

(iii) dependent on a mix of Federal Government expenditures and other Federal Government programs to ensure continued viability; and

(iv) sufficiently integrated with the commercial marketplace to ensure continued viability regardless of the level of Federal Government expenditures in the technology and industrial base sector.

(B) The extent to which each technology and industrial base sector is capable of—

(i) ongoing production with a present capability for high volume production;

(ii) maintenance of a production base that can be converted to high volume production within a reasonable period of time; or

(iii) reconstitution of a production base that can reinstate high volume production within a reasonable period of time.

(2) The analysis shall specifically identify any technology and industrial base sectors and any entities within technology and industrial base sectors that should be considered for inclusion in the Defense Industrial Reserve.

(h) FOREIGN DEPENDENCY CONSIDERATIONS.—The initial regulations shall provide that the foreign dependency considerations taken into account in the preparation of the periodic assessment pursuant to section 2505(c) include, for each technology and industrial base sector, the following factors:

(1) The availability of essential raw materials, special alloys, composite materials, components, subsystems, production equipment, facilities, special tooling, and production test equipment for—

(A) the sustained production of systems fully capable of meeting the performance objectives established for those systems;

(B) the uninterrupted maintenance and repair of such systems; and

(C) the sustained operation of such systems.

(2) The identification of items specified in paragraph (1) that are available only from

sources outside the national technology and industrial base.

(3)(A) The availability of alternatives for obtaining such items from within the national technology and industrial base if such items become unavailable from sources outside the national technology and industrial base.

(B) An analysis of any military vulnerability that could result from the lack of reasonable alternatives.

(4) The effects on the national technology and industrial base that result from foreign acquisition of firms in the United States.

(i) DEFINITIONS.—In this section:

(1) The term "continued viability" means the capability to attain the national security objectives set forth in section 2501(a).

(2) The term "defense expenditure" means an expenditure—

(A) by the Department of Defense; or

(B) by the Department of Energy for a national security program.

(3) The term "Defense Industrial Reserve" is the Defense Industrial Reserve established by section 2535.

(4) The term "future-years defense program" means the future-years defense program required by section 221.

(5) The term "national technology and industrial base" has the meaning given that term in section 2491.

(6) The term "periodic assessment" means the periodic assessment required by section 2505.

(7) The term "section 2501 objectives" means the objectives set forth in section 2501.

(8) The term "significant reduction", with respect to expenditures for a program for a fiscal year, means that the amount provided for that program for that fiscal year in the budget, Acts authorizing appropriations, appropriations Acts, or the future years defense program for that fiscal year is less than the amount provided for that program for the preceding fiscal year in the budget, Acts authorizing appropriations, appropriations Acts, or the future years defense program, respectively, for that preceding fiscal year by at least—

(A) the greater of—

(i) the amount equal to 10 percent of the amount provided for that preceding fiscal year; or

(ii) $5,000,000; or

(B) a lesser amount determined significant by the Secretary of Defense or the National Defense Technology and Industrial Base Council.

(9) The term "technology and industrial base sector" has the meaning given such term in section 2491.

SEC. 4220. IMPLEMENTING REGULATIONS CONCERNING THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PERIODIC PLAN.

(a) RULE OF CONSTRUCTION.—Except as otherwise expressly provided, in this section each reference to a section is a reference to a section of title 10, United States Code.

(b) INITIAL REGULATIONS.—The Secretary of Defense shall ensure that the initial regulations prescribed to implement section 2506 provide that the national technology and industrial base plan required by such section include the matters set forth in subsections (c) through (f).

(c) MANUFACTURING TECHNOLOGY GUIDANCE.—The initial regulations shall require that the guidance provided for manufacturing technology pursuant to section 2506(b)(4) include guidance with respect to the following:

(1) The National Defense Manufacturing Technology Program established under section 2521.

(2) The support of manufacturing extension programs under section 2523.

(3) Programs to enhance basic research in scientific disciplines relating to manufacturing technology through—

(A) encouraging research in colleges and universities in the United States and in associated centers of excellence; and

(B) establishing technology transfer mechanisms, and technology education and training mechanisms, that ensure that the results of such research are readily available to United States industry.

(4) Programs for encouraging the use of computer-integrated manufacturing to improve manufacturing quality, reduce manufacturing costs, reduce production lead times, and improve maintenance.

(5) Programs for enhancing Department of Defense use of concurrent engineering practices in the design and development of weapon systems.

(6) Programs providing incentives for firms in the national technology and industrial base to use advanced manufacturing technology and processes and to invest in improved productivity.

(7) Programs for encouraging research in colleges and universities and in other technology development and extension programs in the United States for development of systems that build on the skill and experience of workers.

(8) Programs for assisting in the transition to high performance work systems, including ongoing worker involvement in the evaluation, selection, and installation and operation of production technologies and associated organization or work.

(d) CRITICAL TECHNOLOGIES GUIDANCE.—The initial regulations shall require that the guidance provided pursuant to section 2506(b)(5) for the development of each critical technology include the following:

(1) The specific funding requirements of the Department of Defense, the Department of Energy and other departments and agencies of the Federal Government for the development of the technology for the 5 fiscal years following the fiscal year in which the plan is submitted to Congress pursuant to section 2506(e).

(2) A designation of the lead organization within the Department of Defense or the Department of Energy to be responsible for the development of the technology.

(3) A summary description of the lead organization's plan for the development of the technology, including the milestone goals.

(e) FINANCIAL POLICY GUIDANCE.—The initial regulations shall require that the guidance provided pursuant to section 2506(b)(6) with regard to financial policies of the Department of Defense and the Department of Energy (for national security programs) include guidance with respect to the following:

(1) Policies relating to progress payments or other financing by the Department of Defense.

(2) Policies relating to the return on contractor investment.

(3) Policies relating to the allocation of contract risk between the Department of Defense and a contractor.

(f) COMMERCIAL-MILITARY INTEGRATION GUIDANCE.—The initial regulations shall require that the guidance provided pursuant to section 2501(c) regarding integration of commercial products and processes into Federal acquisition practices include guidance with respect to the following:

(1) Expanding the use of commercial specifications in place of Federal Government specifications.

(2) Increasing the use of commercial manufacturing processes instead of processes specified by the Federal Government.

(3) Reducing the extent of unique government regulatory requirements relating to accounting and acquisition.

(4) Identifying and ensuring the effective application by the Department of Defense and the Department of Energy (for national security programs) of research, technologies, products, information, and practices developed by other departments and agencies of the Federal Government, State and local governments, colleges and universities, nonprofit organizations, and commercial enterprises.

(5) Identifying effective mechanisms for transferring technology and related information, to the maximum extent practicable, from the Department of Defense and Department of Energy to other departments and agencies of the Federal Government, State and local governments, colleges and universities, nonprofit organizations, and commercial enterprises.

(6) Ensuring, to the maximum extent practicable, that technology and related information are so transferred.

(g) MAJOR PROGRAM GUIDANCE.—The initial regulations implementing section 2430(b), shall provide that the acquisition plan for each major defense acquisition program include provisions for the following:

(1) An analysis of the capabilities of the national technology and industrial base to develop, produce, maintain, and support such program, including consideration of the factors set forth in section 4219(h).

(2) Consideration of requirements for efficient manufacture during the design and production of the systems to be procured under the program.

(3) The use of advanced manufacturing technology, processes, and systems during the research and development phase and the production phase of the program.

(4) To the maximum extent practicable, the use of contract solicitations that encourage competing offerors to acquire, for use in the performance of the contract, modern technology, production equipment, and production systems (including hardware and software) that increase the productivity of the offerors and reduce life-cycle costs.

(5) Encouragement of investment by United States domestic sources in advanced manufacturing technology production equipment and processes through—

(A) recognition of the contractor's investment in advanced manufacturing technology production equipment, processes, and organization of work systems that build on workers' skill and experience, and work force skill development in the development of the contract objective; and

(B) increased emphasis in source selections on the efficiency of production.

(6) Expanded use of commercial manufacturing processes rather than processes specified by the Department of Defense.

(7) Elimination of barriers to, and facilitation of, the integrated manufacture of commercial items and items being produced under Department of Defense contracts.

(8) Expanded use of commercial products as set forth in section 2325.

Subtitle C—Programs for Development, Application, and Support of Dual-Use Technologies

SEC. 4221. DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.

(a) RECODIFICATION OF PROVISION.—Subchapter III of chapter 148, as established by section 4202, is amended by inserting after the table of sections the following:

"§2511. Defense dual-use critical technology partnerships

"(a) ESTABLISHMENT OF PARTNERSHIPS.—The Secretary of Defense shall conduct a program to further the national security objectives set forth in section 2501(a) of this title, by providing for the establishment of cooperative arrangements (hereinafter in this section referred to as 'partnerships') between the Department of Defense and entities referred to in subsection (b) in order

to encourage and provide for research, development, and application of dual-use critical technologies. The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title in order to establish the partnerships.

"(b) NON-DEPARTMENT OF DEFENSE PARTICIPANTS.—In the case of each partnership, the entities with which the Secretary enters into the partnership shall include two or more eligible firms or a nonprofit research corporation established by two or more eligible firms and, may also include, as determined appropriate by the Secretary of Defense, a Federal laboratory or laboratories, Government-owned and operated industrial facilities, institutions of higher education, agencies of State governments, and other entities that participate in the partnership by supporting the activities conducted by such firms or corporations under this section.

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—The Secretary of Defense shall ensure that, to the maximum extent he determines to be practicable, the amount of the funds provided by the Federal Government under a partnership does not exceed the total amount provided by non-Federal Government participants in that partnership.

"(d) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide a partnership with technical and other assistance to facilitate the achievement of the purposes of this section. In providing such assistance, the Secretary shall make available, as appropriate for the work to be performed by each partnership, equipment and facilities of Department of Defense laboratories (including the scientists and engineers at those laboratories) to a partnership recognized under this section for purposes of any project that is approved by the Secretary.

"(e) SELECTION PROCESS.—Competitive procedures shall be used in the establishment of partnerships, except that procedures other than competitive procedures may be used in any case in which an exception set out in section 2304(c) of this title applies.

"(f) SELECTION CRITERIA.—The criteria for the selection of proposed partnerships for establishment under this section shall include the following:

"(1) The extent to which the program proposed to be conducted by the partnership advances and enhances the national security objectives set forth in section 2501(a) of this title.

"(2) The technical excellence of the program proposed to be conducted by the partnership.

"(3) The qualifications of the personnel proposed to participate in the partnership's research activities.

"(4) An assessment of timely private sector investment in activities to achieve the goals and objectives of the proposed partnership other than through the partnership.

"(5) The potential effectiveness of the partnership in the further development and application of each technology proposed to be developed by the partnership for the national technology and industrial base.

"(6) The extent of the financial commitment of eligible firms to the proposed partnership.

"(7) The extent to which the partnership does not unnecessarily duplicate projects undertaken by other agencies.

"(8) Such other criteria that the Secretary prescribes.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the purposes of this section.".

(b) FISCAL YEAR 1993 PROJECTS.—During fiscal year 1993, projects carried out in cooperation with partnerships under section 2511 of title 10, United States Code, shall include projects in the following areas or involving technologies that otherwise further the objectives set forth in section 2501(a) of such title:

(1) Digital communications and processing methods.

(2) Optical electronics.

(3) Lightweight, low-clearance multipassenger ground vehicles.

(4) Advanced materials, including precision forging technologies to meet high-strength, low-weight design criteria.

(5) Interferometric synthetic aperture radar technology.

(6) Electrical propulsion of ground vehicles for reduced signature emission.

(7) Marine biotechnology.

(8) Environmentally compliant manufacturing technologies for production of computers for military and nonmilitary use as may be identified by a partnership.

(9) Fuel cell and high-density energy storage.

(10) Unexploded ordnance disposal technology.

(11) Microchip Module integration.

(12) Robotics application to defense environmental restoration activities.

(13) Integrated telecommunications technologies for advanced manufacturing.

(14) Advanced automatic control systems technology.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $100,000,000 shall be available for defense dual-use critical technology partnerships under section 2511 of title 10, United States Code, as added by subsection (a).

SEC. 4222. COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.

(a) PROGRAM REQUIRED.—Subchapter III of chapter 148, as amended by section 4221, is further amended by inserting after section 2511 the following:

"§2512. Commercial-military integration partnerships

"(a) ESTABLISHMENT OF PARTNERSHIPS.—The Secretary of Defense shall conduct a program to further the national security objectives set forth in section 2501(a) of this title by providing for the establishment of cooperative arrangements (hereinafter in this section referred to as 'partnerships') between the Department of Defense and one or more eligible firms and nonprofit research corporations referred to in section 2511(b) of this title. A partnership may also include, as determined appropriate by the Secretary of Defense, a Federal laboratory or laboratories, institutions of higher education, agencies of State governments, and other entities that participate in the partnership by supporting the activities conducted by such firms or corporations under this section.

"(b) ASSISTANCE AUTHORIZED.—(1) The Secretary may make grants, enter into contracts, and enter into cooperative agreements and other transactions pursuant to section 2371 of this title in order to establish the partnerships.

"(2) The Secretary may not enter into a partnership under this section for a period longer than 5 years.

"(3) The Secretary may provide a partnership with technical and other assistance to facilitate the achievement of the purposes of this section, subject to the limitations in subsection (c).

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The Secretary shall ensure that the amount of funds provided by the Secretary under a partnership does not exceed the maximum authorized percentage of the total cost of partnership activities.

"(2) The maximum authorized percentage of funding referred to in paragraph (1) for each year of a partnership is as follows:

"(A) 50 percent in the first year.

"(B) 40 percent in the second year.

"(C) 30 percent in the each of the third, fourth, and fifth years.

"(3)(A) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of determining the share of the partnership costs that has been or is being undertaken by such participants.

"(B) The regulations shall also ensure that the in-kind contributions of nonprofit institutions and small businesses are considered included, to the maximum extent practicable, in the non-Federal Government share of the cost of the partnership.

"(d) SELECTION PROCESS.—Competitive procedures shall be used in the establishment of partnerships.

"(e) SELECTION CRITERIA.—The criteria for the selection of a proposed partnership for establishment under this section shall include the following:

"(1) The extent to which the program proposed to be conducted by the partnership advances and enhances the national security objectives set forth in section 2501(a) of this title.

"(2) The technical excellence of the program proposed to be conducted by the partnership.

"(3) The qualifications of the personnel proposed to participate in the partnership's research activities.

"(4) An assessment that timely private sector investment in activities to achieve the goals and objectives of the proposed partnership other than through the partnership.

"(5) The potential effectiveness of the partnership in the further development and application of each technology proposed to be developed by the partnership for the industrial and technology base.

"(6) The extent of the financial commitment of the eligible firms to the proposed partnership.

"(7) The likelihood that the partnership will develop technologies that are sufficiently viable in the commercial sector so that such technologies will be available to meet the future reconstitution requirements and other needs of the Department of Defense described in the most recent national technology and industrial base plan prepared under section 2506 of this title.

"(8) The likelihood that, within five years after the establishment of the partnership (or a lesser period established by the Secretary), Federal Government funding of the partnership will not be necessary.

"(9) The extent to which the partnership does not unnecessarily duplicate programs undertaken by other Federal agencies.

"(10) Such other criteria as the Secretary prescribes.".

(b) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $50,000,000 shall be available for commercial-military integration partnerships under section 2512 of title 10, United States Code, as added by subsection (a).

SEC. 4223. REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.

(a) TRANSFER AND REDESIGNATION OF SECTION.—Section 2524 of title 10, United States Code (relating to critical technology application centers) is transferred to subchapter III of chapter 148, inserted after section 2512 (as added by section 4222), and redesignated as section 2513.

(b) TERMINOLOGY CHANGE.—(1) Such section (as so transferred and redesignated) is amended—

(A) by striking out "regional critical technology application centers" in subsection (a) and inserting in lieu thereof "regional technology alliances";

(B) by striking out "regional critical technology application center" in subsection (b) and inserting in lieu thereof "regional technology alliance"; and

(C) by striking out "critical technology application center" and "center" each time such terms appear and inserting in lieu thereof "regional technology alliance".

(2) The heading of such section is amended to read as follows:

"§2513. Regional technology alliances assistance program".

(c) PROGRAM OBJECTIVES.—Subsection (a) of such section is amended by striking out "provide" and inserting in lieu thereof "further the national security objectives set forth in section 2501(a) of this title by providing".

(d) PROGRAMS PARTICIPANTS.—Subsection (c)(2)(B) of such section is amended by adding at the end the following new clause:

"(iii) an institution of higher education designated by a State or local government.".

(e) MAXIMUM ASSISTANCE.—Subsection (d)(1)(A) of such section is amended by striking out "30 percent" and inserting in lieu thereof "50 percent".

(f) AMENDMENT TO CROSS REFERENCE.—Subsection (g) of such section is amended by striking out "2523" and inserting in lieu thereof "2511".

(g) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $100,000,000 shall be available for defense regional technology alliances under section 2513 of title 10, United States Code, as redesignated by subsection (a)

SEC. 4224. ENCOURAGEMENT OF TECHNOLOGY TRANSFER.

(a) IN GENERAL.—Subchapter III of chapter 148, as amended by section 4223, is further amended by inserting after section 2513 the following:

"§2514. Encouragement of technology transfer

"(a) ENCOURAGEMENT OF TRANSFER REQUIRED.—The Secretary of Defense shall encourage, to the extent consistent with national security objectives, the transfer of technology between laboratories and research centers of the Department of Defense and other Federal agencies, State and local governments, colleges and universities, and private persons in cases that are likely to result in accomplishing the objectives set forth in section 2501(a) of this title.

"(b) EXAMINATION AND IMPLEMENTATION OF METHODS TO ENCOURAGE TRANSFER.—The Secretary shall examine and implement methods, in addition to the encouragement referred to in subsection (a) and the program described in subsection (c), that are consistent with national security objectives and will enable Department of Defense personnel to promote technology transfer.

"(c) PROGRAM TO ENCOURAGE DIVERSIFICATION OF DEFENSE LABORATORIES.—(1) The Secretary of Defense shall establish and implement a program to be known as the Federal Defense Laboratory Diversification Program (hereinafter in this subsection referred to as the 'Program'). The purpose of the Program shall be to encourage greater cooperation in research and production activities carried out by defense laboratories and by private industry of the United States in order to enhance and improve the products of such research and production activities.

"(2) Under the Program, the defense laboratories, in coordination with the Office of Technology Transfer in the Office of the Secretary of Defense, shall carry out cooperative activities with private industry in order to promote (by the use or exchange of patents, licenses, cooperative research and development agreements and other cooperative agreements, and the use of symposia, meetings, and other similar mechanisms) the transfer of defense or dual-use technologies from the defense laboratories to private industry, and the development and application of such technologies by the defense laboratories and private industry, for the purpose of the commercial utilization of such technologies by private industry.

"(3) The Secretary of Defense shall develop and annually update a plan for each defense laboratory that participates in the Program under which plan the laboratory shall carry out cooperative activities with private industry to promote the transfers described in subsection (b).

"(4) In this subsection, the term 'defense laboratory' means any laboratory owned or operated by the Department of Defense that carries out research in fiscal year 1993 in an amount in excess of $50,000,000.

"(5) The Secretary shall coordinate the Program with the National Defense Technology and Industrial Base Council.".

(b) REPORTS ON SURVEY OF LABS AND IMPLEMENTATION OF PROGRAM.—Not later than September 30, 1993, the Secretary of Defense shall submit to Congress a report containing the following:

(1) An assessment of the potential of each defense laboratory to promote the transfers described in section 2514(c) of title 10, United States Code, as added by subsection (a).

(2) Recommendations on the manner in which each such laboratory might better promote such transfers.

(3) A description of the extent to which each such laboratory has implemented effectively the plan established for the laboratory under such subsection (c) during the year preceding the date of the report.

(4) Recommendations of the Secretary for the improvement of the Federal Defense Laboratory Diversification Program established pursuant to such section 2514(c).

(c) CONFORMING REPEAL.—Section 2363 of title 10, United States Code, is repealed.

SEC. 4225. OFFICE OF TECHNOLOGY TRANSITION.

(a) ESTABLISHMENT.—Subchapter III of chapter 148, as amended by section 4224, is further amended by inserting after section 2514 the following:

"§2515. Office of Technology Transition

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Office of the Secretary of Defense an Office of Technology Transition.

"(b) PURPOSE.—The purpose of the office shall be to ensure, to the maximum extent practicable, that technology developed for national security purposes is integrated into the private sector of the United States in order to enhance national technology and industrial base, reinvestment, and conversion activities consistent with the objectives set forth in section 2501(a) of this title.

"(c) DUTIES.—The head of the office shall ensure that the office—

"(1) monitors all research and development activities that are carried out by or for the military departments and Defense Agencies;

"(2) identifies all such research and development activities that use technologies, or result in technological advancements, having potential nondefense commercial applications;

"(3) serves as a clearinghouse for, coordinates, and otherwise actively facilitates the transition of such technologies and technological advancements from the Department of Defense to the private sector;

"(4) conducts its activities in consultation and coordination with the Department of Energy and the Department of Commerce; and

"(5) provides private firms with assistance to resolve problems associated with security clearances, proprietary rights, and other legal considerations involved in such a transition of technology.

"(d) REPORTING REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives an annual report on the activities of the Office at the same time that the budget is submitted to Congress by the President pursuant to section 1105 of title 31. The report shall contain a discussion of the accomplishments of the Office during the fiscal year preceding the fiscal year in which the report is submitted.".

(b) SCHEDULE FOR ESTABLISHMENT.—The Office of Technology Transition shall commence operations within 120 days after the date of the enactment of this Act.

(c) REPORTING REQUIREMENTS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the establishment of the Office of Technology Transition. The report shall contain a description of the organization of the Office, the staffing of the Office, and the activities undertaken by the Office.

(2) Notwithstanding section 2515(d) of title 10, United States Code (as added by subsection (a))—

(A) the first report under that section shall be submitted not later than one year after the date of the enactment of this Act; and

(B) no additional report is necessary under that section in the fiscal year in which such first report is submitted.

SEC. 4226. MILITARY-CIVILIAN INTEGRATION AND TECHNOLOGY TRANSFER ADVISORY BOARD.

(a) ESTABLISHMENT.—Subchapter III of chapter 148, as amended by section 4225, is further amended by inserting after section 2515 the following:

"§2516. Military-Civilian Integration and Technology Transfer Advisory Board

"(a) ESTABLISHMENT.—There is established a Military-Civilian Integration and Technology Transfer Advisory Board (in this section referred to as the 'Advisory Board').

"(b) GOALS.—The goals of the Advisory Board are to ensure, in furtherance of the national security objectives set forth in section 2501(a) of this title—

"(1) the effective integration of commercial technologies and best practices into defense industries;

"(2) the efficient transfer of defense technologies to civilian industries, where applicable;

"(3) that civilian markets are appropriately integrated into dual-use technology development strategies; and

"(4) that dual use critical technologies are used in carrying out defense reinvestment, diversification, and conversion activities described in section 2501(b) of this title.

"(c) COMPOSITION.—The Advisory Board shall be composed of at least 17 members. The members of the Advisory Board shall be appointed by the National Defense Technology and Industrial Base Council from among individuals who, because of their experience and accomplishments in defense or civilian technology development, business development, international trade, or finance, are exceptionally qualified to analyze and formulate policy that would improve the integration of military and civilian capabilities and resources. The National Defense Technology and Industrial Base Council shall designate one member to serve as chairman, with the chairmanship to change annually. Membership of the Advisory Board shall be composed of—

"(1) representatives of—

"(A) large and small firms involved in both defense and civilian technologies;

"(B) universities and independent research institutes;

"(C) State and local government agencies involved in technology extension and economic development;

"(D) Federal defense and nondefense laboratories;

"(E) industrial, worker, and professional organizations; and

"(F) financial organizations; and

"(2) other individuals that possess important insight to issues of military-commercial integration, as determined by the National Defense Technology and Industrial Base Council.

"(d) DUTIES.—The duties of the Advisory Board shall include—

"(1) advising the National Defense Technology and Industrial Base Council in the planning, execution, and evaluation of programs in the Department of Defense that would facilitate military-commercial integration, including the research, development, and application of dual-use technologies, and manufacturing and industrial assistance programs, educational programs, and financial support programs;

"(2) advising the National Defense Technology and Industrial Base Council on policies that the Advisory Board considers essential to effective military-commercial integration;

"(3) organizing a Dual-Use Technology Subboard that will advise the Council on the effectiveness of military-civilian integration regarding dual-use technologies and strategies; and

"(4) organizing other sub-boards, with the consent or at the request of the Council, to examine priority issues in military-civilian integration.

"(e) MEETINGS.— The Advisory Board shall meet at least once every four months, and at the call of the Council.

"(f) TRAVEL EXPENSES.—Members of the Advisory Board, other than full-time employees of the United States, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5 when engaged in the business of the Advisory Board.

"(g) TERMINATION.—The Advisory Board shall terminate at the close of fiscal year 1997.".

(b) FIRST MEETING.—The chairman of the Military-Civilian Integration and Technology Transfer Advisory Board shall call the first meeting of the Advisory Board no later than 90 days after the date of enactment of this Act.

SEC. 4227. OFFICE FOR FOREIGN DEFENSE CRITICAL TECHNOLOGY MONITORING AND ASSESSMENT.

(a) TRANSFER AND REDESIGNATION OF SECTION.—Section 2525 of title 10, United States Code, is transferred to subchapter III of chapter 148, inserted after section 2516 (as added by section 4226), and redesignated as section 2517.

(b) TECHNICAL AMENDMENT.—Subsection (a) of section 2517, as so redesignated, is amended by inserting "Critical" after "Foreign Defense".

SEC. 4228. OVERSEAS FOREIGN CRITICAL TECHNOLOGY MONITORING AND ASSESSMENT FINANCIAL ASSISTANCE PROGRAM.

Section 2526 of title 10, United States Code, is transferred to subchapter III of chapter 148, inserted after section 2517 (as added by section 4227), and redesignated as section 2518.

Subtitle D—Defense Manufacturing Technology, Dual-Use Assistance Extension, and Defense Supplier Base Enhancement and Support Programs

SEC. 4231. NATIONAL DEFENSE MANUFACTURING TECHNOLOGY PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Subchapter IV of chapter 148 is amended by inserting after the table of sections the following:

"§2521. National Defense Manufacturing Technology Program

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish a National Defense Manufacturing Technology Program. The Secretary shall use the program to—

"(1) provide centralized guidance and direction (including goals, milestones, and priorities) to the military departments and the Defense Agencies on all matters relating to manufacturing technology;

"(2) direct the development and implementation of Department of Defense plans, programs, projects, activities, and policies that promote the development and application of advanced technologies to manufacturing processes, tools, and equipment;

"(3) improve the manufacturing quality, productivity, technology, and practices of businesses and workers providing goods and services to the Department of Defense;

"(4) promote dual-use manufacturing processes;

"(5) disseminate information concerning improved manufacturing improvement concepts, including information on such matters as best manufacturing practices, product data exchange specifications, computer-aided acquisition and logistics support, and rapid acquisition of manufactured parts;

"(6) sustain and enhance the skills and capabilities of the manufacturing work force;

"(7) promote high-performance work systems (with development and dissemination of production technologies that build upon the skills and capabilities of the work force), high levels of worker education and training; and

"(8) ensure appropriate coordination between the manufacturing technology programs and industrial preparedness programs of the Department of Defense and similar programs undertaken by other departments and agencies of the Federal Government or by the private sector.

"(b) RELATIONSHIP TO NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PLAN.—The Secretary shall ensure that the program is developed and implemented in accordance with the manufacturing technology guidance set forth in the national technology and industrial base plan prepared under section 2506 of this title.

"(c) REVISIONS.—The Secretary shall revise the program not later than March 15 of each year through fiscal year 1997 and of each odd-numbered year thereafter. Each revision shall identify each manufacturing technology program, project, or activity of the Department of Defense and the amounts provided for each such program, project, and activity in the budget submitted by the President under section 1105 of title 31 for the fiscal year beginning in that year. ".

(b) REPEAL OF LIMITATION.—Section 203(d) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190; 105 Stat. 1315) is repealed.

SEC. 4232. DEFENSE ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

(a) TRANSFER AND REDESIGNATION OF SECTION.—Section 2518 of title 10, United States Code, is transferred to chapter 148, inserted after section 2521 (as added by section 4231), and redesignated as section 2522.

(b) PROGRAM AMENDMENTS.—Section 2522 of title 10, United States Code, as redesignated by subsection (a), is amended—

(1) in subsection (a)—

(A) by inserting ", in order to further the national security objectives set forth in section 2501(a) of this title," after "The Secretary of Defense may"; and

(B) by inserting "military and dual-use" after "broad range of";

(2) in subsection (c), by striking out "section 2523" and inserting in lieu thereof "section 2511";

(3) in subsection (d)—

(A) in paragraph (1), by striking out "section 2523(f)" and inserting in lieu thereof "section 2511(f)"; and

(B) by adding at the end the following new paragraph:

"(3) Such other criteria as prescribed by the Secretary of Defense, in consultation with the Council."; and

(4) by striking out subsection (e).

(c) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $25,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of title 10, United States Code, as redesignated by subsection (a).

SEC. 4233. MANUFACTURING EXTENSION PROGRAMS.

(a) TRANSFER AND REDESIGNATION OF SECTION.—Section 2517 of title 10, United States Code, is transferred to subchapter IV of chapter 148, inserted after section 2522 of such title (as added by section 4232), and redesignated as section 2523.

(b) FURTHERANCE OF NATIONAL SECURITY OBJECTIVES.—Subsection (b)(1) of section 2523, as redesignated by subsection (a), is amended in the matter before subparagraph (A) by inserting ", in order to further the national security objectives set forth in section 2501(a) of this title," after "shall".

(c) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $100,000,000 shall be available for support of manufacturing extension programs under section 2523 of title 10, United States Code, as redesignated by section 4233.

SEC. 4234. DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Subchapter IV of chapter 148, as amended by section 4233, is further amended by inserting after section 2523 the following:

"§2524. Defense dual-use assistance extension program

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense, in consultation and coordination with the Secretary of Energy and the Secretary of Commerce, shall establish a program to further the national security objectives set forth in section 2501(a) of this title and the defense reinvestment, diversification, and conversion program objectives set forth in section 2501(b) of this title by providing support to entities referred to in subsection (b) for programs described in that subsection.

"(b) PROGRAMS SUPPORTED.—The Secretary may provide support under this section for programs sponsored by the Federal Government, regional entities, States, local governments, and private entities and nonprofit organizations that assist businesses economically dependent on Department of Defense expenditures to acquire dual-use capabilities through the provision under those programs of the following forms of assistance:

"(1) Assistance in converting from government-oriented management, production, training, and marketing practices to commercial practices.

"(2) Assistance in acquiring and using public and private sector resources, literature, and other information concerning—

"(A) research, development, and production processes and practices;

"(B) identification of technologies and products having the potential for defense and nondefense commercial applications;

"(C) marketing practices and opportunities;

"(D) identification of potential suppliers, partners, and subcontractors;

"(E) identification of opportunities for government support, including support through grants, contracts, partnerships, and consortia;

"(F) enhancement of work force skills and capabilities, including—

"(i) development and introduction of high-performance work systems, workforce literacy programs, and programs for worker education and training;

"(ii) other programs that build upon the skills and capabilities of the work force; and

"(G) trade and export assistance.

"(3) Loan guarantees to small businesses that are economically dependent on defense expenditures, under the terms and conditions specified under other applicable law.

"(c) ASSISTANCE AUTHORIZED.—(1) The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title.

"(2) Subject to subsection (d), the Secretary may provide a program referred to in subsection (b) with technical and other assistance.

"(3) The Secretary is authorized to carry out a program to provide assistance to small businesses that are economically dependent on defense expenditures to obtain access to a national network of scientists and engineers, and to information resources (including access through on-line data bases to local, national, and international technical and business literature encompassing a wide range of technologies), that can help minimize technical risk and thereby facilitate the development and commercialization of new products.

"(d) FINANCIAL COMMITMENT OF NON-DEPARTMENT OF DEFENSE PARTICIPANTS.—(1) The Secretary shall ensure that the amount of funds provided by the Department of Defense for a program under this section does not exceed the maximum authorized percentage of the combined amount provided by the Department of Defense and all other sources of funding for the program for any year.

"(2) The maximum authorized percentage of Department of Defense funding referred to in paragraph (1) for each year of Department of Defense assistance for a program under this section is as follows:

"(A) 50 percent in the first year.

"(B) 40 percent in the second year.

"(C) 30 percent in the third and following years.

"(e) SELECTION PROCESS.—Competitive procedures shall be used in the selection of programs to receive assistance under this section.

"(f) SELECTION CRITERIA.—The criteria for the selection of a program to receive assistance under this section shall include the following:

"(1) The extent to which the program advances and enhances the national security objectives set forth in section 2501(a) of this title and the reinvestment, diversification, and conversion program objectives set forth in section 2501(b) of this title.

"(2) The technical excellence of the program.

"(3) The qualifications of the personnel proposed to participate in the program's research activities.

"(4) The adequacy of timely private sector investment in activities that is sufficient to achieve the goals and objectives of the programs.

"(5) The potential effectiveness of the program in the conversion of businesses (and their work forces) from capabilities that make the companies economically dependent on Department of Defense expenditures to capabilities having defense and nondefense commercial applications.

"(6) The ability of the program to assist businesses (and their work forces) that are adversely affected by significant reductions in Department of Defense spending.

"(7) The extent of the financial commitment by sources other than the Department of Defense.

"(8) The extent to which the program would supplement, rather than duplicate, other available services.

"(9) The likelihood that, within five years after the commencement of assistance for a program under this section (or a lesser period established by the Secretary), Department of Defense assistance will not be necessary to sustain the program.

"(10) Such other criteria as the Secretary prescribes.

"(g) TERMINATION OF AUTHORITY.—After September 30, 1995, funds may be provided by the Department of Defense under this section only for programs referred to in subsection (b) for which funds have been provided by the Department of Defense under this section on or before that date. No funds may be provided by the Department of Defense under this section for a program referred to in subsection (b) after September 30, 1998.".

(b) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $200,000,000 shall be available for the defense dual-use extension program under section 2524 of title 10, United States Code (as added by subsection (a)), of which—

(1) $50,000,000 shall be available to provide support to regional, State, and local government programs; and

(2) $75,000,000 shall be available for programs designed to assist small businesses.

SEC. 4235. DEFENSE INDUSTRIAL RESERVE.

(a) TRANSFER OF SECTIONS.— (1) Subchapter V of chapter 148 is amended by adding at the end, without text, the following new section:

"§2535. Defense Industrial Reserve".

(2) The text of section 2 of the Defense Industrial Reserve Act (50 U.S.C. 451) is—

(A) transferred to section 2535;

(B) inserted after the section heading; and

(C) amended by striking out "In enacting this Act, it" and inserting in lieu thereof the following: "(a) DECLARATION OF PURPOSE AND POLICY.—It".

(3) The text of section 4 of that Act (50 U.S.C. 453) is—

(A) transferred to section 2535;

(B) inserted after subsection (a), as designated by paragraph (2)(C); and

(C) amended—

(i) by striking out "(a) To execute the policy set forth in this Act," and inserting in lieu thereof the following: "(b) POWERS AND DUTIES OF THE SECRETARY OF DEFENSE.—(1) To execute the policy set forth in this section,";

(ii) by striking out "(1) determine" and inserting in lieu thereof "(A) determine";

(iii) by striking out "(2) designate" and inserting in lieu thereof "(B) designate";

(iv) by striking out "(3) establish" and inserting in lieu thereof "(C) establish";

(v) by striking out "(4) direct" and inserting in lieu thereof "(D) direct";

(vi) by striking out "(5) direct" and inserting in lieu thereof "(E) direct";

(vii) by striking out "(6) authorize" and inserting in lieu thereof "(F) authorize";

(viii) by striking out "(7) authorize" and all that follows through "(B) such institution" and inserting in lieu thereof "(G) authorize and regulate the lending of any such property to any nonprofit educational institution or training school whenever (i) the program proposed by such institution or school for the use of such property will contribute materially to national defense, and (ii) such institution";

(ix) by striking out "(b)(1) The Secretary" and inserting in lieu thereof "(2)(A) The Secretary";

(x) by striking out "(A) storage" and inserting in lieu thereof "(i) storage";

(xi) by striking out "(B) repair" and inserting in lieu thereof "(ii) repair";

(xii) by striking out "(C) overhead" and inserting in lieu thereof "(iii) overhead"; and

(xiii) by striking out "(2) The Secretary of Defense shall prescribe regulations" and inserting in lieu thereof "(B) The Secretary of Defense shall prescribe regulations".

(b) DEFINITIONS.—The text of section 3 of that Act (50 U.S.C. 452) is—

(i) transferred to section 2535;

(ii) inserted following subsection (b), as designated by subsection (a)(3)(C)(i); and

(iii) amended by striking out "As used in this Act—" and inserting in lieu thereof "(c) DEFINITIONS.—In this section:".

SEC. 4236. DEFENSE PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY TO PROVIDE CERTAIN TYPES OF TECHNICAL ASSISTANCE.—(1) Chapter 142 of title 10, United States Code, is amended—

(A) by redesignating section 2418 as section 2419; and

(B) by inserting after section 2417 the following new section:

"§2418. Authority to provide certain types of technical assistance

"(a) The procurement technical assistance furnished by eligible entities assisted by the Department of Defense under this chapter may include technical assistance relating to contracts entered into with (1) Federal departments and agencies other than the Department of Defense, and (2) State and local governments.

"(b) An eligible entity assisted by the Department of Defense under this chapter also may furnish information relating to assistance and other programs available pursuant to the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2418 and inserting in lieu thereof the following:

"Sec. 2418. Authority to provide certain types of technical assistance.

"Sec. 2419. Regulations.".

(b) FISCAL YEAR 1993 FUNDING.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code, as amended by this section.

(c) SPECIFIC PROGRAMS.—Of the amounts referred to in subsection (a), $600,000 shall be available for fiscal year 1993 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 4237. SMALL BUSINESS INNOVATION RESEARCH PROGRAM IN THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF PROGRAM.—Section 5 of the Small Business Innovation Development Act of 1982 (Public Law 97-219; 15 U.S.C. 638 note) is amended—

(1) by striking out "Effective October 1, 1993, paragraphs" and inserting in lieu thereof "Paragraphs"; and

(2) by striking out "are repealed" and inserting in lieu thereof "shall cease to be effective with respect to departments and agencies of the Federal Government other than the Department of Defense on October 1, 1993, and are repealed effective October 1, 2000".

(b) LIMITATION ON PROGRAM AWARDS.—Amounts paid to a small business concern by the Department of Defense under the Small Business Innovation Research Program for a project—

(1) in phase I under the program may not exceed $100,000; and

(2) in phase II under the program may not exceed $750,000.

(c) COMMERCIAL APPLICATIONS STRATEGY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Small Business Administration, shall develop and issue a strategy for effectuating the transition of successful projects under the Small Business Innovation Research Program from phase II under the program into phase III under the program.

(d) REPEAL OF EXCLUSION OF CERTAIN ACTIVITIES.—(1) Subsection (e)(1) of section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking out "except that for the Department of Defense" and all that follows through "development, and".

(2)(A) Subsection (e)(1) of section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking out the semicolon at the end and inserting in lieu thereof ", and except that for the Department of Energy it shall not include amounts obligated for atomic energy defense programs for weapons and weapons-related activities or for naval reactor programs;".

(B) Subsection (f) of such section is amended by striking out paragraph (2).

(e) PERCENTAGE OF REQUIRED EXPENDITURES FOR SBIR CONTRACTS.—(1) The Small Business Innovation Research Program shall apply to the Department of Defense (including the military departments) as if the percentage specified in section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) with respect to fiscal years after fiscal year 1982 were determined in accordance with the table set forth in paragraph (2) (rather than 1.25 percent).

(2)(A) The percentage under section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) for any fiscal year for the Department of Defense and each military department shall be determined in accordance with the following table:

For fiscal year:	The percentage is:
1993	1.25
1994	1.5
1995	1.75
1996	2.0
1997	2.25
1998 and thereafter	2.5.

(B) If the determination of the Secretary of Defense under subparagraph (C) is a negative determination (as set forth in that paragraph), then the percentage under section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) for the Department of Defense and each military department for fiscal years after fiscal year 1996 shall remain at the level applicable for fiscal year 1996 (notwithstanding the percentages specified in subparagraph (A) for fiscal years after fiscal year 1996).

(C) Not later than June 30, 1996, the Secretary of Defense during fiscal year 1996 shall determine whether there has been a demonstrable reduction in the quality of research performed under funding agreements awarded by the Department of Defense under the SBIR program since the beginning of fiscal year 1993 such that increasing the percentage under subparagraph (A) for fiscal years after fiscal year 1996 with respect to the department would adversely affect the performance of the department's research programs. If the determination of the Secretary is that there has been such a demonstrable reduction in the quality of research such that increasing the percentage under subparagraph (B) for fiscal years after fiscal year 1996 with respect to the department would adversely affect the performance of the department's research programs, the Secretary shall be considered for purposes of subparagraph (B) to have made a negative determination. The determination of the Secretary concerned under this paragraph shall be made after considering the assessment of the Comptroller General with respect to that department in the report transmitted under subparagraph (D).

(D) Not later than March 30, 1996, the Comptroller General shall transmit to the Congress and the Secretary of Defense a report setting forth the Comptroller General's assessment, with respect to the Department of Defense of whether there has been a demonstrable reduction in the quality of research performed under funding agreements awarded by the department under the SBIR program since the beginning of fiscal year 1993 such that increasing the percentage under subparagraph (A) for fiscal years after fiscal year 1996 with respect to the department would adversely affect the performance of the department's research programs.

(E) The results of each determination under subparagraph (C) shall be transmitted to the Congress not later than June 30, 1996.

(f) DEFINITIONS.—In this section:

(1) The term "Small Business Innovation Research Program" means the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

(A) Paragraphs (4) through (7) of subsection (b).

(B) Subsections (e) through (k).

(2) The term "phase I", with respect to the Small Business Innovation Research Program, means the first phase described in subsection (e)(4)(A) of section 9 of the Small Business Act.

(3) The term "phase II", with respect to the Small Business Innovation Research Program, means the second phase described in subsection (e)(4)(B) of such section.

(4) The term "phase III", with respect to the Small Business Innovation Research Program, means the third phase described in subsection (e)(4)(C) of such section.

(g) EFFECTIVE DATE.—Subject to subsection (h), this section, and the amendments made by this section, shall take effect on October 1, 1992, and shall apply with respect to fiscal years after fiscal year 1992.

(h) EFFECTIVENESS OF SECTION CONDITIONAL ON FAILURE TO ENACT OTHER LEGISLATION.—(1) In the event of the enactment of H.R. 4400 or S. 2941, 102d Congress, on or before the date of the enactment of this Act, then this section and the amendments made by this section shall not take effect.

(2)(A) In the event of the enactment of H.R. 4400 or S. 2941, 102d Congress, after the date of the enactment of this Act, then, effective immediately before the enactment of H.R. 4400 or S. 2941, 102d Congress—

(i) this section shall cease to be effective; and

(ii) the provisions of a small business law that are amended by this section shall be effective and read as such provisions of that law were in effect immediately before the enactment of this Act, except that to the extent that any amendment is made to such a provision of a small business law by any other provision of law referred to in subparagraph (B), such provision of a small business law shall be effective and shall read as amended by that other provision of law.

(B) For the purposes of subparagraph (A)(ii), a provision of law referred to in this subparagraph is the following:

(i) A provision of this Act other than a provision of this section.

(ii) A provision of any other Act if the provision takes effect during the period beginning on the date of the enactment of this Act and ending immediately before the enactment of H.R. 4400 or S. 2941, 102d Congress.

(C) In this paragraph, the term "small business law" means—

(i) the Small Business Act (15 U.S.C. 631 et seq.); and

(ii) the Small Business Innovation Development Act of 1982 (15 U.S.C. 638 note).

SEC. 4238. DEFENSE MANUFACTURING EXPERTS IN THE CLASSROOM.

(a) PROGRAM.—Section 2197 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "managers and" in the matter preceding paragraph (1); and

(2) by adding at the end the following new subsection:

"(e) MANUFACTURING EXPERT DEFINED.—In this section, the term 'manufacturing expert' means manufacturing managers and workers having experience in the organization of production and education and training needs and other experts in manufacturing.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2197. Manufacturing experts in the classroom".

(2) The table of sections at the beginning of chapter 111 of such title is amended by striking out the item relating to section 2197 and inserting in lieu thereof the following:

"2197. Manufacturing experts in the classroom.".

SEC. 4239. INDUSTRIAL DIVERSIFICATION PLANNING FOR DEFENSE CONTRACTORS.

Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall prescribe regulations to encourage defense contractors to engage in industrial diversification planning.

Subtitle E—Defense Advanced Research Projects Agency

SEC. 4261. DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) SENSE OF CONGRESS CONCERNING NAME OF AGENCY.—It is the sense of Congress that the Secretary of Defense should rename the Defense Advanced Research Projects Agency as the Advanced Research Projects Agency.

(b) SENSE OF CONGRESS CONCERNING MISSION.—It is the sense of Congress that the Secretary of Defense should direct that the agency referred to in subsection (a), in conjunction with industry, institutions of higher education, and other Federal and State organizations, should, among its other purposes, do the following:

(1) Pursue imaginative and innovative research and development projects having significant potential for—

(A) both military and commercial (dual use) applications; and

(B) solely for military applications.

(2) Support and stimulate a national technology base that—

(A) serves both civilian and military purposes through technology sharing and otherwise; and

(B) by serving both civilian and military purposes, increases the productivity of both the civilian and military sectors.

(3) Manage and direct the conduct of basic and applied research and development that exploits scientific breakthroughs and demonstrates the feasibility of revolutionary approaches for improved cost and performance of advanced technology having future military applications, including advanced technology also having future civilian applications.

(4) Stimulate increased emphasis on prototyping in defense systems and subsystems—

(A) by conducting prototype projects embodying technology that might be incorporated in joint programs, programs in support of deployed forces, or selected programs of the military departments; and

(B) on request of the Secretary of a military department, by assisting that military department in any prototyping program of the military department.

(c) SENSE OF CONGRESS CONCERNING PRIORITY OF TECHNOLOGY DEVELOPMENT.—It is further

the sense of Congress that the Secretary of Defense—

(1) should establish priorities for development of technologies by the agency referred to in subsection (a) to meet the needs of national security; and

(2) should consult with the Secretary of Commerce and the Secretary of Energy before providing annual planning guidance to that agency.

Subtitle F—Conforming Amendments and Funding Matters

SEC. 4271. CONFORMING AMENDMENTS.

(a) CONFORMING REPEALS.—(1) Section 2330 of title 10, United States Code, is repealed.

(2) Section 2363 of such title is repealed.

(b) CLERICAL AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and part IV of such subtitle are amended by striking out the items relating to chapters 148, 149, and 150 and inserting in lieu thereof the following:

"148. National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion ..... 2491".

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2330.

(3) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2363.

(4) The heading of section 2534, as redesignated by section 4202(a), is amended to read as follows:

"§2534. Miscellaneous limitations on the procurement of goods other than United States goods".

(c) CONFORMING AMENDMENT.—Section 2531, as redesignated by section 4202(a), is amended by striking out "defense industrial base" in subsection (a)(1) and inserting in lieu thereof "defense technology and industrial base".

SEC. 4272. FUNDING FOR DEFENSE MANUFACTURING EDUCATION PROGRAMS FOR FISCAL YEAR 1993.

Of the amount authorized to be appropriated in section 201 for Defense Agencies—

(1) $25,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of title 10, United States Code, and

(2) $5,000,000 shall be available for the manufacturing experts in the classroom program under section 2197 of such title.

TITLE XLIII—COMMUNITY ADJUSTMENT AND ASSISTANCE PROGRAMS AND YOUTH SERVICE PROGRAMS

SEC. 4301. EXPANSION OF ADJUSTMENT ASSISTANCE AVAILABLE TO STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) OPERATIONAL ASSISTANCE.—Subsection (b) of section 2391 of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4)(A) In the case of a State or local government eligible for assistance under paragraph (1), the Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist the State or local government to carry out a community adjustment and economic diversification program (including State industrial extension or modernization efforts to facilitate the economic diversification of defense contractors and subcontractors) in addition to planning such a program.

"(B) The Secretary shall establish criteria for the selection of community adjustment and economic diversification programs to receive assistance under subparagraph (A). Such criteria shall include a requirement that the State or local government agree—

"(i) to provide not less than 10 percent of the funding for the program from non-Federal sources;

"(ii) to provide business planning and market exploration services under the program to defense contractors and subcontractors that seek modernization or diversification assistance; and

"(iii) to provide training, counseling, and placement services for members of the armed forces and dislocated defense workers.

"(C) The Secretary shall carry out this paragraph in coordination with the Secretary of Commerce.".

(b) ASSISTANCE UPON CLOSURE OF PRIVATE DEFENSE FACILITIES.—(1) Subsection (b)(1) of such section is amended—

(A) by striking out ", or (D)" and inserting in lieu thereof ", (D)";

(B) by striking out "or (C)" and inserting in lieu thereof "(C), or (E)"; and

(C) by inserting before "if the Secretary" the following: "or (E) by the closure or the significantly reduced operations of a defense facility as the result of the merger, acquisition, or consolidation of the defense contractor operating the defense facility,".

(2) Subsection (b)(3) of such section is amended by inserting after "Defense spending," the following: "the closure or significantly reduced operations of a defense facility,".

(3) Subsection (d) of such section is amended to read as follows:

"(d) DEFINITIONS.—In this section:

"(1) The term 'military installation' means any camp, post, station, base, yard, or other installation under the jurisdiction of a military department that is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam.

"(2) The term 'defense facility' means any private facility producing goods or services pursuant to a defense contract.".

(c) CLERICAL AMENDMENTS.—Such section is further amended—

(1) by inserting "REUSE STUDIES.—" after "(a)";

(2) by inserting "ADJUSTMENT AND DIVERSIFICATION ASSISTANCE.—" after "(b)";

(3) by inserting "ANNUAL REPORT.—" after "(c)"; and

(4) by inserting "ASSISTANCE SUBJECT TO APPROPRIATIONS.—" after "(e)".

(d) ADVANCE ADJUSTMENT PLANNING.—During fiscal year 1993, the Secretary of Defense may make grants and other assistance available under section 2391(b) of title 10, United States Code, to assist a State or local government in planning community adjustments and economic diversification even though the State or local government currently fails to meet the criteria for assistance under such section if the Secretary determines that a substantial portion of the economic activity or population of the geographic area to be subject to the adjustment or diversification planning is dependent on Department of Defense expenditures.

(e) FUNDING FOR FISCAL YEAR 1993.—(1) Of the amount authorized to be appropriated in section 301(5), $50,000,000 shall be available as community adjustment and economic diversification assistance under section 2391(b)(4) of title 10, United States Code, as added by subsection (a)(2).

(2) The Secretary of Defense may use up to five percent of the amount described in paragraph (1) for the purpose of providing preparation assistance to those States intending to establish the types of programs for which assistance is authorized under such section.

(3) Of the amount authorized to be appropriated to the Department of Defense in section 301(5) and made available for fiscal year 1993 for the Office of Economic Adjustment, $2,000,000 shall be made available for community adjustment and economic diversification assistance under subsection (d).

(f) EFFECT OF AMENDMENTS ON EFFORTS OF ECONOMIC DEVELOPMENT ADMINISTRATION.—Nothing in this section is intended to replace the efforts of the economic development program administered by the Economic Development Administration of the Department of Commerce.

SEC. 4302. PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.

(a) PILOT PROJECT.—During fiscal year 1993, the Secretary of Defense shall conduct a pilot project to examine methods to improve the provision of economic adjustment and diversification assistance under section 2391(b)(1) of title 10, United States Code, to State and local governments adversely affected by the closure of military installations, the cancellation or completion of defense contracts, or reductions in defense spending.

(b) PLANNING GRANTS.—Under the pilot project, the Secretary of Defense shall make planning grants under section 2391(b)(1) of title 10, United States Code, to State and local governments in four study areas selected by the Secretary. The total amount of grants under the pilot program may not exceed $500,000 per study area.

(c) STUDY AREAS.—In selecting study areas for inclusion in the pilot program, the Secretary of Defense shall ensure that—

(1) one study area covers an area in which the local economy is heavily dependent on a defense contractor that is in the process of terminating a major defense contract or closing a major facility;

(2) one study area covers an area in which the local economy would be adversely affected by changes in the use of a national laboratory previously needed for the testing of nuclear weapons;

(3) one study area covers an area in which the local economy would be adversely affected by the closing of a military installation; and

(4) one study area covers an area in which the local economy would be adversely affected by at least two of the changes referred to in the preceding paragraphs.

(d) USE OF GRANTS.—Grants made under the pilot program may be used to determine the needs of the communities in a study area as they experience the economic dislocation associated with the closure of military installations, the cancellation or completion of defense contracts, or reductions in defense spending and develop responses tailored to those needs through the use of a wide variety of sources and expertise in the communities.

(e) MONITORING OF GRANT USE.—The Secretary of Defense shall monitor the activities under the pilot project to develop a more complete understanding of the unique needs of each type of study area and the methodologies that may be successful in addressing similar economic dislocation in other communities in the United States.

(f) FUNDING.—Of the amount authorized to be appropriated in section 301(5), $2,000,000 shall be made available for grants under this section.

SEC. 4303. REPORT ON ALTERNATIVES TO PRESENT PRIORITY FOR TRANSFER OF EXCESS DEFENSE SUPPLIES TO STATE AND LOCAL GOVERNMENTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The reduction in the size of the United States military will result in an increase in nonlethal supplies of the Department of Defense that are in excess of current and projected requirements of the Department of Defense.

(2) Agencies of State and local governments, many of which are suffering economic hardship,

may be able to use the excess nonlethal supplies to create jobs for the citizens of the United States and to stimulate national economic growth.

(b) REPORTING REQUIREMENT.—Not later than February 15, 1993, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on alternatives to the existing procedures for management of the Department of Defense excess property program for nonlethal supplies (including excess construction, mining, excavating and highway maintenance equipment) in order to provide higher priority for State agencies to receive such excess supplies.

(c) DEFINITIONS.—For purposes of subsection (b), the term "supplies" has the meaning given such term in section 101 of title 10, United States Code.

SEC. 4304. LIMITATION ON USE OF EXCESS CONSTRUCTION OR FIRE EQUIPMENT FROM DEPARTMENT OF DEFENSE STOCKS IN FOREIGN ASSISTANCE OR MILITARY SALES PROGRAMS.

(a) LIMITATION ON USE OF CERTAIN EXCESS EQUIPMENT.—Subchapter II of chapter 152 of title 10, United States Code, as amended by section 304(c)(1), is amended by adding at the end the following new section:

"§2552. Limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs

"(a) LIMITATION.—Excess construction or fire equipment from the stocks of the Department of Defense may be transferred to any foreign country or international organization pursuant to part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) or section 21 of the Arms Export Control Act (22 U.S.C. 2761) only if—

"(1) no department or agency of the Federal Government (other than the Department of Defense), no State, and no other person or entity eligible to receive excess or surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472 et seq.) submits to the Defense Reutilization and Marketing Service a request for such equipment during the period for which the Defense Reutilization and Marketing Service accepts such a request; or

"(2) the President determines that the transfer is necessary in order to respond to an emergency for which the equipment is especially suited.

"(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to limit the authority to transfer construction or fire equipment under section 2547 of this title.

"(c) DEFINITION.—In this section, the term 'construction or fire equipment' includes tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, pumpers, fuel and water tankers, crash trucks, utility vans, rescue trucks, ambulances, hook and ladder units, compressors, and miscellaneous fire fighting equipment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 304(c)(2), is amended by adding at the end the following new item:

"2552. Limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.".

SEC. 4305. COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE THROUGH THE ECONOMIC DEVELOPMENT ADMINISTRATION.

Of the amount authorized to be appropriated in section 301(5), $80,000,000 shall be available for the provision of economic adjustment assistance pursuant to section 4103 of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101-510; 10 U.S.C. 2391 note) to substantially and seriously affected communities (as defined in section 4003(5)(A) of such Act).

SEC. 4306. REPORT RELATING TO CONTINUING HEALTH BENEFITS COVERAGE OF CERTAIN TERMINATED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) REPORT REQUIRED.—Not later than March 1, 1993, the Under Secretary of Defense for Acquisition shall submit to Congress a report on matters relating to the provision by contractors of the Department of Defense of continuing health benefits coverage to employees of such contractors who are involuntarily separated from such employment by reason of the termination or curtailment of defense contracts.

(b) CONTENT OF REPORT.—The report shall contain—

(1) an estimate of the number of employees referred to in subsection (a) who will be involuntarily separated from employment referred to in that subsection for the reason referred to in that subsection during each of fiscal years 1993 and 1994;

(2) an estimate of the number of such employees who will elect in each such fiscal year to receive continuation coverage under section 4980B of the Internal Revenue Code of 1986, and an estimate of the aggregate monthly costs that will be incurred during such fiscal years by such employees who make the elections;

(3) an estimate of the cost to the Department of Defense of providing continuing health benefits coverage to such employees in the same manner as continuing health benefits are provided to individuals under paragraph (4) of section 8905a(d) of title 5, United States Code, as added by section 346(a);

(4) an assessment of the capability of the employers of such employees to bear a portion or all of the costs estimated under paragraph (3) and a description of any current efforts by such employers to bear such costs; and

(5) recommendations relating to the optimal allocation of such costs between the Federal Government and such employers.

TITLE XLIV—PERSONNEL ADJUSTMENT, EDUCATION, AND TRAINING PROGRAMS

Subtitle A—Active Forces Transition Enhancements

SEC. 4401. IMPROVEMENT IN PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES.

(a) ADVANCE NOTICE OF SEPARATION TO MEMBER.—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended by striking out "Upon the discharge" and inserting in lieu thereof "As soon as possible before, but in no event later than 90 days before, the date of the discharge".

(b) CREATION OF TRANSITION PLAN.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(10) The creation of a transition plan for the member to attempt to achieve the educational, training, and employment objectives of the member and, if the member has a spouse, the spouse of the member.".

SEC. 4402. AUTHORIZATION OF TEMPORARY RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE.

(a) TEMPORARY RATE OF BASIC PAY.—Subject to subsection (b), the rate of monthly basic pay for a member of the uniformed services who is entitled to such pay under section 204 of title 37, United States Code, is in pay grade E-7, E-8, E-9, W-4, W-5, or O-6, and has over 24, but under 26, years of service (as computed under section 205 of such title) shall be as set forth in the following table:

Temporary Rate of Monthly Basic Pay

Pay Grade	24-26 Years of Service
E-7	$2,359.30
E-8	$2,639.70
E-9	$2,977.70
W-4	$3,430.90
W-5	$3,827.30
O-6	$5,417.70

(b) TEMPORARY APPLICATION OF PAY RATE.—The rates of monthly basic pay established under subsection (a) shall be effective for months beginning after December 31, 1992, and before October 1, 1995, except that a member of the uniformed services who is entitled to a rate of special pay under such subsection on September 1, 1995, shall continue to be entitled to such rate (and any adjustment pursuant to subsection (c)) so long as the member remains entitled to basic pay under section 204 of title 37, United States Code, and is in pay grade E-7, E-8, E-9, W-4, W-5, or O-6.

(c) ADJUSTMENTS OF COMPENSATION.—The rates of monthly basic pay established under subsection (a) shall be adjusted in accordance with section 1009 of title 37, United States Code, or other applicable provision of law, except that the increase in the rates of basic pay made by section 601(b) shall not apply to the rates established under subsection (a).

SEC. 4403. TEMPORARY EARLY RETIREMENT AUTHORITY.

(a) PURPOSE.—The purpose of this section is to provide the Secretary of Defense a temporary additional force management tool with which to effect the drawdown of military forces through 1995.

(b) RETIREMENT FOR 15 TO 20 YEARS OF SERVICE.—(1) During the active force drawdown period, the Secretary of the Army may—

(A) apply the provisions of section 3911 of title 10, United States Code, to a regular or reserve commissioned officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years" in subsection (a) of that section;

(B) apply the provisions of section 3914 of such title to an enlisted member with at least 15 but less than 20 years of service by substituting "at least 15" for "at least 20"; and

(C) apply the provisions of section 1293 of such title to a warrant officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years".

(2) During the active force drawdown period, the Secretary of the Navy may—

(A) apply the provisions of section 6323 of title 10, United States Code, to an officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years" in subsection (a) of that section;

(B) apply the provisions of section 6330 of such title to an enlisted member of the Navy or Marine Corps with at least 15 but less than 20 years of service by substituting "15 or more years" for "20 or more years" in the first sentence of subsection (a), in the case of an enlisted member of the Navy, and in the second sentence of subsection (b), in the case of an enlisted member of the Marine Corps; and

(C) apply the provisions of section 1293 of such title to a warrant officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years".

(3) During the active force drawdown period, the Secretary of the Air Force may—

(A) apply the provisions of section 8911 of title 10, United States Code, to a regular or reserve commissioned officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years" in subsection (a) of that section; and

(B) apply the provisions of section 8914 of such title to an enlisted member with at least 15 but less than 20 years of service by substituting "at least 15" for "at least 20".

(c) ADDITIONAL ELIGIBILITY REQUIREMENT.—In order to be eligible for retirement by reason of the authority provided in subsection (b), a member of the Armed Forces shall—

(1) register on the registry maintained under section 1143a(b) of title 10, United States Code (as added by section 4462(a)); and

(2) receive information regarding public and community service job opportunities from the Secretary of Defense or another source approved by the Secretary and be afforded, on request, counseling on such job opportunities.

(d) REGULATIONS.—The Secretary of each military department may prescribe regulations and policies regarding the criteria for eligibility for early retirement by reason of eligibility pursuant to this section and for the approval of applications for such retirement. Such criteria may include factors such as grade, years of service, and skill.

(e) COMPUTATION OF RETIRED PAY.—Retired or retainer pay of a member retired (or transferred to the Fleet Reserve or Fleet Marine Corps Reserve) under a provision of title 10, United States Code, by reason of eligibility pursuant to subsection (b) shall be reduced by ½th of 1 percent for each full month by which the number of months of active service of the member are less than 240 as of the date of the member's retirement (or transfer to the Fleet Reserve or Fleet Marine Corps Reserve).

(f) FUNDING.—(1) Notwithstanding section 1463 of title 10, United States Code, and subject to the availability of appropriations for this purpose, the Secretary of each military department shall provide in accordance with this section for the payment of retired pay payable during the fiscal years covered by the other provisions of this subsection to members of the Armed Forces under the jurisdiction of that Secretary who are being retired under the authority of this section.

(2) In each fiscal year in which the Secretary of a military department retires a member of the Armed Forces under the authority of this section, the Secretary shall credit to a subaccount (which the Secretary shall establish) within the appropriation account for that fiscal year for pay and allowances of active duty members of the Armed Forces under the jurisdiction of that Secretary such amount as is necessary to pay the retired pay payable to such member for the entire initial period (determined under paragraph (3)) of the entitlement of that member to receive retired pay.

(3) The initial period applicable under paragraph (2) in the case of a retired member referred to in that paragraph is the number of years (and any fraction of a year) that is equal to the difference between 20 years and the number of years (and any fraction of a year) of service that were completed by the member (as computed under the provision of law used for determining the member's years of service for eligibility to retirement) before being retired under the authority of this section.

(4) The Secretary shall pay the member's retired pay for such initial period out of amounts credited to the subaccount under paragraph (2). The amounts so credited with respect to that member shall remain available for payment for that period.

(5) For purposes of this subsection—

(A) the transfer of an enlisted member of the Navy or Marine Corps to the Fleet Reserve or Fleet Marine Corps Reserve shall be treated as a retirement; and

(B) the term "retired pay" shall be treated as including retainer pay.

(g) COORDINATION WITH OTHER SEPARATION PROVISIONS.—(1) A member of the Armed Forces retired under the authority of this section is not entitled to benefits under section 1174, 1174a, or 1175 of title 10, United States Code.

(2) Section 638a(b)(4)(C) of title 10, United States Code, is amended by inserting "(other than by reason of eligibility pursuant to section 4403 of the National Defense Authorization Act for Fiscal Year 1993)" after "any provision of law".

(h) MEMBERS RECEIVING SSB OR VSI.—The Secretary of a military department may retire (or transfer to the Fleet Reserve or Fleet Marine Corps Reserve) pursuant to the authority provided by this section a member of a reserve component who before the date of the enactment of this Act was separated from active duty pursuant to an agreement entered into under section 1174a or 1175 of title 10, United States Code. The retired or retainer pay of any such member so retired (or transferred) by reason of the authority provided in this section shall be reduced by the amount of any payment to such member before the date of such retirement under the provisions of such agreement under section 1174a or 1175 of title 10, United States Code.

(i) ACTIVE FORCE DRAWDOWN PERIOD.—For purposes of this section, the active force drawdown period is the period beginning on the date of the enactment of this Act and ending on October 1, 1995.

SEC. 4404. OPPORTUNITY FOR CERTAIN PERSONS TO ENROLL IN ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by adding after section 3018A the following new section:

"§3018B. Opportunity for certain persons to enroll

"(a) Notwithstanding any other provision of law—

"(1) the Secretary of Defense shall, subject to the availability of appropriations, allow an individual who—

"(A) is separated from the active military, naval, or air service with an honorable discharge and receives voluntary separation incentives under section 1174a or 1175 of title 10;

"(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before such separation pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as service in the Navy;

"(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in subparagraph (C) of this paragraph, before such separation to receive benefits under this section in lieu of benefits under such chapter 32; and

"(E) before such separation elects to receive assistance under this section pursuant to procedures referred to in subparagraph (C) of this paragraph; or

"(2) the Secretary, in consultation with the Secretary of Defense, shall, subject to the availability of appropriations, allow an individual who—

"(A) separated before the date of enactment of this section from the active military, naval, or air service with an honorable discharge and received or is receiving voluntary separation incentives under section 1174a or 1175 of title 10;

"(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before making an election under this paragraph pursuant to procedures which the Secretary shall provide, in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard when it is not operating as service in the Navy, which shall be similar to the regulations prescribed under paragraph (1)(C) of this subsection;

"(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in subparagraph (C) of this paragraph, before making an election under this paragraph to receive benefits under this section in lieu of benefits under such chapter 32; and

"(E) before the one-year period beginning on the date of enactment of this section, elects to receive assistance under this section pursuant to procedures referred to in subparagraph (C) of this paragraph,

to elect to become entitled to basic education assistance under this chapter.

"(b)(1) The basic pay or voluntary separation incentives of an individual who makes an election under subsection (a)(1) to become entitled to basic education assistance under this chapter shall be reduced by $1,200.

"(2) The Secretary shall collect $1,200 from an individual who makes an election under subsection (a)(2) to become entitled to basic education assistance under this chapter, which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c) A withdrawal referred to in subsection (a)(1)(C) or (a)(2)(C) of this section is irrevocable.

"(d)(1) Except as provided in paragraph (3) of this subsection, an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(1)(D) or (a)(2)(D) of this subsection shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) as provided in section 3223(b) of this title, to the individual the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) of this subsection shall remain in such Account to make payments of benefits to such individual under section 3015(e) of this chapter.".

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018A the following new item:

"3018B. Opportunity for certain persons to enroll.".

(2) Section 3013(d) of such title is amended by inserting "or 3018B" after "section 3018A".

(3) Section 3035(b) of such title is amended—

(A) in paragraph (3), by inserting "or 3018B" after "section 3018A"; and

(B) in paragraph (3)(B), by inserting ", 3018B(a)(1)(C), or 3018B(a)(2)(C)" after "section 3018A(a)(3)".

SEC. 4405. AUTHORIZED BENEFITS UNDER SPECIAL SEPARATION BENEFITS PROGRAM AND VOLUNTARY SEPARATION INCENTIVE.

(a) TRAVEL AND TRANSPORTATION BENEFITS UNDER SSB.—Subsection (b)(2)(B) of section 1174a of title 10, United States Code, is amended by inserting after "chapter 58 of this title" the following: ", sections 404 and 406 of title 37, and section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1558; 37 U.S.C. 406 note)".

(b) ELIGIBILITY FOR INVOLUNTARY SEPARATION BENEFITS UNDER VSI.—Section 1175 of such title is amended by adding at the end the following new subsection:

"(j) A member of the armed forces who is provided a voluntary separation incentive under this section shall be eligible for the same benefits and services as are provided under chapter 58 of this title, sections 404 and 406 of title 37, and section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1558; 37 U.S.C. 406 note) for members of the armed forces who are involuntarily separated within the meaning of section 1141 of this title.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply as if included in sections 1174a and 1175 of title 10, United States Code, as enacted on December 5, 1991, but any benefits or services payable by reason of the applicability of the provisions of those amendments during the period beginning on December 5, 1991, and ending on the date of the enactment of this Act shall be subject to the availability of appropriations.

SEC. 4406. CALCULATION OF ANNUAL PAYMENT OF VOLUNTARY SEPARATION INCENTIVE.

(a) RECOUPMENT OF ACTIVE OR RESERVE PAY.—Section 1175(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out "shall forfeit" and all that follows and inserting in lieu thereof "may elect to have a reduction in the voluntary separation incentive payable for the same period in an amount not to exceed the amount of the basic pay or compensation received for that period."; and

(2) in paragraph (3), by adding at the end the following new sentence: "If the member elected to have a reduction in voluntary separation incentive for any period pursuant to paragraph (2), the deduction required under the preceding sentence shall be reduced accordingly.".

(b) CREDITING OF MILITARY SERVICE FOR CIVIL SERVICE RETIREMENT.—Such section is further amended by striking out paragraph (6).

(c) EFFECTIVE DATE.—The amendments to section 1175 of title 10, United States Code, made by subsections (a) and (b) shall apply as if included in section 1175 of title 10, United States Code, as enacted on December 5, 1991.

SEC. 4407. IMPROVED CONVERSION HEALTH POLICIES AS PART OF TRANSITIONAL MEDICAL CARE.

(a) SEPARATED MEMBERS.—Section 1145(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "A conversion health policy offered under this paragraph shall provide coverage for not less than an 18-month period.";

(2) in paragraph (2)(A), by striking out "one-year period" and inserting in lieu thereof "18-month period"; and

(3) by adding at the end the following new paragraphs:

"(4) If the Secretary of Defense is unable, within a reasonable time, to enter into a contract with a private insurer to provide the conversion health policy required under paragraph (1) at a rate not to exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage, the Secretary shall offer such a policy under the Civilian Health and Medical Program of the Uniformed Services. Subject to paragraph (5), a member purchasing a policy from the Secretary shall be required to pay into the Military Health Care Account or other appropriate account an amount equal to the sum of—

"(A) the individual and Government contributions which would be required in the case of a person enrolled in a health benefits plan contracted for under section 1079 of this title; and

"(B) an amount necessary for administrative expenses, but not to exceed two percent of the amount under subparagraph (A).

"(5) The amount paid by a member who purchases a conversion health policy from the Secretary of Defense under paragraph (4) may not exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage.

"(6) In order to reduce premiums required under paragraph (4), the Secretary of Defense may offer a conversion health policy that, with respect to mental health services, offers reduced coverage and increased cost-sharing by the purchaser.".

(b) ONE-YEAR DEPENDENTS.—Section 1086a(a) of such title is amended—

(1) in subsection (a), by adding at the end the following new sentence: "A conversion health policy offered under this subsection shall provide coverage for not less than a 24-month period.";

(2) in subsection (b)(1), by striking out "one-year period" and inserting in lieu thereof "24-month period";

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following new subsection:

"(c) EFFECT OF UNAVAILABILITY OF POLICIES.—(1) If the Secretary of Defense is unable, within a reasonable time, to enter into a contract with a private insurer to offer conversion health policies under subsection (a) at a rate not to exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage, the Secretary shall provide the coverage required under such a policy through the Civilian Health and Medical Program of the Uniformed Services. Subject to paragraph (2), a person receiving coverage under this subsection shall be required to pay into the Military Health Care Account or other appropriate account an amount equal to the sum of—

"(A) the individual and Government contributions which would be required in the case of a person enrolled in a health benefits plan contracted for under section 1079 of this title; and

"(B) an amount necessary for administrative expenses, but not to exceed two percent of the amount under subparagraph (A).

"(2) The amount paid by a person who purchases a conversion health policy from the Secretary of Defense under paragraph (1) may not exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage.

"(3) In order to reduce premiums required under paragraph (1), the Secretary of Defense may offer a program of coverage that, with respect to mental health services, offers reduced coverage and increased cost-sharing by the purchaser.".

(c) APPLICATION TO EXISTING CONTRACTS.—In the case of conversion health policies provided under section 1145(b) or 1086a(a) of title 10, United States Code, and in effect on the date of the enactment of this Act, the Secretary of Defense shall—

(1) arrange with the private insurer providing these policies to extend the term of the policies (and coverage of preexisting conditions) as provided by the amendments made by this section; or

(2) make other arrangements to implement the amendments made by this section with respect to these policies.

SEC. 4408. CONTINUED HEALTH COVERAGE.

(a) MEMBERS, EMANCIPATED CHILDREN, AND FORMER SPOUSES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078 the following new section:

"§1078a. Continued health benefits coverage

"(a) PROVISION OF CONTINUED HEALTH COVERAGE.—Beginning on October 1, 1994, the Secretary of Defense shall implement and carry out a program of continued health benefits coverage in accordance with this section to provide persons described in subsection (b) with temporary health benefits comparable to the health benefits provided for former civilian employees of the Federal Government and other persons under section 8905a of title 5.

"(b) ELIGIBLE PERSONS.—The persons referred to in subsection (a) are the following:

"(1) A member of the armed forces who—

"(A) is discharged or released from active duty (or full-time National Guard duty), whether voluntarily or involuntarily, under other than adverse conditions, as characterized by the Secretary concerned;

"(B) immediately preceding that discharge or release, is entitled to medical and dental care under section 1074(a) of this title (except in the case of a member discharged or released from full-time National Guard duty); and

"(C) after that discharge or release and any period of transitional health care provided under section 1145(a) of this title, would not otherwise be eligible for any benefits under this chapter.

"(2) A person who—

"(A) ceases to meet the requirements for being considered an unmarried dependent child of a member or former member of the armed forces under section 1072(2)(D) of this title;

"(B) on the day before ceasing to meet those requirements, was covered under a health benefits plan under this chapter or transitional health care under section 1145(a) of this title as a dependent of the member or former member; and

"(C) would not otherwise be eligible for any benefits under this chapter.

"(3) A person who—

"(A) is an unremarried former spouse of a member or former member of the armed forces; and

"(B) on the day before the date of the final decree of divorce, dissolution, or annulment was covered under a health benefits plan under this chapter or transitional health care under section 1145(a) of this title as a dependent of the member or former member; and

"(C) is not a dependent of the member or former member under subparagraphs (F) or (G) of section 1072(2) of this title or ends a one-year period of dependency under subparagraph (H) of such section.

"(c) NOTIFICATION OF ELIGIBILITY.—(1) The Secretary of Defense shall prescribe regulations to provide for persons described in subsection (b) to be notified of eligibility to receive health benefits under this section.

"(2) In the case of a member who becomes (or will become) eligible for continued coverage under subsection (b)(1), the regulations shall provide for the Secretary concerned to notify the member of the member's rights under this section as part of preseparation counseling conducted under section 1142 of this title or any other provision of other law.

"(3) In the case of a child of a member or former member who becomes eligible for continued coverage under subsection (b)(2), the regulations shall provide that—

"(A) the member or former member may submit to the Secretary concerned a written notice of the child's change in status (including the child's name, address, and such other information as the Secretary of Defense may require); and

"(B) the Secretary concerned shall, within 14 days after receiving that notice, inform the child of the child's rights under this section.

"(4) In the case of a former spouse of a member or former member who becomes eligible for continued coverage under subsection (b)(3), the regulations shall provide appropriate notification provisions and a 60-day election period under subsection (d)(3).

"(d) ELECTION OF COVERAGE.—In order to obtain continued coverage under this section, an appropriate written election (submitted in such manner as the Secretary of Defense may prescribe) shall be made as follows:

"(1) In the case of a member described in subsection (b)(1), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

"(A) the date of the discharge or release of the member from active duty or full-time National Guard duty;

"(B) the date on which the period of transitional health care applicable to the member under section 1145(a) of this title ends; or

"(C) the date the member receives the notification required pursuant to subsection (c).

"(2)(A) In the case of a child of a member or former member who becomes eligible for continued coverage subsection (b)(2), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

"(i) the date on which the child first ceases to meet the requirements for being considered an unmarried dependent child under section 1072(2)(D) of this title, or

"(ii) the date the child receives the notification pursuant to subsection (c).

"(B) Notwithstanding subparagraph (A), if the Secretary concerned determines that the child's parent has failed to provide the notice referred to in subsection (c)(3)(A) with respect to the child in a timely fashion, the 60-day period under this paragraph shall be based only on the date under subparagraph (A)(i).

"(3) In the case of a former spouse of a member or a former member who becomes eligible for continued coverage under subsection (b)(3), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

"(A) the date as of which the former spouse first ceases to meet the requirements for being considered a dependent under section 1072(2) of this title; or

"(B) such other date as the Secretary of Defense may prescribe.

"(e) COVERAGE OF DEPENDENTS.—A person eligible under subsection (b)(1) to elect to receive coverage may elect coverage either as an individual or, if appropriate, for self and dependents. A person eligible under subsection (b)(2) or subsection (b)(3) may elect only individual coverage.

"(f) CHARGES.—(1) Under arrangements satisfactory to the Secretary of Defense, a person receiving continued coverage under this section shall be required to pay into the Military Health Care Account or other appropriate account an amount equal to the sum of—

"(A) the employee and agency contributions which would be required in the case of a similarly situated employee enrolled in a comparable health benefits plan under section 8905a(d)(1)(A)(i) of title 5; and

"(B) an amount, not to exceed 10 percent of the amount determined under subparagraph (A), determined under regulations prescribed by the Secretary of Defense to be necessary for administrative expenses; and

"(2) If a person elects to continue coverage under this section before the end of the applicable period under subsection (d), but after the person's coverage under this chapter (and any transitional extension of coverage under section 1145(a) of this title) expires, coverage shall be restored retroactively, with appropriate contributions (determined in accordance with paragraph (1)) and claims (if any), to the same extent and effect as though no break in coverage had occurred.

"(g) PERIOD OF CONTINUED COVERAGE.—(1) Continued coverage under this section may not extend beyond—

"(A) in the case of a member described in subsection (b)(1), the date which is 18 months after the date the member ceases to be entitled to care under section 1074(a) of this title and any transitional care under section 1145 of this title, as the case may be;

"(B) in the case of a person described in subsection (b)(2), the date which is 36 months after the date on which the person first ceases to meet the requirements for being considered an unmarried dependent child under section 1072(2)(D) of this title; and

"(C) in the case of a person described in subsection (b)(3), except as provided in paragraph (4), the date which is 36 months after the later of—

"(i) the date on which the final decree of divorce, dissolution, or annulment occurs; and

"(ii) if applicable, the date the one-year extension of dependency under section 1072(2)(H) of this title expires.

"(2) Notwithstanding paragraph (1)(B), if a child of a member becomes eligible for continued coverage under subsection (b)(2) during a period of continued coverage of the member for self and dependents under this section, extended coverage of the child under this section may not extend beyond the date which is 36 months after the date the member became ineligible for medical and dental care under section 1074(a) of this title and any transitional health care under section 1145(a) of this title.

"(3) Notwithstanding paragraph (1)(C), if a person becomes eligible for continued coverage under subsection (b)(3) as the former spouse of a member during a period of continued coverage of the member for self and dependents under this section, extended coverage of the former spouse under this section may not extend beyond the date which is 36 months after the date the member became ineligible for medical and dental care under section 1074(a) of this title and any transitional health care under section 1145(a) of this title.

"(4)(A) Notwithstanding paragraph (1), in the case of a former spouse described in subparagraph (B), continued coverage under this section shall continue for such period as the former spouse may request.

"(B) A former spouse referred to in subparagraph (A) is a former spouse of a member or former member (other than a former spouse whose marriage was dissolved after the separation of the member from the service unless such separation was by retirement)—

"(i) who has not remarried before age 55 after the marriage to the employee, former employee, or annuitant was dissolved;

"(ii) who was enrolled in an approved health benefits plan under this chapter as a family member at any time during the 18-month period before the date of the divorce, dissolution, or annulment; and

"(iii)(I) who is receiving any portion of the retired or retainer pay of the member or former member or an annuity based on the retired or retainer pay of the member; or

"(II) for whom a court order (as defined in section 1408(a)(2) of this title) has been issued for payment of any portion of the retired or retainer pay or for whom a court order (as defined in section 1447(8) of this title) or a written agreement (whether voluntary or pursuant to a court order) provides for an election by the member or former member to provide an annuity to the former spouse.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078 the following new item:

"1078a. Continued health benefits coverage.".

(b) TRANSITIONAL PROVISIONS.—The Secretary of Defense shall provide a period for the enrollment for health benefits coverage under this section by members and former members of the Armed Services for whom the availability of transitional health care under section 1145(a) of title 10, United States Code, expires before the October 1, 1994, implementation date of section 1078a of such title, as added by subsection (a).

(c) TERMINATION OF APPLICABILITY OF OTHER CONVERSION HEALTH POLICIES.—(1) No person may purchase a conversion health policy under section 1145(b) or 1086a of title 10, United States Code, on or after October 1, 1994. A person covered by such a conversion health policy on that date may cancel that policy and enroll in a health benefits plan under section 1078a of such title.

(2) No person may be covered concurrently by a conversion health policy under section 1145(b) or 1086a of such title and a health benefits plan under section 1078a of such title.

Subtitle B—Guard and Reserve Transition Initiatives

SEC. 4411. FORCE REDUCTION TRANSITION PERIOD DEFINED.

In this subtitle, the term "force reduction transition period" means the period beginning on October 1, 1991, and ending on September 30, 1995.

SEC. 4412. MEMBER OF SELECTED RESERVE DEFINED.

In this subtitle, the term "member of the Selected Reserve" means—

(1) a member of a unit in the Selected Reserve of the Ready Reserve; and

(2) a Reserve designated pursuant to section 268(b) of title 10, United States Code, who is assigned to an authorized position the performance of the duties of which qualify the member for basic pay or compensation for inactive-duty training or both .

SEC. 4413. RESTRICTION ON RESERVE FORCE REDUCTION.

(a) IN GENERAL.—During the force reduction transition period, a member of the Selected Reserve may not be involuntarily discharged from a reserve component of the Armed Forces, or involuntarily transferred from the Selected Reserve, before the Secretary of Defense has prescribed and implemented regulations that govern the treatment of members of the Selected Reserve assigned to such units and members of the Selected Reserve that are being subjected to such actions and a copy of such regulations has been transmitted to the Committees on Armed Services of the Senate and House of Representatives.

(b) SAVINGS PROVISION.—Subsection (a) shall not apply to actions completed before the date of the enactment of this Act.

SEC. 4414. TRANSITION PLAN REQUIREMENTS.

(a) PURPOSE OF PLAN.—The purpose of the regulations referred to in section 4413 shall be to ensure that the members of the Selected Reserve are treated with fairness, with respect for their service to their country, and with attention to the adverse personal consequences of Selected Reserve unit inactivations, involuntary discharges of such members from the reserve components of the Armed Forces, and involuntary transfers of such members from the Selected Reserve.

(b) SCOPE OF PLAN.—The regulations shall include—

(1) such provisions as are necessary to implement the provisions of this subtitle and the amendments made by this subtitle; and

(2) such other policies and procedures for the recruitment of personnel for service in the Selected Reserve of the Ready Reserve, and for the reassignment, retraining, separation, and retirement of members of the Selected Reserve, as are appropriate for satisfying the needs of the Selected Reserve together with the purpose set out in subsection (a).

(c) MINIMUM REQUIREMENTS FOR PLAN.—The regulations shall include the following:

(1) The giving of a priority for enrollment in, or reassignment to, Selected Reserve units not being inactivated to—

(A) personnel being separated from active-duty or full-time National Guard duty; and

(B) members of the Selected Reserve whose units are inactivated.

(2) The giving of a priority to such personnel for transfer among the reserve components of the Armed Forces in order to facilitate reassignment to such units.

(3) A requirement that the Secretaries of the military departments take diligent actions to ensure that members of the reserve components of the Armed Forces are informed in easily understandable terms of the rights and benefits conferred upon such personnel by this subtitle, by the amendments made by this subtitle, and by such regulations.

(4) Such other protections, preferences, and benefits as the Secretary of Defense considers appropriate.

(d) UNIFORM APPLICABILITY.—The regulations shall apply uniformly to the Army, Navy, Air Force, and Marine Corps.

SEC. 4415. INAPPLICABILITY TO CERTAIN DISCHARGES AND TRANSFERS.

The protections, preferences, and benefits provided for in regulations prescribed in accordance with this subtitle do not apply with respect to a member of the Selected Reserve who is discharged from a reserve component of the Armed Forces or is transferred from the Selected Reserve to another category of the Ready Reserve, to the Standby Reserve, or to the Retired Reserve—

(1) at the request of the member unless such request was made and approved under a provision of this subtitle or section 1331a of title 10, United States Code (as added by section 4417);

(2) because the member no longer meets the qualifications for membership in the Selected Reserve set forth in any provision of law as in effect on the day before the date of the enactment of this Act;

(3) under adverse conditions, as characterized by the Secretary of the military department concerned; or

(4) if the member—

(A) is immediately eligible for retired pay based on military service under any provision of law;

(B) is serving as a military technician, as defined in section 8401(30) of title 5, United States Code, and would be immediately eligible for an unreduced annuity under the provisions of subchapter III of chapter 83 of such title, relating to the Civil Service Retirement and Disability System, or the provisions of chapter 84 of such title, relating to the Federal Employees' Retirement System; or

(C) is eligible for separation pay under section 1174 of title 10, United States Code.

SEC. 4416. FORCE REDUCTION PERIOD RETIREMENTS.

(a) TEMPORARY SPECIAL AUTHORITY FOR ELIMINATION OF OFFICERS FROM ACTIVE STATUS.—(1) During the force reduction transition period, the Secretary of the Army and the Secretary of the Air Force may, whenever the Secretary determines that such action is necessary, convene a board to recommend an appropriate number of officers in the reserve components of the Army or the Air Force, as the case may be, who (A) have met the age and service requirements specified in section 1331 of title 10, United States Code, for entitlement to retired pay for nonregular service except for not being at least 60 years of age, or (B) are immediately eligible for retired pay based on military service under any provision of law, for elimination from an active status.

(2) An officer who is to be eliminated from an active status under this section, shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve and, if the officer requests it, shall be so transferred. If the officer is not transferred to the Retired Reserve, the officer shall, in the discretion of the Secretary concerned, be transferred to the appropriate inactive status list or be discharged.

(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may not be eliminated from an active status under this section without the consent of the Governor or other appropriate authority of the State or territory, Puerto Rico, or the District of Columbia, whichever is concerned.

(b) TEMPORARY SPECIAL AUTHORITY.—During the period referred to in subsection (c), the Secretary concerned may grant a member of the Selected Reserve under the age of 60 years the annual payments provided for under this section if—

(1) as of October 1, 1991, that member has completed at least 20 years of service computed under section 1332 of title 10, United States Code, or after that date and before October 1, 1995, such member completes 20 years of service computed under that section;

(2) the member satisfies the requirements of paragraphs (3) and (4) of section 1331(a) of title 10, United States Code; and

(3) the member applies for transfer to the Retired Reserve—

(A) in the case of a member who has not received the notice required by section 1331(d) of that title before the date of the enactment of this Act, within one year after receiving such notice; and

(B) in the case of a member who received such a notice before the date of the enactment of this Act, within one year after that date.

(c) PERIOD OF APPLICABILITY.—The period referred to in subsection (b) is, with respect to a member of the Selected Reserve, the force reduction transition period, the period provided under paragraph (3) of that subsection for the member to submit an application, and the period necessary for taking action on that application.

(d) ANNUAL PAYMENT PERIOD.—An annual payment granted to a member under this section shall be paid for 5 years, except that if the member attains 60 years of age during the 5-year period the entitlement to the annual payment shall terminate on the member's 60th birthday.

(e) COMPUTATION OF ANNUAL PAYMENT.—(1) The annual payment for a member shall be equal to the amount determined by multiplying the product of 12 and the applicable percent under paragraph (2) by the monthly basic pay to which the member would be entitled if the member were serving on active duty as of the date the member is transferred to the Retired Reserve.

(2)(A) Subject to subparagraph (B) the percent applicable to a member for purposes of paragraph (1) is 5 percent plus 0.5 percent for each full year of service, computed under section 1332 of title 10, United States Code, that a member has completed in excess of 20 years before transfer to the Retired Reserve.

(B) The maximum percent applicable under this paragraph is 10 percent.

(f) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) Subject to regulations prescribed by the Secretary of Defense, the Secretary concerned may limit the applicability of this section to any category of personnel defined by the Secretary concerned in order to meet a need of the armed force under the jurisdiction of the Secretary concerned to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a).

(g) NONDUPLICATION OF BENEFITS.—A member transferred to the Retired Reserve under the authority of section 1331a of title 10, United States Code (as added by section 4417), may not be paid annual payments under this section.

(h) FUNDING.—To the extent provided in appropriations Acts, payments under this section in a fiscal year shall be made out of amounts available to the Department of Defense for that fiscal year for the pay of reserve component personnel.

SEC. 4417. RETIREMENT WITH 15 YEARS OF SERVICE.

(a) AUTHORITY.—Chapter 67 of title 10, United States Code, is amended by inserting after section 1331 the following new section:

"§1331a. Temporary special retirement qualification authority

"(a) RETIREMENT WITH AT LEAST 15 YEARS OF SERVICE.—For the purposes of section 1331 of this title, the Secretary of a military department may—

"(1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of a reserve component of the armed force under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member—

"(A) as of October 1, 1991, has completed at least 15, and less than 20, years of service computed under section 1332 of this title; or

"(B) after that date and before October 1, 1995, completes 15 years of service computed under that section; and

"(2) upon the request of the member submitted to the Secretary within one year after the date of the notification referred to in paragraph (1), transfer the member to the Retired Reserve.

"(b) PERIOD OF AUTHORITY.—The period referred to in subsection (a)(1) is the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993 and ending on October 1, 1995.

"(c) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) The Secretary of the military department concerned may limit the applicability of subsection (a) to any category of personnel defined by the Secretary in order to meet a need of the armed force under the jurisdiction of the Secretary to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a) of the National Defense Authorization Act for Fiscal Year 1993.

"(d) EXCLUSION.—This section does not apply to persons referred to in section 1331(c) of this title.

"(e) REGULATIONS.—The authority provided in this section shall be subject to regulations prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1331 the following new item:

"1331a. Temporary special retirement qualification authority.".

SEC. 4418. SEPARATION PAY.

(a) ELIGIBILITY.—Subject to section 4415, a member of the Selected Reserve who, after completing at least 6 years of service computed under section 1332 of title 10, United States Code, and before completing 15 years of service computed under that section, is involuntarily discharged from a reserve component of the Armed Forces or is involuntarily transferred from the Selected Reserve is entitled to separation pay.

(b) AMOUNT OF SEPARATION PAY.—(1) The amount of separation pay which may be paid to a person under this section is 15 percent of the product of—

(A) the years of service credited to that person under section 1333 of title 10, United States Code; and

(B) 62 times the daily equivalent of the monthly basic pay to which the person would have been entitled had the person been serving on active duty at the time of the person's discharge or transfer.

(2) In the case of a person who receives separation pay under this section and who later receives basic pay, compensation for inactive duty training, or retired pay under any provision of law, such basic pay, compensation, or retired pay, as the case may be, shall be reduced by 75 percent until the total amount withheld through such reduction equals the total amount of the separation pay received by that person under this section.

(c) RELATIONSHIP TO OTHER SERVICE-RELATED PAY.—Subsections (g) and (h) of section 1174 of title 10, United States Code, shall apply to separation pay under this section.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations, which shall be uniform for the Army, Navy, Air Force, and Marine Corps, for the administration of this section.

SEC. 4419. WAIVER OF CONTINUED SERVICE REQUIREMENT FOR CERTAIN RESERVISTS FOR MONTGOMERY GI BILL BENEFITS.

(a) CHAPTER 106.—Section 2133(b)(1) of title 10, United States Code, is amended to read as follows:

"(b)(1) In the case of a person—

"(A) who is separated from the Selected Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this chapter; or

"(B) who, on or after the date on which such person became entitled to educational assistance under this chapter ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on September 30, 1995, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 268(b) of this title,

the period for using entitlement prescribed by subsection (a) shall be determined without regard to clause (2) of such subsection.".

(b) CHAPTER 30.—Section 3012(b)(1)(B) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of clause (i);

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) by adding after clause (ii) the following:

"(iii) who, before completing the four years of service described in clauses (1)(A)(ii) and (1)(B)(ii) of subsection (a) of this section, ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on September 30, 1995, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 268(b) of title 10.".

SEC. 4420. COMMISSARY AND EXCHANGE PRIVILEGES.

The Secretary of Defense shall prescribe regulations to authorize a person who involuntarily ceases to be a member of the Selected Reserve during the force reduction transition period to continue to use commissary and exchange stores in the same manner as a member of the Selected Reserve for a period of two years beginning on the later of—

(1) the date on which that person ceases to be a member of the Selected Reserve; or

(2) the date of the enactment of this Act.

SEC. 4421. APPLICABILITY AND TERMINATION OF BENEFITS.

(a) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) Subject to regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned may limit the applicability of a benefit provided under sections 4418 through 4420 to any category of personnel defined by the Secretary concerned in order to meet a need of the armed force under the jurisdiction of the Secretary concerned to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a).

(b) INAPPLICABILITY TO CERTAIN SEPARATIONS AND REASSIGNMENTS.—Sections 4418 through 4420 do not apply with respect to personnel who cease to be members of the Selected Reserve under adverse conditions, as characterized by the Secretary of the military department concerned.

(c) TERMINATION OF BENEFITS.—The eligibility of a member of a reserve component of the Armed Forces (after having involuntarily ceased to be a member of the Selected Reserve) to receive benefits and privileges under sections 4418 through 4420 terminates upon the involuntary separation of such member from the Armed Forces under adverse conditions, as characterized by the Secretary of the military department concerned.

SEC. 4422. READJUSTMENT BENEFITS FOR CERTAIN VOLUNTARILY SEPARATED MEMBERS OF THE RESERVE COMPONENTS.

(a) SPECIAL SEPARATION BENEFITS.—Section 1174a of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting "or full-time National Guard duty" after "active duty";

(2) in subsection (c)(2), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty";

(3) in subsection (c)(3), by inserting after "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty";

(4) in subsection (c)(4), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty", and by inserting "and" after the semicolon at the end; and

(5) in subsection (c), by striking out paragraph (5) and redesignating paragraph (6) as paragraph (5).

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 1175 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty";

(2) in subsection (b)(2), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty"; and

(3) in subsection (b), by striking out paragraph (3) and redesignating paragraph (4) as paragraph (3).

Subtitle C—Department of Defense Civilian Personnel Transition Initiatives

SEC. 4431. GOVERNMENT-WIDE LIST OF VACANT POSITIONS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§3329. Government-wide list of vacant positions

"(a) For the purpose of this section, the term 'agency' means an Executive agency, excluding the General Accounting Office and any agency (or unit thereof) whose principal function is the conduct of foreign intelligence or counterintelligence activities, as determined by the President.

"(b) The Office of Personnel Management shall establish and keep current a comprehensive list of all announcements of vacant positions in the competitive service within each agency that are to be filled by appointment for more than one year and for which applications are being (or will soon be) accepted from outside the agency's work force.

"(c) Included for any position listed shall be—

"(1) a brief description of the position, including its title, tenure, location, and rate of pay;

"(2) application procedures, including the period within which applications may be submitted and procedures for obtaining additional information; and

"(3) any other information which the Office considers appropriate.

"(d) The list shall be available to members of the public.

"(e) The Office shall prescribe such regulations as may be necessary to carry out this section. Any requirement under this section that agencies notify the Office as to the availability of any vacant positions shall be designed so as to avoid any duplication of information otherwise required to be furnished under section 3327 of this title or any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3328 the following:

"3329. Government-wide list of vacant positions.".

SEC. 4432. TEMPORARY MEASURES TO FACILITATE REEMPLOYMENT OF CERTAIN DISPLACED FEDERAL EMPLOYEES.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term "agency" means an Executive agency (as defined by section 105 of title 5, United States Code), excluding the General Accounting Office and the Department of Defense; and

(2) the term "displaced employee" means any individual who is—

(A) an employee of the Department of Defense who has been given specific notice that such employee is to be separated due to a reduction in force; or

(B) a former employee of the Department of Defense who was involuntarily separated therefrom due to a reduction in force.

(b) METHOD OF CONSIDERATION.—In accordance with regulations which the Office of Personnel Management shall prescribe, consistent with otherwise applicable provisions of law, an

agency shall, in filling a vacant position for which a qualified displaced employee has applied in timely fashion, give full consideration to the application of the displaced employee before selecting any candidate from outside the agency for the position.

(c) LIMITATION.—A displaced employee is entitled to consideration in accordance with this section for the 24-month period beginning on the date such employee receives the specific notice referred to in subsection (a)(2)(A), except that, if the employee is separated pursuant to such notice, the right to such consideration shall continue through the end of the 24-month period beginning on the date of separation.

(d) APPLICABILITY.—(1) This section shall apply to any individual who—

(A) became a displaced employee within the 12-month period ending immediately before the date of the enactment of this Act; or

(B) becomes a displaced employee on or after the date of the enactment of this Act and before October 1, 1997.

(2) In the case of a displaced employee described in paragraph (1)(A), for purposes of computing any period of time under subsection (c), the date of the specific notice described in subsection (a)(2)(A) (or, if the employee was separated as described in subsection (a)(2)(B) before the date of enactment of this Act, the date of separation) shall be deemed to have occurred on such date of enactment.

(3) Nothing in this section shall be considered to apply with respect to any position—

(A) which has been filled as of the date of enactment of this Act; or

(B) which has been excepted from the competitive service because of its confidential, policy-determining, policy-making or policy-advocating character.

SEC. 4433. REDUCTION-IN-FORCE NOTIFICATION REQUIREMENTS.

(a) IN GENERAL.—(1) Section 3502 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) Except as provided under subsection (e), an employee may not be released, due to a reduction in force, unless—

"(A) such employee and such employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (2), at least 60 days before such employee is so released; and

"(B) if the reduction in force would involve the separation of a significant number of employees, the requirements of paragraph (3) are met at least 60 days before any employee is so released.

"(2) Any notice under paragraph (1)(A) shall include—

"(A) the personnel action to be taken with respect to the employee involved;

"(B) the effective date of the action;

"(C) a description of the procedures applicable in identifying employees for release;

"(D) the employee's ranking relative to other competing employees, and how that ranking was determined; and

"(E) a description of any appeal or other rights which may be available.

"(3) Notice under paragraph (1)(B)—

"(A) shall be given to—

"(i) the appropriate State dislocated worker unit or units (referred to in section 311(b)(2) of the Job Training Partnership Act); and

"(ii) the chief elected official of such unit or each of such units of local government as may be appropriate; and

"(B) shall consist of written notification as to—

"(i) the number of employees to be separated from service due to the reduction in force (broken down by geographic area or on such other basis as may be required under paragraph (4));

"(ii) when those separations will occur; and

"(iii) any other matter which might facilitate the delivery of rapid response assistance or other services under the Job Training Partnership Act.

"(4) The Office shall prescribe such regulations as may be necessary to carry out this subsection. The Office shall consult with the Secretary of Labor on matters relating to the Job Training Partnership Act.

"(e)(1) Subject to paragraph (3), upon request submitted under paragraph (2), the President may, in writing, shorten the period of advance notice required under subsection (d)(1)(A) and (B), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

"(2) A request to shorten notice periods shall be submitted to the President by the head of the agency involved, and shall indicate the reduction in force to which the request pertains, the number of days by which the agency head requests that the periods be shortened, and the reasons why the request is necessary.

"(3) No notice period may be shortened to less than 30 days under this subsection.".

(2) The amendment made by paragraph (1) shall apply with respect to any personnel action taking effect on or after the last day of the 90-day period beginning on the date of enactment of this Act.

(b) SPECIAL RULE.—(1) The provisions of section 3502(d) and (e) of title 5, United States Code (as added by subsection (a)) shall apply to employees of the Department of Defense according to their terms, except that, with respect to any reduction in force within that agency that would involve the separation of a significant number of employees (as determined under paragraph (1)(B) of such section 3502(d)), any reference in such section 3502(d) to "60 days" shall, in the case of the employees described in paragraph (2), be deemed to read "120 days".

(2) The employees described in this paragraph are those employees of the Department of Defense who are to be separated, due to a reduction in force described in paragraph (1), effective on or after the last day of the 90-day period referred to in subsection (a)(2) and before February 1, 1998.

(3) Nothing in this subsection shall prevent the application of the amendment made by subsection (a) with respect to an employee if—

(A) the preceding paragraphs of this subsection do not apply with respect to such employee; and

(B) the amendment made by subsection (a) would otherwise apply with respect to such employee.

(4) The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

SEC. 4434. RESTORATION OF CERTAIN LEAVE.

Section 6304(d) of title 5, United States Code, is amended by adding at the end the following:

"(3) For the purpose of this subsection, the closure of an installation of the Department of Defense, during the period beginning on October 1, 1992, and ending on December 31, 1997, shall be deemed to create an exigency of the public business and any leave that is lost by an employee of such installation by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).".

SEC. 4435. SKILL TRAINING PROGRAMS IN THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY.—(1) Under regulations prescribed by the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Defense with respect to employees of the Department of Defense other than employees of the military departments, may provide not more than one year of training in training facilities of the Department to civilian employees of the Department of Defense who are separated from employment as a result of a reduction in force or a closure or realignment of a military installation.

(2) Training may be provided under this subsection during the period beginning on October 1, 1992, and ending on September 30, 1995.

(b) REGISTER OF TRAINING PROGRAMS.—Not later than February 1, 1993, the Secretary of Defense, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, shall publish a register of the skill training programs carried out by the Department of Defense. The register shall—

(1) include a list of the skill training programs;

(2) provide information on the location of such programs, the training provided under such programs, and the number of persons who may receive training under such programs; and

(3) identify the programs that provide training in skills that are useful to employees in the civilian work force.

SEC. 4436. SEPARATION PAY.

(a) IN GENERAL.—(1) Subchapter IX of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§5597. Separation pay

"(a) For the purpose of this section—

"(1) the term 'Secretary' means the Secretary of Defense;

"(2) the term 'defense agency' means an agency of the Department of Defense, as further defined under regulations prescribed by the Secretary; and

"(3) the term 'employee' means an employee of a defense agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

"(A) a reemployed annuitant under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government; or

"(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

"(b) In order to avoid or minimize the need for involuntary separations due to a reduction in force, base closure, reorganization, transfer of function, or other similar action affecting 1 or more defense agencies, the Secretary shall establish a program under which separation pay may be offered to encourage eligible employees to separate from service voluntarily (whether by retirement or resignation).

"(c) Under the program, separation pay may be offered by a defense agency only—

"(1) with the prior consent, or on the authority, of the Secretary; and

"(2) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Secretary may require.

"(d) Such separation pay—

"(1) shall be paid in a lump sum;

"(2) shall be equal to the lesser of—

"(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) if the employee were entitled to payment under such section; or

"(B) $25,000;

"(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

"(4) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 based on any other separation.

"(e) No amount shall be payable under this section based on any separation occurring after September 30, 1997.

"(f) The Secretary shall prescribe such regulations as may be necessary to carry out this section.".

(2) The table of sections at the beginning of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"5597. Separation pay.".

(b) SOURCE OF PAYMENTS.—(1) For fiscal years after fiscal year 1993, separation pay shall be paid by an agency out of any funds or appropriations available for salaries and expenses of such agency.

(2) Of the amount authorized to be appropriated in section 301(5) for operation and maintenance for the Defense Agencies, $70,000,000 shall be made available for payment of separation pay under section 5597 of title 5, United States Code, as added by subsection (a).

(c) REPORT.—At the end of each of fiscal years 1993 through 1998, the Secretary of Defense shall submit to the President, the Congress, and the Director of the Office of Personnel Management a report on the effectiveness and costs of carrying out the amendments made by this section.

(d) TIMELY PROCESSING OF RETIREMENT BENEFITS.—(1) In order to ensure the timely processing of applications for retirement benefits, under the Civil Service Retirement System or the Federal Employees' Retirement System, for civilian employees of the Department of Defense and other employees who retire when their agency is undergoing a major reorganization, a major reduction in force, or a major transfer of function, the costs incurred by the Office of Personnel Management in processing any such application shall be deemed to be an administrative expense described in section 8348(a)(1)(B) of title 5, United States Code.

(2) This subsection shall apply with respect to applications for retirement benefits based on separations occurring before January 1, 1998.

SEC. 4437. THRIFT SAVINGS PLAN BENEFITS OF EMPLOYEES SEPARATED BY A REDUCTION IN FORCE.

(a) BENEFITS.—Section 8433(b) of title 5, United States Code, is amended by inserting "any employee who separates from Government employment pursuant to regulations under section 3502(a) of this title or procedures under section 3595(a) of this title in a reduction in force," after "chapter 81 of this title,".

(b) PROTECTIONS FOR SPOUSES.—Section 8435(c)(2)(A) of title 5, United States Code, is amended by inserting ", or who separates from Government employment pursuant to regulations under section 3502(a) of this title or procedures under section 3595(a) of this title in a reduction in force," after "8451 of this title".

(c) APPLICATION TO CIVIL SERVICE RETIREMENT SYSTEM EMPLOYEES.—Section 8351(b)(4) of title 5, United States Code, is amended by inserting ", separates from Government employment pursuant to regulations under section 3502(a) of this title or procedures under section 3595(a) of this title in a reduction in force," after "section 8337 of this title)".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to separations occurring after December 31, 1993, or such earlier date as the Executive Director (appointed under section 8474 of title 5, United States Code) may by regulation prescribe.

SEC. 4438. CONTINUED HEALTH BENEFITS.

(a) IN GENERAL.—Section 8905a(d) of title 5, United States Code, is amended—

(1) in paragraph (1)(A) by striking "An individual" and inserting "Except as provided in paragraph (4), an individual";

(2) in paragraph (2) by striking "in accordance with paragraph (1))" and inserting "in accordance with paragraph (1) or (4), as the case may be)"; and

(3) by adding at the end the following:

"(4)(A) If the basis for continued coverage under this section is an involuntary separation from a position in or under the Department of Defense due to a reduction in force—

"(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

"(ii) the agency which last employed the individual shall pay the remaining portion of the amount required under paragraph (1)(A).

"(B) This paragraph shall apply with respect to any individual whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before—

"(i) October 1, 1997; or

"(ii) February 1, 1998, if specific notice of such separation was given to such individual before October 1, 1997.".

(b) SOURCE OF PAYMENTS.—(1) Any amount which becomes payable by an agency as a result of the enactment of subsection (a) shall be paid out of funds or appropriations available for salaries and expenses of such agency.

(2) Of the amounts authorized to be appropriated pursuant to section 301, $2,000,000 shall be available for agency payments under section 8905a(d)(4)(A)(ii) of title 5, United States Code, as added by subsection (a).

Subtitle D—Defense Efforts to Relieve Shortages of Elementary and Secondary School Teachers and Teachers' Aides

SEC. 4441. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR SEPARATED MEMBERS OF THE ARMED FORCES.

(a) PLACEMENT PROGRAM.—(1) Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§1151. Assistance to separated members to obtain certification and employment as teachers or employment as teachers' aides

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program—

"(1) to assist eligible members of the armed forces after their separation from active duty to obtain—

"(A) certification or licensure as elementary or secondary school teachers; or

"(B) the credentials necessary to serve as teachers' aides; and

"(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(2) as experiencing a shortage of teachers or teachers' aides.

"(b) STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS AND TEACHER AND TEACHER'S AIDE SHORTAGES.—Upon the establishment of the placement program authorized by subsection (a), the Secretary of Defense, in consultation with the Secretary of Education, shall—

"(1) conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying certification or licensure requirements for teachers;

"(2) periodically request information from States identified under paragraph (1) to identify in these States those local educational agencies that—

"(A) are receiving grants under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

"(B) are also experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, or engineering teachers; and

"(3) periodically request information from all States to identify local educational agencies that—

"(A) are receiving grants under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

"(B) are experiencing a shortage of teachers' aides.

"(c) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the placement program authorized by subsection (a) if the member—

"(A) during the five-year period beginning on October 1, 1992, is discharged or released from active duty after six or more years of continuous active duty immediately before the discharge or release;

"(B) has received—

"(i) in the case of a member applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(ii) in the case of a member applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) satisfies such other criteria for selection as the Secretary may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(3) The Secretary may accept an application from a member who was discharged or released from active duty during the period beginning on October 1, 1990, and ending on October 1, 1992, if the member otherwise satisfies the eligibility criteria specified in paragraph (1).

"(d) INFORMATION REGARDING PLACEMENT PROGRAM.—The Secretary of Defense shall provide information regarding the placement program, and make applications for the program available, to members as part of preseparation counseling provided under section 1142 of this title. The information provided to members shall identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying such requirements, and indicate those local educational agencies identified under subsection (b)(2) as experiencing a shortage of qualified teachers or teachers' aides.

"(e) SELECTION OF PARTICIPANTS.—(1) Selection of members to participate in the placement program authorized by subsection (a) shall be made on the basis of applications submitted to the Secretary of Defense before the date of the discharge or release of the members from active duty. In the case of members referred to in subsection (c)(3), the Secretary shall establish a reasonable time period after the date of the enactment of this section for the submission of applications. An application shall be in such form and contain such information as the Secretary may require.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary shall give priority to members who—

"(A) have educational or military experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational or military experience in another subject area identified by the Sec-

retary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsections (g) and (h) with respect to that member.

"(f) AGREEMENT.—A member selected to participate in the placement program authorized by subsection (a) shall be required to enter into an agreement with the Secretary of Defense in which the member agrees—

"(1) to obtain, within such time as the Secretary may require, certification or licensure as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of a member selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under subsection (b)(2), to begin the school year after obtaining that certification or licensure; or

"(B) in the case of a member selected for assistance for placement as a teacher's aide, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under subsection (b)(3), to begin the school year after obtaining the necessary credentials.

"(g) STIPEND FOR PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall pay to each participant in the placement program a stipend in an amount equal to the lesser of—

"(A) $5,000; or

"(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the participant while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary or secondary school teacher or teacher aide.

"(2) A member who is entitled to benefits under section 1174a or 1175 of this title or is given early retirement under section 4403 of the National Defense Authorization Act for Fiscal Year 1993 shall not be paid a stipend under paragraph (1).

"(3) A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(h) GRANTS TO FACILITATE PLACEMENT.—(1) In the case of a participant in the placement program obtaining teacher certification or licensure, the Secretary of Defense shall offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(2) that employs the participant as a full-time elementary or secondary school teacher after the participant obtains teacher certification or licensure.

"(2) In the case of a participant in the program obtaining credentials to serve as a teacher's aide, the Secretary shall offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(3) that employs the participant as a full-time teacher's aide.

"(3) Under an agreement referred to in paragraph (1) or (2)—

"(A) the local educational agency shall agree to employ the participant full time for not less than two consecutive school years (at a basic salary to be certified to the Secretary) in a school of the local educational agency serving a concentration of children from low-income families; and

"(B) the Secretary shall agree to pay to the local educational agency an amount equal to the lesser of—

"(i) the basic salary to be paid by the local educational agency to the participant during the two years; and

"(ii) $50,000.

"(4) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(5) If a participant leaves the employment of a local educational agency before the end of the two years of required service, the local educational agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the two years of required service.

"(6) The Secretary may not make a grant under this subsection to a local educational agency if the Secretary determines that the agency terminated the employment of another employee in order to fill the vacancy so created with a participant.

"(i) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the placement program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or employment as a teacher's aide as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the two years of required service, the participant shall be required to reimburse the Secretary of Defense for any stipend paid to the participant under subsection (g)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the two years of required service.

"(2) The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary. Any amount owed by a participant under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

"(j) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—(1) A participant in the placement program shall not be considered to be in violation of an agreement entered into under subsection (f) during any period in which the participant—

"(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

"(B) is serving on active duty as a member of the Armed Forces;

"(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

"(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(E) is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary or secondary school for a single period not to exceed 27 months; or

"(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary of Defense.

"(2) A participant shall be excused from reimbursement under subsection (i) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

"(k) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

"(2) The term 'alternative certification or licensure requirements' means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1151. Assistance to separated members to obtain certification and employment as teachers or employment as teachers' aides.".

(b) INFORMATION REGARDING PLACEMENT PROGRAM IN PRESEPARATION COUNSELING.—Section 1142(b)(4) of such title is amended by inserting before the period the following: "and information regarding the placement program established under section 1151 of this title to assist members obtain employment as elementary or secondary school teachers or teachers' aides.".

SEC. 4442. TEACHER AND TEACHERS' AIDE PLACEMENT PROGRAM FOR TERMINATED DEFENSE EMPLOYEES.

(a) PLACEMENT PROGRAM.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program—

"(1) to assist eligible civilian employees of the Department of Defense and the Department of Energy after the termination of their employment to obtain—

"(A) certification or licensure as elementary or secondary school teachers; or

"(B) the credentials necessary to serve as teachers' aides; and

"(2) to facilitate the employment of such employees by local educational agencies that—

"(A) are receiving grants under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

"(B) are also experiencing a shortage of teachers or teachers' aides.

"(b) ELIGIBLE EMPLOYEES.—(1) A civilian employee of the Department of Defense or the Department of Energy shall be eligible for selection by the Secretary of Defense to participate in the placement program authorized by subsection (a) if the employee—

"(A) during the five-year period beginning October 1, 1992, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense or the Secretary of Energy, as the case may be;

"(B) has received—

"(i) in the case of an employee applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(ii) in the case of an employee applying for assistance for placement as a teacher's aide in

an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) The Secretary of Defense may accept an application from a civilian employee referred to in paragraph (1) who was terminated during the period beginning on October 1, 1990, and ending on October 1, 1992, if the employee otherwise satisfies the eligibility criteria specified in that paragraph.

"(c) SELECTION OF PARTICIPANTS.—(1) Selection of civilian employees to participate in the placement program shall be made on the basis of applications submitted to the Secretary of Defense after the employees receive a notice of termination. An application shall be filed within such time, in such form, and contain such information as the Secretary of Defense may require.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary of Defense shall give priority to civilian employees who—

"(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational, military, or employment experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The Secretary of Defense may not select a civilian employee to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under the program with respect to that member.

"(d) AGREEMENT.—A civilian employee selected to participate in the placement program shall be required to enter into an agreement with the Secretary of Defense in which the employee agrees—

"(1) to obtain, within such time as the Secretary may require, certification or licensure as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of an employee selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2) of this title, to begin the school year after obtaining that certification or licensure; or

"(B) in the case of an employee selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3) of this title, to begin the school year after obtaining the necessary credentials.

"(e) STIPEND FOR PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall pay to each participant in the placement program a stipend in an amount equal to the lesser of—

"(A) $5,000; or

"(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the participant while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary or secondary school teacher or teacher aide.

"(2) A civilian employee selected to participate in the placement program who receives separation pay under section 5597 of title 5 shall not be paid a stipend under paragraph (1).

"(3) A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(4) A person who receives a stipend under section 4436 of this title shall not be paid a stipend pursuant to paragraph (1).

"(f) PLACEMENT OF PARTICIPANTS AS TEACHERS AND TEACHERS' AIDES.—Subsections (h) through (k) of section 1151 of this title shall apply with respect to the placement program authorized by this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides.".

SEC. 4443. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR DISPLACED SCIENTISTS AND ENGINEERS OF DEFENSE CONTRACTORS.

(a) PLACEMENT PROGRAM.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410c. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides

"(a) ASSISTANCE PROGRAM.—The Secretary of Defense may enter into a cooperative agreement with a defense contractor in order—

"(1) to assist an eligible scientist or engineer employed by the contractor whose employment is terminated to obtain—

"(A) certification or licensure as an elementary or secondary school teacher; or

"(B) the credentials necessary to serve as a teacher's aide; and

"(2) to facilitate the employment of the scientist or engineer by a local educational agency that—

"(A) is receiving a grant under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within its jurisdiction concentrations of children from low-income families; and

"(B) is also experiencing a shortage of teachers or teachers' aides.

"(b) ELIGIBLE DEFENSE CONTRACTORS.—(1) The Secretary of Defense shall establish an application and selection process for the participation of defense contractors in a cooperative agreement authorized under subsection (a).

"(2) The Secretary shall determine which defense contractors are eligible to participate in the placement program on the basis of applications submitted under subsection (c). The Secretary shall limit participation to those defense contractors or subcontractors that—

"(A) produce goods or services for the Department of Defense pursuant to a defense contract or operate nuclear weapons manufacturing facilities for the Department of Energy; and

"(B) have recently reduced operations, or are likely to reduce operations, due to the completion or termination of a defense contract or program or by reductions in defense spending.

"(3) The Secretary shall give special consideration to defense contractors who are located in areas that have been hit particularly hard by reductions in defense spending.

"(c) DEFENSE CONTRACTOR APPLICATIONS.—(1) A defense contractor desiring to enter into a cooperative agreement with the Secretary of Defense under subsection (a) shall submit an application to the Secretary containing the following:

"(A) Evidence that the contractor has been, or is expected to be, adversely affected by the completion or termination of a defense contract or program or by reductions in defense spending.

"(B) An explanation that scientists and engineers employed by the contractor have been terminated, laid off, or retired, or are likely to be terminated, laid off, or retired, as a result of the completion or termination of a defense contract or program or reductions in defense spending.

"(C) A description of programs implemented or proposed by the contractor to assist these scientists and engineers.

"(D) A commitment to help fund the costs associated with the placement program by paying 50 percent of the stipend provided under subsection (g) to an employee or former employee of the contractor selected to receive assistance under this section.

"(2) Once a cooperative agreement is entered into under subsection (a) between the Secretary and the defense contractor, the contractor shall publicize the program and distribute applications to prospective participants, and assist the prospective participants with the State screening process.

"(d) ELIGIBLE SCIENTISTS AND ENGINEERS.—An individual shall be eligible for selection by the Secretary of Defense to receive assistance under this section if the individual—

"(1) is employed or has been employed for not less than five years as a scientist or engineer with a private defense contractor that has entered into an agreement under subsection (a);

"(2) has received—

"(A) in the case of an individual applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(B) in the case of an individual applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(3) has been terminated or laid off (or received notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending; and

"(4) satisfies such other criteria for selection as the Secretary may prescribe.

"(e) SELECTION OF PARTICIPANTS.—(1) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary shall give priority to individuals who—

"(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational, military, or employment experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(2) The Secretary may not select an individual under this section unless the Secretary has sufficient appropriations to carry out this section available at the time of the selection to satisfy the obligations to be incurred by the United States under this section with respect to that individual.

"(f) AGREEMENT.—An individual selected under this section shall be required to enter into an agreement with the Secretary in which the participant agrees—

"(1) to obtain, within such time as the Secretary may require, certification or licensure as

an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of an individual selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2) of this title, to begin the school year after obtaining that certification or licensure; or

"(B) in the case of an individual selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3) of this title, to begin the school year after obtaining the necessary credentials.

"(g) STIPEND FOR PARTICIPANTS.—(1) The Secretary of Defense shall pay to each participant in the placement program a stipend in an amount equal to the lesser of—

"(A) $5,000; or

"(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the participant while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary or secondary school teacher or teacher aide.

"(2) A stipend provided under this section shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(h) PLACEMENT OF PARTICIPANTS AS TEACHERS AND TEACHERS' AIDES.—Subsections (h) through (k) of section 1151 of this title shall apply with respect to the placement as teachers and teachers' aides of individuals selected under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410c. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides.".

SEC. 4444. FUNDING FOR FISCAL YEAR 1993.

Of the amount authorized to be appropriated in section 301(5), $65,000,000 shall be available for the teacher and teacher's aide placement programs authorized by sections 1151, 1598, and 2410c of title 10, United States Code, as added by this subtitle.

Subtitle E—Environmental Education and Retraining Provisions

SEC. 4451. ENVIRONMENTAL SCHOLARSHIP AND FELLOWSHIP PROGRAMS FOR THE DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT.—The Secretary of Defense (hereinafter in this section referred to as the "Secretary") may conduct scholarship and fellowship programs for the purpose of enabling individuals to qualify for employment in the field of environmental restoration or other environmental programs in the Department of Defense.

(b) ELIGIBILITY.—To be eligible to participate in the scholarship or fellowship program, an individual must—

(1) be accepted for enrollment or be currently enrolled as a full-time student at an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(2) be pursuing a program of education that leads to an appropriate higher education degree in engineering, biology, chemistry, or another qualifying field related to environmental activities, as determined by the Secretary;

(3) sign an agreement described in subsection (c);

(4) be a citizen or national of the United States or be an alien lawfully admitted to the United States for permanent residence; and

(5) meet any other requirements prescribed by the Secretary.

(c) AGREEMENT.—An agreement between the Secretary and an individual participating in a scholarship or fellowship established in subsection (a) shall be in writing, shall be signed by the individual, and shall include the following provisions:

(1) The agreement of the Secretary to provide the individual with educational assistance for a specified number of school years (not to exceed 5 years) during which the individual is pursuing a course of education in a qualifying field. The assistance may include payment of tuition, fees, books, laboratory expenses, and (in the case of a fellowship) a stipend.

(2) The agreement of the individual to perform the following:

(A) Accept such educational assistance.

(B) Maintain enrollment and attendance in the educational program until completed.

(C) Maintain, while enrolled in the educational program, satisfactory academic progress as prescribed by the institution of higher education in which the individual is enrolled.

(D) Serve, upon completion of the educational program and selection by the Secretary under subsection (e), as a full-time employee in an environmental restoration or other environmental position in the Department of Defense for the applicable period of service specified in subsection (d).

(d) PERIOD OF SERVICE.—The period of service required under subsection (c)(2)(D) is as follows:

(1) For an individual who completes a bachelor's degree under a scholarship program established under subsection (a), a period of 12 months for each school year or part thereof for which the individual is provided a scholarship under the program.

(2) For an individual who completes a master's degree or other post-graduate degree under a fellowship program established under subsection (a), a period of 24 months for each school year or part thereof for which the individual is provided a fellowship under the program.

(e) SELECTION FOR SERVICE.—The Secretary shall annually review the number and performance under the agreement of individuals who complete educational programs during the preceding year under any scholarship and fellowship programs conducted pursuant to subsection (a). From among such individuals, the Secretary shall select individuals for environmental positions in the Department of Defense, based on the type and availability of such positions.

(f) REPAYMENT.—(1) Any individual participating in a scholarship or fellowship program under this section shall agree to pay to the United States the total amount of educational assistance provided to the individual under the program, plus interest at the rate prescribed in paragraph (4), if—

(A) the individual does not complete the educational program as agreed to pursuant to subsection (c)(2)(B), or is selected by the Secretary under subsection (e) but declines to serve, or fails to complete the service, in a position in the Department of Defense as agreed to pursuant to subsection (c)(2)(D); or

(B) the individual is involuntarily separated for cause from the Department of Defense before the end of the period for which the individual has agreed to continue in the service of the Department of Defense.

(2) If an individual fails to fulfill the agreement of the individual to pay to the United States the total amount of educational assistance provided under a program established under subsection (a), plus interest at the rate prescribed in paragraph (4), a sum equal to the amount of the educational assistance (plus such interest, if applicable) shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the Department of Defense or other Federal agency, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method provided by law for the recovery of amounts owing to the United States.

(3) The Secretary may waive in whole or in part a required repayment under this subsection if the Secretary determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of educational assistance provided to an individual under a program established under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(g) PREFERENCE.—In evaluating applicants for the award of a scholarship or fellowship under a program established under subsection (a), the Secretary shall give a preference to—

(1) individuals who are, or have been, employed by the Department of Defense or its contractors and subcontractors who have been engaged in defense-related activities; and

(2) individuals who are or have been members of the Armed Forces.

(h) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under this section shall be taken into account in determining the eligibility of the individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(i) AWARD OF SCHOLARSHIPS AND FELLOWSHIPS.—The Secretary may award to qualified applicants not more than 100 scholarships (for undergraduate students) and not more than 30 fellowships (for graduate students) in fiscal year 1993.

(j) REPORT TO CONGRESS.—Not later than January 1, 1994, the Secretary shall submit to the Congress a report on activities undertaken under the programs established under subsection (a) and recommendations for future activities under the programs.

(k) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301(5)—

(1) $7,000,000 shall be available to carry out the scholarship and fellowship programs established in subsection (a); and

(2) $3,000,000 shall be available to provide training to Department of Defense personnel to obtain the skills required to comply with existing environmental statutory and regulatory requirements.

SEC. 4452. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE TRAINING IN ENVIRONMENTAL RESTORATION AND HAZARDOUS WASTE MANAGEMENT.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense may establish a program to assist institutions of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), to provide education and training in environmental restoration and hazardous waste management.

(b) FINANCIAL ASSISTANCE.—The Secretary may award grants to such institutions under the program established under subsection (a).

(c) ELIGIBILITY AND SELECTION.—(1) To be eligible for financial assistance under this section,

such an institution shall submit to the Secretary a proposal for such assistance in the time and manner and containing the information required by the Secretary.

(2) The Secretary shall, pursuant to a merit-based selection process, select such institutions to receive funding under a program established under this section based upon—

(A) the proposal of such an institution to provide expertise, training, and education in environmental restoration and hazardous waste management and other environmental fields applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities; and

(B) any other criteria prescribed by the Secretary.

(d) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301(5), $10,000,000 shall be available to carry out the program established under subsection (a).

Subtitle F—Job Training and Employment and Educational Opportunities

SEC. 4461. IMPROVED COORDINATION OF JOB TRAINING AND PLACEMENT PROGRAMS FOR MEMBERS OF THE ARMED FORCES.

The Secretary of Defense shall consult with the Secretary of Labor, the Secretary of Education, the Secretary of Veterans Affairs, and the Economic Adjustment Committee to improve the coordination of, and eliminate duplication between, the following job training and placement programs available to members of the Armed Forces who are discharged or released from active duty:

(1) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(2) Sections 1143 and 1144 of title 10, United States Code.

(3) Chapter 41 of title 38, United States Code.

(4) The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(5) The Act of August 16, 1937 (Chapter 663; 50 Stat 664; 29 U.S.C. 50 et seq.), commonly known as the National Apprenticeship Act.

(6) The Wagner-Peyser Act (29 U.S.C. 49 et seq.)

SEC. 4462. ENCOURAGEMENT FOR CONTINUING PUBLIC AND COMMUNITY SERVICE.

(a) PERMANENT PROGRAM.—(1) Chapter 58 of title 10, United States Code, is amended by inserting after section 1143 the following new section:

"§1143a. Encouragement of postseparation public and community service: Department of Defense

"(a) IN GENERAL.—The Secretary of Defense shall implement a program to encourage members and former members of the armed forces to enter into public and community service jobs after discharge or release from active duty.

"(b) PERSONNEL REGISTRY.—The Secretary shall maintain a registry of members and former members of the armed forces discharged or released from active duty who request registration for assistance in pursuing public and community service job opportunities. The registry shall include information on the particular job skills, qualifications, and experience of the registered personnel.

"(c) REGISTRY OF PUBLIC SERVICE AND COMMUNITY SERVICE ORGANIZATIONS.—The Secretary shall also maintain a registry of public service and community service organizations. The registry shall contain information regarding each organization, including its location, its size, the types of public and community service positions in the organization, points of contact, procedures for applying for such positions, and a description of each such position that is likely to be available. Any such organization may request registration under this subsection and, subject to guidelines prescribed by the Secretary, be registered.

"(d) ASSISTANCE TO BE PROVIDED.—(1) The Secretary shall actively attempt to match personnel registered under subsection (b) with public and community service job opportunities and to facilitate job-seeking contacts between such personnel and the employers offering the jobs.

"(2) The Secretary shall offer personnel registered under subsection (b) counselling services regarding—

"(A) public service and community service organizations; and

"(B) procedures and techniques for qualifying for and applying for jobs in such organizations.

"(3) The Secretary may provide personnel registered under subsection (b) with access to the interstate job bank program of the United States Employment Service if the Secretary determines that such program meets the needs of separating members of the armed forces for job placement.

"(e) CONSULTATION REQUIREMENT.—In carrying out this section, the Secretary shall consult closely with the Secretary of Labor, the Secretary of Veterans Affairs, the Secretary of Education, the Director of the Office of Personnel Management, appropriate representatives of State and local governments, and appropriate representatives of businesses and nonprofit organizations in the private sector.

"(f) DELEGATION.—The Secretary, with the concurrence of the Secretary of Labor, may designate the Secretary of Labor as the executive agent of the Secretary of Defense for carrying out all or part of the responsibilities provided in this section. Such a designation does not relieve the Secretary of Defense from the responsibility for the implementation of the provisions of this section.

"(g) DEFINITIONS.—In this section, the term 'public service and community service organization' includes the following organizations:

"(1) Any organization that provides the following services:

"(A) Elementary, secondary, or postsecondary school teaching or administration.

"(B) Support of such teaching or school administration.

"(C) Law enforcement.

"(D) Public health care.

"(E) Social services.

"(F) Any other public or community service.

"(2) Any nonprofit organization that coordinates the provision of services described in paragraph (1).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1143 the following new item:

"1143a. Encouragement of postseparation public and community service: Department of Defense.".

(b) DEPARTMENT OF VETERANS AFFAIRS RESPONSIBILITIES.—Section 1142(b)(4) of title 10, United States Code, is amended by inserting before the period at the end the following: ", including the public and community service jobs program carried out under section 1143a of this title".

(c) PRESEPARATION ASSISTANCE BY THE DEPARTMENT OF LABOR.—Section 1144(b) of such title is amended by adding at the end the following new paragraph:

"(8) Provide information regarding the public and community service jobs program carried out under section 1143a of this title.".

SEC. 4463. PROGRAM OF EDUCATIONAL LEAVE RELATING TO CONTINUING PUBLIC AND COMMUNITY SERVICE.

(a) PROGRAM.—Under regulations prescribed by the Secretary of Defense after consultation with the Secretary of Transportation and subject to subsections (b) and (c), the Secretary concerned may grant to an eligible member of the Armed Forces a leave of absence for a period not to exceed one year for the purpose of permitting the member to pursue a program of education or training (including an internship) for the development of skills that are relevant to the performance of public and community service. A program of education or training referred to in the preceding sentence includes any such program that is offered by the Department of Defense or by any civilian educational or training institution.

(b) ELIGIBILITY REQUIREMENT.—(1) A member may not be granted a leave of absence under this section unless the member agrees in writing—

(A) diligently to pursue employment in public service and community service organizations upon the separation of the member from active duty in the Armed Forces; and

(B) to serve in the Ready Reserve of an armed force, upon such separation, for a period of 4 months for each month of the period of the leave of absence.

(2)(A) A member may not be granted a leave of absence under this section until the member has completed any period of extension of enlistment or reenlistment, or any period of obligated active duty service, that the member has incurred under section 708 of title 10, United States Code.

(B) The Secretary concerned may waive the limitation in subparagraph (A) for a member who enters into an agreement with the Secretary for the member to serve in the Ready Reserve of a reserve component for a period equal to the uncompleted portion of the member's period of service referred to in that subparagraph. Any such period of agreed service in the Ready Reserve shall be in addition to any other period that the member is obligated to serve in a reserve component.

(c) TREATMENT OF LEAVE OF ABSENCE.—A leave of absence under this section shall be subject to the provisions of subsections (c) and (d) of section 708 of title 10, United States Code.

(d) EXCLUSION FROM END STRENGTH LIMITATION.—A member of the Armed Forces, while on leave granted pursuant to this section, may not be counted for purposes of any provision of law that limits the active duty strength of the member's armed force.

(e) DEFINITIONS.—In this section:

(1) The term "Secretary concerned" has the meaning given such term in section 101 of title 10, United States Code.

(2) The term "eligible member of the Armed Forces" means a member of the Armed Forces who is eligible for an educational leave of absence under section 708(e) of such title.

(3) The term "public service and community service organization" has the meaning given such term in section 1143a of such title (as added by section 531(a)).

(f) EXPIRATION.—The authority to grant a leave of absence under subsection (a) shall expire on September 30, 1995.

SEC. 4464. INCREASED EARLY RETIREMENT RETIRED PAY FOR PUBLIC OR COMMUNITY SERVICE.

(a) RECOMPUTATION OF RETIRED PAY.—(1) If a member or former member of the Armed Forces retired under section 4403(a) or any other provision of law authorizing retirement from the Armed Forces (other than for disability) before the completion of at least 20 years of active duty service (as computed under the applicable provision of law) is employed by a public service or community service organization listed on the registry maintained under section 1143a(c) of title 10, United States Code (as added by section 4462(a)), within the period of the member's enhanced retirement qualification period, the member's or former member's retired or retainer pay shall be recomputed effective on the first day of the first month beginning after the date

on which the member or former member attains 62 years of age.

(2) For purposes of recomputing a member's or former member's retired pay—

(A) the years of the member's or former member's employment by a public service or community service organization referred to in paragraph (1) during the member's or former member's enhanced retirement qualification period shall be treated as years of active duty service in the Armed Forces; and

(B) in applying section 1401a of title 10, United States Code, the member's or former member's years of active duty service shall be deemed as of the date of retirement to have included the years of employment referred to in subparagraph (A).

(3) Section 1405(b) of title 10, United States Code, shall apply in determining years of service under this subsection.

(4) In this subsection, the term "enhanced retirement qualification period", with respect to a member or former member retired under a provision of law referred to in paragraph (1), means the period beginning on the date of the retirement of the member or former member and ending the number of years (including any fraction of a year) after that date which when added to the number of years (including any fraction of a year) of service credited for purposes of computing the retired pay of the member or former member upon retirement equals 20 years.

(b) SBP ANNUITIES.—(1) Effective on the first day of the first month after a member or former member of the Armed Forces retired under a provision of law referred to in subsection (a)(1) attains 62 years of age or, in the event of death before attaining that age, would have attained that age, the base amount applicable under section 1447(2) of title 10, United States Code, to any Survivor Benefit Plan annuity provided by that member or former member shall be recomputed. For the recomputation the total years (including any fraction of a year) of the member's or former member's active service shall be treated as having included the member's or former member's years (including any fraction of a year) of employment referred to in subsection (a)(1) as of the date when the member or former member became eligible for retired pay under this section.

(2) In this subsection, the term "Survivor Benefit Plan" means the plan established under subchapter II of chapter 73 of title 10, United States Code.

SEC. 4465. TRAINING, ADJUSTMENT ASSISTANCE, AND EMPLOYMENT SERVICES FOR DISCHARGED MILITARY PERSONNEL, TERMINATED DEFENSE EMPLOYEES, AND DISPLACED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) IN GENERAL.—Title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.) is amended by inserting after section 325 the following new section:

"SEC. 325A. DEFENSE DIVERSIFICATION PROGRAM.

"(a) IN GENERAL.—From the amount made available under section 4465(c) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, the Secretary of Defense, in consultation with the Secretary of Labor, may make grants to States, substate grantees, employers, representatives of employees, labor-management committees, and other employer-employee entities to provide for training, adjustment assistance, and employment services to eligible individuals described in subsection (b) and to develop plans for defense diversification or conversion assistance to affected facilities located within an area directly affected by reductions in expenditures by the United States for defense or by closures of United States military facilities.

"(b) INDIVIDUALS ELIGIBLE FOR TRAINING, ASSISTANCE, AND SERVICES.—

"(1) CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

"(A) was on active duty or full-time National Guard duty on September 30, 1990;

"(B) during the 5-year period beginning on that date—

"(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

"(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

"(C) is not entitled to retired or retainer pay incident to that separation; and

"(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

"(2) CERTAIN DEFENSE EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

"(i) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

"(ii) is not entitled to retired or retainer pay incident to that termination or lay off.

"(B) SPECIAL RULE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—

"(i) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in clause (ii) shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under clause (iii), whichever occurs earlier.

"(ii) CERTAIN DEFENSE LAWS.—The laws referred to in this clause are—

"(I) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

"(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(iii) DATE.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

"(3) CERTAIN DEFENSE CONTRACTOR EMPLOYEES.—An employee of a private defense contractor shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

"(A) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

"(B) is not entitled to retired or retainer pay incident to that termination.

"(c) APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—To receive a grant under subsection (a), an applicant shall submit to the Secretary of Defense an application which contains such information as the Secretary may require and which meets the following requirements:

"(A) CONSULTATION.—

"(i) IN GENERAL.—(I) In the case of an applicant other than a State, such applicant shall submit an application to the Secretary of Defense developed in consultation with the State, and, where appropriate, in consultation with the labor-management committee or other employer-employee entity established pursuant to subparagraph (C)(ii) at the affected facility and in consultation with representatives from the Department of Defense.

"(II) Prior to the submission of an application under subclause (I) to the Secretary of Defense, the applicant shall submit the application to the State for review. The State shall have 30 calendar days to review the application. The applicant may submit the application to the Secretary after the date on which the State completes its review of the application or upon expiration of the 30 calendar days, whichever occurs first.

"(ii) STATES.—In the case of an applicant that is a State, such State shall submit an application to the Secretary of Defense developed in consultation with appropriate substate grantees, and, where appropriate, in consultation with the labor-management committee or other employer-employee entity established pursuant to subparagraph (C)(ii) at the affected facility and in consultation with representatives from the Department of Defense.

"(B) CONTENTS OF APPLICATION.—An application shall contain a local labor market analysis, a general assessment of basic skills, career interests, income needs, and strategies necessary for the training and placement of the population that may be served, and, where appropriate—

"(i) a preliminary outline of a program to convert the affected defense base or facility;

"(ii) preliminary plant or military base conversion proposals, and proposals for the effective use or conversion of surplus Federal property; and

"(iii) assurances that the applicant will coordinate the activities and services provided under this section with the Office of Economic Adjustment and other relevant agencies.

"(C) PROVISION OF STATE DISLOCATED WORKER SERVICES.—The applicant shall provide verification that the State dislocated worker unit has provided, or is in the process of providing, in addition to the services described in section 311(b)(3) and 314(b), the following activities and services:

"(i) The State dislocated worker unit, in conjunction with the substate grantee (and where appropriate, representatives from the Department of Defense), has established on-site contact with employers and employee representatives affected by a dislocation or potential dislocation of eligible individuals, preferably not later than 2 business days after notification of such dislocation.

"(ii) The State dislocated worker unit has promoted the formation of a labor-management committee or other employer-employee entity in the case of a facility affected by an employee dislocation or potential dislocation in accordance with section 314(b)(1)(B), including the provision of technical assistance and, where appropriate, financial assistance to cover the start-up costs of such committee.

"(iii) The State dislocated worker unit has provided, in conjunction with the labor-management committee or other employer-employee en-

tity established pursuant to clause (ii), the following services:

"(I) An initial survey of potential eligible individuals to determine the approximate number of such individuals interested in receiving services under this section, orientation sessions, counseling services, and early intervention services for eligible individuals and management. Such services may be provided in coordination with representatives from the United States Employment Service, the Interstate Job Bank, the Department of Defense, and the National Occupational Information Coordinating Committee.

"(II) Initial basic readjustment services in conjunction with such services provided by substate grantees.

"(D) SKILLS UPGRADING.—The applicant shall provide assurances satisfactory to the Secretary of Defense that if the applicant uses amounts from a grant under subsection (a) for skills upgrading at defense facilities pursuant to subsection (f)(2), the applicant will maintain its expenditures from all other sources for skills upgrading at or above the average level of such expenditures in the fiscal year preceding the date of the enactment of this section.

"(2) TECHNICAL ASSISTANCE.—The Secretary of Defense may provide technical assistance to an applicant for the purpose of assisting the applicant to meet the application requirements under paragraph (1).

"(3) TIMELY DECISION.—The Secretary of Defense shall make a determination with regard to an application received under paragraph (1) not later than 30 calendar days after the date on which the Secretary receives the application.

"(4) TIMELY NOTIFICATION.—The Secretary of Defense shall provide timely written notification to an applicant upon determination by the Secretary that the applicant has not satisfied the requirements under paragraph (1).

"(d) SELECTION REQUIREMENTS.—

"(1) IN GENERAL.—In reviewing applications for grants under subsection (a), the Secretary of Defense—

"(A) in consultation with the Secretary of Labor, shall not approve an application for a grant unless the application contains assurances that the applicant will use amounts from a grant to provide needs-related payments in accordance with subsection (i);

"(B) shall select applications from areas most severely impacted by the reduction in defense expenditures and base closures, particularly areas with existing high poverty levels or existing high unemployment levels; and

"(C) shall select applications from areas which have the greatest number of eligible individuals, taking into account the ratio of eligible individuals in the affected community to the population of such community.

"(2) PRIORITY.—In reviewing applications for grants under subsection (a), the Secretary of Defense shall give priority to each of the following:

"(A) Applications received from substate grantees.

"(B) Applications received from any applicant on behalf of affected employers in a similar defense-related industry or on behalf of a single employer with multiple bases or plants within a State.

"(C) Applications demonstrating employer-employee cooperation, including the participation of labor-management committees or other employer-employee entities.

"(e) RETENTION OF PORTION OF GRANT AMOUNT BY SECRETARY OF DEFENSE.—

"(1) PORTION RELATING TO GENERAL APPLICATION REQUIREMENTS.—Subject to paragraph (2), the Secretary of Defense shall retain 25 percent of the amount of a grant awarded under subsection (a) and shall disburse the amount to the applicant not later than 90 days after the date on which the Secretary determines that the applicant is satisfactorily implementing the plans and strategies described in subsection (c)(1)(B).

"(2) PORTION RELATING TO STATE DISLOCATED WORKER SERVICES.—The Secretary of Defense shall retain up to 20 percent of the amount retained under paragraph (1) (not to exceed $50,000) and shall disburse the amount to the State dislocated worker unit not later than 90 days after the date on which the Secretary determines that the applicant has provided verification that such unit has satisfactorily provided the activities and services described in subsection (c)(1)(C). The amount disbursed under the preceding sentence shall be used to reimburse such unit for expenses incurred in providing such activities and services.

"(f) USE OF FUNDS.—Subject to the requirements of subsections (g), (h), (i), and (j), grants under subsection (a) may be used only for the following purposes:

"(1) Any purpose for which funds may be used under section 314 or this section.

"(2) Skills upgrading, which may be provided to—

"(A) individuals who are employed in nonmanagerial positions, including individuals in such positions who have received notice of termination or lay off, if such upgrading—

"(i) is integral to the conversion of a defense facility and necessary to prevent a closure or mass layoff which would result in the termination or layoff of such individuals; and

"(ii) is to replace or update obsolete skills of such individuals with marketable skills; and

"(B) individuals who have received notice of termination or lay off from non-managerial positions, including individuals who have been terminated or laid off from such positions, if such upgrading is to replace or update obsolete skills of such individuals with marketable skills, without which reemployment in a high demand occupation or industry would be unlikely.

"(3) The development and introduction of high performance workplace systems, employee and participative management systems, and workforce participation in the evaluation, selection, and implementation of new production technologies.

"(g) LIMITATION.—Not more than 20 percent of amounts received from a grant under subsection (a) shall be used for administration, conversion planning activities, and the activities described in subsection (f)(3).

"(h) ADJUSTMENT ASSISTANCE REQUIREMENTS.—The adjustment assistance requirements described in section 326(e) shall apply for purposes of grants made under subsection (a) for adjustment assistance.

"(i) NEEDS-RELATED PAYMENTS REQUIREMENTS.—The Secretary of Defense shall prescribe regulations with respect to the use of funds from grants under subsection (a) for needs-related payments in accordance with the requirements described in section 326(f) in order to enable eligible individuals to complete training or education programs. Priority for needs-related payments shall be given to eligible individuals participating in certificate or degree awarding vocational training or education programs of 1 year or more.

"(j) DEPARTMENT OF DEFENSE FINANCIAL ASSISTANCE REQUIREMENT.—The Secretary of Defense, in consultation with the Secretary of Labor, shall prescribe regulations to ensure that student financial assistance authorized under programs for employees of the Department of Defense and veterans is provided prior to adjustment assistance under subsection (h), needs-related payments under subsection (i), and any other student financial assistance provided under Federal law.

"(k) DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—In carrying out the grant program established under subsection (a), the Secretary of Defense, in consultation with the Secretary of Labor, may make grants to the entities referred to in that subsection for the purpose of developing demonstration projects to encourage and promote innovative responses to the dislocation resulting from reductions in expenditures by the United States for defense or by the closure of United States military installations. Such demonstration projects may include—

"(A) projects to assist in retraining efforts designed to address the needs of individuals who have received notice of termination or lay off and individuals who have been terminated or laid off in communities affected by such reductions or closures;

"(B) projects to assist in retraining and reorganization efforts designed to avert layoffs that would otherwise occur as a result of such reductions or closures; and

"(C) projects to assist communities in addressing and reducing the impact of such economic dislocation.

"(2) LIMITATION.—Not more than 10 percent of the funds available to the Secretary of Defense to carry out this section for any fiscal year may be used to carry out the projects established under paragraph (1).

"(l) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) LABOR-MANAGEMENT COMMITTEE.—The term 'labor-management committee'—

"(A) has the meaning given such term in section 301(b)(1); and

"(B) includes a committee established at a military installation to assist members of the Armed Forces who are being separated and civilian employees of the Department of Defense and the Department of Energy who are being terminated.

"(2) DEFENSE CONTRACTOR.—The term 'defense contractor' means a private person producing goods or services pursuant to—

"(A) one or more defense contracts which have a total amount not less than $500,000 entered into with the Department of Defense; or

"(B) one or more subcontracts entered into in connection with a defense contract and which have a total amount not less than $500,000.".

(b) AUTHORITY TO TRANSFER FUNCTIONS.—The Secretary of Defense may transfer any function of such Secretary under the amendment made by subsection (a) to the Secretary of Labor. Whenever such a transfer is made, any funds available to the Secretary of Defense for the performance of such function shall be transferred to the appropriate accounts of the Department of Labor.

(c) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $75,000,000 shall be available to carry out section 325A of the Job Training Partnership Act, as added by subsection (a).

(d) TECHNICAL AMENDMENT.—The table of contents of the Job Training Partnership Act is amended by inserting after the item relating to section 325 the following new item:

"Sec. 325A. Defense Diversification Program.".

SEC. 4466. PARTICIPATION OF DISCHARGED MILITARY PERSONNEL IN UPWARD BOUND PROJECTS TO PREPARE FOR COLLEGE.

(a) PROGRAM.—The Secretary of Defense may carry out a program to assist a member of the Armed Forces described in subsection (b) who is accepted to participate in an upward bound project assisted under section 402C of the Higher Education Act of 1965 (20 U.S.C. 1070a–13) to cover the cost of providing services through the project to the member to assist the member to prepare for and pursue a program of higher education upon separation from active duty. Assistance provided under the program may include a stipend provided under subsection (d) of such section.

(b) ELIGIBLE MEMBERS.—A member of the Armed Forces shall be eligible for assistance under subsection (a) if the member—

(1) was on active duty or full-time National Guard duty on September 30, 1990;

(2) during the five-year period beginning on that date, was or is discharged or released from such duty (under other than adverse circumstances); and

(3) submits an application to the Secretary of Defense within such time, in such form, and containing such information as the Secretary of Defense may require.

(c) NOTIFICATION OF MEMBERS PREVIOUSLY SEPARATED.—To the extent feasible, the Secretary of Defense shall notify members of the Armed Forces who, between September 30, 1990, and the date of the enactment of this Act, were discharged or released from active duty or full-time National Guard duty regarding the availability of the program under subsection (a). The Secretary may establish a time limit within which such members may apply to participate in the program.

(d) PROVISION OF ASSISTANCE.—

(1) DETERMINATION OF AMOUNT.—The amount of assistance provided under subsection (a) to a member of the Armed Forces shall be equal to the anticipated cost of providing services to the member through an upward bound project, subject to the limitation that such amount may not exceed the monthly basic pay to which the member is entitled at the time of the separation of the member. The Secretary of Defense may provide assistance in excess of that limitation if the Secretary determines, on a case by case basis, that such assistance is warranted by the special training needs of the member.

(2) CONSULTATION.—The Secretary of Education may assist the Secretary of Defense in determining the amount to be provided under paragraph (1).

(e) USE OF ASSISTANCE.—A member of the Armed Forces who is selected to participate in the program may receive services through any upward bound project assisted under section 402C of the Higher Education Act of 1965 (20 U.S.C. 1070a–13) to the same extent as other individuals eligible to receive such services. A member may not participate after the end of the two-year period beginning on the date on which the member is discharged or released from active duty, except that, in the case of a member described in subsection (b) who was discharged or released from active duty before the date of the enactment of this Act, the period for participation in the program shall be two years from the date of the enactment of this Act.

(f) REIMBURSEMENT.—Upon submission to the Secretary of Defense of a request for reimbursement of the costs to provide services to a participant, the Secretary shall reimburse the upward bound project submitting the request for the actual cost of providing services (including a stipend) to the member, not to exceed the amount provided under subsection (d)(1). Funds provided under this subsection shall be in addition to the funds otherwise provided to the project under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.). Not more than 10 percent of the funds provided under this subsection may be used for administrative costs.

(g) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $5,000,000 shall be available to provide assistance under this section.

SEC. 4467. IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS UNDER THE JOB TRAINING PARTNERSHIP ACT.

(a) ADDITIONAL STATE DISLOCATED WORKER UNIT ASSISTANCE REQUIREMENTS.—Section 311(b) of the Job Training Partnership Act (29 U.S.C. 1661(b)) is amended—

(1) in paragraph (3)(D), by inserting before the semicolon at the end the following: ", including immediate notification to substate grantees of current or projected permanent closures or substantial layoffs in the substate area of such grantee to continue and expand the services initiated by the rapid response teams";

(2) in paragraph (9), by striking out "on the plan; and" and inserting in lieu thereof "on the plan;";

(3) in paragraph (10), by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new paragraphs:

"(11) the State unit will provide the Secretary with a cost breakdown of all funds made available under this title used by such unit for administrative expenditures; and

"(12) the State will not transfer the responsibility for the rapid response assistance functions of the State unit under section 314(b) to another entity, but the State may contract with another entity to perform rapid response assistance services.".

(b) OVERSIGHT BY SECRETARY OF RAPID RESPONSE ASSISTANCE SERVICES.—Section 314(b) of such Act (29 U.S.C. 1661c(b)) is amended by adding at the end the following new paragraph:

"(3) The Secretary shall oversee the administration by each State of the rapid response assistance services provided in such State and the effectiveness, efficiency, and timeliness of the delivery of such services. If the Secretary determines that such services are not being performed adequately, the Secretary shall implement appropriate corrective action, including, where necessary, the selection of a new rapid response assistance service provider.".

(c) EXPANDED DEFINITION OF SUBSTANTIAL LAYOFF FOR RAPID RESPONSE ASSISTANCE.—Section 314(b) of such Act (29 U.S.C. 1661c(b)) (as amended by subsection (b)) is further amended by adding at the end the following new paragraph:

"(4) For purposes of rapid response assistance provided by a State dislocated worker unit, the term 'substantial layoff' means a layoff of 50 or more individuals.".

(d) CLARIFICATION OF DEFINITION OF ELIGIBLE DISLOCATED WORKERS FOR CERTAIN SERVICES PROVIDED UNDER SECTION 314.—Section 314 of such Act (29 U.S.C. 1661c) is amended—

(1) in subsection (e)(1), by inserting "is unemployed and" after "to provide needs-related payments to an eligible dislocated worker who"; and

(2) by adding at the end the following new subsection:

"(h) CLARIFICATION OF DEFINITION OF ELIGIBLE DISLOCATED WORKERS FOR CERTAIN SERVICES.—(1) The term 'eligible dislocated workers' includes individuals who have not received specific notice of termination or lay off and work at a facility at which the employer has made a public announcement that such facility will close (except those individuals likely to remain employed with the same employer or likely to retire instead of seeking new employment)—

"(A) with respect to basic readjustment services provided under paragraphs (1) through (14), (16), and (18) of subsection (c); and

"(B) with respect to services provided under this section beginning 180 days before the date on which the facility is scheduled to close.

"(2) Services described in paragraph (1)(A) and provided to the individuals described in paragraph (1) shall, to the extent practicable, be funded under section 302(c)(1).".

(e) NOTICE OF TERMINATION OF CERTAIN DEFENSE EMPLOYEES FOR SERVICES PROVIDED UNDER SECTION 325.—Section 325 of such Act (29 U.S.C. 1662d) is amended by adding at the end the following new subsection:

"(e) NOTICE OF TERMINATION FOR CERTAIN DEFENSE EMPLOYEES.—

"(1) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in paragraph (2) shall be eligible for training, adjustment assistance, and employment services under subsection (a) beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under paragraph (3), whichever occurs earlier.

"(2) CERTAIN DEFENSE LAWS.—The laws referred to in this paragraph are—

"(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(3) DATE.—The date determined under this paragraph is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.".

(f) PROHIBITION OF USE OF FUNDS UNDER JOB TRAINING PROGRAMS FOR TRANSFER OF FEDERAL PROPERTY AND EQUIPMENT BETWEEN FEDERAL AGENCIES.—

(1) IN GENERAL.—Section 141 of such Act (29 U.S.C. 1551) is amended by adding at the end the following new subsection:

"(s) Notwithstanding any other provision of law, a job training program under this Act or an education program shall receive priority consideration for the transfer of Federal property and equipment that the Secretary of Defense determines are in excess of current and projected requirements of the Department of Defense. Such property and equipment shall be transferred at no cost to such program.".

(2) CONFORMING AMENDMENT.—Section 131(i) of the Job Training Reform Amendments of 1992 is amended by striking "adding at the end" and inserting "inserting after subsection (p)".

SEC. 4468. JOB BANK PROGRAM FOR DISCHARGED MILITARY PERSONNEL, TERMINATED DEFENSE EMPLOYEES, AND DISPLACED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) INTERSTATE JOB BANK PROGRAM.—The Secretary of Defense shall establish a program to expand the services of and provide access to the Interstate Job Bank program in the United States Employment Service to individuals eligible for training, adjustment assistance, and employment services under sections 325 and 325A of the Job Training Partnership Act and, in the case of members of the Armed Forces so eligible, the spouses of such members. The Secretary may establish such program in coordination with the Defense Outplacement Referral System and other automated job opening networks.

(b) SERVICES INCLUDED.—The program established under subsection (a) may include the following services:

(1) A phone bank reachable by a toll-free number, staffed by an international "help desk" of individuals familiar with the services provided under section 1144 of title 10, United States Code, and related transition programs under chapter 58 of such title (in the case of members of the Armed Forces, priority shall be given to recently discharged veterans, members of the Armed Forces who have been separated from active duty, and their spouses).

(2) Interstate Job Bank satellite offices or systems at defense contractor plants by State employment security agencies and at all military bases for direct access and self-service to job listings.

(3) Specialized job banks to integrate with the Interstate Job Bank for specialized listings or services such as the Defense Outplacement Referral System (DORS) of resumes, National

Academy of Sciences Network, commercial systems, and the outplacement of defense-related personnel in high-tech occupations through the expansion and coordination of existing networks to ensure that resources are available at all service locations.

(4) A system by which individuals and public and private organizations may access the Interstate Job Bank using individual modems or related automated employment systems.

(c) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $4,000,000 shall be available to carry out the program established under subsection (a).

SEC. 4469. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN EMPLOYMENT, JOB TRAINING, AND OTHER ASSISTANCE.

Section 1144(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "$4,000,000 for fiscal year 1991" and all that follows through the period and inserting in lieu thereof "$11,000,000 for fiscal year 1993 and $8,000,000 for each of fiscal years 1994 and 1995."; and

(2) in paragraph (2), by striking out "$1,000,000 for fiscal year 1991" and all that follows through the period and inserting in lieu thereof "$6,500,000 for each of fiscal years 1993, 1994, and 1995.".

SEC. 4470. DEFENSE CONTRACTOR REQUIREMENT TO LIST SUITABLE EMPLOYMENT OPENINGS WITH LOCAL EMPLOYMENT SERVICE OFFICE.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2410c, as added by section 4303(a), the following new section:

"§2410d. Defense contractors: listing of suitable employment openings with local employment service office

"(a) REGULATIONS.—The Secretary of Defense shall promulgate regulations containing the requirement described in subsection (b) and such other provisions as the Secretary considers necessary to administer such requirement. Such regulations shall require that each contract described in subsection (c) shall contain a clause requiring the contractor to comply with such regulations.

"(b) REQUIREMENT.—The regulations promulgated under this section shall require each contractor carrying out a contract described in subsection (c) to list immediately with the appropriate local employment service office, and where appropriate the Interstate Job Bank (established by the United States Employment Service), all of its suitable employment openings under such contract.

"(c) COVERED CONTRACTS.—The regulations promulgated under this section shall apply to any contract entered into with the Department of Defense in an amount of $500,000 or more.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2410c, as added by section 4303(b), the following new item:

"2410d. Defense contractors: listing of suitable employment openings with local employment service office.".

(b) EFFECTIVE DATE.—Section 2410d of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into beginning 120 days after the date of the enactment of this Act.

SEC. 4471. NOTICE REQUIREMENTS UPON PROPOSED AND ACTUAL TERMINATION OR SUBSTANTIAL REDUCTION IN DEFENSE PROGRAMS.

(a) SECRETARY OF DEFENSE NOTICE REQUIREMENT AFTER SUBMISSION OF PRESIDENT'S BUDGET TO CONGRESS.—Not later than 30 days after the date on which the President submits to the Congress the annual budget of the President pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall—

(1) determine which defense programs are likely to be terminated or substantially reduced under such budget; and

(2) provide notice of the proposed termination of, or substantial reduction in, a defense program under paragraph (1) to each defense contractor that—

(A) has entered into a defense contract under such program; and

(B) will be adversely affected by the termination of, or substantial reduction in, such program.

(b) SECRETARY OF DEFENSE NOTICE REQUIREMENT AFTER DATE OF ENACTMENT OF AN ACT MAKING APPROPRIATIONS FOR DEFENSE.—Not later than 30 days after the date of the enactment of an Act appropriating funds pursuant to an authorization for the Department of Defense or for defense programs in the Department of Energy, the Secretary of Defense shall—

(1) determine which defense programs are likely to be terminated or substantially reduced under such Act; and

(2) provide notice of the proposed termination of, or substantial reduction in, a defense program under paragraph (1) to each defense contractor that—

(A) has entered into a defense contract under such program; and

(B) will be adversely affected by the termination of, or substantial reduction in, such program.

(c) DEFENSE CONTRACTOR NOTICE REQUIREMENT.—Not later than 2 weeks after a defense contractor receives notice under subsection (a) or (b), as the case may be, of the termination of, or substantial reduction in, a defense program, the contractor shall provide notice of such termination or substantial reduction to—

(1)(A) each representative of employees whose work is directly related to the defense contract under such program and who are employed by the defense contractor; or

(B) if there is no such representative at that time, each such employee; and

(2) the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur.

(d) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, a defense program provided under subsection (c)(1) to an employee of a defense contractor shall have the same effect as a notice of termination to such employee for the purposes of determining whether such employee is eligible for training, adjustment assistance, and employment services under section 325 of the Job Training Partnership Act, or section 325A of such Act (as added by section 4465(a)), as the case may be, except where the employer has specified that the termination of, or reduction in, the program is not likely to result in plant closure or mass layoff. Any employee considered to have received such notice under the preceding sentence shall only be eligible to receive services under section 314(b) of such Act and under paragraphs (1) through (14), (16), and (18) of section 314(c) of such Act.

(e) WITHDRAWAL OF NOTIFICATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of an Act appropriating funds pursuant to an authorization for the Department of Defense or for defense programs in the Department of Energy, the Secretary of Defense shall provide notice of withdrawal of the notification provided under subsection (a)(2) to each defense contractor—

(A) that received notice under such subsection; and

(B) with respect to which the Secretary determines will not be adversely affected by the termination of, or substantial reduction in, the defense program referred to in such subsection due to a sufficient level of funding for the program provided in such Act.

(2) DEFENSE CONTRACTOR NOTICE REQUIREMENT.—Not later than 2 weeks after a defense contractor receives notice of withdrawal of notification under paragraph (1), the contractor shall provide notice of such withdrawal to—

(A)(i) each representative of employees whose work is directly related to the defense contract under the defense program and who are employed by the defense contractor; or

(ii) if there is no such representative at that time, each such employee;

(B) the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur; and

(C) each grantee under section 325(a) of the Job Training Partnership Act, or section 325A(a) of such Act, as the case may be, providing training, adjustment assistance, and employment services to each employee described in this paragraph.

(3) LOSS OF ELIGIBILITY.—An employee who receives notice of withdrawal under paragraph (2) shall not be eligible for training, adjustment assistance, and employment services under section 325 of the Job Training Partnership Act, or section 325A of such Act, as the case may be, beginning on the date the employee receives such notice.

(f) DEFENSE CONTRACTOR DEFINED.—For purposes of this section, the term "defense contractor" means a private person producing goods or services pursuant to—

(1) a contract with the Department of Defense in an amount not less than $500,000; or

(2) a subcontract in an amount not less than $500,000 entered into under a contract with the Department of Defense.

SEC. 4472. STUDY TO DETERMINE THE DISLOCATION EFFECTS OF CURRENT AND FUTURE REDUCTIONS IN SPENDING FOR THE NATIONAL DEFENSE.

(a) STUDY.—The Secretary of Defense and the Secretary of Labor shall jointly conduct a study to determine the dislocation effects that are projected to occur as a result of current and future reductions in spending for the national defense. The responsibilities of the Secretary of Defense under this section shall be carried out by the Defense Economic Adjustment Center established within the National Defense University under section 2504(a) of title 10, United States Code.

(b) CONDUCT OF STUDY.—In carrying out the study under subsection (a), the Secretaries shall—

(1) consider the reemployment potential of workers losing jobs as a result of reduced defense spending, including the probability that such workers will be absorbed into other comparable jobs in the Federal Government or other comparable jobs in the geographic locality of such workers;

(2) include projections for—

(A) dislocation in the private sector defense industry, dislocation of active duty military, and dislocation of civilians working for the Department of Defense; and

(B) secondary dislocation in communities that are substantially and seriously affected (as defined in section 4003(5)(A) of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (Public Law 101–510; 104 Stat. 1848; 10 U.S.C. 2391 note)) where job loss occurs as a consequence of the closing or reduction in force of military facilities, or the cancellation or reduction in defense contracts in such community;

(3) include information on the regional impact of reduced defense spending as it applies to worker dislocation;

(4) include a comparison of the characteristics of the workforce population being dislocated as a consequence of reduced defense spending to the characteristics of the general dislocated workforce population in the United States, including characteristics relating to education status, income level, and occupation;

(5) include projections on how dislocations occurring as a consequence of reduced defense spending will impact on other Federal programs that serve dislocated workers (particularly programs in which funding is based on unemployment statistics), including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(6) include a comparison of the average length of advance notice received by workers being dislocated as a consequence of reduced defense spending to the average length of advance notice received by workers being dislocated for other reasons.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretaries shall jointly submit to the Congress a report containing—

(1) the findings and conclusions of the Secretaries resulting from the study under subsection (a); and

(2) recommendations for assistance to dislocated workers based on the findings and conclusions referred to in paragraph (1).

SEC. 4473. TREATMENT OF CERTAIN PROVISIONS OF LAW UPON TRANSFER OF AMOUNTS PROVIDED UNDER THIS ACT.

(a) CONTINGENT REPEAL.—

(1) IN GENERAL.—If a transfer is made in accordance with section 4501(c) of the full amount of an amount described in subparagraph (A) or (B) of paragraph (2), then the section referred to in that subparagraph (including the amendments made by the section) is repealed, effective as of the date of the enactment of this Act, and the provisions of any Act amended by such section shall apply as if the amendments had not been enacted.

(2) AMOUNTS DESCRIBED.—(A) The amount described in this subparagraph is the amount provided under subsection (c) of section 4465 for the amendments to the Job Training Partnership Act under such section.

(B) The amount described in this subparagraph is the amount provided under subsection (c) of section 4468 for the program under such section.

(b) PUBLICATION IN THE FEDERAL REGISTER.—If a transfer described in subsection (a)(1) is made, then the Secretary of Defense shall promptly publish in the Federal Register a notice of such transfer. Such notice shall specify the date on which such transfer occurred.

Subtitle G—Service Members Occupational Conversion and Training

SEC. 4481. SHORT TITLE.

This subtitle may be cited as the "Service Members Occupational Conversion and Training Act of 1992".

SEC. 4482. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the men and women serving in our Nation's Armed Forces are of the highest caliber—intelligent, dedicated, and disciplined—and hundreds of thousands of these service members will be separating from the Armed Forces due to the drawdown in military personnel;

(2) these men and women will be entering the civilian workforce during a time of economic instability and uncertainty;

(3) many of these service personnel specialized in critical skills such as combat arms which will not transfer to the civilian workforce;

(4) as part of the Nation's obligation to these service members, the Secretary of Defense has a unique responsibility and obligation to provide them with the tools they need to be reassimilated into the civilian community and continue to be outstanding, productive citizens;

(5) the rapid placement of separated military personnel in civilian employment and training opportunities will significantly reduce the Department of Defense's costs relative to unemployment compensation for ex-service members;

(6) military personnel are a national resource whose skills and abilities must be absorbed by and integrated into the civilian workforce; and

(7) providing such training will reduce the total cost of the drawdown and is important to the national defense function of the Department of Defense.

(b) PURPOSE.—The purpose of this subtitle is to provide additional means by which the Secretary of Defense can manage the drawdown of the Armed Forces and to provide additional forms of assistance to members of the Armed Forces who are forced or induced to leave military service by reason of the drawdown of the Armed Forces, thereby facilitating the Secretary's ability to achieve end strength reductions caused by the drawdown.

SEC. 4483. DEFINITIONS.

For the purposes of this subtitle:

(1) The term "Secretary" means the Secretary of Defense.

(2) The terms "veteran", "compensation", "service-connected", "State", and "active military, naval, or air service" have the meanings given such terms in paragraphs (2), (13), (16), (20), and (24), respectively, of section 101 of title 38, United States Code.

SEC. 4484. ESTABLISHMENT OF PROGRAM.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall carry out a program in accordance with this subtitle to assist eligible persons in obtaining employment through participation in programs of significant training for employment in stable and permanent positions. The Secretary may enter into an agreement with the Secretary of Veterans Affairs, the Secretary of Labor, or both, for the implementation of the program. The program shall be carried out through payments to employers who employ and train eligible persons in such positions. Such payments shall be made to assist such employers in defraying the costs of necessary training.

(b) STATE AGENCIES.—(1) The implementing official may enter into contracts or agreements with State approving agencies, as designated pursuant to section 3671(a) of title 38, United States Code, or other State agencies to carry out any duty of the implementing official under this subtitle. Payment may be made to such agencies pursuant to any such contract or agreement for reasonable and necessary expenses of salary and travel incurred by employees of such agencies in carrying out such duties. Each such payment may be made only from funds available to the implementing official pursuant to section 4495(a)(3).

(2) Each State approving agency or other State agency with which a contract or agreement is entered into under this section shall submit to the implementing official on a monthly or quarterly basis, as determined by the agency, a report containing a certification of such expenses for the period covered by the report. The report shall be submitted in the form and manner required by such official.

(c) EXPEDITIOUS IMPLEMENTATION.—A requirement in this subtitle to issue regulations shall not be the basis for a delay in carrying out this program within the time limit established by subsection (a).

SEC. 4485. ELIGIBILITY FOR PROGRAM; PERIOD OF TRAINING.

(a) IN GENERAL.—(1) To be eligible for participation in a program of job training under this subtitle, an eligible person must be an eligible person described in paragraph (2) who—

(A)(i) is unemployed at the time of applying for participation in a program under this subtitle; and

(ii) has been unemployed for at least 8 of the 15 weeks immediately preceding the date of such eligible person's application for participation in a program under this subtitle;

(B) separates from the active military, naval, or air service and whose primary or secondary occupational specialty in the Armed Forces is (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) not readily transferable to the civilian workforce; or

(C) served in the active military, naval, or air service and is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more.

(2) For purposes of paragraph (1), an eligible person referred to in paragraph (1) is a veteran who—

(A) was discharged on or after August 2, 1990; and

(B)(i) served in the active military, naval, or air service for a period of more than 90 days; or

(ii) was discharged or released from active duty because of a service-connected disability.

(3) For purposes of paragraph (1), an eligible person shall be considered to be unemployed during any period such person is without a job and wants and is available for work. In determining whether a person is unemployed for purposes of paragraph (1), the implementing official shall not take into consideration part-time or temporary employment, as defined by such official.

(b) APPLICATION PROCESS.—(1) An eligible person who desires to participate in a program of job training under this subtitle shall submit to the implementing official an application for participation in such a program. Such an application—

(A) shall include a certification by the eligible person that the eligible person meets the criteria for eligibility prescribed by subparagraph (A), (B), or (C) of subsection (a)(1);

(B) shall include an opportunity for the eligible person to request counseling under section 4493(a); and

(C) shall be in such form and contain such additional information as such official may prescribe.

(2)(A) Subject to subparagraph (B), an application by an eligible person for participation in a program of job training under this subtitle shall be approved unless the implementing official finds that the eligible person is not eligible to participate in a program of job training under this subtitle.

(B) Approval of an application of an eligible person under this subtitle may be withheld if the implementing official determines that, because of limited funds available for the purpose of making payments to employers under this subtitle, it is necessary to limit the number of participants in the program carried out under this subtitle.

(3)(A) Subject to section 4491(c), the implementing official shall certify as eligible for participation under this subtitle an eligible person whose application is approved under this subsection and shall furnish the eligible person with a certificate of that eligible person's eligibility for presentation to an employer offering a program of job training under this subtitle. Any such certificate shall expire 180 days after it is furnished to the eligible person. The date on

which a certificate is furnished to an eligible person under this paragraph shall be stated on the certificate.

(B) A certificate furnished under this paragraph may, upon the eligible person's application, be renewed in accordance with the terms and conditions of subparagraph (A).

(c) APPEAL OF DENIAL OF CERTIFICATE.—The implementing official shall permit each eligible person who is not issued a certificate of eligibility under subsection (b) (other than an eligible person who is not issued such a certificate by reason of subsection (b)(2)(B)) to challenge in a hearing before the implementing official the decision of the implementing official not to issue the certificate. The implementing official shall prescribe procedures with respect to the initiation and conduct of hearings under this subsection.

(d) PERIOD OF TRAINING.—An employer shall provide a period of training under a program of job training under this subtitle of not less than 6 months or more than 18 months in a field of employment providing a reasonable probability of stable, long-term employment.

SEC. 4486. APPROVAL OF EMPLOYER PROGRAMS.

(a) IN GENERAL.—(1) An employer may be paid assistance under section 4487(a) on behalf of an eligible person employed by such employer and participating in a program of job training offered by that employer only if the program is approved under this section.

(2) Except as provided in subsection (b), a proposed program of job training of an employer shall be approved unless the implementing official determines that the application does not contain a certification and other information meeting the requirements established under this subtitle or that withholding of approval is warranted under subsection (g).

(b) INELIGIBLE PROGRAMS.—A program of job training—

(1) for employment which consists of seasonal, intermittent, or temporary jobs;

(2) for employment under which commissions are the primary source of income;

(3) for employment which involves political or religious activities;

(4) for employment with any department, agency, instrumentality, or branch of the Federal Government (including the United States Postal Service and the Postal Rate Commission); or

(5) for employment outside of a State,

may not be approved under this subtitle.

(c) APPLICATION.—An employer offering a program of job training that the employer desires to have approved for the purposes of this subtitle shall submit to the implementing official a written application for such approval. Such application shall be in such form as such official shall prescribe.

(d) CERTIFICATION.—An application under subsection (c) shall include a certification by the employer of the following:

(1) That the employer is planning that, upon an eligible person's completion of the program of job training, the employer will employ the eligible person in a position for which the eligible person has been trained and that the employer expects that such a position will be available on a stable and permanent basis to the eligible person at the end of the training period.

(2) That the wages and benefits to be paid to an eligible person participating in the employer's program of job training will be not less than the wages and benefits normally paid to other employees participating in the same or a comparable program of job training.

(3) That the employment of an eligible person under the program—

(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits); and

(B) will not be in a job (i) while any other individual is on layoff from the same or any substantially equivalent job, or (ii) the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its work force with the intention of hiring an eligible person in such job under this subtitle.

(4) That the employer will not employ in the program of job training an eligible person who is already qualified by training and experience for the job for which training is to be provided.

(5) That the job which is the objective of the training program is one that involves significant training.

(6) That the training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and of comparable training opportunities in such occupation, to accomplish the training objective certified under paragraph (2) of subsection (e).

(7) That each participating eligible person will be employed full time in the program of job training.

(8) That the training period under the proposed program is not longer than the training periods that employers in the community customarily require new employees to complete in order to become competent in the occupation or job for which training is to be provided.

(9) That there are in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as are needed to accomplish the training objective certified under subsection (e)(2).

(10) That the employer will keep records adequate to show the progress made by each eligible person participating in the program and otherwise to demonstrate compliance with the requirements established under this subtitle.

(11) That the employer will furnish each participating eligible person, before the eligible person's entry into training, with a copy of the employer's certification under this subsection and will obtain and retain the eligible person's signed acknowledgment of having received such certification.

(12) That, as applicable, the employer will provide each participating eligible person with the full opportunity to participate in a personal interview pursuant to section 4493(b)(1)(B) during the eligible person's normal workday.

(13) That the program meets such other criteria as the Secretary, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, may determine are essential for the effective implementation of the program established by this subtitle.

(e) HOURS AND TRAINING CONTENT.—A certification under subsection (d) shall include—

(1) a statement indicating (A) the total number of hours of participation in the program of job training to be offered an eligible person, (B) the length of the program of job training, and (C) the starting rate of wages to be paid to a participant in the program; and

(2) a description of the training content of the program (including any agreement the employer has entered into with an educational institution under section 4489) and of the objective of the training.

(f) STATUS OF CERTIFIED MATTERS.—(1) Except as specified in paragraph (2), each matter required to be certified to in paragraphs (1) through (11) of subsection (d) shall be considered to be a requirement established under this subtitle.

(2)(A) For the purposes of section 4487(c), only matters required to be certified in paragraphs (1) through (10) of subsection (d) shall be so considered.

(B) For the purposes of section 4490, a matter required to be certified under paragraph (12) of subsection (d) shall also be so considered.

(g) WITHHOLDING APPROVAL; DISAPPROVAL.—In accordance with regulations which the Secretary shall prescribe, the implementing official may withhold approval of an employer's proposed program of job training pending the outcome of an investigation under section 4491 and, based on the outcome of such an investigation, may disapprove such program.

(h) ON-JOB TRAINING.—For the purposes of this section, approval of a program of apprenticeship or other on-job training for the purposes of section 3687 of title 38, United States Code, shall be considered to meet all requirements established under the provisions of this subtitle (other than subsection (b) and (d)(3)) for approval of a program of job training.

SEC. 4487. PAYMENTS TO EMPLOYERS; OVERPAYMENT.

(a) PAYMENTS.—(1)(A) Except as provided in subsections (b) and (c) and subject to section 4485(d), the implementing official shall make payments to employers in accordance with this section. The amount payable to such an employer on behalf of an eligible person with respect to an approved program of job training under this subtitle shall be determined by such official at the beginning of such program. Except as provided in subparagraph (B), that amount shall be equal to 50 percent of the product of (i) the starting hourly rate of wages paid to the eligible person by the employer (without regard to overtime or premium pay), and (ii) the number of hours to be worked by the eligible person during the entire program period.

(B) In no case may the amount determined under subparagraph (A) exceed—

(i) $12,000 for an eligible person with a service-connected disability rated at 30 percent or more; or

(ii) $10,000 for an eligible person not described in clause (i).

(b) PAYMENT PERIOD.—(1) Except as provided in paragraphs (2) and (3), the implementing official shall pay training assistance to employers under this section on a quarterly basis.

(2) The implementing official may pay training assistance to an employer on a monthly basis if the implementing official determines (pursuant to regulations prescribed by the implementing official) that the number of employees of the employer is such that the payment of assistance on a quarterly basis would be burdensome to the employer.

(3) The implementing official shall withhold 25 percent of each payment due under this subsection with respect to an eligible person. The total amount withheld with respect to an eligible person under this paragraph shall be paid to the employer at the end of the four month period of employment of such person under this subtitle beginning on the date of completion of training.

(c) TOOLS AND OTHER WORK-RELATED MATERIALS.—In addition to payments under subsection (a), the implementing official shall reimburse the employer for the cost of tools and other work-related materials necessary for the eligible person's participation in the program of job training in an amount up to $500 if the employer presents to the implementing official a certification signed by the employer and eligible person that—

(1) tools and other work-related materials are necessary for the eligible person's participation in the job training program,

(2) the eligible person bought the tools and other work-related materials, and

(3) the employer paid the eligible person for the cost of the tools and other work-related materials.

(d) OVERPAYMENTS.—(1)(A) Whenever the implementing official finds that an overpayment under this subtitle has been made to an employer on behalf of an eligible person as a result

of a certification, or information contained in an application, submitted by an employer which was false in any material respect, the amount of such overpayment shall constitute a liability of the employer to the United States.

(B) Whenever such official finds that an employer has failed in any substantial respect to comply for a period of time with a requirement established under this subtitle (unless the employer's failure is the result of false or incomplete information provided by the eligible person), each amount paid to the employer on behalf of an eligible person for that period shall be considered to be an overpayment under this subtitle, and the amount of such overpayment shall constitute a liability of the employer to the United States.

(2) Whenever such official finds that an overpayment under this subtitle has been made to an employer on behalf of an eligible person as a result of a certification by the eligible person, or as a result of information provided to an employer or contained in an application submitted by the eligible person, which was willfully or negligently false in any material respect, the amount of such overpayment shall constitute a liability of the eligible person to the United States.

(3) Any overpayment referred to in paragraph (1) or (2) may be recovered in the same manner as any other debt due the United States. Any overpayment recovered shall be credited to funds available to make payments under this subtitle. If there are no such funds, any overpayment recovered shall be deposited into the Treasury.

(4) Any overpayment referred to in paragraph (1) or (2) may be waived, in whole or in part, in accordance with the terms and conditions set forth in section 5302 of title 38, United States Code.

(e) LIMITATIONS.—(1) Payment may not be made to an employer for a period of training under this subtitle on behalf of an eligible person until the implementing official has received—

(A) from the eligible person, a certification that the eligible person was employed full time by the employer in a program of job training during such period; and

(B) from the employer, a certification—

(i) that the eligible person was employed by the employer during that period and that the eligible person's performance and progress during such period were satisfactory; and

(ii) of the number of hours worked by the eligible person during that period.

With respect to the first such certification by an employer with respect to an eligible person, the certification shall indicate the date on which the employment of the eligible person began and the starting hourly rate of wages paid to the eligible person (without regard to overtime or premium pay).

(2) Payment may not be made to an employer for a period of training under this subtitle on behalf of an eligible person for which a request for payment is made after two years after the date on which that period of training ends.

SEC. 4488. ENTRY INTO PROGRAM OF JOB TRAINING.

(a) IN GENERAL.—Notwithstanding any other provision of this subtitle, the implementing official shall withhold or deny approval of an eligible person's entry into an approved program of job training if such official determines that funds are not available to make payments under this subtitle on behalf of the eligible person to the employer offering that program. Before the entry of an eligible person into an approved program of job training of an employer for purposes of assistance under this subtitle, the employer shall notify such official of the employer's intention to employ that eligible person. The eligible person may begin such program of job training with the employer two weeks after the notice is transmitted, by means prescribed by such official, to such official unless within that time the employer has received notice from such official that approval of the eligible person's entry into that program of job training must be withheld or denied in accordance with this section.

(b) PERIOD FOR COMMENCEMENT OF PARTICIPATION UNDER CERTIFICATE.—An eligible person who is issued a certificate of eligibility for participation in a program of job training under this subtitle shall commence participation in such a program not more than 180 days after the date of the issuance of the certificate. The date on which a certificate is furnished to an eligible person shall be stated on the certificate.

SEC. 4489. PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.

An employer may enter into an agreement with an educational institution that has been approved for the purposes of chapter 106 of title 10, United States Code, in order that such institution may provide a program of job training (or a portion of such a program) under this subtitle. When such an agreement has been entered into, the application of the employer under section 4486 shall so state and shall include a description of the training to be provided under the agreement.

SEC. 4490. DISCONTINUANCE OF APPROVAL OF PARTICIPATION IN CERTAIN EMPLOYER PROGRAMS.

(a) FAILURE TO MEET REQUIREMENTS.—If the implementing official finds at any time that a program of job training previously approved for the purposes of this subtitle thereafter fails to meet any of the requirements established under this subtitle, such official may immediately disapprove further participation by eligible persons in that program. Such official shall provide to the employer concerned, and to each eligible person participating in the employer's program, a statement of the reasons for, and an opportunity for a hearing with respect to, such disapproval. The employer and each such eligible person shall be notified of such disapproval, the reasons for such disapproval, and the opportunity for a hearing. Notification shall be by a certified or registered letter, and a return receipt shall be secured.

(b) RATE OF COMPLETION.—(1) If the implementing official determines that the rate of eligible persons' successful completion of an employer's programs of job training previously approved for the purposes of this subtitle is disproportionately low because of deficiencies in the quality of such programs, such official shall disapprove participation in such programs on the part of eligible persons who had not begun such participation on the date that the employer is notified of the disapproval. In determining whether any such rate is disproportionately low because of such deficiencies, such official shall take into account appropriate data, including—

(A) the quarterly data provided by the Secretary of Labor with respect to the number of eligible persons who receive counseling in connection with training under this subtitle, are referred to employers under this subtitle, participate in job training under this subtitle, and complete such training or do not complete such training, and the reasons for noncompletion; and

(B) data compiled through the particular employer's compliance surveys.

(2) With respect to a disapproval under paragraph (1), the implementing official shall provide to the employer concerned the kind of statement, opportunity for hearing, and notice described in subsection (a).

(3) A disapproval under paragraph (1) shall remain in effect until such time as the implementing official determines that adequate remedial action has been taken.

SEC. 4491. INSPECTION OF RECORDS; INVESTIGATIONS.

(a) RECORDS.—The records and accounts of employers pertaining to eligible persons on behalf of whom assistance has been paid under this subtitle, as well as other records that the implementing official determines to be necessary to ascertain compliance with the requirements established under this subtitle, shall be available at reasonable times for examination by authorized representatives of the Federal Government.

(b) COMPLIANCE MONITORING.—Such official may monitor employers and eligible persons participating in programs of job training under this subtitle to determine compliance with the requirements established under this subtitle.

(c) INVESTIGATIONS.—Such official may investigate any matter such official considers necessary to determine compliance with the requirements established under this subtitle. The investigations authorized by this subsection may include examining records (including making certified copies of records), questioning employees, and entering into any premises or onto any site where any part of a program of job training is conducted under this subtitle, or where any of the records of the employer offering or providing such program are kept.

(d) DEPARTMENT OF LABOR.—Functions may be administered under subsections (b) and (c) in accordance with an agreement between the Secretary and the Secretary of Labor providing for the administration of such subsections (or any portion of such subsections) by the Department of Labor. Under such an agreement, any entity of the Department of Labor specified in the agreement may administer such subsections.

SEC. 4492. COORDINATION WITH OTHER PROGRAMS.

(a) VETERANS EDUCATION PROGRAMS.—(1) Assistance may not be paid under this subtitle to an employer on behalf of an eligible person for any period of time described in paragraph (2) and to such eligible person under chapter 30, 31, 32, 35, or 36 of title 38, United States Code, or chapter 106 of title 10, United States Code, for the same period of time.

(2) A period of time referred to in paragraph (1) is the period of time beginning on the date on which the eligible person enters into an approved program of job training of an employer for purposes of assistance under this subtitle and ending on the last date for which such assistance is payable.

(b) OTHER TRAINING AND EMPLOYMENT.—Assistance may not be paid under this subtitle to an employer on behalf of an eligible person for any period if the employer receives for that period any other form of assistance on account of the training or employment of the eligible person, including assistance under the Job Training Partnership Act or a credit under section 51 of the Internal Revenue Code of 1986 (relating to credit for employment of certain new employees).

(c) PREVIOUS COMPLETION OF PROGRAM.— Assistance may not be paid under this subtitle on behalf of an eligible person who has completed a program of job training under this subtitle.

(d) PROMOTION.—(1) In carrying out section 3116(b) of title 38, United States Code, the Secretary of Veterans Affairs shall take all feasible steps to establish and encourage, for eligible persons who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training under this subtitle.

(2) The Secretary of Veterans Affairs, in cooperation with the implementing official (unless the Secretary of Veterans Affairs is the implementing official), shall take all feasible steps to ensure that, in the cases of eligible persons who are eligible to have payments made on their be-

half under both this subtitle and section 3116(b) of title 38, United States Code, the authority under such section is utilized, to the maximum extent feasible and consistent with the eligible person's best interests, to make payments to employers on behalf of such eligible persons.

SEC. 4493. COUNSELING.

(a) IN GENERAL.—The implementing official shall, upon request, provide, by contract or otherwise, employment counseling services to any eligible person eligible to participate under this subtitle in order to assist such eligible person in selecting a suitable program of job training under this subtitle.

(b) CASE MANAGER.—(1) The implementing official shall provide for a program under which—

(A) except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 4103A(a) of title 38, United States Code, is assigned as a case manager for each eligible person participating in a program of job training under this subtitle;

(B) the eligible person has an in-person interview with the case manager not later than 60 days after entering into a program of training under this subtitle; and

(C) periodic (not less frequent than monthly) contact is maintained with each such eligible person for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the eligible person to appropriate counseling, if necessary, (iii) facilitating the eligible person's successful completion of such program, and (iv) following up with the employer and the eligible person in order to determine the eligible person's progress in the program and the outcome regarding the eligible person's participation in and successful completion of the program.

(2) No case manager shall be assigned pursuant to paragraph (1)(A)—

(A) for an eligible person if, on the basis of a recommendation made by a disabled veterans' outreach program specialist, the implementing official determines that there is no need for a case manager for such eligible person; or

(B) in the case of the employees of an employer, if the implementing official determines that—

(i) the employer has an appropriate and effective employee assistance program that is available to all eligible persons participating in the employer's programs of job training under this subtitle; or

(ii) the rate of eligible persons' successful completion of the employer's programs of job training under this subtitle, either cumulatively or during the previous program year, is 60 percent or higher.

(3) The implementing official shall provide, to the extent feasible, a program of counseling or other services designed to resolve difficulties that may be encountered by eligible persons during their training under this subtitle. Such counseling or other services shall be similar to the counseling and other services provided under sections 1712A, 3697A, 4103A, 4104, 7723, and 7724 of title 38, United States Code, and section 1144 of title 10, United States Code.

(c) CASE MANAGER REQUIRED.—Before an eligible person who voluntarily terminates from a program of job training under this subtitle or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this subtitle, such eligible person must be provided by the Secretary of Labor, after consultation with the implementing official, with a case manager.

SEC. 4494. INFORMATION AND OUTREACH; USE OF AGENCY RESOURCES.

(a) IN GENERAL.—(1) The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly provide for an outreach and public information program—

(A) to inform eligible persons about the employment and job training opportunities available under this subtitle and under other provisions of law; and

(B) to inform private industry and business concerns (including small business concerns), public agencies and organizations, educational institutions, trade associations, and labor unions about the job training opportunities available under, and the advantages of participating in, the program established by this subtitle.

(2) The Secretary, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, shall promote the development of employment and job training opportunities for eligible persons by encouraging potential employers to make programs of job training under this subtitle available for eligible persons, by advising other appropriate Federal departments and agencies of the program established by this subtitle, and by advising employers of applicable responsibilities under chapters 41 and 42 of title 38, United States Code, with respect to eligible persons.

(b) COORDINATION.—The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall coordinate the outreach and public information program under subsection (a)(1), and job development activities under subsection (a)(2), with job counseling, placement, job development, and other services provided for under chapters 41 and 42 of title 38, United States Code, and with other similar services offered by other public agencies and organizations.

(c) AGENCY RESOURCES.—(1) The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall make available such personnel as are necessary to facilitate the effective implementation of this subtitle.

(2) In carrying out the responsibilities of the Secretary of Labor under this subtitle, the Secretary of Labor shall make maximum use of the services of Directors and Assistant Directors for Veterans' Employment and Training, disabled veterans' outreach program specialists, and employees of local offices, appointed pursuant to sections 4103, 4103A, and 4104 of title 38, United States Code. To the extent that the implementing official withholds approval of eligible persons' applications under this subtitle pursuant to section 4485(b)(2)(B), the Secretary of Labor shall take steps to assist such eligible persons in taking advantage of opportunities that may be available to them under any other program carried out with funds provided by the Secretary of Labor.

(d) SMALL BUSINESS.—The implementing official shall request and obtain from the Administrator of the Small Business Administration a list of small business concerns and shall, on a regular basis, update such list. Such list shall be used to identify and promote possible training and employment opportunities for eligible persons.

(e) ASSISTANCE TO PARTICIPATE.—The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall assist eligible persons and employers desiring to participate under this subtitle in making application and completing necessary certifications.

(f) COLLECTION OF CERTAIN INFORMATION.—The Secretary of Labor shall, on a not less frequent than quarterly basis, collect and compile from the heads of State employment services and Directors for Veterans' Employment and Training for each State information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of eligible persons who receive counseling services pursuant to section 4493, who are referred to employers participating under this subtitle, who participate in programs of job training under this subtitle (including a description of the nature of the training and salaries that are part of such programs), and who complete such programs, and the reasons for eligible persons' noncompletion.

SEC. 4495. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated in section 301 for Defense Agencies, $75,000,000 shall be made available for the purpose of making payments to employers under this subtitle. The Secretary of Veterans Affairs and the Secretary of Labor shall submit an estimate to the Secretary of the amount needed to carry out any agreement entered into under section 4484(a), including administrative costs referred to in paragraph (3). Such agreements shall include administrative procedures to ensure the prompt and timely payments to employers by the implementing official.

(2) Amounts made available pursuant to this section for a fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were appropriated.

(3) Of the amounts made available pursuant to this section for a fiscal year, six percent of such amounts may be used for the purpose of administering this subtitle, including reimbursing expenses incurred.

(b) AVAILABILITY OF DEOBLIGATED FUNDS.—Notwithstanding any other provision of law, any funds made available pursuant to this section for a fiscal year which are obligated for the purpose of making payments under section 4487 on behalf of an eligible person (including funds so obligated which previously had been obligated for such purpose on behalf of another eligible person and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the implementing official for obligation for such purpose. The further obligation of such funds by such official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.

SEC. 4496. TIME PERIODS FOR APPLICATION AND INITIATION OF TRAINING.

Assistance may not be paid to an employer under this subtitle—

(1) on behalf of an eligible person who initially applies for a program of job training under this subtitle after September 30, 1995; or

(2) for any such program which begins after March 31, 1996.

SEC. 4497. TREATMENT OF CERTAIN PROVISIONS OF LAW UPON TRANSFER OF AMOUNTS PROVIDED UNDER THIS ACT.

(a) CONTINGENT AMENDMENT.—If a transfer is made in accordance with section 4501(c) of the full amount of the amount provided under section 4495(a) for the program established under section 4484(a), then, effective as of the date of the enactment of this Act, the first sentence of section 4484(a) is amended by striking "the Secretary shall carry out" and inserting "the Secretary may carry out".

(b) PUBLICATION IN THE FEDERAL REGISTER.—If the transfer described in subsection (a) is made, then the Secretary of Defense shall promptly publish in the Federal Register a notice of such transfer. Such notice shall specify the date on which such transfer occurred.

SEC. 4501. BUDGET DETERMINATION BY THE DIRECTOR OF OMB.

(a) REQUIREMENT FOR DETERMINATION.—An amount made available under this Act for a program described in subsection (b) may be obligated for that program only if expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of

part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the programs under title XLIII, and subtitles D through G of title XLIV.

(c) EFFECT ON APPROPRIATIONS FOR PROGRAMS NOT COUNTED AGAINST DEFENSE CATEGORY.—(1) Not later than the third day after the date of the enactment of this Act, the Director of the Office of Management and Budget shall make a determination as to the classification by discretionary spending limit category for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 of amounts appropriated for fiscal year 1993 for each of the programs described in subsection (b). If the Director determines that any such amount shall not classify against the defense category, then the President shall submit to Congress a report listing all such amounts that the Director has determined will not classify against the defense category (as described in subsection (a)). Such report shall contain an explanation for each such determination.

(2) All amounts listed in the report under paragraph (1) may be transferred only to the programs under titles XLII, XLIII, and XLIV that are classified against the defense category by virtue of the report of the President submitted under paragraph (1) pursuant to amounts specified in appropriation Acts. Any such transfer shall be taken into account for purposes of calculating all reports under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

From the Committee on Armed Services, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

LES ASPIN,
CHARLES E. BENNETT,
G.V. MONTGOMERY,
PAT SCHROEDER,
BEV BYRON,
NICHOLAS MAVROULES,
EARL HUTTO,
IKE SKELTON,
DAVE MCCURDY,
THOMAS M. FOGLIETTA,
DENNIS M. HERTEL,
MARILYN LLOYD,
NORMAN SISISKY,
RICHARD RAY,
JOHN M. SPRATT, Jr.,
SOLOMON P. ORTIZ,
GEORGE (BUDDY) DARDEN,
OWEN PICKETT,
MARTIN H. LANCASTER,
LANE EVANS,
JAMES H. BILBRAY,
JOHN S. TANNER,
MICHAEL R. MCNULTY,
GLEN BROWDER,
WM. L. DICKINSON,
FLOYD SPENCE,
LARRY J. HOPKINS,
(except for Sec. 807 on Mentor-Protege and Sec. 1364 on the Landmine Moratorium),
BOB DAVIS,
DUNCAN HUNTER,
(except for Secs. 232 and 234 related to SDI),
DAVID O'B MARTIN,
JOHN R. KASICH,
HERBERT H. BATEMAN,
BEN BLAZ,
ANDY IRELAND,
JAMES V. HANSEN,
CURT WELDON,
ARTHUR RAVENEL, Jr.,
ROBERT K. DORNAN of California,
(except for Secs. 232 and 234 related to SDI),

As additional conferees from the Permanent Select Committee on Intelligence, for matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

BARBARA B. KENNELLY,
DAN GLICKMAN,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1071, and 4501–4502 of the House bill, and sections 838, 1092, 1093, 1094, and 1094B of the Senate amendment, and modifications committed to conference:

THOMAS CARPER,
JOHN J. LAFALCE,
MARY ROSE OAKAR,
BRUCE F. VENTO,
PAUL E. KANJORSKI,
THOMAS RIDGE,
BILL PAXON,
MEL HANCOCK,

As additional conferees from the Committee on Education and Labor, for consideration of sections 3161–3162, 4301–4313, 4321–4325, 4401, 4404–4405, and 4607 of the House bill, and sections 333, 344, 531, 532, 804, 814(e), 1060, 1065, 1082–1085, 1099E, 1301–1307, and 3151–3153 of the Senate amendment, and modifications committed to conference:

WILLIAM FORD of Michigan,
PAT WILLIAMS,
WILLIAM F. GOODLING,
STEVE GUNDERSON,
MARGE ROUKEMA,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 321, 370, 1071, and 3161 of the House bill, and sections 313–317, 319–320, 824, 838, 1205, 2851–2855, 2861, 3132, 3135, 3141, 3151–3152, and 3201 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
AL SWIFT,
PHIL SHARP,
CARDISS COLLINS of Illinois,
DENNIS E. ECKART,
NORMAN F. LENT,
DON RITTER,
CARLOS J. MOORHEAD,

Mr. McMillan of North Carolina is appointed in lieu of Mr. Moorhead solely for consideration of section 1071 of the House bill and sections 824 and 838 of the Senate amendment:

ALEX J. MCMILLAN of North Carolina

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 146, 175, 204, 233, 234, 241, 304, 324, 365–368, 1031, 1033, 1056, 1057, 1059–1060, 1064–1065, 1067, 1069–1070, 1101–1106, 3132, and 3141–3145 of the House bill, and sections 112, 223, 304, 361–362, 828, 836, 908, 921–922, 1041, 1043, 1050, 1055, 1057, 1061, 1063, 1066–1067, 1071–1073, 1075–1076, 1091, 1093, 1094A–1094F, 1101–1132, 1201–1212, and 1401–1408 of the Senate amendment, and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
GUS YATRON,
STEPHEN J. SOLARZ,
HOWARD L. BERMAN,
WM. S. BROOMFIELD,
BENJAMIN A. GILMAN,
ROBERT J. LAGOMARSINO,

Provided, that solely for consideration of section 1091 of the Senate amendment, Mr. Gejdenson is appointed in lieu of Mr. Fascell, and solely for consideration of sections 1201–1212 of the Senate amendment, Mr. Torricelli is appointed in lieu of Mr. Hamilton.

SAM GEJDENSON,
ROBERT TORRICELLI,

As additional conferees from the Committee on Government Operations, for consideration of sections 313, 374(f), 640, 814, 819, 821, 1002, and 2823 of the House bill, and sections 1003, 1048(f), and 2841 of the Senate amendment, and modifications committed to conference:

JOHN CONYERS, Jr.,
MIKE SYNAR,
EDOLPHUS TOWNS,
RAY THORNTON,
COLLIN C. PETERSON,
FRANK HORTON,
BILL CLINGER,

As additional conferees from the Committee on the Judiciary, for consideration of sections 838(e) and 1062 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
DON EDWARDS of California,
JOHN CONYERS, Jr.,
HENRY J. HYDE,
HOWARD COBLE,

As additional conferees from the Committee on the Judiciary, for consideration of section 1068 of the House bill, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
HOWARD L. BERMAN,
BILL MCCOLLUM,
LAMAR SMITH of Texas,

As additional conferees from the Committee on the Judiciary, for consideration of section 922 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
CHARLES E. SCHUMER,
WILLIAM J. HUGHES,
F. JAMES SENSENBRENNER, Jr.,
STEVEN SCHIFF,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 536, 1013, 1016(b), 1017, 1019, 1021, 2837, and 3501–3504 of the House bill, and sections 612(b), 1021–1023, 1045, 1053, 1206, 2837, 2851–2855, 3103(e), and 3501–3505 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
CARROLL HUBBARD,
WILLIAM F. HUGHES,
BILLY TAUZIN,
WILLIAM O. LIPINSKI,
DON YOUNG of Alaska,
JACK FIELDS,
NORMAN F. LENT,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 531, 924(a), 1060(a), 1201–1206, 1301, 4401, and 4601–4606 of the House bill, and sections 341–348, 539, 809(b), 1044–1045, 1058(a), 1074, that portion of section 1082 that adds a new section 195H to the National and Community Service Act of 1990, 1099D, 1306 of the Senate amendment, and modifications committed to conference:

WILLIAM (BILL) CLAY,
MARY ROSE OAKAR,
GERRY SIKORSKI,
GARY ACKERMAN,
PAUL E. KANJORSKI,

BENJAMIN A. GILMAN,
FRANK HORTON,
JOHN T. MYERS of Indiana,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 4101–4106 and 4501–4502 of the House bill, and sections 313–317, 320, and 332 of the Senate amendment, and modifications committed to conference:

ROBERT A. ROE,
NORMAN Y. MINETA,
HENRY J. NOWAK,
JOE KOLTER,
JIMMY HAYES of Louisiana,
JOHN PAUL HAMMERSCHMIDT,
BUD SHUSTER,

Provided, that solely for consideration of sections 4101–4106 and 4501–4502 of the House bill, and section 332 of the Senate amendment, Mrs. Bentley is appointed; and solely for consideration of sections 313–317 and 320 of the Senate amendment, Mr. Petri is appointed.

HELEN DELICH BENTLEY,
TOM PETRI,

As additional conferees from the Committee on Science, Space and Technology, for consideration of sections 241, 4105, 4201–4203, and 4206 of the House bill, and sections 204, 801–806, 809, 810A, 837, 839, 1112, 3139, and 3141 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
NORMAN Y. MINETA,
JOAN KELLY HORN,
JIM BACCHUS,

As additional conferees from the Committee on Veterans Affairs, for consideration of sections 641–642 and 4351–4368 of the House bill, and sections 536, 538, 549, and 551 of the Senate amendment, and modifications committed to conference:

TIMOTHY J. PENNY,
DOUGLAS APPLEGATE,
CHRISTOPHER H. SMITH of New Jersey,

As additional conferees from the Committee on Ways and Means, for consideration of section 4607 of the House bill, and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
J.J. PICKLE,
CHARLES B. RANGEL,
PETE STARK,
BILL ARCHER,
PHIL CRANE,
GUY VANDER JAGT,

As additional conferees from the Committee on Ways and Means, for consideration of sections 1404–1405 of the Senate amendment, and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
ED JENKINS,
THOMAS J. DOWNEY,
DONALD J. PEASE,
BILL ARCHER,
PHIL CRANE,
GUY VANDER JAGT,

Managers on the Part of the House.

SAM NUNN,
J.J. EXON,
CARL LEVIN,
EDWARD M. KENNEDY,
JEFF BINGAMAN,
ALAN J. DIXON,
JOHN GLENN,
AL GORE,
TIMOTHY WIRTH,
RICHARD SHELBY,
ROBERT BYRD,
JOHN WARNER,
STROM THURMOND,
BILL COHEN,
JOHN MCCAIN,
TRENT LOTT,
DAN COATS,
CONNIE MACK,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the armed forces, and for other purposes, submit the following statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorizations for the Department of Defense for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons programs of the Department of Energy, and civil defense that have a budget authority implication of $274.3 billion.

SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is generally provided in appropriation acts.

In order to relate the conference recommendations to the Budget Resolution, matters in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the defense function are authorized permanently or, in certain instances, authorized in other annual legislation. In addition, this authorization bill would establish personnel levels and include a number of legislative provisions affecting military compensation.

The following table summarizes authorizations included in the bill for fiscal year 1993 and, in addition, summarizes the implication of the action for the budget totals for national defense (budget function 050).

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION				
					Amended Request	House	Senate	Conference vs. Request	Conference
Aircraft Procurement, Army	1,291.259	1,501.259	1,328.909	1,553.909	1,291.259	1,501.259	1,328.909	262.650	1,553.909
Missile Procurement, Army	982.298	1,083.110	1,037.893	1,118.652	982.298	1,083.110	1,037.893	136.354	1,118.652
Weapons & Tracked Combat Vehicles	623.441	736.641	839.841	877.754	623.441	736.641	839.841	254.313	877.754
Procurement of Ammunition, Army	823.600	940.007	764.280	829.444	823.600	940.007	764.280	5.844	829.444
Other Procurement, Army	3,093.508	3,157.893	3,032.220	3,129.452	3,093.508	3,157.893	3,032.220	35.944	3,129.452
Aircraft Procurement, Navy	6,653.679	6,352.167	5,950.477	5,899.395	6,653.679	6,352.167	5,950.477	-754.284	5,899.395
Weapons Procurement, Navy	3,718.950	3,728.950	3,538.948	3,700.098	3,718.950	3,728.950	3,538.948	-18.852	3,700.098
Shipbuilding & Conversion, Navy	5,319.472	6,590.872	5,526.463	5,958.663	3,444.372	6,590.872	5,526.463	639.191	4,083.563
Other Procurement, Navy	5,868.813	5,758.876	5,722.283	5,660.684	5,868.813	5,758.876	5,722.283	-208.129	5,660.684
Procurement, Marine Corps	588.546	931.246	690.127	729.727	588.546	931.246	690.127	141.181	729.727
Aircraft Procurement, Air Force	10,928.701	10,144.817	9,274.999	10,034.314	10,928.701	10,144.817	9,274.999	-894.387	10,034.314
Missile Procurement, Air Force	5,378.708	4,937.540	4,125.590	4,399.390	5,378.708	4,937.540	4,125.590	-979.318	4,399.390
Other Procurement, Air Force	8,346.588	8,132.500	8,100.970	7,894.396	8,346.588	8,132.500	8,100.970	-452.192	7,894.396
Procurement, Defense Agencies	2,146.935	1,748.634	2,538.963	1,950.704	2,146.935	1,748.634	2,538.963	-196.231	1,950.704
National Guard & Reserve Equipment		635.800	872.100	695.600		635.800	872.100	695.600	695.600
Defense Production Act Purchases									
Chemical Agents & Munitions Destruction	526.400	526.400	517.300	515.300	526.400	526.400	517.300	-11.100	515.300
Inspector General Procurement	0.800	0.800	0.500	0.800					
Total Procurement	56,291.698	56,907.512	53,861.863	54,948.282	54,415.798	56,906.712	53,861.363	-1,343.416	53,072.382
R,D,T& E Army	5,414.477	5,481.133	5,307.744	5,919.048	5,414.477	5,481.133	5,307.744	504.571	5,919.048
R,D,T& E Navy	8,517.778	8,802.296	8,921.805	8,984.717	8,517.778	8,802.296	8,921.805	466.939	8,984.717
R,D,T& E Air Force	14,532.375	14,242.087	14,070.731	14,231.700	14,532.375	14,242.087	14,070.731	-300.675	14,231.700
R,D,T& E Defense Agencies	10,053.381	9,629.643	10,390.969	10,203.425	10,053.381	9,629.643	10,390.969	150.044	10,203.425
Developmental Test & Evaluation	281.707	261.707	261.707	261.707	281.707	261.707	261.707	-20.000	261.707
Operational Test & Evaluation	12.983	12.983	12.983	12.983	12.983	12.983	12.983		12.983
Total Research & Development	38,812.701	38,429.849	38,965.939	39,613.580	38,812.701	38,429.849	38,965.939	800.879	39,613.580

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION				
					Amended Request	House	Senate	Conference vs. Request	Conference
O&M, Army	15,419.100	13,581.406	14,193.215	13,901.912	16,905.100	15,067.406	16,422.215	-674.188	16,230.912
O&M, Navy	20,728.600	18,271.494	20,371.281	19,532.996	20,588.500	18,131.394	20,262.681	-1,064.104	19,524.396
O&M, Marine Corps	1,607.500	1,557.300	1,453.515	1,558.515	1,646.500	1,596.300	1,512.015	-29.485	1,617.015
O&M, Air Force	17,581.000	15,437.134	16,876.477	16,592.857	18,029.000	15,885.134	17,548.477	-664.143	17,364.857
O&M, Defense Agencies	9,033.000	9,563.094	8,384.605	9,266.879	9,033.000	9,563.094	8,996.605	333.879	9,366.879
Office Of The Inspector General	125.200	218.900	125.500	125.200	126.000	219.700	126.300		126.000
O&M, Army Reserve	990.300	991.219	1,033.773	1,014.773	990.300	991.219	1,033.773	24.473	1,014.773
O&M, Navy Reserve	852.700	852.700	878.792	865.492	852.700	852.700	878.792	12.792	865.492
O&M, Marine Corps Reserve	74.700	75.950	74.821	75.171	74.700	75.950	74.821	0.471	75.171
O&M, Air Force Reserve	1,215.723	1,214.823	1,213.887	1,214.287	1,215.723	1,214.823	1,213.887	-1.436	1,214.287
O&M, Army National Guard	2,134.100	2,216.700	2,251.213	2,238.013	2,134.100	2,216.700	2,251.213	103.913	2,238.013
O&M, Air National Guard	2,552.624	2,551.924	2,512.475	2,513.175	2,552.624	2,551.924	2,512.475	-39.449	2,513.175
Rifle Practice, Army	2.700	2.700	2.700	2.700	2.700	2.700	2.700		2.700
Court Of Military Appeals, Defense	5.900	5.900	5.893	5.893	5.900	5.900	5.893	-0.007	5.893
Drug Interdiction	1,263.400	1,263.400	1,263.400	1,263.400	1,263.400	1,263.400	1,263.400		1,263.400
Summer Olympics		2.000	2.000	2.000		2.000	2.000	2.000	2.000
World University Games		6.000	6.000	6.000		6.000	6.000	6.000	6.000
World Cup Games			9.000	9.000			9.000	9.000	9.000
Defense Health Program	9,507.457	9,089.424	9,507.072	9,159.039	9,507.457	9,089.424	9,507.072	-348.418	9,159.039
Environmental Restoration, Defense	901.200	901.200	1,513.200	1,513.200	1,513.200	1,513.200	1,513.200		1,513.200
Humanitarian Assistance	13.000	13.000	25.000	25.000	13.000	13.000	25.000	12.000	25.000
Restoration Of The Rocky Mt. Arsenal					17.000	17.000	22.000		17.000
Total Operation & Maintenance	84,008.204	77,816.268	81,703.819	80,885.502	86,470.904	80,278.968	85,189.519	-2,316.702	84,154.202
National Defense Stockpile Transaction Fund			-150.000	-150.000			-150.000	-150.000	-150.000
Defense Business Operations Fund	1,123.800	16.600	1,123.800	1,145.000	-912.200	-2,019.400	-1,930.200	-996.800	-1,909.000
Pentagon Reservation Maintenance									
Total Revolving/Management Funds	1,123.800	16.600	973.800	995.000	-912.200	-2,019.400	-2,080.200	-1,146.800	-2,059.000
National Defense Sealift Fund	1,201.400			613.200	3,076.500			-588.200	2,488.300
Total Military Personnel			77,316.200	76,311.000	77,080.200	77,293.200	77,316.200	-769.200	76,311.000

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION: Amended Request	House	Senate	Conference vs. Request	Conference
Military Construction, Army	995.548	1,015.818	512.450	470.660	1,009.548	1,029.818	526.450	-524.888	484.660
Military Construction, Navy	838.848	853.425	354.109	403.849	838.848	853.425	354.109	-434.999	403.849
Military Construction, Air Force	1,118.844	1,048.594	773.530	850.980	1,118.844	1,048.594	773.530	-267.864	850.980
Milt. Construction, Defense Agencies	483.468	521.618	284.196	354.446	479.888	518.038	280.616	-129.022	350.866
NATO Infrastructure	221.200	121.200	221.200	60.000	221.200	121.200	221.200	-161.200	60.000
Milt. Construction, Army National Guard	46.700	199.411	142.627	208.672	46.700	199.411	142.627	161.972	208.672
Milt. Construction, Air National Guard	173.270	261.259	229.679	305.759	173.270	261.259	229.679	132.489	305.759
Military Construction, Army Reserve	31.500	31.500	36.505	34.850	31.500	31.500	36.505	3.350	34.850
Military Construction, Naval Reserve	37.772	37.772	15.715	17.200	37.772	37.772	15.715	-20.572	17.200
Milt. Construction, Air Force Reserve	52.880	56.380	34.353	36.580	52.880	56.380	34.353	-16.300	36.580
Base Realignment & Closure Part I	440.700	440.700	440.700	440.700	440.700	440.700	440.700		440.700
Base Realignment & Closure Part II	1,743.600	1,743.600	1,743.600	1,743.600	1,743.600	1,743.600	1,743.600		1,743.600
Prior Year Deauth/Authorization Cap			-64.008	-496.300			-64.008	-496.300	-496.300
Total Military Construction	6,184.330	6,331.277	4,724.656	4,430.996	6,194.750	6,341.697	4,735.076	-1,753.334	4,441.416
Family Housing, Army	1,556.117	1,586.917	1,576.517	1,523.737	1,555.990	1,586.790	1,576.390	-32.380	1,523.610
Family Housing, Navy	1,017.247	1,035.817	1,187.927	1,046.680	1,017.247	1,035.817	1,187.927	29.433	1,046.680
Family Housing, Air Force	1,264.398	1,270.242	1,290.898	1,211.727	1,264.398	1,270.242	1,290.898	-52.671	1,211.727
Family Housing, Defense Agencies	28.400	28.400	28.400	28.400	28.400	28.400	28.400		28.400
Homeowners Assistance Fund	133.000	133.000	133.000	133.000	138.000	138.000	138.000		138.000
Total Family Housing	3,999.162	4,054.376	4,216.742	3,943.544	4,004.035	4,059.249	4,221.615	-55.618	3,948.417
Conversion/Community Assistance /a		1,000.000	200.000			1,000.000	200.000		
Non-Proliferation		40.000				40.000			
Burdensharing		-3,500.000				-3,500.000			
Savings From Davis-Bacon Reform					-110.000	-110.000		110.000	
Trust Funds/Offsetting Receipts					-792.300	-792.300	-792.300		-792.300
Total DoD Military	191,621.295	181,095.882	261,963.019	261,741.104	268,240.388	257,927.975	261,617.212	-7,062.391	261,177.997

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION				
					Amended Request	House	Senate	Conference vs. Request	Conference
Weapons Activities	4,622.089	4,548.749	4,415.089	4,502.249	4,622.089	4,548.749	4,415.089	-119.840	4,502.249
New Production Reactor	170.028	171.800	33.978	34.028	170.028	171.800	33.978	-136.000	34.028
Defense Environmental Restoration & Waste Man	4,805.492	4,663.009	4,852.772	4,831.547	4,805.492	4,663.009	4,852.772	26.055	4,831.547
Materials Production & Other Defense Programs	2,521.020	2,559.361	2,487.510	2,554.301	2,521.020	2,559.361	2,487.510	33.281	2,554.301
Defense Nuclear Facilities Safety Board	13.000	13.000	13.000	13.000	13.000	13.000	13.000		13.000
Total Atomic Energy Defense Activities	12,131.629	11,955.919	11,802.349	11,935.125	12,131.629	11,955.919	11,802.349	-196.504	11,935.125
Intelligence Community Staff					30.651	30.651		-30.651	
Community Management Staff							10.500	9.800	9.800
Community Management Account								77.100	77.100
National Security Education Trust Fund								30.000	30.000
Coast Guard					203.100	203.100	203.100		203.100
Ready Reserve Force					234.000	234.000	234.000		234.000
CIA Retirement					168.900	168.900	168.900		168.900
FEMA Civil Defense	142.565	132.565	152.565	142.565	293.461	283.461	303.461		293.461
Selective Service					28.616	28.616	28.616		28.616
FBI Special Program	80.000				80.000	80.000		-80.000	
Radiation Exposure Compensation					173.472	173.472	173.472		173.472
Total Other Defense	222.565	132.565	152.565	142.565	1,212.200	1,202.200	1,122.049	6.249	1,218.449
Total National Defense Function (Excluding Desert Shield/Storm)	203,975.489	193,184.366	273,917.933	273,818.794	281,584.217	271,086.094	274,541.610	-7,252.646	274,331.571
Title XII-Desert Storm Supplemental FY1993 New Authorizations			87.700	87.700			87.700	87.700	87.700

/a THE CONFERENCE AGREEMENT AUTHORIZES FUNDS FOR CONVERSION WITHIN THE SEPARATE TITLES OF THE BILL.

Congressional defense committees

The term "congressional defense committees" is often used in this statement of the managers. It means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

General limitation (sec. 4)

The Senate amendment contained a provision (sec. 4) that would limit the amount that could be appropriated pursuant to the authorizations contained in the Senate amendment.

The House bill contained no similar provision.

The House recedes with an amendment.

Comprehensive review of tactical aviation (secs. 214, 901, and 902)

Both the House bill and the Senate amendment identified the modernization of tactical aviation as one of the most important issues facing the Department of Defense. Operation Desert Shield/Desert Storm demonstrated the critical role that tactical aviation did play and will play in any future conventional conflict. The amended budget request for fiscal year 1993 contained investment proposals that would commit the Department to hundreds of billions of dollars over the next two decades. Both the House and the Senate found serious weaknesses in the Department's proposals.

The House bill

The House report (H. Rept. 102–527) concluded that there were two central problems with the Department's proposals—affordability and timing. The House pointed out that under the Department's plans, tactical aviation spending would reach nearly $10 billion annually, requiring resources that exceed the budget shares traditionally allocated to tactical aviation modernization. The House also pointed out that the Services' modernization plans do not follow a sequence based on priority of need. To deal with these problems, the House suggested a two-stage process of prototyping and sequencing of modernization priorities.

The House bill included a provision (sec. 215) that would accelerate development of the AX medium attack aircraft and institute a competitive prototyping phase. The provision would also require a prototyping phase for the F–18E/F strike fighter. The purpose of the provision, in addition to establishing prototyping, would be to establish 1996 as the key year for determining which tactical aviation programs to proceed with into the next century. The year 1996 would also be important as the first year for F–22 procurement based on the current plan.

The Senate amendment

The Senate report (S. Rept. 102–352) also questioned the affordability of the Department's tactical aviation modernization plans and criticized the Department for three particular failings. First, the Senate noted that there was virtually no inter-Service coordination of tactical aviation modernization programs. Most of the aviation programs were being pursued for single Service applications. Second, the Senate noted that no overall acquisition strategy was guiding these modernization programs. Third, the Senate noted that there was no overall assessment of roles and missions guiding the Department, with the so-called "Base Force" permitting each Service to develop its own solution to the build-down problem.

To solve these problems, the Senate amendment included a provision (sec. 915) that would prohibit the obligation of more than 50 percent of the funds appropriated for certain tactical aviation programs until the fiscal years 1994/1995 budget request was submitted and the Chairman of the Joint Chiefs of Staff had submitted his assessment of the roles and missions of the Services to Congress. The Senate also decided that, like the joint-Service AX, the F–18E/F should become the multirole modernization program for both the Navy/Marine Corps and the Air Force.

The conferees' recommendations

The conferees concluded that there was considerable merit in the concerns and conclusions of both Houses, but that no definitive solution was possible until the Department of Defense undertook a comprehensive review of tactical aviation modernization.

The conferees believe that the reduction of the threat facing the United States as a result of the disintegration of the Warsaw Pact and the Soviet Union, and the application in warfare of new technologies as demonstrated in Operation Desert Shield/Desert Storm, present the opportunity and the necessity for a systematic review of roles and missions. This assessment will provide the necessary foundation upon which a new modernization analysis can be built. Accordingly, the conferees recommend a provision that would require the Secretary of Defense to submit the Chairman's roles and missions assessment, and to conduct a separate comprehensive review of the long-term modernization plans for tactical aviation.

Concerning the Chairman's roles and missions assessment, the conferees direct the Chairman to undertake a thorough, everything-on-the-table review, with special emphasis on tactical aviation. Such an assessment shall outline missions where the Services currently provide support on behalf of each other and areas where additional Service specialization on behalf of the entire Department is feasible. The report shall identify those capabilities of one Service that cannot be provided to other Services in combined arms operations, or are otherwise deficient in meeting the needs of other Services, and the justification for continued duplication of capabilities. The assessment shall specifically address the tradeoff between long-range aviation and sea-based tactical aviation, including appropriate mixes of land and sea-based tactical aviation assets. The analysis shall also examine ways that single types of aircraft can be utilized by all of the Services to provide similar combat missions.

The review conducted by the Secretary of Defense shall include a comprehensive affordability assessment that takes into account the effect of historical budget shares devoted by the military Services to tactical aviation modernization. The review shall postulate the projected force structure for tactical aviation over the next 20 years, and indicate the most cost-effective modernization plans for that force structure. The modernization plans shall consider continued procurement of current aircraft, upgrades to current aircraft, and new design aircraft (e.g., F–16C/D, F–18C/D, F–18E/F, AX, F–22, EF–111, EA–6B, and EA–X). The assessment should also include input from the Cost Analysis Improvement Group.

The comprehensive review must also include a section on acquisition policies and guidelines, with special attention to the need to manufacture aircraft at lower-than-currently-projected annual rates and with lower inventory goals, yet in a manner that is still efficient and profitable for the contractors. The conferees note with concern that current acquisition plans continue to assume relatively high annual production rates and high inventory goals. Proceeding with modernization plans based on such assumptions will only produce the same problems that plague current aircraft programs—excess production capacity, excessive overhead costs, inefficient production rates, and soaring unit costs.

In conjunction with the review, the Secretary of Defense shall charter the Defense Science Board (DSB) to undertake two technical assessments. First, the DSB shall examine ways that current aircraft, upgrades to current aircraft, and new-design aircraft can be modified, upgraded, or otherwise adapted so that a single aircraft type could be used by all of the Services in parallel missions. Second, the DSB shall undertake a review of the technical risks associated with the F–18E/F, AX, and F–22.

To insure that this comprehensive review is conducted in a careful yet deliberate manner, the conferees recommend a provision that would stipulate that not more than 65 percent of the funds appropriated for the AX, F–18E/F, and F–22 may be obligated until this review is conducted and transmitted to the congressional defense committees.

The prohibition on obligation of more than 65 percent of the funds applies to the total aggregate funding authorized to be appropriated for the F–22, F–18E/F, and AX. The Department shall establish guidelines for the application of the 65 percent obligation ceiling among the three programs. The conferees intend the Secretary to establish those guidelines so that the Secretary has flexibility to adjust the 65 percent constraint among the three programs, as long as the total obligation authority does not exceed 65 percent of the total authorization until the stipulated actions are accomplished.

In addition to this broad direction, the conferees recommend the following specific directions on individual tactical aviation programs:

F–22 advanced tactical fighter

The amended budget request contained $2,224.3 million to continue engineering and manufacturing development of the F–22 advanced tactical fighter.

The House bill would authorize $2,024.3 million. The House report noted that the F–22 might best be procured using a "silver bullet" acquisition strategy.

The Senate amendment would authorize the requested level.

The conferees recommend an authorization of $2,224.3 million. As indicated above, the conferees note with concern Air Force plans to manufacture the F–22 at relatively high production rates and question the likelihood of producing the quantity of aircraft currently planned for the F–22. Consequently, the acquisition analysis stipulated above should examine annual production rates of 12, 24, 36, and 48 aircraft per year, and at inventory goals of 200, 300, and 650 aircraft.

AX attack aircraft

The amended budget request contained $165.6 million to continue concept development of the AX medium attack aircraft for the Navy and the Air Force.

The House bill would authorize $760.6 million for development of the AX. The House bill also contained a provision (sec. 215) that would require a competitive prototype strategy for the AX aircraft emphasizing current generation stealth technology and existing engines, radars, and avionics. Further, the provision would mandate that the competitive prototype phase be completed by no later than 1996.

The Senate amendment would authorize a total of $50.0 million for AX development. The Senate amendment would also endorse a competitive prototype acquisition strategy. The Senate amendment would limit obligation of funding until the roles and missions analysis was completed.

Concerning section 215 of the House bill, the Senate recedes with an amendment that would authorize the budget request of $165.6 million.

The conferees concur with the direction of the House bill that the AX acquisition strategy should be restructured to incorporate a prototype competition. The conferees share the view of the House that the Department of Defense should utilize current generation stealth technology and, to the maximum feasible extent, engines, radars, and avionics systems that currently exist or are in development.

Finally, in order to ensure a timely revision of the AX acquisition strategy, the conferees recommend a stipulation that would prohibit the obligation of more than 65 percent of the funds authorized to be appropriated for the AX, F–18E/F, and F–22 until the Under Secretary of Defense for Acquisition has approved a revised acquisition plan for the AX that includes a demonstration/validation phase that incorporates a competitive prototyping phase.

F–18E/F multirole aircraft

The amended budget request included $1,133.6 million to continue development of an E/F model for the Navy's F–18 strike fighter.

The House bill would reject the amended budget request to proceed with full-scale development. The House bill contained a provision (sec. 215) that would authorize only $598.6 million for the E/F program. The provision would further direct the Navy to restructure the acquisition program to establish a prototype phase, and would prohibit initiation of engineering and manufacturing development until that prototype phase had been completed.

The Senate amendment would authorize a total of $943.6 million for the E/F program in fiscal year 1993. The Senate amendment would direct that the F–18E/F program should become the multirole fighter used by both the Navy/Marine Corps and the Air Force. The Senate report stipulated, however, that none of the development funds may be obligated until the Secretary of Defense certifies that the development cost of the E/F program shall not exceed $4.88 billion (fiscal year 1990 dollars), the flyaway cost of the E/F model will not exceed 125 percent of the flyaway cost of a C/D model, a cost and operational effectiveness analysis had been conducted, the Defense Science Board had determined whether or not a prototype phase was needed for the program, and the Chairman of the Joint Chiefs of Staff had submitted the roles and missions report.

Concerning the House provision on F–18E/F prototyping (sec. 215), the Senate recedes with an amendment that would prohibit the Navy from obligating any procurement funds, including long-lead funds, for an F–18E/F aircraft until the Navy has completed an early operational assessment of the F–18E/F, based in part on flight performance of not less than two research and development prototype aircraft. Further, the amendment would stipulate that the Director of Operational Test and Evaluation shall approve the operational assessment plan.

The conferees recommend several additional stipulations. First, the conferees note that the Navy's current cost estimates are based on production of 72 aircraft per year. The conferees question whether that is realistic. In the acquisition analysis stipulated above, the Department shall examine production rates of 18, 36, 54, and 72 aircraft per year. Second, the conferees endorse the cost cap provisions outlined in the Senate report. The conferees are open to reconsidering the flyaway cost cap if the Navy demonstrates the warfighting effectiveness that could be achieved at higher flyaway costs. Third, the Department of Defense shall conduct an independent cost and effectiveness analysis (COEA).

Division A—Department of Defense Authorizations

TITLE I—PROCUREMENT

Overview

The amended budget request for fiscal year 1993 contained an authorization of $56,291.7 million for procurement in the Department of Defense. The House bill would authorize $56,907.5 million. The Senate amendment would authorize $53,861.9 million. The conferees recommend authorization of $54,948.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

AIRCRAFT PROCUREMENT, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $1,291.3 million for Aircraft Procurement, Army. The House bill would authorize $1,501.3 million. The Senate amendment would authorize $1,328.9 million. The conferees recommend authorization of $1,553.9 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	AIRCRAFT PROCUREMENT, ARMY												
1	C-20 AIRCRAFT												
2	GUARDRAIL COMMON SENSOR (TIARA)	5	111,927	5	111,927	5	111,927					5	111,927
3	TRACTOR HALL		197		197		197						197
4	TOTAL PACKAGE FIELDING		1,185		1,185		1,185						1,185
5	AH-64 ATTACK HELICOPTER (APACHE) (MYP)		147,763		147,763		147,763						147,763
6	UH-60 BLACKHAWK (MYP)	60	252,428	60	252,428	60	252,428					60	252,428
7	UH-60 ADVANCE PROCUREMENT (CY)		154,501		154,501		154,501						154,501
8	HELICOPTER NEW TRAINING	70	44,885	70	44,885	70	44,885					70	44,885
9	DRUG INTERDICTION												
	MODIFICATION OF AIRCRAFT												
10	TRACTOR DEW		196		196		196						196
11	OV-1 MODS SURVEILLANCE AIRPLANE (TIARA)												
12	GUARDRAIL MODS (TIARA)		92,991		92,991		92,991						92,991
13	RU-21 MODS (TIARA)												
14	AHIS MODS		3,519		3,519		3,519						3,519
15	AH-64 MODS		49,139		9,139		91,839		-82,700		42,700		91,839
16	CH-47 CARGO HELICOPTER (MODS) (MYP)		15,014		15,014		15,014						15,014
17	CH-47 ADVANCE PROCUREMENT (CY)												
18	OH-58 MODS		3,738		3,738		3,738						3,738
19	C-23 MODS												
20	FLIGHT DATA RECORDER		9,738		9,738		9,738						9,738
21	EXTERNAL FUEL TANKS (UH-1)												
22	UH-1 MODS		5,214		5,214		5,214						5,214
23	UH-60 MODS		12,662		12,662		12,662						12,662
24	ARMED OH-58D		96,157	36	346,157		96,157	36	250,000	36	225,000	36	321,157
25	EH-60 HELICOPTER MODS		393		393		393						393
26	AIRBORNE AVIONICS		986		986		986						986
27	ASE MODS		7,141		7,141		7,141						7,141
28	SOF AIRCRAFT MODS												
29	DRUG INTERDICTION (MODS)												
30	APA SPARES AND REPAIR PARTS		101,012		101,012		95,962		5,050		-5,050		95,962
31	AIRCRAFT SURVIVABILITY EQUIPMENT		75,154		75,154		75,154						75,154
32	AIRBORNE COMMAND & CONTROL CONSOLES		6,815		6,815		6,815						6,815

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
33	AVIONICS SUPPORT EQUIPMENT		33,722		33,722		33,722						33,722
34	COMMON GROUND EQUIPMENT		43,075		43,075		43,075						43,075
35	AIR TRAFFIC CONTROL		5,718		5,718		5,718						5,718
36	SYNTHETIC FLIGHT TRAINING SYSTEMS												
37	INDUSTRIAL FACILITIES		15,014		15,014		15,014						15,014
38	LAUNCHER, 2.75 ROCKET		975		975		975						975
	GENERAL REDUCTION, INTERIM CONTRACT SUPPORT												
	TOTAL AIRCRAFT PROCUREMENT ARMY		1,291,259		1,501,259		1,328,909		172,350		262,650	171	1,553,909

UH–1 helicopter modernization

The conferees are aware that the current Army aviation plan intends to retain large numbers of non-deployable aircraft, such as the UH–1 helicopter.

The conferees remain concerned about the overall affordability of the Army's aviation plans, and believe the Army should evaluate alternatives for modernizing the UH–1 fleet.

Therefore, the conferees direct the Secretary of the Army to review requirements and develop plans for UH–1 fleet modernization or replacement in the overall context of Army aviation modernization, and provide a long-range plan in conjunction with the submission of the fiscal years 1994/1995 budget request.

MISSILE PROCUREMENT, ARMY

OVERVIEW

The amended budget request for fiscal year 1993 contained an authorization of $982.3 million for Missile Procurement, Army. The House bill would authorize $1,083.1 million. The Senate amendment would authorize $1,037.9 million. The conferees recommend authorization of $1,118.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	MISSILE PROCUREMENT, ARMY												
1	CHAPARRAL SYSTEM SUMMARY		6,642		6,642		6,642						6,642
2	HAWK SYSTEM SUMMARY		1,694		1,694		1,694						1,694
3	OTHER MISSILE SUPPORT		1,368		1,368		1,368						1,368
4	PATRIOT SYSTEM SUMMARY (MYP)		25,160		25,160		25,160						25,160
5	STINGER SYSTEM SUMMARY		9,459		9,459		9,459						9,459
6	AVENGER SYSTEM SUMMARY	144	103,263	144	103,263	144	103,263					144	103,263
7	ADVANCE PROCUREMENT (CY)		44,900		44,900		44,900						44,900
8	LASER HELLFIRE SYS SUMMARY	2,158	103,376	2,158	103,376	2,158	103,376					2,158	103,376
9	JAVELIN (AAWS-M) SYSTEM SUMMARY		18,305		18,305		18,305						18,305
10	TOW 2 SYSTEM SUMMARY	9,440	183,061	9,440	183,061	9,440	183,061					9,440	183,061
11	MLRS ROCKET		2,169	30,000	110,900	22,000	110,869	8,000	31	30,000	108,729	30,000	110,898
12	MLRS ADVANCE PROCUREMENT (CY)												
13	MLRS LAUNCHER	44	197,270	73	189,351	44	146,270	29	43,081	29	29,730	73	227,000
14	MLRS ADVANCE PROCUREMENT (CY)												
15	ARMY TACTICAL MISSILE SYS (ATACMS)	340	163,241	340	163,241	340	163,241					340	163,241
16	ATACMS ADVANCE PROCUREMENT (CY)		25,029		25,029		25,029						25,029
	MODIFICATION OF MISSILES												
17	PATRIOT MODS		10,044		10,044		10,044						10,044
18	CHAPARRAL MODS												
19	HAWK MODS		1,514		1,514		1,514						1,514
20	AVENGER MODS		4,191		4,191		4,191						4,191
21	TOW MODS		4,998		4,998		4,998						4,998
22	MLRS MODS		12,215		12,215		12,215						12,215
23	MODIFICATIONS LESS THAN $2.0M												
24	TRACTOR RIG												
25	MPA SPARES AND REPAIR PARTS		42,142		42,142		40,037		2,105		-2,105		40,037
26	AIR DEFENSE TARGETS		11,241		11,241		11,241						11,241
27	ITEMS LESS THAN $2.0M (MISSILES)		848		848		848						848
28	PRODUCTION BASE SUPPORT		10,168		10,168		10,168						10,168
29	CLOSED ACCOUNT ADJUSTMENTS												
	GENERAL REDUCTION, INTERIM CONTRACT SUPP												
	TOTAL MISSILE PROCUREMENT ARMY		982,298		1,083,110		1,037,893		45,217		136,354		1,118,652

WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

OVERVIEW

The amended budget request for fiscal year 1993 contained an authorization of $623.4 million for Weapons and Tracked Combat Vehicles, Army. The House bill would authorize $736.6 million. The Senate amendment would authorize $839.8 million. The conferees recommend authorization of $877.8 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1		FY1993 Request		House FY1993 Authorization		Senate FY1993 Authorization		House +/- Senate		Conference Change to Request		Conference FY93 Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	PROCUREMENT OF W&TCV, ARMY												
	TRACKED COMBAT VEHICLES												
1	ABRAMS TRNG DEV MOD		1,931		1,931		1,931						1,931
2	BRADLEY FIGHTING VEHICLE FAMILY (MYP)		103,921		103,921	120	258,921	-120	-155,000	60	85,000	60	188,921
	BRADLEY BASE SUSTAINMENT PROGRAM												
3	M1 ABRAMS TANK TRAINING DEVICES		965		965		965						965
4	ARMORED GUN SYSTEM (AGS)		4,747		4,747		4,747						4,747
5	M1 ABRAMS TANK SERIES (MYP)		32,397		32,397		32,397						32,397
	MODIFICATION OF TRACKED COMBAT VEHICLES												
6	CARRIER, MOD		5,720		5,720		5,720						5,720
7	BFVS SERIES (MOD)		34,459		123,659		34,459		89,200		40,000		74,459
8	HOWITZER, MED SP FT 155MM M109 SER (MOD)		125,412		125,412		125,412						125,412
9	HOWITZER, MED SP 155(MOD)M109A5		23,120		23,120		23,120						23,120
10	FAASV PIP TO FLEET		25,847		25,847		25,847						25,847
11	M1 ABRAMS TANK (MOD)		25,202		25,202		65,202		-40,000		122,400		147,602
12	MODIFICATIONS LESS THAN $2.0M (TCV-WTCV)		986		986		986						986
	SUPPORT EQUIPMENT AND FACILITIES												
13	WTCV SPARES AND REPAIR PARTS		52,032		52,032		49,432		2,600		-2,600		49,432
14	ITEMS LESS THAN $2.0M (TCV-WTCV)		203		203		203						203
15	PRODUCTION BASE SUPPORT (TCV-WTCV)		50,183		50,183		50,183				-14,487		35,696
16	REGIONAL MAINTENANCE TRAIN SITES-EQUIP		2,402		2,402		2,402						2,402
	WEAPONS AND OTHER COMBAT VEHICLES												
17	HOWITZER, LIGHT, TOWED, 105MM, M119	87	47,760	87	47,760	87	47,760					87	47,760
18	MACHINE GUN, 5.56MM (SAW)	4,416	9,793	4,416	9,793	4,416	9,793					4,416	9,793
19	GRENADE LAUNCHER, AUTO, 40MM, MK19-3			1,500	24,000	1,500	24,000			1,500	24,000	1,500	24,000
20	LAUNCHER, SMOKE GRENADE												
21	MORTAR, 120MM	242	17,487	242	17,487	242	17,487					242	17,487
22	M16 RIFLE												
23	5.56 CARBINE M4	18,930	9,668	18,930	9,668	18,930	9,668					18,930	9,668
24	PERSONAL DEFENSE WEAPON, 9MM		788		788		788						788
25	PDW 9MM SUB COMPACT												
26	VEH RAPID FIRE WPN SYS-BUSHMASTER (MYP)												
27	SQUAD AUTOMATIC WEAPON (MOD)		3,086		3,086		3,086						3,086
28	M16 RIFLE MODS		9,274		9,274		9,274						9,274

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
29	MODIFICATIONS LESS THAN $2.0M (WOCV-WTCV		1,970		1,970		1,970						1,970
30	WTCV SPARES AND REPAIR PARTS		609		609		609						609
31	ITEMS LESS THAN $2.0M (WOCV-WTCV)		4,482		4,482		4,482						4,482
32	PRODUCTION BASE SUPPORT (WOCV-WTCV)		22,092		22,092		22,092						22,092
33	INDUSTRIAL PREPAREDNESS		6,905		6,905		6,905						6,905
	TOTAL W&TCV		623,441		736,641		839,841		-103,200		254,313		877,754

M–2 fighting vehicle

The amended budget request contained $103.9 million to procure the final M–2 fighting vehicles under a multiyear contract. At the conclusion of the contract, no further M–2 vehicles would be procured, though the Army would continue to buy small numbers of derivative vehicles based on the M–2 chassis. The budget request also contained $34.5 million for modifications for the M–2.

The House bill, recognizing the need to preserve this element of the industrial base, recommended purchase of additional MLRS rocket launchers, which utilize the M–2 chassis. The House amendment also would authorize $99.2 million to initiate a program to upgrade early models of the M–2 fighting vehicle into an improved "A–2" configuration.

The Senate amendment also sought to preserve the industrial base, and recommended an additional authorization of $155.0 million to procure 120 M–2 vehicles. The Senate amendment also contained a provision (sec. 112) that would make available the funds received from the sale of surplus infantry fighting vehicles for an upgrade program for Army infantry fighting vehicles.

The conferees believe that the M–2 industry base is critical, since it is the basis for a large number of derivative vehicles in the Army. In addition, the conferees note that the Army continues to need additional M–2 vehicles to meet even its smaller force structure.

The conferees recommend an authorization of $227.0 million to procure 73 multiple launch rocket system launchers. In addition, the conferees recommend an authorization of $188.9 million to complete the multiyear contract and to procure 60 additional M–2 vehicles. Further, the conferees recommend an authorization of $74.5 million for M–2 modifications. This represents a net reduction of $10.0 million for armor tiles and a $50.0 million increase to initiate an upgrade program to convert first generation M–2 vehicles into the improved block 2 configuration. The conferees direct, however, that none of the funds for the additional 60 vehicles may be obligated until the Army has developed an obligation plan for the block upgrade program and has transmitted that plan to the congressional defense committees.

The conferees emphasize that the purpose of the modification program is to preserve the current M–2 industrial base. For that reason, the conferees emphasize that the Army should develop a modification program that provides the maximum degree of commonality in hardware components and manufacturing processes with the ongoing M–2 production line.

Finally, the conferees recommend an additional $5.0 million in research and development for M–2 upgrades, to include an eyesafe laser range-finder system for the M–2.

As noted elsewhere in this statement of the managers, concerning the Senate provision (sec. 112), the House recedes.

AMMUNITION, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $823.6 million for Ammunition, Army. The House bill would authorize $940.0 million. The Senate amendment would authorize $764.3 million. The conferees recommend authorization of $829.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	PROCUREMENT OF AMMUNITION, ARMY												
1	NUCLEAR WEAPONS SUPPORT MATERIEL												
	SMALL/MEDIUM CAL AMMUNITION												
2	CTG, 5.56MM, ALL TYPES		25,167		33,767		25,167		8,600		8,600		33,767
3	CTG, 7.62MM, ALL TYPES		10,494		15,294		10,494		4,800		4,800		15,294
4	CTG, 9MM, ALL TYPES		2,382		2,382		2,382						2,382
5	CTG, .45 CAL, ALL TYPES		1,974		1,974		1,974						1,974
6	CTG, .50 CAL, ALL TYPES		11,420		11,420		8,720		2,700				11,420
	CTG, .50 CAL, SLAP						10,000		-10,000		5,000		5,000
7	CTG, 20MM, ALL TYPES												
8	CTG, 25MM, ALL TYPES		4,663				4,663		-4,663				4,663
9	CTG, 30MM, ALL TYPES												
10	CTG, 40MM, ALL TYPES		29,545		28,695		29,545		-850		-850		28,695
	MORTAR AMMUNITION												
11	CTG, MORTAR, 60MM, 1/10 PRAC, M840												
12	CTG, MORTAR, 60MM, SMOKE, M722												
13	CTG, MORTAR, 120MM, HE/MO, XM934	39	13,377	39	13,377	39	13,377					39	13,377
14	CTG, MORTAR, 120MM, HE/PD, XM933	10	3,020	10	3,020			10	3,020	-10	-3,020		
15	CTG, MORTAR, 120MM, ILLUM, XM930												
16	CTG, MORTAR, 120MM, SMOKE, XM929												
	TANK AMMUNITION												
17	CTG, TANK, 35MM, SUBCAL PRAC, M968	17	1,309	17	1,309	17	1,309					17	1,309
18	CTG, TANK, 105MM, TP-T, M490A1												
19	CTG, TANK, 105MM, DS-TP, M724A1												
20	CTG, TANK, 105MM, APFSDS-T, M900A1												
21	CLASSIFIED PROJECT	[ ]	[ ]										
22	CLASSIFIED PROJECT	[ ]	[ ]										
23	CTG, TANK, 120MM, TP-T, M831	52	46,090	52	46,090	52	46,090					52	46,090
24	CTG, TANK, 120MM, TPCSDS-T, M865	114	74,923	114	74,923	114	74,923					114	74,923
	ARTILLERY AMMUNITION												
25	CTG, ARTY, 105MM, HERA, M913	28	14,803	28	14,803	28	14,803					28	14,803
26	PROJ, ARTY, 155MM, ILLUM, M485												
27	PROJ, ARTY, 155MM, ADAM-S M731												
28	PROJ, ARTY, 155MM, BASEBURNER M864	225	172,117	225	172,117	119	90,917	106	81,200	-106	-81,200	119	90,917

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
29	PROJ, ARTY, 155MM, SADARM, XM898	228	35,486	228	35,486	228	35,486			-228	-35,486		
30	PROJ, ARTY, 155MM, HE, M107												
31	PROP CHG, 155MM, WHITE BAG, M4												
32	PROP CHG, 155MM, RED BAG, M203	67	37,513	67	37,513	67	37,513					67	37,513
33	PROP CHG, 155MM, RED BAG, M119												
34	PROP CHG, 8-INCH, GREEN BAG, M1												
	ARTILLERY FUZES												
35	FUZE, ARTILLERY, ELEC TIME, M767												
36	FUZE, ARTILLERY, PROXIMITY, M732A2												
37	FUZE, ARTILLERY, ELEC TIME, M762												
38	FUZE, ARTILLERY, MOUT, MK399 MOD 1												
	:INES												
39	MINE, TRAINING, ALL TYPES		2,953		2,953		2,953						2,953
40	MINE, VOLCANO, AT/AP, M87				60,000				60,000		60,000		60,000
41	MINE, CLEARING CHARGE, ALL TYPES												
	OCKETS												
42	AT-4 MULTI-PURPOSE WEAPON												
43	ROCKET, LAW, ALL TYPES												
44	ROCKET, HYDRA 70, ALL TYPES		10,030		10,030		33,030		-23,000		23,000		33,030
	THER AMMUNITION												
45	PRIMER, PERCUSSION, M82	1,715	6,652	1,715	6,652	1,715	6,652					1,715	6,652
46	DEMOLITION MUNITIONS, ALL TYPES		1,988		1,988		1,988						1,988
47	GRENADES, ALL TYPES		7,767		6,367		6,367				-1,400		6,367
48	SIGNALS, ALL TYPES		558		558		558						558
49	SIMULATORS, ALL TYPES		6,079		5,399		5,779		-380		-300		5,779
	ISCELLANEOUS												
50	AMMO COMPONENTS, ALL TYPES		18,182		14,082		18,182		-4,100				18,182
51	CAD/PAD, ALL TYPES		11,413		11,413		11,413						11,413
52	ITEMS LESS THAN $2 MILLION		1,247		1,247		1,247						1,247
53	EOD EXPLOSIVE ITEMS		2,744		2,744		2,744						2,744
54	AMMUNITION PECULIAR EQUIPMENT		6,427		6,427		6,427						6,427
55	FIRST DESTINATION TRANSPORTATION (AMMO)		98		98		98						98
56	NITROGUANIDINE												
	MUNITION PRODUCTION BASE SUPPORT												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
57	PROVISION OF INDUSTRIAL FACILITIES		59,533		59,533		59,533						59,533
58	COMPONENTS FOR PROVE-OUT		2,300		2,300		2,300						2,300
59	LAYAWAY OF INDUSTRIAL FACILITIES		31,690		29,990		26,890		3,100		-4,800		26,890
60	PROVING GROUND MODERNIZATION		1,500		1,500		1,500						1,500
61	MAINTENANCE OF INACTIVE FACILITIES		75,177		75,177		68,277		6,900		-6,900		68,277
62	CONVENTIONAL AMMO DEMILITARIZATION		23,600		35,000		31,600		3,400		11,400		35,000
999	CLASSIFIED PROGRAMS		69,379		114,379		69,379		45,000		27,000		96,379
	TOTAL ARMY AMMUNITION		823,600		940,007		764,280		175,727		5,844		829,444

Cartridge cases

The Army and the Marine Corps require deep drawn cartridge cases for their 105mm tank projectiles, while the Navy has the same requirement for its 5-inch and 76mm gun ammunition. In addition, the Army will require 105mm deep drawn cartridge cases in support of the armored gun system family of ammunition, which may be procured as early as fiscal year 1994.

The military Services have a single production source available with unique technological capabilities for manufacturing large caliber, deep drawn cartridge cases. The Army invested $55 million in this facility in the 1980s but for a Cold War capacity that now exceeds current requirements.

The conferees direct the Army single manager for ammunition to identify the requirements of the military Services for ammunition items that utilize deep drawn cartridge cases. If sufficient requirements are determined to exist, the conferees encourage the Army to seek reprogramming funds in support of 105mm tank projectile production to maintain this vital defense capability, commensurate with projected requirements.

Ammunition demilitarization

The conferees agree to the recommendations in the House report (H. Rept. 102–527) on ammunition demilitarization.

OTHER PROCUREMENT, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $3,093.5 million for Other Procurement, Army. The House bill would authorize $3,157.9 million. The Senate amendment would authorize $3,032.2 million. The conferees recommend authorization of $3,129.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 - Authorization Quantity	Conference FY93 - Authorization Amount
	OTHER PROCUREMENT, ARMY												
	TACTICAL AND SUPPORT VEHICLES												
	TACTICAL VEHICLES												
1	TACTICAL TRAILERS/DOLLY SETS		11,787		11,787		41,787		-30,000		30,000		41,787
2	SEMITRAILER FB BB/CONT TRANS 22 1/2 T												
3	SEMITRAILER, TANK, 5000G			250	25,000			250	25,000	250	25,000	250	25,000
4	HI MOB MULTI-PURP WHLD VEH (HMMWV)(MYP)	6,437	229,548	6,437	229,548	6,437	229,548					6,437	229,548
5	FAMILY OF MEDIUM TACTICAL VEH (MYP)	2,384	291,101	2,384	291,101	2,384	291,101					2,384	291,101
6	HEAVY EQUIPMENT TRANSPORTER SYS			118	40,000			118	40,000	118	40,000	118	40,000
7	TRUCK, 10T, 8X8, ABT												
8	FAMILY OF HEAVY TACTICAL VEHICLES (MYP)	961	315,730	961	315,730	961	315,730					961	315,730
9	TRUCK, TRACTOR, LINE HAUL, M915/M916												
10	MODIFICATION OF IN SVC EQUIP		3,058		3,058		3,058						3,058
11	ITEMS LESS THAN $2.0M (TAC VEH)		98		98		98						98
12	PASSENGER CARRYING VEHICLES	38	2,130	38	2,130	38	2,130					38	2,130
13	GENERAL PURPOSE VEHICLES		5,957		5,957		5,957						5,957
14	SPECIAL PURPOSE VEHICLES		5,682		5,682		5,682						5,682
15	1ST DEST TRANS/TOT PKG FIELDING TACOM												
16	SYSTEM FIELDING SUPPORT PEO		890		890		890						890
17	PROJECT MANAGEMENT SUPPORT		3,714		3,714		3,714						3,714
18	SYSTEM FIELDING SUPPORT (TACOM)		569		569		569						569
19	SPARES AND REPAIR PARTS- OPA 1		11,797		11,797		11,207		590		-590		11,207
20	PRODUCTION BASE SUPPORT (TAC VEH)												
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT												
21	JCSE EQUIPMENT (USREDCOM)		3,480		3,480		3,480						3,480
22	DEFENSE SATELLITE COMMUNICATIONS SYSTEM		112,393		97,393		112,393		-15,000		-8,150		104,243
23	SAT TERM, ADVANCED MPK UHF		11,000		11,000		11,000						11,000
24	GMF CONTROL	3	1,170	3	1,170	3	1,170					3	1,170
25	NAVSTAR GLOBAL POSITIONING SYSTEM	2,171	29,386	2,171	29,386	2,171	29,386				-1,386	2,171	28,000
26	NAVSTAR AIRBORNE												
27	SINGLE CHANNEL OBJECT TACT TERM (SCOTT)	2	38,412	2	28,412	2	14,012		14,400		-24,412	2	14,000
28	MOD OF IN-SVC EQUIP (TAC SAT)		9,367		9,367		9,367						9,367
29	COMMAND CENTER IMPROVEMENT PROG (CCIP)		4,510		4,510		2,910		1,600				4,510
30	EUSA-C3I INITIATIVES												

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31	SECURE CONFERENCING PROJECT												
32	STD THEATER CMD & CONTROL SYS (STACCS)		2,777		2,777		2,777						2,777
33	WWMCCS INFORMATION SYSTEM (WIS)		7,887		7,887		7,887						7,887
34	ARMY DATA DISTRIBUTION SYSTEM (ADDS)		27,297		59,297		27,297		32,000		32,000		59,297
35	MOBILE SUBSCRIBER EQUIP (MSE)		58,528		58,528		58,528						58,528
36	SINCGARS FAMILY		223,190		223,190		203,190		20,000				223,190
37	SW ASIA COMM INFRASTRUCTURE		1,306		1,306		1,306						1,306
38	EAC COMMUNICATIONS		6,459		15,459		40,959		-25,500		34,500		40,959
39	MOD OF IN-SVC EQUIP (EAC COMM)		37,525		37,525		37,525						37,525
40	VEHICULAR INTERCOM SYSTEM (VIS)												
41	C-E CONTINGENCY/FIELDING EQUIP		8,133		8,133		8,133						8,133
42	TSEC - ARMY KEY MGT SYS (AKMS)		7,377		7,377		7,377						7,377
43	TSEC - TEMPEST (COMSEC)		987		987		987						987
44	TSEC - TRUNK ENCRYPTION DEVICES (TED)		6,824		6,824		6,824						6,824
45	TSEC/KG-84, DED LOOP ENCRYP DEV	1,328	8,513	1,328	8,513	1,328	8,513					1,328	8,513
46	TSEC/KY-99, MINTERM		6,913		6,913		6,913						6,913
47	TSEC - SEC VOICE IMPRV PROG (COMSEC)		1,865		1,865		1,865						1,865
48	TSEC - ITEMS LESS THAN $2.0M (COMSEC)		6,055		6,055		6,055						6,055
49	TERRESTRIAL TRANSMISSION		5,328		5,328		5,328						5,328
50	C-E FACILITIES/PROJECTS		4,104		4,104		4,104						4,104
51	DEFENSE DATA NETWORK (DDN)		6,059		6,059		6,059						6,059
52	ELECTROMAG COMP PROG (EMCP)		741		741		741						741
53	WW TECH CON IMP PROG (WWICIP)		2,141		2,141		2,141						2,141
54	INFORMATION SYSTEMS		66,211		66,211		52,511		13,700				66,211
55	DEFENSE MESSAGE SYSTEM (DMS)		8,191		8,191		8,191						8,191
56	LOCAL AREA NETWORK (LAN)		29,262		19,262		19,262				-10,000		19,262
57	PENTAGON TELECOM CTR (PTC)		4,069		4,069		3,069		1,000		-1,000		3,069
58	FOREIGN COUNTERINTELLIGENCE PROG (FCI)		498		498		498						498
59	GENERAL DEFENSE INTELL PROG (GDIP)		26,013		30,251		26,013		4,238				26,013
60	ITEMS LESS THAN $2.0M (INTEL SPT)		2,021		2,021		2,021						2,021
61	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)		54,319		44,319		44,319				-10,000		44,319
62	COMMANDERS TACTICAL TERM (CTT) (TIARA)	13	5,558	13	5,558	13	5,558					13	5,558
63	IMAGERY PROCESSING SYSTEM (IPS) (TIARA)		1,485		1,485		1,485						1,485
64	JOINT STARS (ARMY) (TIARA)		36,212		36,212		36,212						36,212

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65	DIGITAL TOPOGRPHIC SPT SYS (DISS)(TIARA)		9,950		9,950		9,950						9,950
66	DRUG INTERDICTION PROGRAM (DIP) (TIARA)												
67	TACT ELEC SURV SYS (TESS)(TIARA)		5,321		5,321		5,321						5,321
68	TROJAN (TIARA)		5,506		5,506		5,506						5,506
69	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)		20,842		20,842		20,842						20,842
70	ITEMS LESS THAN $2.0M (TIARA)		1,866		1,866		1,866						1,866
71	CLOSE COMBAT DECOYS		1,578		1,578		1,578						1,578
72	SHORTSTOP												
73	MOD OF IN-SVC EQUIP (EW)		8,919		8,919		8,919						8,919
74	LT SPEC DIV INTERIM SENSOR (LSDIS)												
75	NIGHT VISION DEVICES		80,879		80,879		80,879						80,879
76	PHYSICAL SECURITY SYSTEMS		11,720		11,720		11,720						11,720
77	RADIATION MONITORING SYSTEMS												
78	ARTILLERY ACCURACY EQUIP		13,773		13,773		13,773						13,773
79	MOD OF IN-SVC EQUIP (TAC SURV)		30,155		30,155		30,155						30,155
80	COMMAND & CONTROL CONSOLES												
81	INTEGRATED MET SYS SENSORS (IMETS)		5,855		5,855		5,855						5,855
82	FIRE SUPPORT ADA CONVERSION		11,683		11,683		11,683						11,683
83	CORPS/THEATER ADP SVC CTR (CTASC)		12,270		12,270		12,270						12,270
84	FORWARD ENTRY DEVICE (FED)		17,149		17,149		17,149						17,149
85	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		780		780		780						780
86	LOGTECH		2,217		2,217		2,217						2,217
87	MANEUVER CONTROL SYSTEM (MCS)		42,253				17,453		-17,453		-24,800		17,453
88	STAMIS TACTICAL COMPUTERS (STACOMP)		3,766		3,766		3,766						3,766
89	AUTOMATED DATA PROCESSING EQUIP		147,789		147,789		147,789						147,789
90	RESERVE COMPONENT AUTOMATION SYS (RCAS)		152,222		152,222		152,222						152,222
91	AFRTS		4,001		4,001		4,001						4,001
92	ITEMS LESS THAN $2.0M (A/V)		4,196		4,196		4,196						4,196
93	CALIBRATION SETS EQUIPMENT		15,255		15,255		15,255						15,255
94	INTEGRATED FAMILY OF TEST EQUIP (IFTE)		39,065		51,065		39,065		12,000		12,000		51,065
95	SIMP TEST EQUIP - INTERNAL COMBUST ENGS	1,100	5,554	1,100	5,554	1,100	5,554					1,100	5,554
96	TMDE MODERNIZATION (TMOD)		15,811		15,811		15,811						15,811
97	INITIAL SPARES -OPA 2		68,911		68,911		65,465		3,446		-3,446		65,465
98	ARMY PRINTING AND BINDING EQUIPMENT		4,175		4,175		4,175						4,175

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99	INSTALLATION C4 UPGRADE (ICU)		9,521		9,521		9,521						9,521
100	PECIP AND QRIP		7,512		7,512		7,512						7,512
101	PRODUCTION BASE SUPPORT (C-E)		3,610		3,610		3,610						3,610
102	IST DES TRAN/TOT PACK FLD/NEW EQ TRN												
103	SPECIAL PROGRAMS		47,782		47,782		40,597		7,185		-40,597		7,185
	OTHER SUPPORT EQUIPMENT												
104	SIMP COLL PROT EQUIP M20	233	2,258	233	2,258	233	2,258					233	2,258
105	COLL PROT EQUIP, NBC TEMPER, TENT XM28												
106	MASK, PROTECTIVE, NBC M40/M42		42,330		42,330		42,330						42,330
107	MASK, ACFT												
108	REMOTE SENSING CHEMICAL AGENT ALARM XM21	18	7,283	18	7,283	18	7,283					18	7,283
109	CHEMICAL AGENT MONITOR	1,216	9,544	1,216	9,544	1,216	9,544					1,216	9,544
110	RECONNAISSANCE SYS, FOX NBC (NBCRS) XM93												
111	DECONTAMINATE APP PWR DR LT WT M17												
112	RADIATION MONITORING SYSTEM (OPA-3)		14,303		14,303		14,303						14,303
113	ITEMS LESS THAN $2.0M (BRIDGING)												
113a	TOWED ASSAULT BRIDGE				2,000				2,000		2,000		2,000
114	DISPENSER, MINE XM139	83	14,969	83	14,969	83	14,969					83	14,969
115	DETECTING SET, MINE, AN/PSS-12	5,353	7,379	5,353	7,379	5,353	7,379					5,353	7,379
116	VEHICLE MAGNETIC SIGNATURE DUP												
117	COUNTERMINE EQUIPMENT				15,000				15,000				
118	INT SURVEY EQ (AISI)												
119	MOD IN-SVC EQ (ENGR-NC)												
120	AIR CONDITIONERS VARIOUS SIZE/CAPACITY		3,019		3,019		3,019						3,019
121	FIELD KITCHEN,MOBILE, TRL MTD.												
122	STANDARD INTEGRATED CMD POST SYSTEM LSV LANDING CRAFT		37,568		37,568		37,568						37,568
123	FIRETRUCKS		4,204		4,204		4,204						4,204
124	LAUNDRY UNIT/TRL MTD												
125	TOOL OUTFIT, PIONEER, PORTABLE SET												
126	SOLDIER ENHANCEMENT		11,228		11,228		11,228						11,228
127	ITEMS LESS THAN $2.0M (CSS-EQ)		5,268		5,268		5,268						5,268
128	TANK ASSEMBLY FAB COLL POL 50000 G												
129	TANK ASSY, FAB COLLAPS, 20,000 GAL POL												

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130	FUEL SYSTEM SUPPLY POINT, 60000 GALLON												
131	PUMP ASSY LIQ GAS WHL 4 IN OUT 350 GPM												
132	SWA PETROLEUM DISTRIBUTION SYSTEM		3,510		3,510		3,510						3,510
133	FORWARD AREA REFUELING SYS ADV AVIATION	40	3,379	40	3,379	40	3,379					40	3,379
134	HEMIT AVIATION REFUELING SYSTEM												
135	ITEMS LESS THAN $2.0M (POL)		5,623		5,623		5,623						5,623
136	WATER PURIF UNIT REV OS 3000 GPH	33	12,618	33	12,618	33	12,618					33	12,618
137	FWD AREA WTR POINT SUP SYSTEM												
138	TANK FABRIC COLL WTR 3000 GAL (ONION)												
139	WATER QUALITY ANALYSIS SET PURIF												
140	ITEMS LESS THAN $2.0M (WATER EQ)		4,377		4,377		4,377						4,377
141	COMBAT SUPPORT MEDICAL		24,819		24,819		24,819						24,819
142	MEDICAL SUPPORT EQUIPMENT												
143	TOOL OUTFIT HYDRAULIC REPAIR 3/4 TRL MTD	31	1,955	31	1,955	31	1,955					31	1,955
144	ITEMS LESS THAN $2.0M (MAINT EQ)		5,920		5,920		5,920						5,920
	NATURAL GAS UTILIZATION EQUIPMENT												
145	COMPACTOR HI-SPEED TAMP SELF PROP (CCE)	3	1,112	3	1,112	3	1,112					3	1,112
146	CRUSHING/SCREENING PLANT, 150 TPH	2	3,207	2	3,207	2	3,207					2	3,207
147	ITEMS LESS THAN $2.0M (CONST EQUIP)		4,508		4,508		4,508						4,508
148	CAUSEWAY SYSTEMS		10,782		10,782		10,782						10,782
149	MOD IN-SVC EQ (FLOAT/RAIL)												
150	ITEMS LESS THAN $2.0M (FLOAT/RAIL)		2,123		2,123		2,123						2,123
151	GENERATORS AND ASSOCIATED EQUIP		45,439		45,439		45,439						45,439
152	FRONT/SIDE LOADER FORKLIFT, CBD, PT, 6K	73	8,506	73	8,506	73	8,506					73	8,506
153	TRUCK, FORK LIFT, DE, PT, RT, 6000 LB												
154	ITEMS LESS THAN $2.0M (MHE)		4,885		4,885		4,885						4,885
155	COMBAT TRAINING CENTERS SUPPORT		21,948		21,948		21,948						21,948
156	TRAINING DEVICES, NONSYSTEM		90,668		90,668		90,668				-1,768		88,900
157	SYSTEM FIELDING SUPPORT (OPA-3)		25,443		25,443		25,443						25,443
158	FIRST DESTINATION TRANS (OPA-3)												
159	SPARES AND REPAIR PARTS - OPA 3		13,341		13,341		11,174		2,167		-667		12,674
160	BASE LEVEL COM'L EQUIPMENT		12,622		12,622		12,622						12,622
161	PROD ENHANCING CAPITAL INVEST PROG												
162	QUICK RETURN ON INVESTMENT PROGRAM												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
163	ARMS CONTROL COMPLIANCE		3,520		3,520		3,520						3,520
164	PRODUCTION BASE SUPPORT (OTH)		2,542		2,542		2,542						2,542
165	COMBINED DEFENSE IMPROVE PROJECT (CDIP)		3,911		3,911		3,911						3,911
166	MODIFICATION OF IN-SVC EQUIPMENT (BA-3)		14,305		14,305		14,305						14,305
167	OSD PRODUCTIVITY INVESTMENT FUNDING												
168	INDUSTRIAL MODERNIZATION INCENTIVE PROG		7,429		7,429		7,429						7,429
169	SPECIAL EQUIPMENT FOR USER TESTING		12,605		12,605		12,605						12,605
170	ITEMS LESS THAN $2.0M (OTH SPT EQ)												
171	IND/DEPOT MAINT EQUIP												
172	TRACTOR ACE		1,173		1,173		1,173						1,173
173	OPERATIONAL PROJECT STOCKS		14,372		26,772		14,372		12,400				14,372
	INFLATION ADJUSTMENT										-12,740		-12,740
	RAISE O&M PURCHASE THRESHOLD						-6,900		6,900				
	TOTAL OTHER PROCUREMENT ARMY		3,093,508		3,157,893		3,032,220		125,673		35,944		3,129,452

Defense communications satellite program

The amended budget request contained $112.4 million in the Army for the defense satellite communications system (DSCS).

The House bill would authorize $97.4 million, a reduction of $15.0 million from the request.

The Senate amendment would authorize the requested amount.

The conferees agree to authorize $104.2 million. The conferees share the concerns expressed in the Senate report (S. Rept. 102–352) on the Army's support for this important program.

Single channel objective tactical terminal

The amended budget request contained $24.4 million for procurement of single channel objective tactical terminals (SCOTT) by the Army. In the same line item, the request included $14.0 million for procurement of ground command post terminals for the Army.

The House bill would authorize $14.4 million for procurement of SCOTT terminals and the requested amount for command post terminals.

The Senate amendment would deny authorization of the SCOTT terminal procurement request because the requirement for these terminals has since been canceled. The Senate amendment would authorize the requested amount for command post terminals.

The House recedes. The conferees authorize $14.0 million for command post terminal procurement.

The amended budget request also contained $16.3 million for continued SCOTT RDT&E.

The House bill would authorize the requested amount.

The Senate amendment would authorize $11.3 million, a reduction of $5.0 million from the request.

The House recedes.

The Army has decided that only 10 development terminals are needed for testing purposes for the next-generation of terminals and that no SCOTT terminals are required for contingency deployment. The Army therefore requires only $9.1 million for SCOTT RDT&E in fiscal year 1992. In addition, the conferees agree with the Senate amendment that $7.8 million in prior year funds for Army satellite communications RDT&E is available and should be applied to fiscal year 1993 requirements. The conferees therefore authorize $1.3 million for SCOTT.

Integrated family of test equipment

The amended budget request contained $39.1 million to procure sets of test equipment under the integrated family of test equipment (IFTE) program.

The House bill would authorize $51.1 million.

The Senate amendment would authorize the requested amount.

The Senate recedes.

The conferees believe that the Army should continue to use the existing direct support electronic system test set (DSESTS) on all tracked combat vehicles, and that IFTE test equipment should be limited to aviation, missiles, and appropriate communication and intelligence equipment. The Army is directed to provide to the congressional defense committees a report indicating the planned use of IFTE and DSESTS.

AIRCRAFT PROCUREMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $6,653.7 million for Aircraft Procurement, Navy. The House bill would authorize $6,352.2 million. The Senate amendment would authorize $5,950.5 million. The conferees recommend authorization of $5,899.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	AIRCRAFT PROCUREMENT, NAVY												
1	A-12/AX												
2	EA-6B/REMFG (ELECTRONIC WARFARE) PROWLER	3	482,690	3	482,690	6	532,690	-3	-50,000			3	482,690
3	EA-6B ADVANCE PROCUREMENT (CY)		47,323		47,323		47,323						47,323
4	AV-8B (V/STOL)HARRIER												
5	AV-8B ADVANCE PROCUREMENT (CY)												
6	F-14A/D (FIGHTER) TOMCAT		143,147		143,147		143,147						143,147
7	F/A-18 (FIGHTER) HORNET	48	1,658,301	48	1,658,301	24	1,078,301	24	580,000	-12	-512,701	36	1,145,600
8	F/A-18 ADVANCE PROCUREMENT (CY)		150,294		150,294		92,594		57,700		-37,594		112,700
9	CH/MH-53E (HELICOPTER) SUPER STALLION	20	464,433	16	394,433	20	453,433	-4	-59,000		-11,600	20	452,833
10	CH/MH-53 ADVANCE PROCUREMENT (CY)		48,618				48,618		-48,618				48,618
11	AH-1W (HELICOPTER) SEA COBRA	12	123,931	12	123,931	12	123,931					12	123,931
12	SH-60B (ASW HELICOPTER) SEAHAWK	12	216,920	12	216,920	12	216,920					12	216,920
13	SH-60B ADVANCE PROCUREMENT (CY)		45,858		33,858		45,858		-12,000		-12,000		33,858
14	SH-60F CV (ASW HELICOPTER)	12	221,335	12	221,335	12	189,335		32,000		-32,000	12	189,335
15	SH-60F ADVANCE PROCUREMENT (CY)		40,151		40,151		40,151						40,151
16	E-2C (EARLY WARNING) HAWKEYE		96,153		96,153		96,153						96,153
17	E-2C ADVANCE PROCUREMENT (CY)												
18	T-45TS (TRAINER) GOSHAWK	12	255,749	12	255,749	12	255,749					12	255,749
19	T-45 ADVANCE PROCUREMENT (CY)		47,725		47,725		47,725						47,725
20	HH-60H (HELICOPTER)	7	117,398	7	117,398	7	117,398					7	117,398
21	HH-60H MADVANCE PROCUREMENT (CY)												
22	CANCELLED ACCOUNT ADJUSTMENTS												
	ODIFICATION OF AIRCRAFT												
23	A-3 SERIES												
24	A-4 SERIES												
25	A-6 SERIES		156,598		156,598		156,598						156,598
26	EA-6 SERIES		56,092		56,092		56,092						56,092
27	A-7 SERIES												
28	AV-8 SERIES		11,374		11,374		11,374						11,374
29	F-4 SERIES												
30	RF-4 SERIES												
31	F-14 SERIES		25,555		25,555		25,555						25,555
32	ADVERSARY		196		196		196						196

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
33	ES-3 SERIES		5,746		5,746		5,746						5,746
34	OV-10 SERIES		3,800		3,800		3,800						3,800
35	F-18 SERIES		30,021		30,021		30,021						30,021
36	H-46 SERIES		131,165		21,165		131,165		-110,000				131,165
37	H-53 SERIES		43,829		43,829		43,829						43,829
38	SH-60 SERIES		35,151		35,151		35,151						35,151
39	VH-60 SERIES												
40	H-1 SERIES		68,413		68,413		68,413						68,413
41	H-2 SERIES		32,713		32,713		32,713						32,713
42	H-3 SERIES		2,843		2,843		2,843						2,843
43	EP-3 SERIES		32,962								-32,962		
44	P-3 SERIES		49,904		49,904		49,904						49,904
45	S-3 SERIES		17,427		17,427		17,427						17,427
46	E-2 SERIES		94,108		94,108		94,108						94,108
47	TRAINER A/C SERIES		1,829		1,829		1,829						1,829
48	C-130 SERIES		10,817		10,817		10,817						10,817
49	FEWSG		6,729		6,729		6,729						6,729
50	CARGO/TRANSPORT A/C SERIES		1,656		1,656		1,656						1,656
51	E-6 SERIES		28,475		28,475		28,475						28,475
52	EXECUTIVE HELICOPTERS SERIES		27,932				27,932		-27,932				27,932
53	VARIOUS		98		98		98						98
54	POWER PLANT CHANGES		26,326		26,326		26,326						26,326
55	MISC FLIGHT SAFETY CHANGES		167		167		167						167
56	COMMON ECM EQUIPMENT		107,364		107,364		107,364						107,364
57	COMMON AVIONICS CHANGES		23,013		23,013		23,013						23,013
58	APN SPARES AND REPAIR PARTS		835,549		835,549		796,009		39,540		-59,540		776,009
59	COMMON GROUND EQUIPMENT		453,362		453,362		453,362						453,362
60	AIRCRAFT INDUSTRIAL FACILITIES		30,552		30,552		30,552						30,552
61	WAR CONSUMABLES		15,195		15,195		15,195						15,195
62	OTHER PRODUCTION CHARGES		83,129		83,129		83,129						83,129
63	SPECIAL SUPPORT EQUIPMENT		37,587		37,587		37,587						37,587
	AVIATION NIGHT VISION DEVICES												
	GENERAL REDUCTION INT CONTRACT SUPP												
64	FIRST DESTINATION TRANSPORTATION		5,976		5,976		5,976						5,976

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	ASPJ										-55,887		-55,887
	TOTAL AIRCRAFT PROCUREMENT NAVY		6,653,679		6,352,167		5,950,477		401,690		-754,284		5,899,395

Standoff jammers

The amended budget request contained $482.7 million to remanufacture three EA-6B electronic welfare aircraft into the advanced capability configuration, and $47.3 million in advance procurement for three aircraft in fiscal year 1994.

The budget request also contained $59.6 million in research and development and $8.9 million in procurement to continue to upgrade EF-111 electronic warfare aircraft operated by the Air Force.

The House bill would authorize both programs at the requested levels.

Concluding this represented an opportunity for consolidating parallel roles and missions, the Senate amendment would direct the Defense Department to consolidate all standoff jamming efforts with the EA-6B program, and would direct the Air Force to stop further upgrades to the EF-111 and to deactivate its EF-111 squadrons. The Senate amendment would authorize the budget request for procurement of EA-6B aircraft in fiscal year 1993, add $50.0 million to double the advance procurement to accelerate the modification program, and eliminate research and development funds to upgrade the EF-111.

The Senate recedes.

The conferees recommend an authorization of the funds for the EF-111 as requested in the budget request. But the conferees also recommend a provision that would prohibit the obligation of 35 percent of those funds until two conditions are met: first, the roles and missions study by the Chairman of the Joint Chiefs of Staff has been submitted to the Congress; and second, the Secretary of the Air Force certifies that the fiscal year 1994 Future Year Defense Program contains sufficient funds to operate, maintain, and upgrade the EF-111 fleet if the roles and missions study determines it is needed in the future.

F-18C/D

The amended budget request contained $1,658.3 million to procure 48 F-18C/D aircraft and $150.3 million for advance procurement of 48 aircraft in fiscal year 1994.

The House bill would authorize the funds as requested.

The Senate amendment would authorize $1,078.3 million for 24 aircraft in fiscal year 1993 and $92.6 million for advance procurement of 24 aircraft in fiscal year 1994.

The conferees recommend an authorization of $1,145.6 million for 36 aircraft in fiscal year 1993 and $112.7 million for advance procurement of 36 aircraft in fiscal year 1994.

CH/MH-53 helicopter (Super Stallion)

The amended budget request included $464.4 million for 20 CH/MH-53 helicopters and $48.6 million for advance procurement to support fiscal year 1994 procurement of these helicopters. The 20 helicopters included 16 CH-53 and four MH-53 mine countermeasures helicopters.

The House bill would provide $394.4 million for eight CH-53 and eight MH-53 helicopters. The House bill would deny all advance procurement funds.

The Senate amendment would reduce the requested amount by $11.0 million to reflect a pricing adjustment.

The House recedes. The conferees direct the Secretary of the Navy to use the authorized funds to buy eight MH-53 helicopters.

WEAPONS PROCUREMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $3,719.0 million for Weapons Procurement, Navy. The House bill would authorize $3,729.0 million. The Senate amendment would authorize $3,538.9 million. The conferees recommend authorization of $3,700.1 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	WEAPONS PROCUREMENT, NAVY												
	BALLISTIC MISSILES												
1	TRIDENT I		1,118		1,118		1,118						1,118
2	TRIDENT II	21	763,802	21	763,802	21	763,802					21	763,802
3	TRIDENT II ADVANCE PROCUREMENT (CY)		223,000		223,000		223,000						223,000
4	MISSILE INDUSTRIAL FACILITIES		1,549		1,549		1,549						1,549
	OTHER MISSILES												
5	TOMAHAWK	200	404,194	200	404,194	100	229,194	100	175,000			200	404,194
6	AMRAAM	140	137,478	140	137,478	140	122,778		14,700		-14,700	140	122,778
7	HARPOON/ SLAM						90,000		-90,000		90,000		90,000
8	HARM		31,654		31,654		31,654						31,654
9	STANDARD MISSILE	330	256,783	330	256,783	330	256,783					330	256,783
10	RAM		8,315		8,315		8,315						8,315
11	HELLFIRE	1,000	50,479	1,000	50,479	1,000	50,479					1,000	50,479
12	PENGUIN												
13	MAVERICK MISSILE												
14	TOW IIA	938	23,850	938	23,850	938	23,850					938	23,850
15	AERIAL TARGETS		170,199		170,199		162,199		8,000		-8,000		162,199
16	DRONES AND DECOYS				10,000				10,000		10,000		10,000
17	OTHER MISSILE SUPPORT		11,011		11,011		11,011						11,011
	MODIFICATION OF MISSILES												
18	TOMAHAWK MODS		45,380		45,380		45,380						45,380
19	SPARROW MODS		56,853		56,853		56,853						56,853
20	SIDEWINDER MODS		15,304		15,304		15,304						15,304
21	PHOENIX MODS		9,163		9,163		9,163						9,163
22	HARPOON MODS		33,850		33,850		33,850						33,850
23	HARM MODS												
24	STANDARD MISSILES MODS		27,464		27,464		27,464						27,464
25	WEAPONS INDUSTRIAL FACILITIES		28,971		28,971		41,471		-12,500		12,500		41,471
26	FLEET SATELLITE COMMUNICATIONS (MYP)	1	325,983	1	325,983	1	220,983		105,000		-62,100	1	263,883
27	ARCTIC SATELLITE COMMUNICATIONS		17,507		17,507		7,507		10,000		-8,407		9,100
28	ORDNANCE SUPPORT EQUIPMENT		77,169		77,169		119,169		-42,000		-20,000		57,169
	TORPEDOES AND RELATED EQUIPMENT												
29	MK-48 ADCAP TORPEDO (MYP)	108	188,580	108	188,580	108	188,580					108	188,580

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
30	MK-48 ADVANCE PROCUREMENT (CY)												
31	MK-50 ALWT	212	243,491	212	243,491	212	243,491					212	243,491
32	ASW TARGETS		26,179		26,179		26,179						26,179
33	ASROC		2,107		2,107		2,107						2,107
34	VERTICAL LAUNCHED ASROC (VLA)		38,040		38,040		38,040						38,040
	VERTICAL LAUNCHED ASROC ADV PROC												
35	MK-46 TORPEDO MODS		48,573		48,573		48,573						48,573
36	QUICKSTRIKE MINE		8,801		8,801		2,801		6,000		-6,000		2,801
37	MK-60 CAPTOR MODS		1,295		1,295		1,295						1,295
38	TORPEDO SUPPORT EQUIPMENT		43,526		43,526		43,526						43,526
39	ASW RANGE SUPPORT		26,968		26,968		26,968						26,968
40	FIRST DESTINATION TRANSPORTATION		8,913		8,913		8,913						8,913
OTHER WEAPONS													
41	MK-15 PHALANX CIWS												
42	MK-19 40MM MACHINE GUN												
43	MK-38 25MM GUN MOUNT												
44	SMALL ARMS AND WEAPONS		24,181		24,181		24,181						24,181
45	CIWS MODS		58,527		58,527		58,527						58,527
46	5/54 GUN MOUNT MODS		11,087		11,087		11,087						11,087
47	3/50 GUN MOUNT MODS												
48	MK-75 76MM GUN MOUNT MODS		7,889		7,889		7,889						7,889
49	MODS UNDER $2 MILLION		1,232		1,232		1,232						1,232
50	GUN SUPPORT EQUIPMENT												
OTHER ORDNANCE													
51	GENERAL PURPOSE BOMBS		3,611		3,611		3,611						3,611
	GENERAL PURPOSE BOMBS PY SAVINGS						-10,600		10,600		-10,600		-10,600
52	2.75 INCH ROCKETS		15,011		15,011		15,011						15,011
53	MACHINE GUN AMMUNITION		1,003		1,003		1,003						1,003
54	PRACTICE BOMBS		5,441		5,441		5,441						5,441
55	GATOR		18,812		18,812		18,812						18,812
56	3 INCH/50 GUN AMMUNITION												
57	5 INCH/38 GUN AMMUNITION												
58	5 INCH/54 GUN AMMUNITION		68,481		68,481		68,481						68,481
59	CIWS AMMUNITION		917		917		10,000		-9,083		9,083		10,000

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60	76MM GUN AMMUNITION		10,734		10,734		10,734				-1,972		8,762
61	OTHER SHIP GUN AMMUNITION		25,477		25,477		25,477				-4,371		21,106
62	SMALL ARMS & LANDING PARTY AMMUNITION		3,409		3,409		3,409						3,409
	SPECIAL TECHNICAL PROJECTS												
	GENERAL REDUCTION INT. CONTRACT SUPP												
63	PYROTECHNIC AND DEMOLITION		19,917		19,917		19,917						19,917
SPARES AND REPAIR PARTS													
64	WPN SPARES AND REPAIR PARTS		85,672		85,672		81,387		4,285		-4,285		81,387
	TOTAL WEAPONS PROCUREMENT NAVY		3,718,950		3,728,950		3,538,948		190,002		-18,852		3,700,098

Tomahawk missile

The amended budget request included $404.2 million to purchase 200 new Tomahawk missiles and remanufacture older Tomahawk missiles into new configurations.

The House bill would authorize the requested amount.

The Senate amendment would authorize $229.2 million and 100 new missiles. The Senate report (S. Rept. 102-352) directed the Navy to select a single prime contracting source to support the Tomahawk program. This direction was intended to protect the industrial base longer and hedge against the possibility that the Navy may want to buy more Tomahawk missiles in the future after a thorough review of roles and missions.

The Senate recedes. The Navy has informed the conferees that the Navy intends to select a single prime contractor during fiscal year 1994, but doing so sooner could cause a break in the production line.

The conferees direct the Navy to solicit the maximum number of fixed price options possible for use in evaluating the contractor's offers for the fiscal year 1994 and later procurement quantities. This would help protect the government's interests in later years with only one source producing the missile.

Fleet satellite communications

The amended budget request contained $326.0 million for procurement of the tenth ultra high frequency follow-on (UFO) satellite, launch services, extremely high frequency (EHF) communications packages, engineering support, and a third leased ultra high frequency (UHF) satellite.

The House bill would authorize the requested amount.

The Senate amendment would authorize $221.0 million, a reduction of $105.0 million. The Senate amendment would deny authorization of the 10th UFO satellite and delay the launch of the first three UFO satellites.

The Senate recedes. The conferees direct the Navy to negotiate options to the existing launch services contract for the UFO program to achieve greater flexibility in the launch schedule. This flexibility could enable the Navy to delay replacement of existing, healthy UHF satellites and thereby extend the life of the new UFO constellation. The Navy reports that this flexibility can be obtained for $3.0 million in non-recurring costs and a small increase in cost for each delayed launch. The conferees agree also that procuring the tenth UFO satellite under the favorable terms of the current multiyear contract would enable the Navy to extend the life of the UFO constellation further at little cost. However, funding is not likely to be available. The conferees therefore agree to deny authorization of the tenth satellite and associated launch services. The conferees direct the Navy to reprogram an additional $3.0 million for the non-recurring cost of additional launch schedule flexibility. Therefore, the conferees authorize a total amount of $263.9 million.

Arctic satellite communications

The amended budget request contained $17.5 million for procurement of arctic satellite communications.

The House bill would authorize the requested amount.

The Senate amendment would authorize $7.5 million.

The House recedes. The conferees agree that $8.4 million is excess to program needs and agree to authorize $9.1 million. The Navy now intends to place this communications system on an existing host satellite.

SHIPBUILDING AND CONVERSION, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,319.5 million for Shipbuilding and Conversion, Navy. The House bill would authorize $6,590.9 million. The Senate amendment would authorize $5,526.5 million. The conferees recommend authorization of $5,958.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	SHIPBUILDING & CONVERSION, NAVY												
1	TRIDENT (NUCLEAR)												
2	CARRIER REPLACEMENT PROGRAM		832,200		832,200		350,000		482,200				832,200
3	SSN-21												
4	SSN-21 ADVANCE PROCUREMENT (CY)												
5	CV SLEP												
6	CVN REFUELING OVERHAULS		6,800		6,800		6,800						6,800
7	CGN REFUELING OVERHAULS		30,439		30,439		30,439						30,439
8	DDG-51	4	3,346,543	4	3,346,543	4	3,346,543				-50,000	4	3,296,543
9	DDG-51 ADVANCE PROCUREMENT (CY)		23,100		23,100		23,100						23,100
10	LHD-1 AMPHIBIOUS ASSAULT SHIP (MYP)				70,000	1	1,205,000	-1	-1,135,000	1	1,205,000	1	1,205,000
11	LSD-41 (CARGO VARIANT)												
12	LSD-41 ADV PROC (CY) PY SAVINGS						-25,000		25,000				
13	MHC MINE HUNTER COASTAL	2	246,205	2	246,205	2	246,205					2	246,205
14	TAGOS SURTASS SHIPS PY SAVINGS						-148,509		148,509		-148,509		-148,509
15	AOE PRIOR YEAR SAVINGS						-200,000		200,000				
15a	SEALIFT				1,201,400		225,000		976,400				
16	OCEANOGRAPHIC SHIP CONVERSION PROGRAM	1	19,500	1	19,500	1	19,500					1	19,500
17	OCEANOGRAPHIC SHIPS												
18	SERVICE CRAFT		200,228		200,228		126,028		74,200		-74,200		126,028
19	LANDING CRAFT												
20	LCAC LANDING CRAFT PY SAVINGS					-12	-238,100	12	238,100		-238,100		-238,100
21	LCAC ADVANCE PROCUREMENT (CY)												
22	OUTFITTING		385,321		385,321		385,321						385,321
23	POST DELIVERY		223,105		223,105		223,105						223,105
24	ESCALATION ON PRIOR YEAR PROGRAM												
25	PY AOE/TAGS PROGRAM COMPLETION						-55,000		55,000		-55,000		-55,000
26	FIRST DESTINATION TRANSPORTATION		6,031		6,031		6,031						6,031
	TOTAL SHIPBUILDING		5,319,472		6,590,872		5,526,463		1,064,409		639,191		5,958,663

Carrier replacement program

The amended budget request included $832.2 million in fiscal year 1993 for procurement of long-lead components for a replacement aircraft carrier, CVN-76, and projected full funding of the ship in fiscal year 1995.

The House bill would authorize the long-lead funds of $832.2 million in fiscal year 1993 for full funding of the ship in fiscal year 1995.

The Senate amendment would authorize $350 million for fiscal year 1993 and $482.2 million for fiscal year 1994 for long-lead components for a replacement aircraft carrier. The Senate report (S. Rept. 102-352) recommended full funding of the ship in fiscal year 1996.

The Senate recedes to the House position on long-lead for fiscal year 1993.

OTHER PROCUREMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,868.8 million for Other Procurement, Navy. The House bill would authorize $5,758.9 million. The Senate amendment would authorize $5,722.3 million. The conferees recommend authorization of $5,660.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	OTHER PROCUREMENT, NAVY												
	SHIPS SUPPORT EQUIPMENT												
1	LM-2500 GAS TURBINE		12,622		12,622		12,622						12,622
2	ALLISON 501K GAS TURBINE	2	4,460	2	4,460	2	4,460					2	4,460
3	STEAM PROPULSION IMPROVEMENT		3,545		3,545		3,545						3,545
4	OTHER PROPULSION EQUIPMENT		11,843		11,843		11,843						11,843
5	OTHER GENERATORS		26,978		26,978		26,978						26,978
6	OTHER PUMPS		7,285		7,285		7,285						7,285
7	HIGH PRESSURE AIR COMPRESSORS		5,843		5,843		5,843						5,843
8	SUBMARINE PROPELLERS	4	3,640	4	3,640	4	3,640					4	3,640
9	OTHER PROPELLERS AND SHAFTS		3,943		3,943		3,943						3,943
10	ELEC SUSPENDED GYRO NAVIGATOR		1,452		1,452		1,452						1,452
11	OTHER NAVIGATION EQUIPMENT		9,862		9,862		9,862						9,862
12	UNDERWAY REPLENISHMENT EQUIPMENT		34,965		34,965		34,965						34,965
13	TYPE 18 PERISCOPES		10,138		10,138		10,138						10,138
14	PERISCOPES AND ACCESSORIES		2,263		2,263		2,263						2,263
15	FIREFIGHTING EQUIPMENT		28,901		28,901		28,901						28,901
16	COMMAND AND CONTROL SWITCHBOARD		3,736		3,736		3,736						3,736
17	POLLUTION CONTROL EQUIPMENT		35,140		35,140		35,140						35,140
18	SUBMARINE SILENCING EQUIPMENT		21,594		21,594		21,594						21,594
19	SURFACE SHIP SILENCING EQUIPMENT		11,676		11,676		11,676						11,676
20	SUBMARINE BATTERIES	30	9,826	30	9,826	30	9,826					30	9,826
21	STRATEGIC PLATFORM SUPPORT EQUIP		36,093		36,093		36,093						36,093
22	DSSP EQUIPMENT		4,792		4,792		4,792						4,792
23	SEALIFT SUPPORT EQUIPMENT												
24	AIR CONDITIONERS												
25	MINESWEEPING EQUIPMENT		3,087		3,087		3,087						3,087
26	HM&E ITEMS UNDER $2 MILLION		42,273		42,273		42,273						42,273
27	SURFACE IMA		11,257		11,257		11,257						11,257
28	DEGAUSSING EQUIPMENT		1,285		1,285		1,285						1,285
29	RADIOLOGICAL CONTROLS		508		508		508						508
30	MINI/MICROMINI ELECTRONIC REPAIR		1,274		1,274		1,274						1,274
31	CHEMICAL WARFARE DETECTORS	774	8,432	774	8,432	774	8,432					774	8,432
32	SUBMARINE LIFE SUPPORT SYSTEM	7	17,898	7	17,898	7	17,898					7	17,898

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33	REACTOR POWER UNITS												
34	REACTOR COMPONENTS		285,645		285,645		285,645						285,645
35	DIVING AND SALVAGE EQUIPMENT		8,277		8,277		8,277						8,277
36	NAVAL SPECIAL WARFARE EQUIPMENT		5,426		5,426		5,426						5,426
37	STANDARD BOATS	109	18,225	109	18,225	109	23,225		-5,000		5,000	109	23,225
38	OTHER SHIPS TRAINING EQUIPMENT		1,262		1,262		1,262						1,262
39	PRODUCTION SUPPORT FACILITIES		13,872		13,872		13,872						13,872
40	OPERATING FORCES IPE		10,156		10,156		10,156						10,156
41	NUCLEAR ALTERATIONS		139,459		139,459		139,459						139,459
42	MODERNIZATION SUPPORT		533,590		533,590		533,590						533,590
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT												
43	AN/SPS-40		17,983		17,983		17,983						17,983
44	AN/SPS-48		9,927		9,927		9,927						9,927
45	AN/SPS-49		20,462		20,462		20,462						20,462
46	AN/SYS-()		3,562		3,562		3,562						3,562
47	MK-23 TARGET ACQUISITION SYSTEM	2	19,038	2	19,038	2	19,038					2	19,038
48	RADAR SUPPORT		7,257		7,257		7,257						7,257
49	SURFACE SONAR SUPPORT EQUIPMENT		22,310		22,310		22,310						22,310
50	AN/SQQ-89 SURF ASW COMBAT SYSTEM		155,278		155,278		155,278						155,278
51	AN/BQQ-5		179,857		179,857		179,857						179,857
52	SURFACE SONAR WINDOWS AND DOME		12,413		12,413		12,413						12,413
53	SONAR SUPPORT EQUIPMENT		11,512		11,512		11,512						11,512
54	SONAR SWITCHES AND TRANSDUCERS		33,090		33,090		33,090						33,090
55	FBM SYSTEM SONARS		2,304		2,304		2,304						2,304
56	SUBMARINE ACOUSTIC WARFARE SYSTEM		16,358		16,358		16,358						16,358
57	SSTD		46,313		46,313		46,313						46,313
58	ACOUSTIC COMMUNICATIONS		227		227		227						227
59	SUBMARINE ADVANCED COMBAT SYSTEM		29,900		29,900		29,900						29,900
60	SOSUS		87,033		87,033		76,133		10,900				87,033
61	LAMPS MK I ASW SUPPORT												
62	AN/SQR-18 TOWED ARRAY SONAR												
63	AN/SQR-15 TOWED ARRAY SONAR												
64	SURTASS		30,187		30,187		30,187						30,187
65	ASW OPERATIONS CENTER		19,536		19,536		19,536						19,536

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66	CARRIER ASW MODULE		5,990		5,990		5,990						5,990
67	AN/SLQ-32		126,912		126,912		126,912						126,912
68	AN/SSQ-95												
69	AN/WLR-1												
70	AN/WLR-8		14,908		14,908		14,908						14,908
71	ICAD SYSTEMS		2,400		2,400		2,400						2,400
72	EW SUPPORT EQUIPMENT		6,728		6,728		6,728						6,728
73	C-3 COUNTERMEASURES		32,019		32,019		32,019						32,019
74	COMBAT DF		10,263		10,263		10,263						10,263
75	OUTBOARD		8,571		8,571		8,571						8,571
76	NAVAL INTELL PROCESSING SYSTEM		9,519		9,519		9,519						9,519
77	AN/WLQ-4 DEPOT		2,219		2,219		2,219						2,219
78	AN/WLQ-4 IMPROVEMENTS		18,878		18,878		18,878						18,878
79	AN/BLD-1 (INTERFEROMETER)												
80	SUBMARINE SUPPORT EQUIPMENT PROG		4,500		4,500		4,500						4,500
81	NAVY TACTICAL DATA SYSTEM		54,008		54,008		54,008						54,008
82	TACTICAL FLAG COMMAND CENTER		39,828		39,828		39,828						39,828
83	LINK 16 HARDWARE		42,984		42,984		42,984						42,984
84	MINESWEEPING SYSTEM REPLACEMENT		21,551		21,551		21,551						21,551
85	EMSP (MYP)		62,888		62,888		62,888						62,888
86	NAVSTAR GPS RECEIVERS	588	13,216	588	13,216	588	13,216					588	13,216
87	HF LINK-11 DATA TERMINALS		1,343		1,343		1,343						1,343
88	ARMED FORCES RADIO AND TV		6,817		6,817		6,817						6,817
89	STRATEGIC PLATFORM SUPPORT EQUIP		130,990		130,990		130,990						130,990
90	OTHER TRAINING EQUIPMENT		8,700		8,700		8,700						8,700
91	MATCALS		3,684		3,684		3,684						3,684
92	SHIPBOARD AIR TRAFFIC CONTROL		8,356		8,356		8,356						8,356
93	AUTOMATIC CARRIER LANDING SYSTEM		15,133		15,133		15,133						15,133
94	TACAN		1,948		1,948		1,948						1,948
95	AIR STATION SUPPORT EQUIPMENT		15,505		15,505		15,505						15,505
96	MICROWAVE LANDING SYSTEM		339		339		339						339
97	FACSFAC		12,256		12,256		12,256						12,256
98	ID SYSTEMS		8,742		8,742		8,742						8,742
99	TADIX-B		8,461		8,461		8,461						8,461

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100	NAVAL SPACE SURVEILLANCE SYSTEM		97		97		97						97
101	SPACE SYSTEM PROCESSING		4,387		4,387		4,387						4,387
102	NCCS ASHORE		47,199		47,199		47,199						47,199
103	RADIAC		7,441		7,441		7,441						7,441
104	OVER THE HORIZON RADAR		2,771		2,771		2,771						2,771
105	GPETE		22,860		22,860		22,860						22,860
106	INTEG COMBAT SYSTEM TEST FACILITY		4,800		4,800		4,800						4,800
107	CALIBRATION STANDARDS		8,228		8,228		8,228						8,228
108	EMI CONTROL INSTRUMENTATION		11,672		11,672		11,672						11,672
109	SHORE ELEC ITEMS UNDER $2 MILLION		10,875		10,875		10,875						10,875
110	SHIPBOARD TACTICAL COMMUNICATIONS		82,663		82,663		82,663						82,663
111	FLIGHT DECK COMMUNICATIONS		3,389		3,389		3,389						3,389
112	PORTABLE RADIOS		22,555		22,555		22,555						22,555
113	SHIP COMMUNICATIONS AUTOMATION		42,042		42,042		42,042						42,042
114	SHIP COMM ITEMS UNDER $2 MILLION		28,722		28,722		28,722						28,722
115	SHORE LF/VLF COMMUNICATIONS		3,963		3,963		3,963						3,963
116	VERDIN		4,657		4,657		4,657						4,657
117	SUBMARINE COMMUNICATION EQUIPMENT		7,427		7,427		7,427						7,427
118	SATCOM SHIP TERMINALS		193,607		193,607		180,107		13,500		-13,500		180,107
119	SATCOM SHORE TERMINALS		15,495		15,495		15,495						15,495
120	JCS COMMUNICATIONS EQUIPMENT		2,347		2,347		2,347						2,347
121	ELECTRICAL POWER SYSTEMS		638		638		638						638
122	SHORE HF COMMUNICATIONS		16,751		16,751		16,751						16,751
123	DCS TECH CONTROL IMPROVEMENTS		2,841		2,841		2,841						2,841
124	VOICE FREQ CARRIER TELEGRAPH												
125	WWMCCS COMMUNICATIONS EQUIPMENT		6,278		6,278		6,278						6,278
126	SHORE COMMUNICATIONS AUTOMATION		7,797		7,797		7,797						7,797
127	SHORE COMM ITEMS UNDER $2 MILLION		573		573		573						573
128	STU-III												
129	SECURE VOICE SYSTEM		76,956		76,956		76,956						76,956
130	SECURE DATA SYSTEM		33,876		33,876		33,876						33,876
131	TSEC/KG-84												
132	TSEC/KY-57/58 (VINSON)												
133	TSEC/KYV-5 (ANDVT)												

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134	ISEC/KG-81 (WALBURN)												
135	ISEC/KGR-96 (IISS)												
136	BLACKER CRYPTO												
137	TRITAC CRYPTO												
138	ISEC/KGV-11												
139	KEY MANAGEMENT SYSTEMS		9,778		9,778		9,778						9,778
140	SIGNAL SECURITY		423		423		423						423
141	CRYPTOGRAPHIC ITEMS UNDER $2 MILL		2,648		2,648		2,648						2,648
142	ISEC/KGV-8												
143	CRYPTOLOGIC COMMUNICATIONS EQUIP		2,933		2,933		2,933						2,933
144	CRYPTOLOGIC ITEMS UNDER $2 MILLION		1,662		1,662		1,662						1,662
145	CRYPTOLOGIC RESERVES EQUIPMENT		1,509		1,509		1,509						1,509
146	CRYPTOLOGIC FIELD TRAINING EQUIP		574		574		574						574
147	SHORE CRYPTOLOGIC SUPPORT SYSTEM		778		778		778						778
148	WAR RESERVE												
149	ELECT ENGINEERED MAINTENANCE		8,147		8,147		8,147						8,147
150	OTHER DRUG INTERDICTION SUPPORT												
	AVIATION SUPPORT EQUIPMENT												
151	SONOBUOYS		74,002		74,002		74,002						74,002
152	AN/SSQ-36 (BT)												
153	AN/SSQ-53 (DIFAR)												
154	AN/SSQ-62 (DICASS)												
155	SIGNAL, UNDERWATER SOUND (SUS)	8,513	1,792	8,513	1,792	8,513	1,792					8,513	1,792
156	CARTRIDGES & CART ACTUATED DEVELOP		20,989		20,989		20,189		800		-800		20,189
157	AIRCRAFT ESCAPE ROCKETS		5,648		5,648		5,648						5,648
158	AIR EXPENDABLE COUNTERMEASURES		63,773		63,773		61,173		2,600		-2,633		61,140
159	MARINE LOCATION MARKERS		5,911		5,911		5,911						5,911
160	DEFENSE NUCLEAR AGENCY MATERIAL		811		811		811						811
161	JATOS		8,971		8,971		3,071		5,900		-5,942		3,029
162	WEAPONS RANGE SUPPORT EQUIPMENT		51,454		51,454		51,454						51,454
163	EXPEDITIONARY AIRFIELDS		6,314		6,314		6,314						6,314
164	AIRCRAFT REARMING EQUIPMENT		13,266		13,266		13,266						13,266
165	CATAPULTS & ARRESTING GEAR		59,912		59,912		59,912						59,912
166	METEOROLOGICAL EQUIPMENT		31,762		31,762		31,762						31,762

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167	OTHER PHOTOGRAPHIC EQUIPMENT		942		942		942						942
168	AVIATION LIFE SUPPORT		12,516		12,516		12,516						12,516
169	AIRBORNE MINE COUNTERMEASURES		11,038		11,038		11,038						11,038
170	LAMPS MK III SHIPBOARD EQUIPMENT		12,560		12,560		12,560						12,560
171	REWSON PHOTOGRAPHIC EQUIPMENT		1,567		1,567		1,567						1,567
172	STOCK SURVEILLANCE EQUIPMENT		2,194		2,194		2,194						2,194
173	OTHER AVIATION SUPPORT EQUIPMENT		15,432		15,432		15,432						15,432
	ORDNANCE SUPPORT EQUIPMENT												
174	GUN FIRE CONTROL EQUIPMENT		16,574		16,574		16,574						16,574
175	MK-92 FIRE CONTROL SYSTEM		22,964		22,964		22,964						22,964
176	HARPOON SUPPORT EQUIPMENT		37,555		37,555		37,555						37,555
177	TERRIER SUPPORT EQUIPMENT		20,558		20,558		20,558						20,558
178	TARTAR SUPPORT EQUIPMENT		33,280		33,280		33,280						33,280
179	POINT DEFENSE SUPPORT EQUIPMENT		17,255		17,255		17,255						17,255
180	AIRBORNE ECM/ECCM		1,193		1,193		1,193						1,193
181	AEGIS SUPPORT EQUIPMENT		154,317		154,317		154,317						154,317
182	SURFACE TOMAHAWK SUPPORT EQUIPMENT		47,784		47,784		47,784						47,784
183	SUBMARINE TOMAHAWK SUPPORT EQUIP		3,645		3,645		3,645						3,645
184	VERTICAL LAUNCH SYSTEMS	2	89,271	2	89,271	1	54,271	1	35,000			2	89,271
185	STRATEGIC PLATFORM SUPPORT EQUIP		14,766		14,766		14,766						14,766
186	STRATEGIC MISSILE SYSTEMS EQUIP		28,475		28,475		28,475						28,475
187	MK-117 FIRE CONTROL SYSTEM		65,066		65,066		65,066						65,066
188	SUBMARINE ASW SUPPORT EQUIPMENT		13,689		13,689		13,689						13,689
189	SURFACE ASW SUPPORT EQUIPMENT		15,005		15,005		15,005						15,005
190	ASW RANGE SUPPORT EQUIPMENT		14,491		14,491		14,491						14,491
191	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		12,264		12,264		12,264						12,264
192	UNMANNED SEABORNE TARGET		8,375		8,375		8,375						8,375
193	ANTI-SHIP MISSILE DECOY SYSTEM		3,177		3,177		3,177						3,177
194	CALIBRATION EQUIPMENT		1,122		1,122		1,122						1,122
195	STOCK SURVEILLANCE EQUIPMENT		2,254		2,254		2,254						2,254
196	OTHER ORDNANCE TRAINING EQUIPMENT		1,212		1,212		1,212						1,212
197	FLEET MINE SUPPORT EQUIPMENT		10,888		10,888		10,888						10,888
198	MINE NEUTRALIZATION DEVICES		3,074		3,074		3,074						3,074
199	DEFENSE NUCLEAR AGENCY MATERIAL		1,685		1,685		1,685						1,685

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200	SHIP EXPENDABLE COUNTERMEASURE		45,246		45,246		45,246						45,246
	CIVIL ENGINEERING SUPPORT EQUIPMENT												
201	ARMORED SEDANS												
202	PASSENGER CARRYING VEHICLES	446	6,639	446	6,639	446	6,639					446	6,639
203	SPECIAL PURPOSE VEHICLES		13,018		13,018		13,018						13,018
204	GENERAL PURPOSE TRUCKS		15,569		15,569		15,569						15,569
205	TRAILERS/TRUCK TRACTORS		3,168		3,168		3,168						3,168
206	EARTH MOVING EQUIPMENT	69	4,759	69	4,759	69	4,759					69	4,759
207	CONSTRUCTION & MAINTENANCE EQUIP		7,428		7,428		7,428						7,428
208	FIRE FIGHTING EQUIPMENT	26	3,884	26	3,884	26	3,884					26	3,884
209	WEIGHT HANDLING EQUIPMENT	6	1,667	6	1,667	6	1,667					6	1,667
210	AMPHIBIOUS EQUIPMENT		1,714		1,714		1,714						1,714
211	COMBAT CONSTRUCTION SUPPORT EQUIP		3,059		3,059		3,059						3,059
212	MOBILE UTILITIES SUPPORT EQUIPMENT		1,810		1,810		1,810						1,810
213	COLLATERAL EQUIPMENT		2,017		2,017		2,017						2,017
214	OCEAN CONSTRUCTION EQUIPMENT		1,339		1,339		1,339						1,339
215	FLEET MOORINGS		4,053		4,053		4,053						4,053
216	POLLUTION CONTROL EQUIPMENT		11,311		11,311		11,311						11,311
	NATURAL GAS UTILIZATION EQUIPMENT												
217	OTHER CIVIL ENG SUPPORT EQUIPMENT		1,398		1,398		1,398						1,398
	SUPPLY SUPPORT EQUIPMENT												
218	FORKLIFT TRUCKS		9,882		9,882		9,882						9,882
219	OTHER MATERIALS HANDLING EQUIPMENT		3,629		3,629		3,629						3,629
220	AUTOMATED MATERIALS HANDLING SYS												
221	OTHER SUPPLY SUPPORT EQUIPMENT		3,604		3,604		3,604						3,604
222	POLLUTION CONTROL EQUIPMENT												
223	FIRST DESTINATION TRANSPORTATION		16,151		16,151		16,151						16,151
224	SPECIAL PURPOSE SUPPLY SYSTEMS		115,830		75,893		115,830		-39,937		-37,084		78,746
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT												
225	SURFACE SONAR TRAINERS		9,754		9,754		9,754						9,754
226	SUBMARINE SONAR TRAINERS												
227	SURFACE COMBAT SYSTEM TRAINERS												
228	SUBMARINE COMBAT SYSTEM TRAINERS		4,129		4,129		4,129						4,129
229	SHIP SYSTEM TRAINERS		22,277		22,277		22,277						22,277

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230	TRAINING SUPPORT EQUIPMENT		3,299		3,299		3,299						3,299
231	TRAINING DEVICE MODIFICATIONS		51,084		51,084		51,084						51,084
232	COMMAND SUPPORT EQUIPMENT		24,150		24,150		24,150						24,150
233	EDUCATION SUPPORT EQUIPMENT		15,315		15,315		15,315						15,315
234	MEDICAL SUPPORT EQUIPMENT		203		203		203						203
235	INTELLIGENCE SUPPORT EQUIPMENT		64,276		64,276		51,476		12,800		-12,800		51,476
236	ITEMS UNDER $2 MILLION												
237	OPERATING FORCES SUPPORT EQUIPMENT		16,347		16,347		16,347						16,347
238	NAVAL RESERVE SUPPORT EQUIPMENT		2,902		2,902		2,902						2,902
239	ENVIRONMENTAL SUPPORT EQUIPMENT		23,241		23,241		23,241						23,241
240	PHYSICAL SECURITY EQUIPMENT		33,063		33,063		33,063						33,063
241	INDUSTRIAL DEPOT MAINTENANCE EQUIPMENT												
242	COMPUTER ACQUISITION PROGRAM		133,304		133,304		133,304						133,304
243	PRODUCTIVITY INVESTMENT (PIF)		47,995		47,995		47,995						47,995
	GENERAL REDUCTION, INT CONTRACT SUPP												
244	PROD ENHANCE INCENTIVE FUND (PEIF)		880		880		880						880
SPARES AND REPAIR PARTS													
245	OPN SPARES AND REPAIR PARTS		580,541		580,541		551,511		29,030		-29,030		551,511
	RAISE O&M PURCHASE THRESHOLD						-41,000		41,000				
	OPN UNDISTRIBUTED REDUCTION				-70,000				-70,000		-70,000		-70,000
	INFLATION ADJUSTMENT										-41,340		-41,340
	TOTAL OTHER PROCUREMENT NAVY		5,868,813		5,758,876		5,722,283		36,593		-208,129		5,660,684

Vertical launch system

The amended budget request included $89.3 million for the vertical launch program.

The House bill would approve the requested amount.

The Senate amendment would authorize $54.3 million for the vertical launch system, based on information in the Navy's budget justification material that the Navy would not need one of the launchers to support the ship installation schedule.

The Senate recedes.

The Navy has informed the conferees that the budget justification material was erroneous. The Navy installed armored box launchers on some of the *Spruance* class destroyers, rather than installing the vertical launch system. The Navy has now apparently decided to backfit the vertical launch system on these destroyers as well. The justification material included no mention of this shift. The budget displays also included incorrect equipment delivery schedules. The conferees direct the Secretary of the Navy to ensure that future budget justification material better reflects the actual program being requested in the budget.

PROCUREMENT, MARINE CORPS

Overview

The amended budget request for fiscal year 1993 contained an authorization of $588.5 million for Procurement, Marine Corps. The House bill would authorize $931.2 million. The Senate amendment would authorize $690.1 million. The conferees recommend authorization of $729.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 - Authorization Quantity	Conference FY93 - Authorization Amount
PROCUREMENT, MARINE CORPS													
1	5.56 MM, ALL TYPES		14,766		14,766		13,166		1,600				14,766
2	7.62 MM, ALL TYPES		5,333		12,333		5,333		7,000		7,000		12,333
3	LINEAR CHARGES, ALL TYPES		6,685		6,685		1,231		5,454		-5,454		1,231
4	.50 CALIBER		5,990		5,990		5,990						5,990
5	40 MM, ALL TYPES		33,272		33,272		26,212		7,060		-7,060		26,212
6	60 MM ILLUM M721		1,617		1,617				1,617		-1,617		
7	60 MM SMOKE WP												
8	60 MM HE M888		4,599		4,599		4,599						4,599
9	81 MM HE		4,152		4,152		4,152						4,152
10	81 MM SMOKE SCREEN												
11	81 MM TP M879												
12	81MM ILLUMINATION (M853)												
13	CTG 105MM TPDS-T												
14	120MM HEAT MP-T M830												
15	120MM APFSDS-T M829E1												
16	120MM TPCSDS-T M865						4,000		-4,000		4,000		4,000
17	120 MM TP-T M831						6,000		-6,000		6,000		6,000
18	155MM HE ADAM												
19	155MM HE M107												
20	155MM HE DP ICM M483												
21	155MM CHG. PROP. RED BAG												
22	155MM M864 PROJ BASEBURNER					106	81,200	-106	-81,200	106	81,200	106	81,200
23	155MM CHARGE WHITE BAG												
24	155MM WP M110A1												
25	155MM CHARGE GREEN BAG												
26	FUZE, PD, M739A1												
27	FUZE PROXIMITY M732A2												
28	FUZE, ET, XM762												
29	FUZE, ET, XM767												
30	83 MM ROCKET HEAA (SMAW)		29,352		29,352		29,352						29,352
31	LIGHT ANTI-ARMOR WEAPON												
32	25MM HEI-T												
33	25MM, TP-T, M793		2,861		2,861		2,861						2,861

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
34	CTG 25MM HEI F/GAU 12												
35	CTG 25MM APDST												
36	9 MM ALL TYPES												
37	GRENADES, ALL TYPES		2,567		2,567		2,567						2,567
38	RKT MOTOR 5 IN		6,018		6,018				6,018		-6,018		
39	8 INCH AMMO, ALL TYPES												
40	AMMO MODERNIZATION		9,980		9,980		9,980						9,980
41	ITEMS LESS THAN $2 MIL		6,736		6,736		6,736						6,736
42	AAV7A1 PIP		16,610		16,610		16,610						16,610
42a	MLRS			42	254,700			42	254,700				
43	LIGHT ARMORED VEHICLE												
44	MODIFICATION KITS (TRKD VEH)		1,150		1,150		1,150						1,150
45	ITEMS UNDER $2M (TRKD VEH)		588		588		588						588
46	MOD KITS (ARTILLERY)		5,826		5,826		5,826						5,826
47	ITEMS UNDER $2M (ALL OTHER)		2,185		2,185		2,185						2,185
48	MACHINE GUN, 50 CAL M2												
49	M60E3 PIP												
50	MK-19 40MM MACHINE GUN												
51	HAWK												
52	HAWK MOD		23,974		23,974		23,974						23,974
53	STINGER (MYP)												
54	PEDESTAL MOUNTED STINGER (PMS) (MYP)	26	23,856	26	23,856	26	23,856					26	23,856
55	ADVANCE PROCUREMENT (CY)		4,257		4,257		4,257						4,257
56	TOW												
57	MODIFICATION KITS												
58	ITEMS LESS THAN $2 MILLION		588		588		588						588
59	MANPACK RADIOS AND EQUIP						3,000		-3,000		3,000		3,000
60	GPS	1,766	12,720	1,766	12,720	1,766	12,720					1,766	12,720
61	VEHICLE MTD RADIOS & EQUIP (MYP)		5,170		5,170		5,170						5,170
62	AN/GRC-XXXX	421	18,970	421	18,970	421	18,970					421	18,970
63	TSC-96 PIP FLEET SATCOM TERMINAL	5	1,957	5	1,957	5	1,957					5	1,957
64	UNIT LEVEL CIRCUIT SWITCH (ULCS)		7,088		7,088		7,088						7,088
65	TACT COMM CENTER EQUIP												
66	AN/PSG( ) DIGITAL COMM TERMINAL												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
67	OSCILLOSCOPE												
68	SWEEP GENERATOR												
69	SIGNAL GENERATOR	200	1,983	200	1,983	200	1,983					200	1,983
70	ELECTRONIC TEST EQUIP (TEL)		6,876		6,876		6,876						6,876
71	SINGLE CHAN GRD & AIR RADIO		59,837		59,837		59,837						59,837
72	MODIFICATION KITS (TEL)		3,930		3,930		3,930						3,930
73	ITEMS LESS THAN $2M (TEL)		2,402		2,402		2,402						2,402
74	POS LOCATING RPTG SYSTEM (PLRS)												
75	TACTICAL AIR OPER MODULE (TAOM)												
76	ADVANCED TACT AIR COMMAND CENTER	1	6,751		6,751	1	6,751	-1				1	6,751
77	MARINE TACTICAL C2		8,286		8,286		8,286						8,286
78	LEWDD												
79	METEOROLOGICAL SYSTEMS	14	5,965	14	5,965	14	5,965					14	5,965
80	INTELLIGENCE SUPPORT EQUIPMENT		18,387		41,387		28,387		13,000		22,000		40,387
81	MOD KITS (INTEL)		490		490		490						490
82	ITEMS LESS THAN $2M (INTELL)		797		797		797						797
83	ELECTRONIC TDME REPAIR FACILITY												
84	MECH TEST TMDE		868		868		868						868
85	ELECTRONIC TEST EQUIP												
86	THERMAL IMAGING EQUIPMENT												
87	NIGHT VISION EQUIPMENT		20,143		20,143		30,143		-10,000		10,000		30,143
88	ADP EQUIPMENT		16,308		16,308		16,308						16,308
89	TEST CALIB & MAINT SPT		944		944		944						944
90	MODIFICATION KITS (NONTEL)		3,681		3,681		3,681						3,681
91	ITEMS LESS THAN $2M (NONTEL)		1,564		1,564		1,564						1,564
92	COMMERCIAL PASSENGER VEHICLES	46	2,211	46	2,211	46	2,211					46	2,211
93	COMMERCIAL CARGO VEHICLES		8,816		8,816		8,816						8,816
94	5/4T TRUCK HMMWV (MYP)	1,612	47,257	1,612	47,257	1,612	47,257					1,612	47,257
95	M876 TRUCK,MAINT, TELEPHONE/UTILITY												
96	LOGISTICS VEHICLE SYSTEM				18,000				18,000		18,000		18,000
97	TRAILERS		3,096		3,096		3,096						3,096
98	MODIFICATION KITS		3,523		3,523		3,523						3,523
99	ITEMS LESS THAN $2 MIL		1,027		1,027		1,027						1,027
100	ENVIRONMENTAL CONTROL EQUIP ASSORT												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
101	ARMORED COMBAT EXCAVATOR (ACE)	41	28,011	91	68,011	41	28,011	50	40,000			41	28,011
102	AMPHIBIOUS ASSAULT FUEL SYSTEM												
103	TACTICAL FUEL SYSTEM (TFS) EQUIP		14,109		14,109		14,109						14,109
104	TOPOGRAPHIC/SURVEY EQUIPMENT		1,400		1,400		1,400						1,400
105	POWER EQUIPMENT ASSORTED		1,314		1,314		1,314						1,314
106	TRAY RATION HEATING SYSTEM	187	3,324	187	3,324	187	3,324					187	3,324
107	COMMAND SUPPORT EQUIPMENT		1,011		1,011		1,011						1,011
108	AMPHIBIOUS RAID EQUIPMENT		536		536		536						536
109	PRODUCTIVITY INVESTMENT		2,308		2,308		2,308						2,308
110	PHYSICAL SECURITY EQUIPMENT		1,431		1,431		1,431						1,431
111	GARRISON MOBILE ENGR EQUIP		2,991		2,991		2,991						2,991
112	WAREHOUSE MODERNIZATION		997		997		997						997
113	MATERIAL HANDLING EQUIP		2,199		2,199		2,199						2,199
114	FIRST DESTINATION TRANSPORTATION		3,841		3,841		3,841						3,841
115	LIGHTWEIGHT DECONTAMINATION SYSTEM	138	2,055	138	2,055	138	2,055					138	2,055
116	DRY CHEMICAL FIRE EXTINGUISHER												
117	TRAINING DEVICES		4,580		4,580		4,580						4,580
118	SHELTER FAMILY		411		411		411						411
119	CONTAINER FAMILY		2,802		2,802		2,802						2,802
120	MODIFICATION KITS												
121	NBC ALARM & DECONTAMINATION EQUIP												
122	CHEMICAL AGENT MONITOR	143	912	143	912	143	912					143	912
123	ITEMS LESS THAN $2 MIL		2,907		2,907		2,907						2,907
	MARINE ENHANCEMENT PROGRAM						11,500		-11,500		11,500		11,500
124	INDUSTRIAL/DEPOT MAINTENANCE EQUIPMENT												
125	DRUG INTERDICTION												
126	MC SPARES AND REPAIR PARTS		27,398		27,398		26,028		1,370		-1,370		26,028
	RAISE O&M PURCHASE THRESHOLD						-1,000		1,000				
	AUTOMATIC BUILDING EQUIPMENT												
	TOTAL PROCUREMENT MARINE CORPS		588,546		931,246		690,127		241,119		141,181		729,727

Intelligence support equipment

The amended budget request included $18.4 million for the procurement of Marine Corps intelligence support equipment.

The House bill would provide an additional $23.0 million for procurement and $2.0 million for additional research and development of this equipment.

The Senate amendment would provide an additional $10.0 million to accelerate procurement of commanders' tactical terminals and $3.0 million for development and evaluation of a system, called "Trojan Spirit," for disseminating tactical intelligence information.

The conferees agree to provide an additional $25.0 million in Marine Corps intelligence support programs as follows:

$3.0 million in research and development for Trojan Spirit;

$10.0 million to contribute to the Army's program to accelerate the product improvement and procurement of three channel commanders' tactical terminals;

$3.3 million to accelerate procurement of secondary imagery dissemination systems;

$4.3 million to accelerate procurement of intelligence analysis systems;

$1.5 million for portable communications devices capable of handling special compartmented information; and

$2.9 million to purchase commercial, off-the-shelf topographic and Landsat processing systems.

The conferees endorse the requirement in the Senate report (S. Rept. 102-352) that:

the Marine Corps develop a coherent, comprehensive roadmap for improving its intelligence capabilities;

the Commandant of the Marine Corps submit a roadmap to the congressional defense committees by March 1, 1993; and

the Commandant submit the roadmap to the Director of the Defense Intelligence Agency and the Assistant Secretary of Defense (C^3I) for review and approval.

The conferees are also concerned about the diversion of funds in future budgets described in the Senate report. The conferees direct the Commandant to report to the congressional defense committees on the reasons for the Marine Corps' actions.

AIRCRAFT PROCUREMENT, AIR FORCE

Overview

The amended budget request for fiscal year 1993 contained an authorization of $10,928.7 million for Aircraft Procurement, Air Force. The House bill would authorize $10,144.8 million. The Senate amendment would authorize $9,275.0 million. The conferees recommend authorization of $10,034.3 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	AIRCRAFT PROCUREMENT, AIR FORCE												
1	B-1B (MYP)		214,897		214,897		50,000		164,897		-47,497		167,400
2	B-2A (MYP)	4	2,686,572	4	2,686,572	4	2,686,572					4	2,686,572
3	B-2 ADVANCE PROCUREMENT (CY)												
4	F-15 E		11,484		11,484		11,484						11,484
5	F-16 C/D (MYP)	24	683,230	24	614,830		75,000	24	539,830			24	683,230
6	F-16 ADVANCE PROCUREMENT (CY)				68,400				68,400				
7	C-17 (MYP)	8	2,513,935	6	1,905,935	4	1,623,935	2	282,000	-2	-703,300	6	1,810,635
7a	C-17 CONTINGENCY FUND						232,000		-232,000				
8	C-17 ADVANCE PROCUREMENT (CY)		205,605	8	155,605		205,605	8	-50,000		45,300		250,905
9	C-27A												
10	C-130H	8	300,358	8	300,358	8	300,358					8	300,358
11	LC-130												
12	ENHANCED FLIGHT SCREENER	42	12,253	42	12,253	42	12,253					42	12,253
13	TANKER, TRANSPORT, TRAINER SYSTEM	36	158,592	36	158,592	36	158,592					36	158,592
14	MH-60G	10	30,128	10	30,128	10	30,128					10	30,128
15	CIVIL AIR PATROL A/C	27	1,984	27	2,700	27	1,984		716		716	27	2,700
16	E-8B	1	310,572	1	310,572	2	499,772	-1	-189,200	1	201,200	2	511,772
17	E-8B ADVANCE PROCUREMENT (CY)		50,658		50,658		102,658		-52,000		28,458		79,116
18	VC-137 REPLACEMENT AIRCRAFT												
	MODIFICATION OF INSERVICE AIRCRAFT												
19	B-2A												
20	B-1B		50,254		50,254		50,254						50,254
21	B-52		76,710		76,710		70,000		6,710				76,710
22	F-117		24,661		32,661		24,661		8,000				24,661
23	A-10		7,821		7,821		7,821						7,821
24	F/RF-4												
25	F-15		303,915		303,915		303,915						303,915
26	F-16		274,496		274,496		238,096		36,400		-36,400		238,096
27	EF-111		8,975		8,975				8,975				8,975
28	F-111		54,185		54,185		54,185						54,185
29	TR-1A												
30	T/AT-37		1,890		1,890		1,890						1,890
31	C-5		8,255		8,255		8,255						8,255

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32	C-9		1,986		1,986		1,986						1,986
33	C-21		94		94		94						94
34	C-22		4,697		4,697		4,697						4,697
35	C-STOL		94		94		94						94
36	C-137		10,650		10,650		10,650						10,650
37	C-141		14,673		14,673		40,673		-26,000		26,000		40,673
38	T-38		5,537		5,537		5,537						5,537
39	T-41 AIRCRAFT		195		195		195						195
40	T-43		302		302		302						302
41	KC-10A (ATCA)		38,644		38,644		38,644						38,644
42	C-12		5,714		5,714		5,714						5,714
43	C-18		189		189		189						189
44	C-20 MODS		94		94		94						94
45	VC-25A MOD		189		189		189						189
46	C-130		70,558		70,558		70,558						70,558
47	C-135		526,674		526,674		526,674				-87,174		439,500
47a	RC-135						-133,700		133,700				
48	E-3		76,350		37,750		76,350		-38,600				76,350
49	E-4		17,986		17,986		17,986						17,986
50	H-3 AIRCRAFT SYSTEM												
51	H-60												
52	OTHER AIRCRAFT		101,593		101,593		69,493		32,100		-22,100		79,493
53	CLASSIFIED PROJECTS		45,275		45,275		45,275						45,275
54	CIVIL RESERVE AIRLIFT FLEET (CRAF)												
55	APAF SPARES AND REPAIR PARTS		724,426		672,426		523,836		148,590		-225,590		498,836
56	COMMON AGE		442,396		442,396		442,396						442,396
57	INDUSTRIAL RESPONSIVENESS		35,477		35,477		35,477						35,477
58	WAR CONSUMABLES		27,930		27,930		27,930						27,930
59	OTHER PRODUCTION CHARGES		686,581		642,581		615,281		27,300		-74,000		612,581
60	COMMON ECM EQUIPMENT		98,967		98,967		98,967						98,967
	SPECIAL TECHNICAL PROJECTS												
	GENERAL REDUCTION INT CONTRACT SUPP												
	TOTAL AIRCRAFT PROCUREMENT AIR FORCE		10,928,701		10,144,817		9,274,999		869,818		-894,387		10,034,314

F–16 aircraft

The amended budget request contained $683.2 million to procure 24 F–16 fighter aircraft and to complete U.S. production.

The House bill would authorize the amount of the budget request. The House also believes that the F–16 should be kept in production in order to preserve the industrial base for Air Force fighter aircraft, and recommended an authorization of $68.4 million in advance procurement for 24 aircraft in fiscal year 1994.

The Senate amendment would eliminate funds for the final 24 aircraft, and would authorize $75 million to reconfigure the current F–16 production facility so that the facility remains efficient at low production rates envisioned for foreign military sales. The Senate amendment also contained a provision (sec. 133) that would authorize the Air Force to sell components procured with advance procurement funds for these 24 aircraft so that the savings achieved through the multiyear contract would not be lost.

The conferees recommend an authorization of $683.2. The conferees believe that any decision to continue production of F–16s beyond fiscal year 1993 should be based on the comprehensive review of tactical aviation as required by sections 901 and 902. The conferees recommend a provision that would prohibit the department from obligating any funds beyond production of 24 aircraft authorized in fiscal year 1993 and associated spare parts until the Secretary has submitted the reports required by section 902.

Concerning section 133 of the Senate amendment, the Senate recedes.

Joint primary training system

In view of the "model" success of the joint primary training systems (JPATS) program thus far, neither the House bill nor the Senate amendment would make any changes to the requested funding or acquisition plan.

Subsequently, however, the conferees have learned of plans by the Under Secretary of Defense for Acquisition to modify the structure of the acquisition plan to separate procurement into two contract awards: one for the aircraft and a second for the training system. The conferees understand that the Under Secretary would also eliminate the safety/requirements demonstration currently scheduled for the candidate competitors.

The conferees believe that one of the strongest features of the current JPATS acquisition plan stems from the efficiencies provided by procurement of an entire integrated "system." It is shortsighted to procure only replacement aircraft for Air Force and Navy primary training and not upgrade the instructional "system" in the process. The conferees also continue to believe that the long-term method of procuring a total system for this purpose is through a single prime contractor acting as the integrator.

Accordingly, the conferees direct the Department of Defense to proceed with JPATS procurement only under a non-developmental, single integrated procurement contract. Additionally, the conferees direct the Secretary of Defense to conduct a safety/requirements demonstration as contained in the original acquisition plan.

E–3 modifications

The amended budget request contained $76.4 million to modify E–3 airborne warning and control aircraft (AWACS).

The House bill would authorize $37.8 million. The reduction of $38.6 million from the request was based on a recommendation of the General Accounting Office that concluded that those funds for electronic support measures (ESM) were duplicative of capabilities found elsewhere in the Air Force.

The Senate amendment would authorize the requested amount.

The conferees agree to authorize the budget request of $76.4 million. The conferees direct the Defense Department not to obligate any of the procurement funds for AWACS until the Office of the Secretary of Defense has certified to the congressional defense committees that the new ESM capability provides a significant improvement and does not duplicate any current Air Force system.

MISSILE PROCUREMENT, AIR FORCE

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,378.7 million for Missile Procurement, Air Force. The House bill would authorize $4,937.5 million. The Senate amendment would authorize $4,125.6 million. The conferees recommend authorization of $4,399.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	MISSILE PROCUREMENT, AIR FORCE												
1	PEACEKEEPER (M-X)												
2	MISSILE REPLACEMENT EQ-BALLISTIC		40,300		40,300		40,300						40,300
3	HAVE NAP			30	24,000			30	24,000	30	24,000	30	24,000
4	AGM-131A SRAMII												
5	ADVANCED CRUISE MISSILE						34,600		-34,600		127,100		127,100
6	ACM ADVANCE PROCUREMENT (CY)												
7	HAVE FLAG	[ ]	[ ]										
8	AMRAAM	1,015	731,396	1,015	731,396	1,015	632,696		98,700		-98,700	1,015	632,696
9	AIM-9L/M SIDEWINDER												
10	AGM-130 POWERED GBU-15	102	76,100	102	76,100	102	76,100			8		110	76,100
11	AGM-65D MAVERICK												
12	AGM-88A HARM	846	218,400	846	218,400	846	104,700		113,700		-113,700	846	104,700
13	TARGET DRONES	92	60,883	142	72,883	92	72,883	50		78	12,000	170	72,883
14	INDUSTRIAL PREPAREDNESS		9,930		9,930		9,930						9,930
15	MISSILE REPLACEMENT EQ-OTHER		27,971		27,971		27,971						27,971
16	CLASSIFIED PROGRAM	[ ]	[ ]										
	MODIFICATION OF INSERVICE MISSILES												
17	HAVE NAP		1,155		1,155		1,155						1,155
18	AIR LAUNCH CRUISE MISSILE		21,208		21,208		21,208						21,208
19	PEACEKEEPER (M-X)		2,870		2,870		2,870						2,870
20	AIM-9 SIDEWINDER		11,681		11,681		11,681						11,681
21	MM II/III MODIFICATIONS		194,600		194,600		179,900		14,700		-14,700		179,900
22	AGM-65D MAVERICK		1,540		1,540		1,540						1,540
23	AGM-88A HARM		2,109		2,109		2,109						2,109
24	MODIFICATIONS UNDER $2.0M		319		319		319						319
25	ADVANCED CRUISE MISSILE		4,907		4,907		4,907						4,907
26	MPAT SPARES AND REPAIR PARTS		54,942		54,942		52,192		2,750		-2,750		52,192
	OTHER SUPPORT												
27	SPACEBORNE EQUIP (COMSEC)		7,921		7,921		7,921						7,921
28	GLOBAL POSITIONING (MYP)	6	188,301	6	188,301	6	98,301		90,000		-60,000	6	128,301
29	GPS ADVANCE PROCUREMENT (CY)		59,248		59,248		59,248						59,248
30	SPACE SHUTTLE OPERATIONS		88,300		88,300		88,300						88,300
31	SHUTTLE ADVANCE PROCUREMENT (CY)												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
32	SPACE BOOSTERS (MYP)		382,169		382,169		382,169						382,169
33	MEDIUM LAUNCH VEHICLE	4	180,334	4	180,334	4	180,334					4	180,334
34	MLV ADVANCE PROCUREMENT (CY)		46,303		46,303		46,303						46,303
35	DEF METEOROLOGICAL SAT PROG (MYP)		31,425		31,425		31,425						31,425
36	DMSP ADVANCE PROCUREMENT (CY)												
37	DEFENSE SUPPORT PROGRAM (MYP)		139,694		139,694		139,694						139,694
38	DSP ADVANCE PROCUREMENT (CY)		147,000		147,000		147,000						147,000
39	DEFENSE SATELLITE COMM SYSTEM (MYP)		25,471		25,471		25,471						25,471
40	FOREST GREEN		263		263		263						263
41	IONDS (MYP)	6	37,966	6	37,966	6	37,966				-5,700	6	32,266
42	IONDS ADVANCE PROCUREMENT (CY)		11,351		11,351		11,351						11,351
43	SPECIAL UPDATE PROGRAMS		154,207		154,207		69,507		84,700		-84,700		69,507
44	SPECIAL PROGRAMS		2,330,476		1,941,276		1,523,276		418,000		-674,200		1,656,276
999	CLASSIFIED PROGRAMS		87,968								-87,968		
	SPECIAL TECHNICAL PROJECTS												
	GENERAL REDUCTION INT CONTRACT SUPP												
	TOTAL MISSILE PROCUREMENT AIR FORCE		5,378,708		4,937,540		4,125,590		811,950		-979,318		4,399,390

Advanced cruise missile

The amended budget request contained $82.3 million in research, development, test and evaluation (RDT&E) funds for the advanced cruise missile (ACM) program.

The House bill would provide $21.2 million in RDT&E funds.

The Senate amendment would provide no RDT&E funds but would provide $34.6 million in missile procurement funding to help resolve serious shortfalls in Air Force funding and management of the ACM program, as detailed in the Senate report (S. Rept. 102-352). The Air Force raised these funding and management problems after the House had completed action on its bill and only days before the Senate Armed Services Committee completed its mark-up.

Since then, the Air Force informally has proposed several recovery plans, culminating in an Air Force proposal, recently briefed to the congressional defense committees, that the conferees provide a total of $148.3 million, $21.2 million in RDT&E funds, and $127.1 million in procurement funds, in order to complete the ACM program, pay termination costs, and deliver 450 operational cruise missiles to the using command.

The conferees recommend $21.2 million for RDT&E and $127.1 million for procurement for the completion of the ACM production program. The conferees understand that the recommended sums should be adequate to deliver a total of 450 ACMs to the operational user, to pay termination costs, and to provide a modest level of interim support for operational ACMs during fiscal year 1993.

The conferees direct the Air Force not to curtail or terminate the existing contracts with the second-source ACM producer. Within that constraint, funds should be applied so as to maximize the number of completed ACMs.

The conferees further direct the Air Force to provide a report to the congressional defense committees not later than April 1, 1993, on the status of the program, to include:

the expected number of ACMs to be delivered within available funding;

an estimate of the additional funds that would be required after fiscal year 1993 in order to complete (a) all 520 ACMs, and (b) all ACMs which are at least 50 percent assembled; and

the extent to which ACM piece-parts for ACMs that will not be completed within available funding are usable as either initial or sustaining spares.

Finally, the conferees direct the Secretary of the Air Force to provide to the congressional defense committees not later than April 1, 1993 a listing of all incentive-type contracts in force for weapons programs for which the Air Force has neither fully funded its potential obligation up to the ceiling amount nor has available adequate unobligated unexpired funds within the requisite appropriation category. The conferees continue to be seriously concerned about the possibility of repetitions of the ACM fiasco, and that the Air Force has no plan to avoid such fiascos, other than to ask the congressional defense committees to bail it out.

AGM-88A high-speed anti-radiation missile

The amended budget request included $218.4 million to procure 846 AGM-88 high-speed anti-radiation missiles (HARM). These represent the last HARM missiles to be produced. After fiscal year 1993, the HARM program would be limited to an upgrade program in which improved guidance and control sections would be retrofitted on existing missiles.

The House bill would authorize the program at the requested level.

The Senate amendment would authorize $104.7 million, a reduction of $113.7 million from the requested amount. This reduction would reflect savings achieved by proceeding immediately with the retrofit program and avoiding procurement of new missiles in fiscal year 1993.

The House recedes.

Target drones

The House bill would authorize $12.0 million to procure 50 BQM-74 drone missiles for use as decoys by the Air Force. The Air Force utilized the BQM-74 effectively during Operation Desert Storm.

The Senate amendment would also authorize $12.0 million to procure 50 decoys. The Senate report (S. Rept. 102-352) stipulated, however, that before those funds could be obligated, the Air Force should establish a program that determines long-term requirements for decoys, examines alternative approaches for meeting those requirements, and selects the most cost-effective system.

The conferees recommend an authorization of $12.0 million for decoys for the Air Force, and concur in the direction of the Senate that the Air Force should first undertake a comprehensive assessment and determine long-term requirements for decoys before buying any specific system.

Global positioning system

The amended budget request contained $188.3 million for procurement of six global positioning system (GPS) satellites.

The House bill would authorize the requested amount.

The Senate amendment would authorize $98.3 million, a reduction of $90.0 million and three satellites from the request.

The Senate report (S. Rept. 102-352) notes that DOD is procuring satellites at a rate that exceeds requirements, whereas the Department is not adequately funding GPS receiver procurement and installation. Accordingly, the Senate report proposes to reduce the rate of satellite procurement and accelerate receiver procurement with an additional $150.0 million in fiscal year 1993.

The Senate recedes. The conferees agree that the slow pace of procurement for GPS user equipment is troubling but do not expect funding will be made available for accelerating this program in fiscal year 1993. The conferees endorse the goal of completing procurement and installation of GPS user equipment by fiscal year 2000, and urge the Secretary of Defense to correct this problem in the fiscal years 1994/1995 budget request. If the administration does not correct this problem in the fiscal years 1994/1995 budget request, the conferees direct the Secretary to submit to the congressional defense committees along with the fiscal years 1994/1995 budget request an alternative plan to complete GPS user equipment by fiscal year 2000. This alternative plan should provide the additional costs required to meet this goal.

The conferees agree further that the GPS satellite multiyear procurement contract should be preserved and therefore authorize the purchase of four satellites in fiscal year 1993. The conferees authorize $128.3 million for this purpose.

OTHER PROCUREMENT, AIR FORCE

Overview

The amendment budget request for fiscal year 1993 contained an authorization of $8,346.6 million for Other Procurement, Air Force. The House bill would authorize $8,132.5 million. The Senate amendment would authorize $8,101.0 million. The conferees recommend authorization of $7,894.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	OTHER PROCUREMENT, AIR FORCE												
	MUNITIONS AND ASSOCIATED EQUIPMENT												
1	2.75 INCH ROCKET MOTOR	51,311	13,643	51,311	13,643	51,311	13,643					51,311	13,643
2	2.75 INCH ROCKET HEAD - WP												
3	ITEMS LESS THAN $2,000,000		5,760		5,760		5,760						5,760
4	5.56 MM	11,100	1,999	11,100	1,999	11,100	1,999					11,100	1,999
5	20 MM COMBAT						21,200		-21,200		8,000		8,000
6	20MM TRAINING	909	3,807	909	3,807	909	3,807					909	3,807
7	30 MM TRAINING	6,006	66,241	6,006	53,641	6,006	57,441		-3,800		-9,629	6,006	56,612
8	CARTRIDGE CHAFF RR-180	251,200	2,512	251,200	2,512	251,200	2,512					251,200	2,512
9	SIGNAL MK-4 MOD 3	374	561	374	561	374	561					374	561
10	CART IMP 3000 FT/LBS	3,803	8,823	3,803	5,623	3,803	5,623				-3,200	3,803	5,623
11	ITEMS LESS THAN $2,000,000		2,542		2,542		657		1,885		-1,885		657
12	M-117 BOMB												
13	MK-82 INERT/BDU-50												
14	BSU-49 INFLATABLE RETARDER												
15	BSU-50 INFLATABLE RETARDER												
16	BOMB HARD TARGET 2000LB												
17	BSU-85/93 INFLATABLE RETARDER	10,000	10,858	10,000	10,858			10,000	10,858	-10,000	-10,858		
18	BOMB AREA DENIAL 1000LB												
19	LASER BOMB GUIDANCE KIT												
20	GBU-15		6,565		6,565		6,565						6,565
21	BOMB PRACTICE 25 POUND	954,006	12,860	954,006	12,860	954,006	12,860					954,006	12,860
22	BOMB PRACTICE BDU-38												
23	MK-84 BOMB-EMPTY	9,977	21,089	9,977	21,089	9,977	21,089					9,977	21,089
24	SENSOR FUZED WEAPON		18,556		18,556		18,556						18,556
25	CBU-89 (GATOR)												
26	CBU-87(COMBINED EFFECTS MUNITIONS)												
27	ITEMS LESS THAN $2,000,000		3,631		3,631		2,831		800		-800		2,831
28	ITEMS LESS THAN $2,000,000		34		34		34						34
29	FLARE, IR MJU-7B	333,082	9,263	333,082	9,263	333,082	9,263					333,082	9,263
30	PARACHUTE FLARE LUU-2 B/B												
31	MJU-23 FLARE												
32	MJU-10B	45,046	2,264	45,046	2,264	45,046	2,264					45,046	2,264

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
33	ALA-17 FLARE												
34	M-206 CARTRIDGE FLARE						3,000		-3,000		3,000		3,000
35	SPARES AND REPAIR PARTS		6,607		6,607		6,277		330		-330		6,277
36	SPECIAL PROGRAMS		13,061		13,061		13,061						13,061
37	MODIFICATIONS		1,103		1,103		1,103						1,103
38	ITEMS LESS THAN $2,000,000		8,238		8,238		8,238						8,238
39	FMU-139 FUZE												
40	81MM MORTAR												
41	SHOTGUN - 12GAUGE												
42	SQUAD AUTOMATIC WEAPON	1,004	2,050	1,004	2,050	1,004	2,050					1,004	2,050
43	M-16 A2 RIFLE												
44	9MM COMPACT PISTOL												
45	.50 CAL DISRUPTER RIFLE												
46	M2 .50 CAL MACHINE GUN	40	389	40	389	40	389					40	389
47	12GA EOD SHOTGUN	78	17	78	17	78	17					78	17
	VEHICULAR EQUIPMENT												
48	SEDAN, 4 DR 4X2	108	1,146	108	1,146	108	1,146					108	1,146
49	BUS, 28 PASSENGER	59	2,714	59	2,714			59	2,714	-59	-2,714		
50	BUS, 44 PASSENGER	43	3,127	43	3,127			43	3,127	-43	-3,127		
51	AMBULANCE, BUS												
52	MODULAR AMBULANCE	126	7,392	126	7,392	126	6,092		1,300		-1,300	126	6,092
53	14-23 PASSENGER BUS	14	533	14	533			14	533	-14	-533		
54	LAW ENFORCEMENT VEHICLE	246	3,444	246	3,444	246	3,444					246	3,444
55	ARMORED SEDAN	2	354	2	354	2	354					2	354
56	TRUCK, STAKE/PLATFORM	269	4,339	269	4,339	269	4,339					269	4,339
57	TRUCK, CARGO-UTILITY, 3/4T, 4X4	471	8,000	471	8,000	471	8,000					471	8,000
58	TRUCK, CARGO-UTILITY, 1/2T, 4X2	227	3,391	227	3,391	227	3,391					227	3,391
59	TRUCK, PICKUP, 1/2T, 4X2												
60	TRUCK, PICKUP, COMPACT												
61	TRUCK MULTI-STOP 1 TON 4X2												
62	TRUCK, PANEL, 4X2	194	2,245	194	2,245	194	2,245					194	2,245
63	TRUCK CARRYALL	407	6,096	407	6,096	407	5,696		400		-400	407	5,696
64	MEDIUM TACTICAL VEHICLE	34	2,703	34	2,703	34	2,703					34	2,703
65	TRUCK, CARGO, 2 1/2T	135	4,796	135	4,796	135	4,796					135	4,796

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66	TRUCK TRACTOR, OVER 5T	203	11,351	203	11,351	203	11,351					203	11,351
67	TRUCK, DUMP 5 TON	130	5,998	130	5,998	130	5,998					130	5,998
68	TRUCK, UTILITY	239	3,401	239	3,401	239	3,401					239	3,401
69	CAP VEHICLES		825		800			25		825			825
70	ITEMS LESS THAN $2,000,000		16,581		16,581		16,581						16,581
71	TRUCK PHONE LINE CONSTRUCTION	32	3,920	32	3,920	32	3,920					32	3,920
72	TRUCK, TANK, 1200 GAL												
73	TRUCK TANK FUEL R-11												
74	TRUCK, TANK, FUEL, M-49												
75	TRACTOR, TOW, FLIGHTLINE												
76	MOBILE MAINT UNIT												
77	ITEMS LESS THAN $2,000,000		20,174		20,174		20,174						20,174
78	TRUCK CRASH P-19												
79	TRUCK CRASH P-23	48	22,116	48	22,116			48	22,116	-48	-22,116		
80	TRUCK WATER P-26 (P-18)	17	2,085	17	2,085	17	2,085					17	2,085
81	HEAVY RESCUE VEHICLE	27	4,346	27	4,346	27	4,346					27	4,346
82	TRUCK PUMPER P-24	19	2,894	19	2,894	19	2,894					19	2,894
83	TRUCK PUMPER P-22	23	3,030	23	3,030	23	3,030					23	3,030
84	ITEMS LESS THAN $2,000,000		1,547		1,547		1,547						1,547
85	TRUCK F/L 4000 LB GED/DED 144 INCH	123	6,047	123	6,047	123	6,047					123	6,047
86	TRUCK, F/L 6000 LB												
87	TRUCK, F/L 10,000 LB												
88	TRUCK F/L LARGE CAPACITY AT												
89	25K FORKLIFT												
90	25K A/C LOADER												
91	ITEMS LESS THAN $2,000,000		5,807		5,807		5,807						5,807
92	LOADER, SCOOP												
93	RUNWAY SNOW REMOV AND CLEANING EQUIP	60	3,642	60	3,642	60	3,642					60	3,642
94	EXCAVATOR, DED, PT												
95	SPARES AND REPAIR PARTS - OPAF 2		2,606		2,606		2,476	130		-130			2,476
96	MODIFICATIONS		550		550		550						550
97	ITEMS LESS THAN $2,000,000		10,811		10,811		10,811						10,811
ELECTRONICS AND TELECOMMUNICATIONS EQUIP													
98	COMSEC EQUIPMENT		57,028		57,028		57,028						57,028

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99	SPARES AND REPAIR PARTS - OPAF 3		1,859		1,859		1,759		100		-100		1,759
100	MODIFICATIONS (COMSEC)		872		872		872						872
101	INTELLIGENCE DATA HANDLING SYS		218		218		218						218
102	INTELLIGENCE TRAINING EQUIPMENT		4,080		4,080		4,080						4,080
103	INTELLIGENCE COMM EQUIP		17,679		17,679		17,679						17,679
104	ITEMS LESS THAN $2,000,000		11,407		11,407		11,407						11,407
105	AIR TRAFFIC CTRL/LAND SYS (ATCALS)												
106	TACTICAL AIR CONTROL SYS IMPROVE		118,774		118,774		118,774						118,774
107	WEATHER OBSERV/FORCAST		62,947		62,947		52,947		10,000		-10,000		52,947
108	DEFENSE SUPPORT PROGRAM		57,123		57,123		57,123				-3,200		53,923
109	OTH-B RADAR												
110	SAC COMMAND AND CONTROL		63,104		63,104		63,104						63,104
111	CHEYENNE MOUNTAIN COMPLEX		31,437		31,437		31,437						31,437
112	BMEWS MODERNIZATION		951		951		951						951
113	NAVSTAR GPS		6,078		6,078		6,078						6,078
114	PACAF COMMAND/CONTROL												
115	DEFENSE METEOROLOGICAL SAT PROG		15,165		15,165		15,165				-2,600		12,565
116	MARS/USAF-FAA RADAR UPGRADE		41,270		41,270		41,270						41,270
117	TAC SIGINT SUPPORT		4,598		4,598		4,598						4,598
118	DIST ERLY WARNING RDR/NORTH WARNING												
119	TACTICAL GROUND INTERCEPT FACILITY												
120	DRUG INTERDICTION PROGRAM												
121	AIR BASE OPERABILITY		9,504		9,504				9,504		-9,504		
122	IMAGERY TRANS		18,531		18,531		18,531						18,531
123	TACTICAL WARNING SYSTEMS SUPPORT		1,459		1,459		1,459						1,459
124	NORTH ATLANTIC DEFENSE C3		475		475		475						475
125	AUTOMATIC DATA PROCESSING EQUIP		75,677		75,677		71,977		3,700				75,677
126	ADP OPERATIONS CONSOLIDATION		124,360		124,360		124,360						124,360
127	WWMCCS/WIS ADPE		32,282		32,282		32,282						32,282
128	MAC COMMAND AND CONTROL SUPPORT		28,813		28,813		28,813						28,813
129	AIR FORCE PHYSICAL SECURITY SYSTEM		36,208		36,208		36,208				-5,238		30,970
130	RANGE IMPROVEMENTS		36,230		36,230		7,630		28,600				36,230
131	C3 COUNTERMEASURES		4,007		4,007		4,007						4,007
132	JOINT SURVEILLANCE SYSTEM												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
133	BASE LEVEL DATA AUTO PROGRAM		22,981		22,981		22,981						22,981
134	AF SATELLITE CONTROL NETWORK		36,297		36,297		36,297						36,297
135	CONSTANT WATCH		5,643		5,643		5,643						5,643
136	CONSOLIDATED SPACE OPS CENTER												
137	ESMC/WSMC I&M		93,984		93,984		93,984						93,984
	AFMC CALS												
138	PROGRAM 698AJ												
139	INFORMATION TRANSMISSION SYSTEMS		3,333		3,333		3,333						3,333
140	TELEPHONE EXCHANGE		80,490		80,490		61,390		19,100		-7,100		73,390
141	JOINT TACTICAL COMM PROGRAM (MYP)		53,960		53,960		47,860		6,100		-6,100		47,860
142	USTRANSCOM		4,762		4,762		4,762						4,762
143	USCENTCOM		5,561		5,561		5,561						5,561
144	AUTOMATED TELECOMMUNICATIONS PRG		7,822		7,822		7,822						7,822
145	MILSTAR		211,470		211,470		203,470		8,000		-129,470		82,000
146	SATELLITE TERMINALS		6,733		6,733		6,733						6,733
147	WIDEBAND SYSTEMS UPGRADE		1,731		1,731		1,731						1,731
148	MINIMUM ESSENTIAL EMER COMM NET		33,424		33,424		33,424						33,424
149	TACTICAL C-E EQUIPMENT		37,631		37,631		37,631						37,631
150	RADIO EQUIPMENT		14,229		14,229		14,229						14,229
151	TV EQUIPMENT (AFRTV)		4,505		4,505		4,505						4,505
152	CCTV/AUDIOVISUAL EQUIPMENT		3,692		3,692		3,692						3,692
153	E + I REQUIREMENTS												
154	SPARES AND REPAIR PARTS - OPAF 3		210,422		210,422		199,901		10,521		-10,521		199,901
155	CAP COM & ELECT				600		600				600		600
156	ITEMS LESS THAN $2,000,000		12,869		12,869		12,869						12,869
157	COMM ELECT MODS		26,143		26,143		23,643		2,500		-2,500		23,643
158	ANTIJAM VOICE		1,770		1,770		1,770						1,770
159	SPACE MODS		19,717		19,717		19,717						19,717
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP												
160	BASE/ALC CALIBRATION PACKAGE		14,689		14,689		14,689						14,689
161	NEWARK AFB CALIBRATION PACKAGE		2,606		2,606		2,606						2,606
162	ITEMS LESS THAN $2,000,000		28,979		28,979		28,979						28,979
163	NIGHT VISION GOGGLES		6,563		6,563		6,563						6,563
164	BREATHING APPARATUS TWO HOUR		8,522		8,522		8,522						8,522

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
165	CHEMICAL/BIOLOGICAL DEF PROG		28,672		28,672		28,672						28,672
166	ITEMS LESS THAN $2,000,000		5,023		5,023		5,023						5,023
167	BASE MECHANIZATION EQUIPMENT		12,322		12,322		12,322						12,322
168	AIR TERMINAL MECHANIZATION EQUIP		4,993		4,993		4,993						4,993
169	INDUSTRIAL/DEPOT MAINTENANCE EQUIPMT												
170	ITEMS LESS THAN $2,000,000		9,861		9,861		9,861						9,861
171	GENERATORS-MOBILE ELECTRIC												
172	FLOODLIGHTS SET TYPE MF2D		15,308		15,308		15,308						15,308
173	ITEMS LESS THAN $2,000,000		4,419		4,419		4,419						4,419
174	BASE PROCURED EQUIPMENT		33,191		33,191		33,191						33,191
175	MEDICAL/DENTAL EQUIPMENT		6,814		6,814		6,814						6,814
176	AIR BASE OPERABILITY		17,274		17,274		17,274						17,274
177	PALLET AIR CARGO	4,000	3,898	4,000	3,898	4,000	3,898					4,000	3,898
178	NET ASSEMBLY, 108"X88"		977		977		977						977
179	PHOTOGRAPHIC EQUIPMENT		6,405		6,405		6,405						6,405
180	TACTICAL SHELTER		2,964		2,964		2,964						2,964
181	PRODUCTIVITY ENHANCEMENT		8,159		8,159		8,159						8,159
182	PRODUCTIVITY INVESTMENTS		4,415		4,415		4,415						4,415
183	MOBILITY EQUIPMENT		1,368		1,368		1,368						1,368
184	WARTIME HOST NATION SUPPORT		823		823		823						823
185	SPARES AND REPAIR PARTS - OPAF 4		683		683		683						683
186	ITEMS LESS THAN $2,000,000 NATURAL GAS UTILIZATION		20,113		20,113		20,113						20,113
187	INTELLIGENCE PRODUCTION ACTIVITY		72,676		75,234		91,676		-16,442		13,500		86,176
188	TECH SURV COUNTERMEASURES EQ		2,613		2,613		2,613						2,613
189	SR YR GND STATIONS		104,138		104,138		104,138						104,138
190	SELECTED ACTIVITIES		5,560,059		5,357,788		5,460,159		-102,371		-188,846		5,371,213
191	SPECIAL UPDATE PROGRAM		176,905		176,905		176,905						176,905
192	DRUG INTERDICTION PROGRAM												
193	INDUSTRIAL PREPAREDNESS		3,065		3,065		3,065						3,065
194	MISC EQUIPMENT												
195	MODIFICATIONS		187		187		187						187
196	FIRST DESTINATION TRANSPORTATION RAISE O&M PURCHASE THRESHOLD		16,940		16,940		16,940 -36,000		36,000				16,940

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	GENERAL REDUCTION INT CONTRACT SUPP INFLATION ADJUSTMENT										-45,916		-45,916
	TOTAL OTHER PROCUREMENT AIR FORCE		8,346,588		8,132,500		8,100,970		31,530		-452,192		7,894,396

Defense meteorological satellite program

The Senate amendment would direct the Air Force to procure deployable defense meteorological satellite program (DMSP) terminals to support the combatant commands contingency requirements before procuring fixed terminal systems.

The House bill contained no similar direction.

The conferees fully support the Senate's objectives. The conferees understand that DOD has reexamined its decision to cancel the procurement of deployable terminals and has developed a plan to procure five deployable terminals and seven fixed terminals. Several of the mobile terminals will be deployed at sites that were to receive fixed terminals. These terminals would then be available to support contingencies. Other mobile terminals will be deployed with the U.S. Central Command and Southern Command. The conferees note that site preparation delays for fiscal year 1993 need not impede terminal procurement under the revised plan. The conferees therefore authorize the requested amount for terminal procurement if funding is made available.

PROCUREMENT, DEFENSE AGENCIES

Overview

The amended budget request for fiscal year 1993 contained an authorization of $2,146.9 million for Procurement, Defense Agencies. The House bill would authorize $1,748.6 million. The Senate amendment would authorize $2,539.0 million. The conferees recommend authorization of $1,950.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	PROCUREMENT, DEFENSE AGENCIES												
	MAJOR EQUIPMENT												
1	C-20F AIRCRAFT												
2	MOTOR VEHICLES, OSD		379		379		69		310		-310		69
3	MAJOR EQUIPMENT, OSD/WHS		53,221		53,221		53,221						53,221
4	REMOTELY PILOTED VEHICLES		148,952		148,952		148,952				-10,000		138,952
5	CORPORATE INFORMATION MANAGEMENT SUPERCOMPUTERS		64,000		64,000		64,000						64,000
6	ELECTRONIC WARGAMING EQUIPMENT												
7	COMMAND CONTROL COMMUNICATIONS & INTEL												
8	DRUG INTERDICTION												
9	MAJOR EQUIPMENT, NSA		[ ]								[-65,155]		
10	VEHICLES, DNA	23	342	23	342	23	342					23	342
11	OTHER CAPITAL EQUIPMENT, DNA	26	3,361	26	3,361	26	3,361					26	3,361
12	WWMCCS ADP SYSTEMS		8,458		8,458		8,458						8,458
13	ITEMS LESS THAN $2 MILLION, DISA		67,451		67,451		67,451						67,451
14	PRODUCTIVITY INVESTMENT FUNDING												
15	DRUG INTERDICTION SUPPORT												
16	INDUSTRIAL/DEPOT MAINTENANCE EQUIP												
17	MAJOR EQUIPMENT, DIA		[ ]								[11,700]		
18	MATERIALS HANDLING EQUIPMENT, DLA												
19	VEHICLES, DLA												
20	MECHANIZED MATERIALS HANDLING SYS												
21	ADP EQUIPMENT, DLA												
22	TELECOMMUNICATIONS EQUIPMENT, DLA												
23	DEFENSE SUPPORT ACTIVITIES		1,900		1,900		1,900						1,900
24	OTHER MAJOR EQUIPMENT, DLA												
25	ITEMS LESS THAN $2 MILLION, DLA												
26	INDUSTRIAL/DEPOT MAINTENANCE												
27	ADP EQUIPMENT, DMA												
28	VEHICLES, DMA		289		289		289						289
29	OTHER CAPITAL EQUIPMENT, DMA		33,987		33,987		33,987						33,987
30	GEODESY AND GEOPHYSICAL EQUIPMENT		2,685		2,685		2,685						2,685
31	VEHICLES, DIS		3,952		3,952		3,952						3,952

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
32	OTHER CAPITAL EQUIPMENT, DIS		1,815		1,815		1,815						1,815
33	ITEMS LESS THAN $2 MILLION, USUHS												
34	ITEMS LESS THAN $2 MILLION, DCAA		5,600		5,600		5,600						5,600
35	MAJOR EQUIPMENT, DSPO		463,407		98,800		463,407		-364,607		-225,300		238,107
36	MAJOR EQUIPMENT, OJCS		30,722		30,722		22,898		7,824		-7,824		22,898
	TACTICAL SIGINT/ELINT FUND						166,662		-166,662		56,962		56,962
37	VEHICLES, OSIA												
38	OTHER CAPITAL EQUIPMENT, OSIA		7,238		7,238		6,638		600		-600		6,638
39	PATRIOT		62,500		62,500		62,500				12,700		75,200
	INDUSTRIAL BASE EMERGENCY FUND						200,000		-200,000				
	MENTOR-PROTEGE PROGRAM						55,000		-55,000		55,000		55,000
	DEFENSE MODELING/SIMULATION OFFICE						10,000		-10,000		10,000		10,000
	GPS TERMINAL PROCUREMENT						150,000		-150,000				
	INFLATION ADJUSTMENT										-4,004		-4,004
	RAISE O&M PURCHASE THRESHOLD						-129,500		129,500				
999	CLASSIFIED PROGRAMS		504,554		494,060		493,554		506		-53,455		451,099
SPECIAL OPERATIONS COMMAND													
40	MC-130H COMBAT TALON II		53,955		53,955		53,955						53,955
41	MH-60L ACQUISITION												
42	AC-130U GUNSHIP ACQUISITION												
43	C-130 MODIFICATIONS		110,560		110,560		110,560						110,560
44	HH-53 MODIFICATIONS		7,319		7,319		7,319						7,319
	OTHER AIRCRAFT MODIFICATIONS												
45	MH-47/MH-60 MODIFICATIONS												
46	MH-60 MODIFICATIONS		588		588		588						588
47	OTHER AIRCRAFT MODIFICATIONS												
48	AIRCRAFT SUPPORT		138,438		113,238		138,438		-25,200		-12,000		126,438
49	PATROL BOAT, COASTAL		25,433		19,433		20,133		-700		-5,300		20,133
50	SUBMARINE CONVERSION												
51	SOF PYRO/DEMO		25,291		25,291		13,291		12,000		-12,000		13,291
52	SOF PLATFORM GUN AMMUNITION		38,467		38,467		38,467						38,467
53	SOF INDIV WEAPONS AMMUNITION		17,499		17,499		17,499						17,499
54	AC-130 GUNSHIP AMMUNITION												
55	ROCKET, HYDRA												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 - Authorization Quantity	Conference FY93 - Authorization Amount
56	RANGER ANTI-ARMOR WPN SYS AMMUNITION												
57	SMALL ARMS AND LANDING PARTY AMMUNITION												
58	PYROTECHNIC AND DEMOLITION												
59	COMM EQUIPMENT & ELECTRONICS		81,687		81,687		81,687						81,687
60	SOF INTELLIGENCE SYSTEMS		34,289		42,289		19,289		23,000		8,000		42,289
61	SOF SMALL ARMS & WEAPONS		4,673		4,673		4,673						4,673
62	SPECIAL WARFARE EQUIPMENT		18,731		18,731		18,731						18,731
63	COMMUNICATION EQUIPMENT MODIFICATIONS												
64	MISCELLANEOUS EQUIPMENT		14,995		14,995		6,895		8,100		-8,100		6,895
65	CLASSIFIED PROGRAMS		110,197		110,197		110,197						110,197
66	PSYOP EQUIPMENT												
67	SWIMMER WEAPONS SYSTEM												
68	RANGER VEHICLES												
69	NAVY SMALL ARMS AND WEAPONS												
	GENERAL REDUCTION INT CONTRACT SUPP												
	SPECIAL TECHNICAL PROJECTS												
	TOTAL PROCUREMENT DEFENSE AGENCIES		2,146,935		1,748,634		2,538,963		-790,329		-196,231		1,950,704

On-Site Inspection Agency

The amended budget request contained $7.2 million for procurement for the On-Site Inspection Agency (OSIA).

The House bill would authorize the requested amount.

The Senate amendment would authorize $6.6 million for procurement of mission essential equipment, based on changes to the budget assumptions for implementation of the Bilateral Chemical Weapons Agreement which occurred after the House bill had been approved.

After thorough consultation with OSIA and other Department of Defense officials regarding revisions in OSIA requirements, the conferees recommend authorization of $6.6 million for procurement of mission-essential equipment for fiscal year 1993.

Industrial base emergency fund

The Senate amendment would authorize $200.0 million to establish an industrial base emergency fund. The purpose of the fund would be to fund critical elements of the subcontractor industrial base that would otherwise be lost because of terminated programs. Funds from the emergency fund would be distributed only after the Defense Department submitted proposals similar to reprogramming requests.

The House bill contained no similar authorization.

The conferees note that neither the House-passed nor the Senate-passed defense appropriations bill for fiscal year 1993 contains funds for the industrial base emergency fund; therefore, it would be pointless to authorize funds at this time. The conferees support the idea, however, of such an emergency fund and suggest that the Under Secretary of Defense for Acquisition consider establishing such a fund during preparation of the fiscal years 1994/1995 budget request.

PROCUREMENT, NATIONAL GUARD AND RESERVE EQUIPMENT

Overview

The House bill would authorize $635.8 million for Procurement, National Guard and Reserve Equipment. The Senate amendment would authorize $872.1 million. The conferees recommend authorization of $695.6 million, as delineated in the following table.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 - Authorization Quantity	Conference FY93 - Authorization Amount
	NATIONAL GUARD & RESERVE EQUIPMENT												
	RESERVE EQUIPMENT												
	ARMY RESERVE												
	ARMY RES CONSTRUCTION/TRANSPORT EQUIP						25,000		-25,000				
	ARMY RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	ARMY RES COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
	ARMY RES SIMULATORS/TRAINING DEVICES						10,000		-10,000				
1	SINCGARS RADIOS						10,000		-10,000				
2	NIGHT VISION						20,000		-20,000		20,000		20,000
3	TACTICAL TRUCKS/ HEMMT				7,500				7,500	198	7,500	198	7,500
	MEDIUM TRUCK SLEP						25,000		-25,000				
	C-12J					12	42,000	-12	-42,000				
4	MISCELLANEOUS EQUIPMENT				15,000				15,000				
5	COMMUNICATIONS ELECTRONICS												
6	SHOP EQUIPMENT												
	EXTERNAL AUX FUEL TANKS												
7	TEST SET COMMON CORE												
	NAVY RESERVE												
	SEABEES CONSTRUCTION/TRANSPORT EQUIP						15,000		-15,000				
	NAVY RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	NAVY RES COMMUNICIATIONS/ELEC EQUIP						35,000		-35,000				
	NAVY RES SIMULATORS/TRAINING DEVICES						10,000		-10,000				
8	MISCELLANEOUS EQUIPMENT				15,000				15,000				
9	AN-SQQ TRAINERS												
10	C-130H AIRCRAFT			2	50,000			2	50,000	2	50,000	2	50,000
11	C-20 AIRCRAFT												
12	HH-60H UPGRADE KITS				22,100				22,100				
13	AN-AQA-7B IPADS												
14	MH-53 HELICOPTERS												
15	LAMPS MK-1 ASW UPGRADE				35,000				35,000		35,000		35,000
	P-3 UPGRADES												
	MIUW VANS												
	FFG-7 DISPLAY SYSTEMS												
16	P-3C AIRCRAFT SUPPORT EQUIPMENT												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	MARINE CORPS RESERVE												
	MC RES CONSTRUCTION/TRANSPORT EQUIP						15,000		-15,000				
	MC RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	MC RES COMMUNICIATIONS/ELEC EQUIP						15,000		-15,000				
	MC RES SIMULAIORS/IRAINING DEVICES						10,000		-10,000				
17	MISCELLANEOUS EQUIPMENT												
	SINCGARS						5,000		-5,000				
	C-20					1	25,000	-1	-25,000				
18	KC-130T AIRCRAFT			2	70,000			2	70,000				
19	AH-1W COBRA AIRCRAFT												
20	NIGHT VISION				9,000		10,000		-1,000		9,000		9,000
	AIR FORCE RESERVE												
	AF RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	AF RES COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
21	MISCELLANEOUS EQUIPMENT				15,000				15,000		10,000		10,000
22	C-130 AIRCRAFT			2	50,000			2	50,000	2	50,000	2	50,000
23	F-16 MODIFICATIONS				24,500				24,500				
23a	AIRCRAFT DEFENSE SYSTEMS				8,300				8,300				
23b	HH60 MODS				14,400				14,400				
	NIGHT VISION GOGGLES						5,000		-5,000				
24	C-130 MODIFICATIONS												
	NATIONAL GUARD EQUIPMENT												
	ARMY NATIONAL GUARD												
	ARMY GUARD CONSTRUCTION/TRANSPORT EQUIP						25,000		-25,000				
	NATIONAL GUARD STOL AEROMEDICAL EVAC						60,000		-60,000				
	ARMY GUARD COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
	ARMY GUARD SIMULATORS/TRAINING DEVICES						20,000		-20,000				
25	MISCELLANEOUS EQUIPMENT												
26	OH-58D HELICOPTERS												
26a	M9 ACE				35,000				35,000	50	35,000	50	35,000
27	UH-60 HELICOPTERS												
28	MEDIUM TACTICAL TRUCKS/SLEP				50,000		15,000		35,000		50,000		50,000
	FIVE TON TRUCKS												
29	TRUCK, TRACTOR, M916												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
30	BATTERY COMPUTER SYSTEM												
31	C-23 AIRCRAFT												
32	FAMILY OF HEAVY VEHICLES												
33	M113 VEHICLES				15,000		15,000				15,000		15,000
34	C-26 AIRCRAFT					6	23,000	-6	-23,000				
35	MLRS LAUNCHERS												
36	MLRS BN SPT EQUIPMENT												
37	NIGHT VISION DEVICES						20,000		-20,000		20,000		20,000
38	COMMUNICATIONS ELECTRONICS												
39	TCT UPGRADE												
40	SQ TRAINING DEVICES/SIMULATORS				20,000				20,000		10,000		10,000
41	SINCGARS RADIOS						10,000		-10,000				
	AH-1 MODS C-NITE												
	EXTERNAL AUX FUEL TANKS										4,000		4,000
	UV-18 REPLACEMENT/C-212 AIRCRAFT												
	P-180 AIRCRAFT					3	12,000	-3	-12,000				
	M-915/916 TRUCKS												
42	DRUG INTERDICTION												
AIR NATIONAL GUARD													
	AIR GUARD COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
	AIR NATIONAL GUARD STARBASE						2,000		-2,000		2,000		2,000
43	MISCELLANEOUS EQUIPMENT												
44	C-130 AIRCRAFT			2	50,000	8	228,100	-6	-178,100				
45	C-130 MODIFICATIONS									8	228,100	8	228,100
46	C-26 AIRCRAFT												
47	MH-60G HELICOPTERS												
48	F-16 MODIFICATIONS				25,000				25,000				
49	F-16 SUPPORT EQUIPMENT												
50	F-15 MSIP				15,000				15,000				
51	F-15/F-16 ENGINE UPGRADES				40,000				40,000		10,000		10,000
52	DRUG INTERDICTION												
	F-15 ALE-40												
	NIGHT VISION GOGGLES						5,000		-5,000				
	MODULAR CONTROL EQUIPMENT (MCE)				50,000				50,000		50,000		50,000

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
53	JOINT TACTICAL COMMUNICATIONS												
54	TAC AIR CONTROL IMPROVE												
NATIONAL GUARD AND RESERVE COMPONENTS													
	OPERATIONAL SUPPORT/MEDEVAC AIRCRAFT										90,000		90,000
	TOTAL GUARD AND RESERVE PROCUREMENT				635,800		872,100		-236,300		695,600		695,600

National Guard and reserve component operational support/medical evacuation aircraft

The Senate amendment contained $162 million for the following operational support/medical evacuation aircraft.

[Dollar amounts in millions]

Aircraft	Quantity	Budget authority
C–12J	12	$42.0
C–20	1	25.0
C–23	10	60.0
C–26	6	23.0
P–180	3	12.0

The House bill contained no similar authorizations.

The conferees recommend no specific authorization for individual types of aircraft, and instead recommend an authorization of $90 million for a general category of operational support/medical evacuation aircraft.

Section 904 of this act would stipulate that the Secretary of Defense shall undertake a study of the age, condition, requirement, and modernization plans for operational airlift aircraft operated by the National Guard and the reserve components. The conferees expect the Secretary to undertake this study in consultation with the National Guard and the reserve components. The conferees recommend a provision that would prohibit the obligation of the funds authorized to be appropriated for such aircraft until the study by the Secretary of Defense has been completed and submitted to the congressional defense committees.

The conferees expect that this study will serve to provide a roadmap for the allocation of the $90 million authorized to be appropriated or otherwise made available in fiscal year 1993.

The conferees emphasize that to the maximum feasible extent possible, the Department should procure operational support/medical evacuation aircraft that are manufactured in the United States.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
CHEM AGENTS & MUNITIONS DESTRUCTION, DEF													
1	CHEM DEMILITARIZATION - RDTE		2,500		2,500		2,500						2,500
2	CHEM DEMILITARIZATION - PROC		254,500		254,500		245,400		9,100		-9,100		245,400
3	CHEM DEMILITARIZATION - O&M		269,400		269,400		269,400				-2,000		267,400
4	RETROGRADE												
	TOTAL CHEMICAL DESTRUCTION		526,400		526,400		517,300		9,100		-11,100		515,300

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense support program (sec. 108)

The amended budget request contained funding to begin the multi-year procurement of satellites 23 through 25 for the defense support program (DSP) ballistic missile early warning system.

The House bill and the Senate amendment would authorize funding for this multi-year procurement. The National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) authorized a multi-year procurement for DSP, but the legislation provided authority to procure satellite number 25 only as an option. The Defense Department informed the conferees that additional authority is required to include satellite 25 as part of the baseline contract.

Accordingly, the conferees agree to a provision authorizing the multi-year procurement. The conferees direct the Air Force to limit termination liabilities for satellite 25 in the event that it is not required.

M1 tank program (sec. 111)

The House bill contained a provision (sec. 111) that would prohibit the closure of any portion of the tank industrial base. The provision would further require that funds appropriated in fiscal year 1992 to initiate a tank remanufacture program must be released to the Army within 15 days of enactment of this act, and the Army would be required to obligate those funds within 90 days.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees note that the $225.0 million authorized and appropriated in fiscal year 1992 has been released to the Army for obligation. Further, the conferees note the intent of the Army to obligate these funds as soon as practicable. However, the conferees reject the Army's proposal to proceed initially with remanufacturing M1A1 tanks before proceeding to remanufacture older-model M1 tanks.

The conferees see little to be gained by paying for development of two sets of technical drawings for a two-phase remanufacture program. The conferees also note that the Army's plan would exclude the tank cannon section of the industrial base for the first three years of the program.

The conferees recommend a total authorization of $147.6 million for procurement and $2.5 million in research and development to continue the tank modification program as outlined by the Army. As noted elsewhere, the conferees also recommend a provision that would make available for the upgrade program any and all funds received from the sale of tanks from inventory under the Arms Export Control Act. The conferees reiterate that the modification program must convert first generation M1 tanks into the improved block 2 configuration.

Procurement of AHIP scout helicopters (sec. 112)

The House bill contained a provision (sec. 112) that would authorize $250.0 million to procure 36 AHIP scout helicopters, and would exempt the procurement from the provisions of Public Law 101-189.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide a total of $225.0 million to procure 36 AHIP scout helicopters.

AH-64 Apache helicopter modifications (sec. 113)

The amended budget request contained $49.1 million in procurement to modify existing AH-64 helicopters to correct current deficiencies, and $281.8 million in research and development to continue development of the so-called Longbow upgrade to the AH-64 as a long-term modernization program.

The House bill would authorize $9.1 million in procurement for safety of flight modifications only, but would authorize the full research and development request for the Longbow development program.

The Senate amendment would authorize $91.8 million to accelerate the AH-64A+ modification program. The Senate amendment would also accelerate the development of the so-called "C" configuration of the AH-64 by adding $25.0 million to the Longbow budget request. The Senate amendment also contained a provision (sec. 111) that would repeal certain restrictions on the AH-64 modification program imposed by Public Law 102-190.

The House bill contained no similar provision.

The House recedes.

The conferees note that the Army has finally developed a comprehensive and affordable upgrade program for the AH-64 fleet, even though it has not yet been fully budgeted. The conferees believe this upgrade program should receive the highest priority in Army aviation modernization.

Armored vehicle upgrades (sec. 114)

The amended budget request contained no funds to continue the modification program of the M1 tank initiated by the Congress in fiscal year 1991.

The Senate amendment contained a provision (sec. 112) that would make available for a tank remanufacture program any funds received from the sale of tanks from inventory by the United States under the Arms Export Control Act. The provision would further make available for upgrades to infantry fighting vehicles any funds received from the sale of infantry fighting vehicles from inventory by the United States under the Arms Export Control Act.

The House bill contained no similar provision.

The House recedes with a technical amendment that would clarify the intent of the conferees. The conferees reiterate that this provision applies only to the sales of tanks and infantry fighting vehicles from inventory.

Limitation regarding chemical agent monitoring program (sec. 115)

The Senate amendment contained a provision (sec. 113) that would prohibit the procurement of the improved chemical agent monitor (ICAM) until the Secretary of the Army certified to Congress that all ICAM design and production deficiencies have been identified and corrected.

The House bill contained no similar provision.

The House recedes.

Shipbuilding and conversion (sec. 121)

The Senate amendment contained a provision (sec. 121) that would authorize shipbuilding programs by line item, derive $666.6 million for current year programs by authorizing transfers from various prior year shipbuilding programs, and limit obligations in fiscal year 1994 for the carrier replacement program until the Secretary of Defense submits an overall industrial base assessment and a roles and missions report.

The House bill contained no similar provision.

The House recedes with an amendment that would conform the line item authorizations and prior year transfer amounts to reflect the conferees' recommendations. The amendment would also eliminate the limitation on carrier replacement program obligations.

Airborne self-protection jammer (sec. 122)

The Senate amendment contained a provision (sec. 123) that would prohibit the obligation of funds appropriated in fiscal year 1993 or in any previous year for procurement of airborne self-protection jammer (ASPJ) pods except for the payment of costs of terminating existing contracts.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the prohibition on further expenditure of funds takes effect after formal notification by the Secretary of Defense that the ASPJ program was not judged to be suitable and effective.

The conferees understand that the Director of Operational Test and Evaluation had conducted a preliminary assessment of the operational tests and is unlikely to certify that the ASPJ system was suitable and effective as a weapon system. Last year the Congress determined that no further funds should be obligated or expended on ASPJ until it was determined to be operationally suitable and effective. As such, funds are not needed in fiscal year 1993 and some funds will be available from fiscal year 1992 appropriated funds.

The amended budget request for fiscal year 1993 contained $55.0 million for ASPJ procurement. The conferees would deny authorization of those funds. The conferees understand that termination costs could be significant, because the Navy is liable for test equipment that was purchased by the contractor at the early stage of the contract. At this point, the Navy has not determined the amount needed for contract termination, but any unobligated prior year funds will be needed for that purpose.

The conferees continue to believe the Navy needs an effective jammer system. The conferees believe that the Navy should undertake a prompt review to determine if the existing ASPJ program might be restructured to provide an effective and suitable jammer system, or if elements of the ASPJ program might be adapted for use in a new jammer program. If such a course proves impractical, the Navy should develop an alternative plan on an expedited basis to procure an alternative jammer system.

AV-8B Harrier radar upgrade program (sec. 123)

The Senate amendment contained a provision (sec. 124) that would preclude spending any funds in fiscal year 1993 to begin a remanufacturing program to rebuild two crash-damaged AV-8B aircraft to a radar-equipped configuration. This provision would extend for another year a similar prohibition contained in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The House bill contained no similar provision.

The House recedes.

C-135 aircraft program modifications (sec. 131)

The House bill contained a provision (sec. 142) that would require the Air Force to convert a reserve component squadron of KC-135E aircraft to the KC-135R configuration within the available funds in the amended budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Section 137 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) required a report on strategic tanker force requirements. The Acting Under

Secretary of Defense submitted this report on March 21, 1991. Dramatic changes in the world have altered the fundamental assumptions in the tanker report submitted almost two years ago.

The conferees agree that the House provision requires no commitment to any re-engining program beyond fiscal year 1993. The conferees understand that additional tanker force reductions beyond those projected in the Future Year Defense Program (FYDP) may be warranted because of changed requirements. Further tanker modernization decisions should only be based on the latest information on the requirements and costs of various alternatives for meeting those requirements. The conferees therefore direct the Department of Defense to submit a report on tanker requirements and modernization plans with the fiscal years 1994/1995 budget request. That report should address the following items:

changes in tanker demand resulting from increased support requirements for regional contingencies,

the effect of the Defense Department's decision to withdraw bomber forces from strategic alert,

the effect of changed requirements for supporting other strategic forces,

the change in requirements if the Air Force re-engines or retires the RC-135 fleet,

the effect of the Mobility Requirements Study results on the tanker force,

the number of tankers to be retained in the base force,

the Air Force's plans for modernizing the tankers that remain in the force structure,

the tanker modernization funds included in the FYDP,

the projected cost of completing the current KC-135R re-engining of active component aircraft,

the potential cost of re-engining the KC-135E fleet proposed to remain in the base force, and

a year-by-year display (including 1980 through the end of the FYDP) of the tanker force structure by specific series (A, E, Q, R, and T,) and the number and funding for various tanker re-enginings (A to E, A to R, E to R, and Q to T).

This report should contain a specific review of modernization options for both the active and reserve fleets, and should focus on the most efficient mix of refueling aircraft types to support missions reflecting changed world circumstances. The conferees direct that the report also include the views of the chiefs of the National Guard Bureau and the Air Force Reserve on modernization priorities.

Live-fire survivability testing of C-17 aircraft (sec. 132)

The House bill contained a provision (sec. 143) that would require the Secretary of Defense to submit a report explaining how the Secretary plans to evaluate the survivability of the C-17 system and assessing various alternatives to realistic survivability testing. The provision also would require the Secretary to ensure that major components and subsystems that could significantly affect the survivability of the C-17 be made available for live-fire testing.

The Senate amendment contained no similar provision.

The Senate recedes.

Correction of fuel leaks on C-17 production aircraft (sec. 133)

The House bill contained a provision (sec. 144) that would require the Secretary of the Air Force to certify that fuel leaks in C-17 production aircraft will be corrected at no cost to the government under the remedy provisions of the warranty. If such a certification is not possible, the Secretary of the Air Force would be required to correct these defects using only the Air Force's air logistic centers.

The Senate amendment included a similar provision (sec. 132) that differed from the House provision only by requiring that the certification of no-cost corrections be made by the Secretary of Defense.

The Senate recedes.

C-17 aircraft program review (sec. 134)

The House bill contained a provision (sec. 145) that would require the Secretary of Defense to convene a special Defense Acquisition Board (DAB) to review the C-17 program's performance requirements and affordability before obligating any fiscal year 1993 funds.

The Senate amendment contained a provision (sec. 131) that would require certain additional actions before the Air Force could issue a contract for the fiscal year 1993 production lot:

DOD contract with the Institute for Defense Analysis (or similar federally funded research and development center) to conduct a cost and operational effectiveness analysis (COEA) of the C-17 program.

Air Force commission the Scientific Advisory Board to investigate the possibility of conducting a C-141 service life extension program (SLEP) and to identify what modifications would be required to extend significantly the fleet's useful life.

The Senate provision would also require the Department to implement an initiative on cost, performance, and management and to develop a system maturity matrix that Congress can use to gauge when future production funds will be released. The provision would also prohibit spending any funds to increase the rate at which the contractor can produce aircraft.

The Senate provision also included a contingent authorization that would release an additional $232.0 million to the C-17 program for additional aircraft if aircraft P-5 were delivered by December 31, 1992 and all aircraft through P-10 had been delivered and flown away from the final assembly site by August 31, 1993. The contingent authorization would require that the DOD Inspector General (DOD IG) certify that these actions had occurred.

The conferees remain concerned about the progress of the C-17 program. Airlift capability is clearly important to effective operations in the world today. However, increased production rates should be tied to better contractor performance. Therefore, the conferees agree to reaffirm the provisions relating to release of fiscal year 1993 production funds included in section 133 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The conferees understand that the Air Force is concerned that these fiscal year 1993 limitations could cause a production break. The conferees note that the Air Force was willing to be bound by these fiscal year 1993 limitations last year. The conferees direct the Air Force to use its resources to prevent a potential production break.

The conferees also recommend several new limitations and reporting requirements, including the following:

No funds may be used to increase the rate at which the contractor can produce C-17 aircraft.

No fiscal year 1993 advance procurement funds (for fiscal year 1994 production) may be released until the Secretary of Defense certifies, based on findings on the Defense Plant Representative Office, that:

the aircraft designated as P-9 has moved to the major join stage of production with no less than 90 percent of its assembly completed in position; and

the assembly of the aircraft designated as P-14 has begun at the final assembly facility.

No fiscal year 1994 production funds (other than advance procurement funds authorized for fiscal year 1995 production) will be available until:

the Secretary of the Air Force convenes the Scientific Advisory Board to investigate the possibility of conducting a C-141 SLEP and to identify what modifications would be required to extend significantly the fleet's useful life;

the Secretary of Defense convenes a special DAB to review the C-17 program's performance requirements and affordability, based on information developed from an independent COEA; and

the Secretary of Defense submits the results of this review to the congressional defense committees.

The Secretary of Defense must submit a report including a system maturity matrix for the C-17 program by April 1, 1993.

Funding for certain tactical intelligence programs (sec. 141)

The Senate amendment included a provision (sec. 141) that would authorize funding for modernizing either of two existing theater-level, tactical intelligence aircraft system, the EP-3 Aries or RC-135 Rivet Joint. The Department of Defense has requested funding for major upgrades to both aircraft systems: the Navy would upgrade the EP-3 sensor suite and the Air Force would re-engine the RC-135 fleet. The Senate provision was based on the belief that there is unnecessary duplication between the two systems, notwithstanding the fact that these aircraft support an important mission area.

The provision would require the Secretary of Defense to choose one (but not both) of the two systems to modernize, based on each system's ability to support the tactical intelligence needs of the combatant commanders.

The House bill contained no similar provision. The House report (H. Rept. 102-527) recommended no authorization for further modernization of EP-3 aircraft pending an examination of the alternative of a combined Air Force/Navy program using only RC-135 aircraft.

The House recedes with an amendment.

The conferees believe that tactical intelligence support for the combatant commanders is an important mission and that the potential exists to improve overall support through the consolidation directed by the Senate provision. The conferees agree that this consolidation could result in a larger number of either RC-135 or EP-3 aircraft.

The conferees also believe that the scope of the study directed in the Senate report (S. Rept. 102-352) should be expanded to include the potential contribution of other intelligence systems, including tactical systems such as the ES-3 aircraft, C-130 Senior Scout, and national systems such as the U-2 aircraft.

MH-47E/MH-60K helicopter modification programs (sec. 142)

The Senate amendment contained a provision (sec. 142) that would require the necessary operational test and evaluation and survivability testing of the MH-47E and MH-60K helicopters to be completed before full

materiel release of the helicopters for operational use.

The House bill contained no similar provision.

The House recedes.

B–2 bomber program (sec. 151)

The amended budget request contained $2,686.6 million for four new production B–2 bombers, which would complete the program at a total of 20 operational B–2 bombers. Both the House bill and the Senate amendment would fully fund the request.

The House bill would require that, before any of the procurement funds could be obligated, certain B–2 performance and cost reports and certifications be provided by the Secretary of Defense, and, following these, that a provision approving the obligation of funds be enacted into law.

The Senate amendment would require similar performance and cost reports and certifications by the Secretary of Defense before funds could be obligated, but would not require subsequent legislation to permit obligation of those funds.

The conferees recommend that $900.0 million be made available for the B–2 program without restriction. The conferees further recommend that $1,786.6 million be made available only after the required cost and performance reports and certifications have been provided to the congressional defense committees, and after a provision approving the obligation of these funds is enacted into law.

The conferees note that, under the provisions of section 151(d), the Comptroller General is given only 30 days after receipt of the Secretary's required reports to conduct his independent review of those reports and provide his comments thereon to the congressional defense committees. The conferees direct the Secretary to insure that the Comptroller General has timely access to relevant Defense Department data and personnel during the preparation of the required reports.

Modernization of heavy bomber force (sec. 152)

The amended budget request contained $214.9 million for procurement, $50.3 million for modification of in-service aircraft, and $90.7 million for research, development, test and evaluation (RDT&E) for the B–1B bomber. The request also contained $76.7 million in procurement and $13.3 million in RDT&E for B–52 bombers.

The House bill would fully fund all requested amounts and would further provide $15.0 million in RDT&E funds for testing of the HAVE LITE precision air-to-surface missile on the B–52 bomber.

The Senate amendment would provide $50.0 million for procurement, $50.3 million for modification of in-service aircraft, and $24.3 million for RDT&E for the B–1B bomber. In addition, the Senate amendment would provide for the use of $93.6 million in prior-year funds on the B–1 bomber program. The Senate amendment would also authorize $70.0 million for procurement and $13.3 million for RDT&E for the B–52 bomber program, as discussed in the Senate report (S. Rept. 102–352). The Senate amendment also contained a provision (sec. 152) that would require the establishment and execution of additional testing of non-stealthy heavy bombers against conventional defenses.

The conferees recommend $167.4 million for procurement, $50.3 million for modification of in-service aircraft and $86.4 million for RDT&E for the B–1B bomber program. None of the funds authorized for B–1B procurement may be used for procurement for deferred logistics support for the ALQ–161A system. The conferees also recommend $76.7 million in procurement and $28.3 million in RDT&E (including $15.0 million for HAVE LITE testing) for the B–52 bomber program. The conferees further agree to a modified version of the Senate provision on further testing of heavy bombers against conventional defenses.

Chemical demilitarization program (secs. 171–180)

The House bill contained provisions (secs. 171–176) that would revise the chemical weapons stockpile elimination deadline to conform it with U.S. diplomatic and treaty obligations; establish a chemical demilitarization advisory commission to determine which technologies would be appropriate as alternatives to incineration at each of the three low-volume chemical demilitarization sites; direct the Secretary of Defense to develop an alternative disposal program for low-volume sites employing any alternative technology that he determined to be either significantly safer or more cost-effective than the use of the baseline incineration program; direct the Secretary to submit to Congress a revised chemical weapons disposal concept plan incorporating any such alternative technology and reflecting the revised stockpile disposal schedule; prohibit the obligation of any funds for procurement or for facilities planning and design for a chemical weapons disposal facility at a site under consideration for the Secretary's alternative program until he submitted the revised concept plan; and express the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should establish a chemical weapons disposal technology consultation and exchange program with other nations. The House provision also included a technical amendment that would streamline the underlying chemical demilitarization legislation.

The Senate amendment contained a provision (sec. 161) that would change the chemical weapons stockpile elimination deadline from July 31, 1999 to December 31, 2004; direct the Secretary of the Army to submit a report on the potential alternatives to the baseline disassembly and incineration process that addresses the findings of the National Research Council study and the recommendations of the National Academy of Sciences on this subject; prohibit any site preparation or construction of any chemical weapons disassembly and incineration facility at which site preparation or construction had not commenced; and direct the Secretary to submit a report on the destruction of non-stockpile chemical warfare material.

The House recedes with an amendment.

The conferees agree to an amendment that would incorporate the Senate provision on the chemical weapons stockpile elimination date, the report on the destruction of non-stockpile chemical warfare material, the report on alternative technologies, and the limitation on new site preparation or construction pending submission of that report. The conferees agree to exempt from this limitation dual-purpose, depot support construction projects. The amendment would incorporate the House provision on the requirement for the Secretary to use any alternative technology process at any low-volume site for which the Secretary determines that that technology would be significantly safer and equally or more cost-effective and could be incorporated into the stockpile elimination plan without making the revised deadline unachievable. The amendment would also include the House provision requiring submission of a revised disposal concept plan and establishment of a disposal technology consultation and exchange program. Finally, the amendment would establish chemical demilitarization citizens advisory commissions with which the Army must consult at least twice a year.

Physical and chemical integrity of the chemical weapons stockpile (sec. 177)

The Senate amendment contained a provision (sec. 162) that would require the Secretary of the Army to submit to Congress not later than May 1, 1993 a report on the physical and chemical integrity of the chemical weapons stockpile at the eight storage sites in the continental United States.

The House bill contained no similar provision.

The House recedes with an amendment that would provide that, of the funds authorized elsewhere in this act for the chemical demilitarization program, $3.0 million may be used for this purpose.

Armament retooling and manufacturing support initiative (secs. 191–195)

The Senate amendment contained provisions (secs. 1095–1099) that would authorize the Secretary of the Army to carry out an armament retooling and manufacturing support initiative to encourage non-defense commercial firms to use government-owned, contractor-operated ammunition facilities of the Department of the Army.

The House bill contained no similar provisions.

The House recedes with an amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Limitation on shipbuilding and conversion

The House bill contained a provision (sec. 108) that would shift $70.0 million from Other Procurement, Navy to Shipbuilding and Conversion, Navy to provide for advance procurement funding for an amphibious assault ship, LHD–6.

The Senate amendment contained no similar provision, but would provide full funding for LHD–6 in fiscal year 1993.

The House recedes.

Revised force structure plan for ICBMs and strategic bombers

The House bill contained a provision (sec. 146) that would prohibit the obligation or expenditure of funds for the redeployment or transfer of operationally deployed Minuteman III missiles from one Air Force base to another until and unless the Secretary of Defense submitted to Congress a plan for restructuring U.S. ICBM and bomber forces.

The Senate amendment contained no similar provision.

The House recedes. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees outlining the Defense Department's plan for the restructuring of U.S. strategic forces pursuant to the terms of the Strategic Arms Reduction Treaty (START) and the Joint Understanding on further reductions in strategic offensive arms signed by the United States and Russia on June 17, 1992. The report shall include:

(1) a description of the size and makeup of the strategic nuclear force triad and the rationale for the proposed decisions;

(2) a discussion of the force structure options that were considered in developing such a plan;

(3) for each option discussed under paragraph (2), a statement of the location at which strategic bombers and Minuteman III ICBMs would be deployed and the number of each system at each location;

(4) the cost of each such option, including:

(A) the costs of transferring bomber and missile assets from one operating location to another;

(B) military construction costs associated with such a transfer;

(C) the costs of the conversion of silos from the Minuteman II and Peacekeeper configurations to the Minuteman III configuration; and

(D) the operation and maintenance costs or savings, by operating base, under each option.

(5) a discussion of factors, other than cost, such as survivability, which underlay each of the options;

(6) a discussion of the potential advantages or cost savings associated with dual basing of strategic bombers and missiles;

(7) in the case of any base which currently has a missile wing which the plan proposes to disestablish or move to another base, plans for the disposition of that base or the transfer of the remaining functions or missions at that base, together with a statement of costs associated with any such change; and

(8) a timetable for the initiation of the plan and deadlines for the performance of certain activities, such as silo conversion or missile redeployments.

Modification of F–14 aircraft

The Senate amendment contained a provision (sec. 125) that would authorize the use of unobligated funds appropriated in fiscal year 1992 for modification of F–14 aircraft to be used only for aircraft re-engining.

The House bill contained no similar provision.

The Senate recedes.

The conferees support the intent of the Senate provision, but do not believe that statutory guidance is needed to convey the conferees' intent that the unobligated fiscal year 1992 funds should be used toward the re-engining effort.

The F–14 will remain operational in the fleet for at least the next 20 years. However, the Navy's plan for continued comprehensive modernization of the F–14 fleet remains unclear. Therefore, the conferees direct the Secretary of the Navy to provide a roadmap that outlines an affordable modernization program for the F–14 aircraft.

Trident II missile

The Senate amendment contained a provision (sec. 151) that would establish a funding limitation on Trident II missile procurement.

The House bill contained no such provision.

The Senate recedes.

Space investment strategy

The Senate amendment contained a provision (sec. 154) that would direct the Secretary of Defense to develop a strategy for achieving substantial reductions in the cost of developing, acquiring, and supporting space operations. The provision would further mandate that the Secretary consider options to achieve reductions of up to 25 percent in constant fiscal year 1992 dollars by the year 2000, and would require a report on his strategy by March 1, 1993.

The House bill contained no similar provision.

The Senate recedes. The conferees agree that a legislative provision is not required.

The conferees recognize the importance of space systems to military operations, peacetime intelligence, foreign policy, and crisis support. Space systems now are the mainstay of U.S. national security communications, surveillance, weather services, navigation, and missile warning. The conferees believe that the information collected by and transmitted through space systems is a key factor in force effectiveness and that proportional reductions in the space budget may be unwise.

The conferees note, however, that the declining defense budget will inevitably increase pressure to constrain or reduce spending on space programs whereever possible. The conferees believe that the administration can and must begin planning now to find ways to reduce the cost and increase the efficiency of satellite design, acquisition, launch, and operation. Increased efficiency and decreased costs will likely be necessary in order to sustain current systems and capabilities and almost certainly will be required in order to be able to afford new ones.

At the same time, the conferees believe that the end of the Cold War, technology advances, and budgetary pressures provide opportunities for new approaches to meeting national security and civil space requirements.

The conferees believe therefore that the administration must challenge and discipline the space systems acquisition system to achieve meaningful results. Accordingly, the conferees direct the Secretary of Defense to develop a comprehensive acquisition strategy for developing, fielding, and operating DOD space programs. This strategy should be aimed at reducing costs and increasing efficiencies to ensure that current and future operational requirements can be met despite inevitable budget reductions. This strategy should address policy, requirements, programs, and funding. In particular, the strategy should reflect a review of the following:

New technologies

New launch system technologies could support a surge launch strategy for some national security space systems, reducing the requirement to maintain wartime capacity on orbit during peacetime. This technology also could substantially reduce the cost and personnel required for launch operations. Technologies also exist that could significantly reduce the size and weight of spacecraft, and thereby reduce spacecraft and launch costs. Current technology also would support a higher degree of satellite commonality and standard interfaces, which could reduce costs. Technology and new approaches also could reduce the complexity and expense of satellite control operations. Commercial satellite communications technology and markets may be mature enough to permit the government to reduce its reliance on dedicated military satellites.

Civil-military cooperation

In terms of management initiatives, greater cooperation between the civil and military space programs could yield savings and efficiencies. For example, the Commerce Department and DOD each operate almost identical weather satellites; a cooperative program could permit a reduction in the total number of satellites the government would have to operate, and a single contract would be less expensive. In the longer term, DOD may be able to rely on the commercial sector for satellite navigation services as well—given the explosive growth expected in civil and commercial use of the global positioning satellite (GPS) system. Technology is also rapidly eroding the significance of GPS selective availability, which raises the question of the need for a dedicated military system.

International initiatives

The administration also should consider international initiatives in formerly sensitive areas, such as satellite imaging. Foreign and commercial capabilities are developing rapidly in response to technology advances and increased demand. The administration should consider allowing U.S. industry to compete in this arena to help preserve the U.S. industrial base and potentially reduce costs to the U.S. government.

Affordability

The Department also must review requirements and plans for existing and prospective programs from the perspective of affordability. For instance, a number of major space programs have been chronically underfunded in the Future Year Defense Program. These programs must either be fully funded at the expense of other efforts, reduced in scope or quantity, or terminated. New technology thrusts also envision new and expensive space-based capabilities; the conferees are not persuaded that DOD will be able to afford them unless substantial savings are made in other programs.

Tradeoffs

The Secretary should examine where cost-effective tradeoffs might be made between space- and non-space-based solutions to particular requirements, especially for communications. The reduction in the threat of a global nuclear war has reduced concerns about satellite and ground support vulnerability. It has also reduced concern, however, about relying on fixed means of communications. At the same time, the next decade will likely bring a dramatic expansion of international fiber optic cable networks, which could reduce DOD reliance on satellite communications. Technologies for inexpensive, high altitude, long endurance airborne platforms which could serve as communications platforms for mobile, intra-theater communications, also could reduce reliance on satellite systems.

For these reasons, the conferees direct the Secretary of Defense, in consultation with the National Space Council and other appropriate agencies and departments, to prepare a report which describes the results of the above-mentioned reviews of DOD space policy, technology, funding, and management issues. In addition, the Secretary's report shall develop alternative space programs that maximize capabilities in the year 2000 at a range of funding levels up to 15 percent less than the baseline cost on an average annual basis (using the fiscal year 1992 Future Year Defense Program as the baseline). As an excursion in presenting these alternatives, the Secretary may show underfunded programs, such as the national aerospace plane and the follow-on early warning system, in the baseline program as though they were fully funded. The Secretary shall provide an analysis of the advantages and disadvantages of the alternative programs, including any impact on the industrial base, the extent to which they meet requirements, and possible revisions to the military departments' roles and missions, along with a recommendation of his preferred strategy and program. The Secretary's report shall be submitted by April 15, 1993, in both classified and unclassified formats.

Ground wave emergency network

The Senate amendment contained a provision (sec. 155) that would extend until October 1, 1993 the earliest date by which funds could be obligated or expended for the construction of the ground wave emergency network (GWEN).

The House bill contained no similar provision.

The Senate recedes.

AN/SLQ–32 electronic warfare systems

The Senate amendment contained a provision (sec. 122) that would preclude obligating any funds for the AN/SLQ–32A (V)3 electronic warfare system until the Commander, Operational Test and Evaluation Force, had determined that the system has been proven operationally effective during operational testing.

The House bill contained no similar provision.

The Senate recedes. The required operational testing has now been completed and has shown that the AN/SLQ–32A (V)3 system is operationally effective.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (RDT&E)

Overview

The amended budget request for fiscal year 1993 contained an authorization of $38,812.7 million for research, development, test, and evaluation in the Department of Defense. The House bill would authorize $38,429.8 million. The Senate amendment would authorize $38,965.9 million. The conferees recommend authorization of $39,613.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

RESEARCH AND DEVELOPMENT, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,414.5 million or Army research, development, test, and evaluation. The House bill would authorize $5,481.1 million. The Senate amendment would authorize $5,307.7 million. The conferees recommended authorization of $5,919.0 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL ARMY								
1	61101A	IN-HOUSE LABORATORY INDEP RESEARCH	6,697		6,697		6,697			6,697
2	61102A	DEFENSE RESEARCH SCIENCES	166,645	-20,000	146,645	22,500	189,145	-42,500	51,532	218,177
3	61104A	ELECTROMECHANICS & HYPERVELOCITY PHYSICS	3,888		3,888		3,888			3,888
4	62104A	TRACTOR ROSE	3,577		3,577		3,577			3,577
5	62105A	MATERIALS TECHNOLOGY	13,983		13,983	4,000	17,983	-4,000	4,000	17,983
6	62120A	ELECTRONIC SURVIVABILITY AND FUZING TECH	19,204		19,204		19,204			19,204
7	62122A	SURVIVABILITY ENHANCEMENT	14,551		14,551	10,000	24,551	-10,000	3,000	17,551
8	62123A	TRACTOR FIELD	[ ]							
9	62211A	AVIATION TECHNOLOGY	46,611		46,611		46,611			46,611
10	62270A	EW TECHNOLOGY	[ ]							
11	62303A	MISSILE TECHNOLOGY	33,164		33,164		33,164			33,164
12	62307A	LASER WEAPONS TECHNOLOGY	585		585		585			585
13	62308A	MODELING AND SIMULATION		5,000	5,000	3,000	3,000	2,000	3,500	3,500
14	62601A	COMBAT VEHICLE & AUTOMOTIVE TECHNOLOGY	46,992	38,000	84,992	9,000	55,992	29,000	38,000	84,992
15	62618A	BALLISTICS TECHNOLOGY	59,391		59,391	10,000	69,391	-10,000		59,391
16	62622A	CHEMICAL, SMOKE AND EQUIP DEFEATING TECH	47,727		47,727		47,727			47,727
17	62623A	JOINT SERVICE SMALL ARMS PROGRAM	4,786		4,786		4,786			4,786
18	62624A	WEAPONS AND MUNITIONS TECHNOLOGY	37,270		37,270		37,270			37,270
19	62705A	ELECTRONICS AND ELECTRONIC DEVICES	18,011	4,950	22,961		18,011	4,950	3,350	21,361
20	62709A	NIGHT VISION TECHNOLOGY	35,706		35,706	5,000	40,706	-5,000	5,000	40,706
21	62716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	10,568		10,568		10,568			10,568
22	62720A	ENVIRONMENTAL QUALITY TECHNOLOGY	18,447	24,000	42,447	39,500	57,947	-15,500	33,500	51,947
23	62727A	NON-SYSTEM TRAINING DEVICE TECHNOLOGY	8,483		8,483		8,483			8,483
24	62782A	COMMAND, CONTROL, COMMUNICATIONS TECH	24,301		24,301		24,301		-2,457	21,844
25	62783A	COMPUTER AND SOFTWARE TECHNOLOGY	3,094	15,000	18,094		3,094	15,000		3,094
26	62784A	MILITARY ENGINEERING TECHNOLOGY	45,879		45,879	5,000	50,879	-5,000		45,879
27	62785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	15,966		15,966		15,966			15,966
28	62786A	LOGISTICS TECHNOLOGY	36,241		36,241		36,241			36,241
29	62787A	MEDICAL TECHNOLOGY				2,000	2,000	-2,000	109,764	109,764
30	62788A	TRACTOR FLOP	1,672		1,672		1,672			1,672
		MPIM TECHNOLOGY								
31	62789A	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	3,301		3,301		3,301			3,301
996		TECH BASE CLASSIFIED	26,590		26,590		26,590			26,590
32	62813A	TRACTOR PULL	25,882	-9,000	16,882	-9,100	16,782	100	-9,100	16,782

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
33	63001A	LOGISTICS ADVANCED TECHNOLOGY	11,289		11,289	5,000	16,289	-5,000		11,289
34	63002A	MEDICAL ADVANCED TECHNOLOGY							36,172	36,172
35	63003A	AVIATION ADVANCED TECHNOLOGY	38,532	2,000	40,532	4,000	42,532	-2,000	2,000	40,532
36	63004A	WEAPONS AND MUNITIONS ADVANCED TECH	49,074	13,400	62,474	8,400	57,474	5,000	18,400	67,474
37	63005A	COMBAT VEHICLE AND AUTOMOTIVE ADV TECH	44,825		44,825		44,825			44,825
38	63006A	COMMAND, CONTROL, COMMUNIC ADV TECH	15,350		15,350		15,350		-2,500	12,850
39	63007A	HUMAN FACTORS/PERSONNEL/TRAIN ADV TECH	16,900		16,900		16,900			16,900
40	63009A	CLASSIFIED PROGRAM	6,721		6,721		6,721			6,721
41	63012A	TRACTOR HOLE	21,636		21,636	3,500	25,136	-3,500		21,636
42	63013A	TRACTOR DIRT	3,422		3,422		3,422			3,422
43	63017A	TRACTOR RED	989	1,100	2,089	6,100	7,089	-5,000	1,100	2,089
44	63102A	MATERIALS AND STRUCTURES ADVANCED TECH	3,177		3,177	3,500	6,677	-3,500	3,500	6,677
45	63105A	AIDS RESEARCH							23,247	23,247
46	63238A	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISIO	50,000	-25,000	25,000		50,000	-25,000	-25,000	25,000
47	63270A	EW TECHNOLOGY	8,936		8,936		8,936			8,936
48	63271A	TRACTOR NAIL								
49	63313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	21,165		21,165	8,000	29,165	-8,000		21,165
49a	63313A	LOSAT				122,848	122,848	-122,848	122,848	122,848
50	63314A	DIRECTED ENERGY								
51	63322A	TRACTOR CAGE	24,455		24,455		24,455			24,455
52	63393A	TRACTOR TRAILER								
53	63606A	LANDMINE WARFARE AND BARRIER ADV TECH	19,133	6,200	25,333	10,000	29,133	-3,800		19,133
54	63607A	JOINT SERVICE SMALL ARMS PROGRAM	5,772		5,772		5,772			5,772
55	63710A	NIGHT VISION ADVANCED TECHNOLOGY	28,436	4,000	32,436	18,000	46,436	-14,000	18,000	46,436
56	63734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	3,404		3,404		3,404			3,404
57	63742A	ADVANCED ELECTRONIC DEVICES DEVELOPMENT	6,645		6,645		6,645			6,645
58	63759A	CHEMICAL BIOLOGICAL DEFENSE & SMOKE ADV	3,496		3,496		3,496			3,496
59	63772A	ADV TACTICAL COMPUTER SCIENCE & TECH	22,441		22,441		22,441			22,441
60	63392A	ANTI-SATELLITE WEAPON (ASAT)	24,768	-24,768			24,768	-24,768		24,768
61	12814A	SPECIAL PROGRAMS	[ ]			[-2,887]			[-5,387]	
62	12830A	CLASSIFIED PROGRAM	[ ]	[25,000]						
63	12831A	CLASSIFIED PROGRAM	[ ]							
64	33152A	WWMCCS INFORMATION SYSTEM	[ ]							
997		STRATEGIC CLASSIFIED	19,009	25,000	44,009	-2,887	16,122	27,887	-5,387	13,622
65	63018A	TRACTOR TREAD	9,199	3,000	12,199	13,000	22,199	-10,000	3,000	12,199

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
66	63019A	TRACTOR DUMP	4,269		4,269		4,269			4,269
67	63053A	FUTURE COMMAND AND CONTROL VEHICLE	21,565		21,565		21,565			21,565
68	63303A	SURFACE-TO-SURFACE MISSILE ROCKET SYS								
69	63393A	TRACTOR TRAILER								
70	63604A	NUCLEAR MUNITIONS - ADV DEV	[ ]							
71	63612A	ADVANCED ANTI-TANK WEAPON SYSTEMS								
72	63619A	LANDMINE WARFARE AND BARRIER - ADV DEV	13,497		13,497		13,497			13,497
73	63627A	SMOKE, OBSCURANT & EQUIP DEFEATING SYS -	18,941		18,941		18,941			18,941
74	63639A	ARMAMENT ENHANCEMENT INITIATIVE	[ ]			[4,000]			[4,000]	
75	63640A	ARTILLERY PROPELLENT DEVELOPMENT	7,057		7,057		7,057			7,057
76	63645A	ARMORED SYSTEM MODERNIZATION - ADV DEV	367,262	-35,000	332,262	-35,000	332,262		-35,000	332,262
76a	63645A	ADV AUTOMOTIVE DEVELOPMENT FOR ASM				10,000	10,000	-10,000	10,000	10,000
77	63649A	ENGINEERING MOBILITY EQUIPMENT - ADV DEV	12,155		12,155		12,155			12,155
78	63713A	ARMY DATA DISTRIBUTION SYSTEM	13,409		13,409		13,409			13,409
79	63730A	TACTICAL SURVEILLANCE SYSTEM - ADV DEV	14,937	-7,600	7,337		14,937	-7,600	-7,600	7,337
80	63745A	TACTICAL ELECTRONIC SUPPORT SYS - ADV DE	3,107		3,107		3,107			3,107
81	63746A	SINCGARS ADVANCED DEVELOPMENT	214		214	5,000	5,214	-5,000	5,000	5,214
82	63747A	SOLDIER SUPPORT AND SURVIVABILITY	7,921		7,921	6,000	13,921	-6,000	6,000	13,921
83	63754A	CLASSIFIED PROGRAM - ADV DEV	[ ]							
84	63757A	FORWARD AREA AIR DEFENSE (FAAD) SYSTEM								
85	63766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM	14,813		14,813		14,813			14,813
86	63774A	NIGHT VISION SYSTEMS ADVANCED DEVELOP	7,868		7,868		7,868			7,868
87	63801A	AVIATION - ADV DEV	14,029	3,200	17,229		14,029	3,200	3,200	17,229
88	63802A	WEAPONS AND MUNITIONS - ADV DEV								
89	63804A	LOGISTICS & ENGINEER EQUIPMENT - ADV DEV	15,304		15,304		15,304			15,304
90	63805A	COMBAT SERVICE SUPPORT COMPUTER SYS EVAL	19,805		19,805		19,805			19,805
91	63806A	CHEMICAL/BIOLOGICAL DEFENSE EQ- ADV DEV	36,033		36,033		36,033			36,033
92	63807A	MEDICAL SYSTEMS - ADV DEV							29,042	29,042
93	63808A	CLASSIFIED PROGRAM								
94	63810A	ADVANCED MISSILE SYSTEM-HEAVY								
95	63811A	METEOROLOGICAL DATA SYSTEMS	4,288		4,288		4,288			4,288
96	63813A	TRACTOR PULL								
97	64202A	AIRCRAFT WEAPONS								
98	64220A	ARMED, DEPLOYABLE OH-58D								
99	64223A	LIGHT ARMED SCOUT HELICOPTER	443,007		443,007	-425,000	18,007	425,000		443,007

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R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
100	64270A	EW DEVELOPMENT	[ ]							
101	64321A	ALL SOURCE ANALYSIS SYSTEM	50,754		50,754		50,754			50,754
102	64603A	NUCLEAR MUNITIONS - ENG DEV	4,801		4,801		4,801			4,801
103	64604A	MEDIUM TACTICAL VEHICLES	2,941		2,941		2,941			2,941
104	64609A	SMOKE, OBSCURANT & EQUIP SYS- ENG DEV	11,309		11,309		11,309			11,309
105	64611A	JAVELIN (AAWS-M)	91,440		91,440	10,000	101,440	-10,000	10,000	101,440
106	64619A	LANDMINE WARFARE	24,187	7,600	31,787		24,187	7,600		24,187
107	64622A	HEAVY TACTICAL VEHICLES	961	1,000	1,961		961	1,000	1,000	1,961
108	64630A	ADVANCED TANK CANNON (ATAC)	41,526	-41,526		-31,500	10,026	-10,026	-24,526	17,000
109	64633A	AIR TRAFFIC CONTROL	2,463		2,463		2,463			2,463
110	64645A	ARMORED SYSTEMS MODERNIZ (ASM)-ENG. DEV.	76,182		76,182		76,182			76,182
111	64649A	ENGINEERING MOBILITY EQUIPMENT	2,238		2,238		2,238			2,238
112	64709A	IDENTIFICATION-FRIEND-OR-FOE - ENG DEV								
113	64710A	NIGHT VISION SYSTEMS - ENG DEV	25,325		25,325		25,325			25,325
114	64713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	9,463		9,463	18,000	27,463	-18,000	18,000	27,463
115	64715A	NON-SYSTEM TRAINING DEVICES - ENG DEV	42,551		42,551		42,551			42,551
116	64723A	SPECIAL PURPOSE DETECTORS								
117	64726A	INTEGRATED METEOROLOGICAL SUPPORT SYS	958		958		958			958
118	64740A	TACTICAL SURVEILLANCE SYSTEM - ENG DEV	20,036		20,036		20,036		7,600	27,636
119	64741A	AIR DEFENSE COMMAND/CONTROL/INTEL ENG DE	40,505		40,505		40,505			40,505
120	64746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,461	9,000	17,461		8,461	9,000	9,000	17,461
121	64754A	CLASSIFIED PROGRAM - ENG DEV								
122	64766A	TACT ELECTRONIC SURVEILLANCE SYS ENG DEV	34,136		34,136		34,136			34,136
123	64767A	TRACTOR JEWEL	74,206		74,206	22,000	96,206	-22,000	22,000	96,206
124	64768A	TRACTOR MARK	121,459		121,459		121,459			121,459
125	64769A	TRACTOR HELM								
126	64770A	JOINT SURVEILLANCE/TARGET ATTACK RADAR S	31,213		31,213	35,000	66,213	-35,000	20,000	51,213
127	64801A	AVIATION - ENG DEV	16,229		16,229		16,229			16,229
128	64802A	WEAPONS AND MUNITIONS - ENG DEV	5,113		5,113		5,113			5,113
129	64804A	LOGISTICS & ENGINEER EQUIPMENT - ENG DEV	22,083		22,083		22,083			22,083
130	64805A	COMMAND, CONTROL, COMMUNIC SYS-ENG DEV	7,566		7,566		7,566			7,566
131	64806A	CHEMICAL/BIO DEFENSE EQUIP - ENG DEV	41,551		41,551		41,551			41,551
132	64807A	MEDICAL MATERIEL/MEDICAL BIO DEF EQ-ENG							20,209	20,209
133	64808A	LANDMINE WARFARE/BARRIER - ENG DEV	2,947		2,947		2,947			2,947
134	64810A	FIBER OPTIC GUIDED MISSILE - ENG DEV								

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
135	64812A	CLASSIFIED PROGRAM								
136	64814A	SENSE AND DESTROY ARMAMENT MISSILE - ENG	63,037		63,037		63,037		29,000	92,037
137	64816A	LONGBOW - ENG DEV	281,802		281,802	25,000	306,802	-25,000	25,000	306,802
138	64817A	TRACTOR CRASH/BALL	27,570		27,570		27,570			27,570
139	64818A	ARMY TACT COMMAND & CONTROL SYS (ATCCS)	20,575		20,575		20,575			20,575
140	64819A	LOSAT	122,848		122,848	-122,848		122,848	-122,848	
141	64820A	RADAR DEVELOPMENT	18,656		18,656		18,656			18,656
142	65710A	JOINT CB POINT OF CONTACT, TEST AND ASSE	5,702		5,702		5,702			5,702
143	23726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	41,632		41,632		41,632			41,632
144	23735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	22,558	58,600	81,158	26,800	49,358	31,800	-4,258	18,300
145	23740A	MANEUVER CONTROL SYSTEM	28,467		28,467		28,467			28,467
146	23743A	155MM SELF-PROPELLED HOWITZER IMPROVE								
147	23744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVE P	4,821	3,000	7,821	3,000	7,821		3,000	7,821
148	23752A	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	6,676		6,676		6,676			6,676
149	23755A	FIELD ARTILLERY AMMUNITION SUPPORT VEHIC								
150	23801A	MISSILE/AIR DEFENSE PIP	56,315		56,315		56,315			56,315
151	23802A	OTHER MISSILE PRODUCT IMPROVEMENT PROG	16,429	2,000	18,429		16,429	2,000	2,000	18,429
152	23806A	TRACTOR RIG	5,826		5,826		5,826			5,826
153	23808A	TRACTOR CARD	7,011		7,011		7,011			7,011
154	27316A	TACIT RAINBOW								
155	28010A	JOINT TACTICAL COMM PROGRAM (TRI-TAC)	7,592		7,592		7,592			7,592
		ROCKET SYSTEMS								
998		TACTICAL CLASSIFIED	149,273		149,273	4,000	153,273	-4,000	4,000	153,273
156	64716A	TERRAIN INFORMATION - ENG DEV	12,171		12,171		12,171			12,171
157	64778A	POSITIONING SYSTEMS DEVELOPMENT	9,873		9,873		9,873			9,873
158	31359A	SPECIAL ARMY PROGRAM	[ ]							
159	33140A	INFORMATION SYSTEMS SECURITY PROGRAM	6,470		6,470		6,470			6,470
160	33142A	SATCOM GROUND ENVIRONMENT	137,027		137,027	-17,800	119,227	17,800	-15,000	122,027
161	35127A	FOREIGN COUNTER-INTELLIGENCE ACTIVITIES	[ ]							
162	35889A	INTELLIGENCE SUPPORT TO OSD COUNTERNARC								
999		INTEL & COMMUNICATIONS CLASSIFIED	11,218		11,218		11,218			11,218
163	65103A	RAND ARROYO CENTER	20,164		20,164		20,164			20,164
164	65301A	ARMY KWAJALEIN ATOLL	184,454	-25,000	159,454		184,454	-25,000		184,454
165	65502A	SMALL BUSINESS INNOVATIVE RESEARCH								
166	65601A	ARMY TEST RANGES AND FACILITIES	160,243		160,243		160,243			160,243

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
167	65602A	ARMY TECHNICAL TEST INSTRUMENTATION AND	76,499		76,499		76,499			76,499
168	65603A	ARMY USER TEST INSTRUMENTATION & THREAT	46,318		46,318		46,318			46,318
169	65604A	TECHNOLOGY AND VULNERABILITY ASSESSMENT	44,285		44,285		44,285			44,285
170	65605A	DOD HIGH ENERGY LASER TEST FACILITY	17,852		17,852	10,000	27,852	-10,000	10,000	27,852
171	65702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIV	18,832		18,832		18,832			18,832
172	65706A	MATERIEL SYSTEMS ANALYSIS	22,858		22,858		22,858			22,858
173	65709A	EXPLOITATION OF FOREIGN ITEMS	19,650		19,650		19,650			19,650
174	65712A	SUPPORT OF OPERATIONAL TESTING	60,375		60,375		60,375			60,375
175	65801A	PROGRAMWIDE ACTIVITIES	86,420		86,420		86,420		3,495	89,915
176	65802A	INTERNATIONAL COOPERATIVE R&D	1,925		1,925		1,925			1,925
177	65803A	TECHNICAL INFORMATION ACTIVITIES	23,429		23,429		23,429			23,429
178	65805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS	16,783		16,783		16,783			16,783
179	65810A	RDT&E SUPPORT FOR NONDEVELOPMENTAL ITEMS	6,092		6,092		6,092			6,092
180	65856A	ENVIRONMENTAL COMPLIANCE	42,507		42,507	20,000	62,507	-20,000		42,507
181	65872A	PRODUCTIVITY INVESTMENTS	7,547		7,547		7,547			7,547
182	65876A	MINOR CONSTRUCTION (RPM) - RDT&E	3,900		3,900		3,900			3,900
183	65878A	MAINTENANCE AND REPAIR (RPM) - RDT&E	63,793		63,793		63,793			63,793
184	65894A	REAL PROPERTY MAINTENANCE - RDT&E							25,000	25,000
185	65896A	BASE OPERATIONS - RDT&E	308,567		308,567		308,567			308,567
186	65898A	MANAGEMENT HEADQUARTERS (R&D)	8,661		8,661		8,661		5,452	14,113
187	78011A	INDUSTRIAL PREPAREDNESS	19,703	-12,703	7,000	-19,703		7,000	-17,703	2,000
187a	68011A	MANUFACTURING TECHNOLOGY DEVELOPMENT		41,203	41,203			41,203	49,000	49,000
187b		MANUFACTURING TECHNOLOGY INITIATIVE				61,000	61,000	-61,000		
188	99999A	FINANCING FOR CANCELLED ACCOUNT ADJUST								
		PURCHASES FROM DBOF				-8,530	-8,530	8,530	-8,530	-8,530
		TRAVEL				-2,513	-2,513	2,513	-2,513	-2,513
		EXCESS INVENTORY							-4,218	-4,218
		CIVILIAN PERSONNEL BENEFITS							2,300	2,300
		INFLATION ADJUSTMENT							-8,000	-8,000
		TOTAL RDT&E ARMY	5,414,477	66,656	5,481,133	-106,733	5,307,744	173,389	504,571	5,919,048

Army defense research sciences

The amended budget request included $166.6 million for Army defense research sciences.

The House bill would reduce the Army program by $20.0 million.

The Senate amendment would increase the program by $22.5 million to add funding for the Department of Defense Dependents Schools (DODDS) Director's fund for mathematics, science, and engineering and rotocraft centers of excellence.

The conferees recommend that the program be increased by $2.5 million to $169.1 million, which includes $20.0 million for DODDS and $2.5 million for rotocraft centers of excellence. The conferees also agree to restore the medical research originally contained in this line prior to the fiscal year 1993 budget request. The conferees agree to a net total of $218.2 million.

Modeling and simulation

The House bill would authorize $5.0 million for modeling and simulation (program element 602308A).

The Senate amendment would authorize $3.0 million for this activity.

The conferees recommend an authorization of $3.5 million as follows: $3.0 million for the use of simulation in the upcoming Louisiana maneuvers, and $.5 million for a competitive grant to an institution of higher education to purchase simulation research equipment in the areas of geographic information, digital mapping, and remote sensing.

Combat vehicle and automotive technology

The amended budget request included $47.0 million for combat vehicle and automotive technology.

The House bill would add $38.0 million to this amount for electric powered vehicles, natural gas powered vehicles, ground vehicle mobility, gear technology, and the center of excellence for diesel engine research.

The Senate amendment would add $9.0 million for ground vehicle mobility and diesel engine research.

The Senate recedes. The conferees encourage Army support of the McClellan Air Force Base/SMUD electric vehicle demonstration project.

Environmental quality technology

The amended budget request contained $18.4 million for environmental quality technology.

The House bill would add $24.0 million to this amount for a center for geosciences, biodegradable agricultural products, and bioremediation education science and technology centers.

The Senate amendment would add $39.5 million for biodegradable agricultural products, biodegradable food packaging, a research program at Jefferson Proving Ground to develop detection and removal technologies for removing unexploded ordnance, and the continuation of programs started in fiscal year 1992.

The conferees agree that the center for geosciences should be funded from the program element 602784A and authorize $5.0 million for that purpose. The conferees further agree to an overall increase of $33.5 million to program element 602720A to fund the other projects directed in the House and Senate reports (H. Rept. 102–527 and S. Rept. 102–352).

Weapons and munitions advanced technology

The amended budget request included $49.1 million for weapons and munitions advanced technology.

The House bill would add $13.4 million to this amount for 155mm gun range extension and 52 caliber burst capability.

The Senate amendment would add $8.4 million for the XM 982 155mm extended range projectile and bunker defeat munitions.

The conferees agree to authorize $67.5 million for all of these projects, as indicated in the House and Senate reports (H. Rept. 102–527 and S. Rept. 102–352).

Global surveillance/air defense/precision strike

The amended budget request contained $50.0 million for three projects in the area of global surveillance/air defense/precision strike.

The House bill would recommend $25.0 million for these projects.

The Senate amendment would authorize the requested amount.

The conferees recommend an authorization of $25.0 million. The conferees note that there are two projects within this program element that would modify the existing Stinger air defense missile, and a third classified project. The conferees believe the reduction should be applied to the three programs in a manner that the Army determines meets its highest priorities.

The conferees express their reservation about the feasibility of a laser-guided Stinger missile. The Army has indicated the primary purpose of this missile would be for air-to-air engagements, yet there is no analysis or evaluation of how difficult it would be for one helicopter to hold a laser beam on another helicopter when both helicopters are maneuvering simultaneously. The conferees suggest that the Army undertake an evaluation of such a capability in the SIMNET-D facility prior to programming any significant funds for such an effort.

Line-of-sight anti-tank missile

The amended budget request contained $122.8 million to initiate full-scale development of the Army's line-of-sight anti-tank (LOSAT) missile.

The House bill would authorize the requested funds.

The Senate amendment would authorize the requested funds, but based on the Army's subsequent recommendation, would shift those funds to an advanced development program element. The Army informed the Senate that it would not be able to proceed with full-scale development during fiscal year 1993.

The House recedes.

The conferees concur with the recommendation in the Senate report (S. Rept. 102–352) that the Army utilize this opportunity to restructure the LOSAT program to emphasize a smaller missile design that would retain overwhelming lethality at half the weight and size of the current missile design.

Landmine warfare and barrier advanced technology

The amended budget request contained $19.1 million for advanced development in the area of landmine warfare and barrier advanced technology.

The House bill would authorize the requested amount, and also would authorize an additional $6.2 million to integrate all heavy assault bridge candidates to a comparable level on an M–1 chassis prior to conducting a competitive evaluation for production in fiscal year 1994.

The Senate amendment would authorize the requested amount, and also would authorize an additional $10.0 million to accelerate advance development of promising countermine technologies.

The conferees recommend an authorization of the budget request of $19.1 million.

Concerning the $6.2 million for the assault bridge, the conferees understand that the Army has revised its acquisition strategy and that additional funds are not needed to ensure a fair and equitable competition for this program. The conferees wish to see the Army provide for sufficient funding for this program in the fiscal year 1994 Future Year Defense Program. To ensure that the heavy assault bridge program is proceeding in a manner that is consistent with previous congressional direction, the Army is directed to provide the congressional defense committees a progress report not later than March 31, 1993.

Concerning the additional $10.0 million to accelerate advanced development of countermine technologies, the conferees note that no additional funds will be appropriated for countermine warfare, so an authorization of additional funds would be pointless.

Advanced automotive development

The Senate amendment would authorize $10.0 million for collaborative advanced development of sub-systems and components for future combat vehicles by adapting ongoing research and development in the private automotive industry.

The House bill contained no similar authorization.

The conferees recommend an authorization of $10.0 million for this program and concur in the directions contained in the Senate report (S. Rept. 102–352).

Force provider

The amended budget request contained $2.3 million to procure a set of transportable facilities to provide hot showers, comfortable dining facilities, and air conditioned sleeping quarters for troops in the field. The program, called force provider, was a direct response to the Army's experience in Operation Desert Shield. The funds were contained in the Army's soldier enhancement program. The total cost of the program was $6.0 million, and the Army planned to reprogram the remainder.

The House bill would authorize the funds as requested.

The Senate report (S. Rept. 102–352) indicated that the Senate did not consider the program appropriate for the soldier enhancement program, but that it did support the concept. The Senate amendment would provide $6.0 million for the total cost of the program in program element 603747A.

The conferees recommend an authorization of $6.0 million.

Light armed scout helicopter

The amended budget request contained $433.0 million to continue prototype development of a new generation light armed scout helicopter for the Army.

The House bill would authorize the funds as requested.

The Senate amendment would terminate the program. The Senate noted that the Administration adopted a new acquisition strategy that abandoned any plans to develop the helicopter after the prototype state. The Senate concluded that the Administration's request to spend $1.9 billion to develop three prototype helicopters was not prudent since there were no plans to procure the helicopter. The Senate also noted that $1.9 billion could better be used to modernize the entire fleet of AH–64 attack helicopters.

The Senate recedes with language.

The conferees share the Senate's concern with the limitations in the current Department of Defense approach to acquisition strategy for next generation weapon systems.

The conferees fully support affordable prototyping, and also support continued de-

velopment of the Comanche. However, the conferees are concerned that the costs associated with the existing prototyping strategy may be excessive unless there is a plan to complete the development.

The conferees therefore direct that no more than 50 percent of the funds appropriated pursuant to this authorization may be obligated until the Secretary of Defense certifies that the fiscal year 1994 future year defense program contains funds to continue engineering and manufacturing development of the RAH-66.

Javelin missile

The amended budget request included $91.4 million to continue engineering and manufacturing development of the Javelin antiarmor missile.

The House bill would authorize the requested amount.

The Senate amendment would authorize $101.4 million, with the additional $10.0 million provided to accelerate the introduction of certain design changes that offer significant savings during production.

The House recedes.

The conferees note that the secretary of defense, in his *1992 Annual Report to the President and the Congress*, stated that the range and lethality of modern weapons and the value that America places on the lives of our personnel require improvements in the ability to identify opposing forces and distinguish friend from foe. The report noted that the introduction of second-generation, forward looking infrared (FLIR) sensors in systems such as the Javelin will enable U.S. forces to detect and identify enemy formations at increased range in day or night.

The conferees note that while the operational test and evaluation of the Javelin is scheduled to begin in August 1993, there are currently no plans to test the ability of the system to identify friend or foe. Therefore, the conferees recommend that the Secretary of the Army evaluate the ability of the Javelin to identify friend from foe during the operational testing program. Based on the results of those tests, it is further recommended that the Secretary of the Army initiate development of a training program to maximize the ability of the soldier using the Javelin system to distinguish friend from foe.

Advanced tank cannon system (ATACS)

The amended budget request contained $41.5 million to continue development of an advanced tank cannon for a future generation Army tank.

The House bill would deny any authorization for the program, noting that Army had terminated any plans to develop a future generation tank.

The Senate amendment would authorize $10.0 million in order to complete an orderly phase-out of the program and to document what technical breakthroughs had been accomplished in the program.

The conferees understand that while this program was structured to develop a next generation cannon, it also funded most of the Army's generic tank cannon technologies. The conferees believe it is necessary to continue to fund some of those generic technologies for future cannon applications.

The conferees note, however, that the Army has no concrete management focus for the restructured program. Currently the Army is orienting component programs toward a nominal year 2000 fielding date if a subsequent decision is made to incorporate these technologies in future modification programs.

The conferees note that the Congress has consistently supported a cost-effective modernization program for the Army's tanks and believe the ATACS program should be structured accordingly. The conferees recommend an authorization of $17.0 million. The conferees also direct the Army to identify a roadmap by which the technologies proposed for continued development in this program element will be inserted at the earliest practical date in an ongoing tank modernization program.

Army manufacturing technology

The amended budget request included $19.7 million for Army manufacturing technology (MANTECH).

The House bill would authorize $48.2 million for Army manufacturing technology.

The Senate amendment would authorize $61.0 million for Army manufacturing technology.

The conferees recommend $51.0 million for manufacturing technology, which would include the projects added by the House and described in the House Report (H. Rept. 102–527) and other projects in the Army's MANTECH plan. The conferees also agree that the ductile iron research which was included in Army manufacturing technology in the House report (H. Rept. 102-527) will be funded in program element 603102A.

The conferees agree that the $51.0 million should be divided as follows:

	Million
Program element 708011A ..	$2.0
Program element 608011A ..	49.0

Kinetic energy anti-satellite system

The amended budget request included $24.8 million for the Army to develop a kinetic energy (KE) anti-satellite (ASAT) missile system.

The House bill would deny authorization for this request.

The Senate amendment would authorize the requested amount.

The House recedes. In providing these funds, the conferees note that the Army's current kinetic ASAT weapon system is being developed to counter Soviet (now Russian) satellites. At the same time, the number of Third World nations that are gaining access to data derived from satellites or that have plans for developing their own satellites is growing. Such satellite capability is extremely valuable, as was demonstrated by the performance of U.S. satellites during Operation Desert Shield/Desert Storm.

For these reasons, the conferees direct the U.S. Space Command to prepare a new operational requirements document (ORD) for the Army KE ASAT program. The conferees also direct the Secretary of Defense to review the updated ORD and restructure the KE ASAT program as necessary. Finally, the conferees direct the Secretary of Defense to submit to the congressional defense committees not later than March 15, 1993 a copy of the updated ORD, together with a report describing the restructured KE ASAT program.

RESEARCH AND DEVELOPMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $8,517.8 million for Navy research, development, test, and evaluation. The House bill would authorize $8,802.3 million. The Senate amendment would authorize $8,921.8 million. The conferees recommend authorization of $8,984.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL NAVY								
1	61152N	IN-HOUSE INDEPENDENT LABORATORY RESCH	16,180		16,180		16,180			16,180
2	61153N	DEFENSE RESEARCH SCIENCES	457,389	-45,000	412,389	-50,000	407,389	5,000	-45,000	412,389
3	62111N	ANTI-AIR WARFARE/ANTI-SURFACE WAR TECH	86,931	-15,000	71,931	-10,000	76,931	-5,000	-15,000	71,931
4	62121N	SURFACE SHIP TECHNOLOGY	26,113		26,113	-5,000	21,113	5,000		26,113
5	62122N	AIRCRAFT TECHNOLOGY	25,821		25,821	-5,000	20,821	5,000	-5,000	20,821
6	62131M	MARINE CORPS LANDING FORCE TECHNOLOGY	21,019		21,019	-2,000	19,019	2,000	-2,000	19,019
7	62232N	COMMAND/CONTROL/COMMUNICATIONS TECH	22,627		22,627	-5,000	17,627	5,000	-5,000	17,627
8	62233N	MISSION SUPPORT TECHNOLOGY	36,118	-2,500	33,618		36,118	-2,500	4,330	40,448
9	62234N	SYSTEMS SUPPORT TECHNOLOGY	93,810	5,000	98,810	-15,000	78,810	20,000	-15,000	78,810
10	62270N	ELECTRONIC WARFARE TECHNOLOGY	18,474		18,474		18,474			18,474
11	62314N	UNDERSEA SURVEILLANCE & WEAPONS TECH	146,194	-15,000	131,194		146,194	-15,000	-15,000	131,194
12	62315N	MINE AND SPECIAL WARFARE TECHNOLOGY	45,536	-5,000	40,536		45,536	-5,000		45,536
13	62323N	SUBMARINE TECHNOLOGY	21,476	-5,000	16,476		21,476	-5,000	-4,297	17,179
14	62324N	NUCLEAR PROPULSION	15,876	-5,000	10,876		15,876	-5,000	-5,000	10,876
15	62435N	OCEAN AND ATMOSPHERIC SUPPORT TECH	49,593		49,593	-4,000	45,593	4,000		49,593
16	62936N	INDEPENDENT EXPLORATORY DEVELOPMENT	12,946	-5,000	7,946		12,946	-5,000	-5,000	7,946
17	63217N	AIR SYSTEMS ADVANCED TECHNOLOGY DEVELOP	20,079	10,077	30,156		20,079	10,077	10,077	30,156
18	63238N	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISIO	50,000	-25,000	25,000		50,000	-25,000	-25,000	25,000
19	63270N	ADVANCED ELECTRONIC WARFARE TECHNOLOGY	30,814	-15,000	15,814		30,814	-15,000	-15,000	15,814
20	63508N	SHIP PROPULSION SYSTEM	4,501		4,501		4,501			4,501
21	63555N	UNDERSEA SUPERIORITY TECHNOLOGY DEMONS	100,000	-50,000	50,000	-14,000	86,000	-36,000	-42,000	58,000
22	63573N	ELECTRIC DRIVE								
23	63640M	MARINE CORPS ADV TECH DEMONSTRATION (ATD	23,138	-5,000	18,138		23,138	-5,000		23,138
24	63706N	MEDICAL DEVELOPMENT	4,250		4,250		4,250		12,449	16,699
25	63707N	MANPOWER, PERSONNEL & TRAINING ADV TECH	18,458		18,458		18,458			18,458
26	63712N	GENERIC LOGISTICS R&D TECHNOLOGY DEMONS	16,551		16,551		16,551			16,551
27	63732M	MARINE CORPS ADVANCED MANPOWER/TRAINING	3,659		3,659		3,659			3,659
28	63747N	ADVANCED ANTI-SUBMARINE WARFARE TECH	49,666		49,666		49,666			49,666
29	63782N	SHALLOW WATER MCM DEMOS	10,625		10,625		10,625		4,200	14,825
30	63792N	ADVANCED TECHNOLOGY TRANSITION	84,682	-15,000	69,682	5,000	89,682	-20,000	-10,000	74,682
31	63794N	C3 ADVANCED TECHNOLOGY	2,110		2,110		2,110			2,110
32	63451N	TACTICAL SPACE OPERATIONS	2,015		2,015		2,015			2,015
33	63588N	SSBN SURVIVABILITY	17,369		17,369		17,369			17,369
34	63735N	WWMCCS ARCHITECTURE SUPPORT	1,700		1,700		1,700			1,700

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
35	64363N	TRIDENT II	65,898		65,898		65,898			65,898
36	65856N	STRATEGIC TECHNICAL SUPPORT	4,886		4,886		4,886			4,886
37	11221N	FLEET BALLISTIC MISSILE SYSTEM	5,135		5,135		5,135			5,135
38	11224N	SSBN SECURITY TECHNOLOGY PROGRAM	72,553	-18,000	54,553		72,553	-18,000		72,553
39	11226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	40,694		40,694		40,694			40,694
40	11228N	TRIDENT I	24,892		24,892		24,892			24,892
41	11401N	EXTREMELY LOW FREQUENCY (ELF) COMMUNIC	590		590		590			590
42	11402N	NAVY STRATEGIC COMMUNICATIONS	42,435		42,435		42,435			42,435
43	12427N	NAVAL SPACE SURVEILLANCE	905		905		905			905
44	33131N	MIN ESSENTIAL EMERG COMM NETWORK (MEECN)	1,350		1,350		1,350			1,350
45	33152N	WWMCCS INFORMATION SYSTEM	3,906		3,906		3,906			3,906
46	63109N	INTEGRATED AIRCRAFT AVIONICS	23,546		23,546		23,546			23,546
47	63207N	AIR/OCEAN TACTICAL APPLICATIONS	7,577		7,577		7,577			7,577
48	63208N	T-45 TRAINING SYSTEM	32,028		32,028	25,000	57,028	-25,000	25,000	57,028
49	63216N	AIR CREW SYSTEMS TECHNOLOGY	9,697	4,000	13,697		9,697	4,000	4,000	13,697
50	63228N	CV ASW MODULE	3,621		3,621		3,621			3,621
51	63231N	NEXT GENERATION FIGHTER								
52	63254N	AIR ASW	10,785		10,785		10,785			10,785
53	63260N	AIRBORNE MINE COUNTERMEASURES	18,672		18,672	27,000	45,672	-27,000		18,672
54	63261N	TACTICAL AIRBORNE RECONNAISSANCE	15,356		15,356	-7,200	8,156	7,200		15,356
54a	63261N	TACTICAL AIRBORNE RECON PY SAVINGS				-8,000	-8,000	8,000		
55	63262N	AIRCRAFT SURVIVABILITY AND VULNERABILITY	13,905		13,905		13,905			13,905
56	63306N	ADVANCED A/L AIR-TO-SURFACE MISSILE SYS								
57	63318N	ADVANCED SURFACE-TO-AIR MISSILE	18,029		18,029		18,029			18,029
58	63319N	NATO AAW SYSTEMS								
59	63320N	LOW COST ANTI-RADIATION SEEKER								
60	63321N	ADVANCED AIR-TO-AIR MISSILE (AAAM)								
61	63382N	BATTLE GROUP AAW COORDINATION								
62	63502N	SURFACE MINE COUNTERMEASURES	44,473		44,473		44,473			44,473
63	63504N	ADVANCED SUBMARINE ASW DEVELOPMENT	33,810		33,810		33,810			33,810
64	63506N	SURFACE SHIP TORPEDO DEFENSE	28,479		28,479		28,479			28,479
65	63512N	SHIPBOARD AVIATION SYSTEMS	18,079		18,079		18,079			18,079
66	63513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	31,843		31,843		31,843			31,843
67	63514N	SHIP COMBAT SURVIVABILITY	23,676		23,676		23,676			23,676
68	63522N	SUBMARINE ARCTIC WARFARE SUPPORT EQUIP	4,153		4,153		4,153			4,153

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
69	63525N	PILOT FISH	36,676		36,676		36,676			36,676
70	63528N	NON-ACOUSTIC ANTI-SUB WARFARE	12,983		12,983		12,983			12,983
71	63529N	ADVANCED ASW TARGET	16,499		16,499		16,499			16,499
72	63536N	RETRACT JUNIPER	48,725		48,725		48,725		24,900	73,625
73	63542N	RADIOLOGICAL CONTROL	3,795		3,795		3,795			3,795
74	63553N	SURFACE ASW	70,194		70,194		70,194			70,194
75	63561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	154,967	-60,000	94,967		154,967	-60,000	-22,200	132,767
75a		EMERGENCY MAIN BALLAST TANK SYSTEM				2,000	2,000	-2,000		
76	63562N	SUBMARINE TACTICAL WARFARE SYSTEMS	7,349		7,349		7,349			7,349
77	63564N	SHIP DEVELOPMENT	11,945		11,945		11,945			11,945
77a		SEALIFT SHIP TECHNOLOGY PROGRAM				13,400	13,400	-13,400	13,400	13,400
78	63570N	ADVANCED NUCLEAR POWER SYSTEMS	88,709		88,709		88,709			88,709
79	63573N	ELECTRIC DRIVE	99,177		99,177		99,177		-15,393	83,784
80	63576N	CHALK EAGLE	86,796		86,796		86,796			86,796
81	63582N	COMBAT SYSTEM INTEGRATION	10,139		10,139		10,139			10,139
82	63591N	JOINT ADVANCED SYSTEMS	106,783		106,783	46,000	152,783	-46,000	46,000	152,783
83	63601N	MINE DEVELOPMENT	632		632		632			632
84	63609N	CONVENTIONAL MUNITIONS	62,317	-10,000	52,317		62,317	-10,000	-10,000	52,317
85	63610N	ADVANCED WARHEAD DEVELOPMENT (MK-50)	9,205		9,205		9,205			9,205
86	63611M	MARINE CORPS ASSAULT VEHICLES	82,126	-26,500	55,626	-26,500	55,626		-26,500	55,626
87	63612M	MARINE CORPS MINE/COUNTERMEASURES SYS -	3,607		3,607		3,607			3,607
88	63634N	TACTICAL NUCLEAR DEVELOPMENT	7,948		7,948		7,948			7,948
89	63635M	MARINE CORPS GROUND COMBAT/SUPPORT SYS	10,421		10,421	13,000	23,421	-13,000		10,421
89a		LIGHTWEIGHT 155MM HOWITZER				13,100	13,100	-13,100	13,100	13,100
90	63654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	9,519		9,519		9,519			9,519
91	63656N	ADVANCED MINOR CALIBER GUN	3,836		3,836		3,836			3,836
92	63691N	MK 48 ADCAP - ADV DEV	29,553		29,553		29,553			29,553
93	63702N	OCEAN ENGINEERING SYSTEMS DEVELOPMENT	1,340		1,340		1,340			1,340
94	63704N	ASW OCEANOGRAPHY	8,748		8,748		8,748			8,748
95	63708N	ASW SIGNAL PROCESSING	29,474		29,474		29,474			29,474
96	63709N	ADVANCED MARINE BIOLOGICAL SYSTEM	4,731	-4,731			4,731	-4,731		4,731
97	63711N	FLEET TACTICAL DEVELOPMENT AND EVALUATIO	5,628		5,628		5,628			5,628
98	63713N	OCEAN ENGINEERING TECHNOLOGY DEVELOP	12,589		12,589		12,589			12,589
99	63717N	COMMAND AND CONTROL SYSTEMS	6,165		6,165		6,165			6,165
100	63724N	NAVY ENERGY PROGRAM	5,359		5,359		5,359			5,359

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
101	63725N	FACILITIES IMPROVEMENT	1,594		1,594		1,594			1,594
102	63726N	MERCHANT SHIP NAVAL AUGMENTATION PROG	1,843		1,843		1,843			1,843
103	63729M	MARINE CORPS COMBAT SERVICES SUPPORT								
104	63734N	CHALK CORAL	65,054		65,054		65,054			65,054
105	63737N	LINK HAZEL	24,525		24,525		24,525			24,525
106	63740N	LINK LAUREL								
107	63746N	RETRACT MAPLE	151,112		151,112		151,112			151,112
108	63748N	LINK PLUMERIA	21,044	-6,285	14,759	-5,565	15,479	-720	-5,565	15,479
109	63750N	CHALK WEED	2,729		2,729		2,729			2,729
110	63751N	RETRACT ELM	173,010	-59,000	114,010	-35,000	138,010	-24,000	-35,000	138,010
111	63752N	CHALK POINSETTIA	6,256		6,256		6,256			6,256
112	63755N	SHIP SELF DEFENSE	160,408		160,408	28,000	188,408	-28,000	17,600	178,008
113	63763N	WARFARE SYSTEMS ARCHITECTURE & ENGINEER	8,324		8,324		8,324			8,324
114	63785N	ASW ENVIRONMENTAL ACOUSTIC SUPPORT	17,831		17,831		17,831			17,831
115	63787N	SPECIAL PROCESSES	33,853		33,853		33,853			33,853
116	63795N	GUN WEAPON SYSTEM TECHNOLOGY	7,935		7,935		7,935			7,935
116a		SHORE FIRE SUPPORT COEA				4,000	4,000	-4,000		
117	64203N	STANDARD AVIONICS DEVELOPMENT	11,994		11,994		11,994			11,994
118	64211N	IFF SYSTEM DEVELOPMENT	16,905	-5,000	11,905		16,905	-5,000		16,905
119	64212N	LAMPS	31,840		31,840		31,840			31,840
120	64213N	HELICOPTER DEVELOPMENT	15,117	-9,702	5,415	-9,702	5,415			15,117
121	64214N	AV-8B AIRCRAFT - ENG DEV	11,053		11,053		11,053			11,053
122	64215N	SUPPORT EQUIPMENT	18,488		18,488		18,488			18,488
123	64217N	S-3 WEAPON SYSTEM IMPROVEMENT	1,154		1,154		1,154			1,154
124	64218N	AIR/OCEAN EQUIPMENT ENGINEERING	2,926		2,926		2,926			2,926
125	64219N	AIRBORNE ASW DEVELOPMENTS	40,709	-39,209	1,500		40,709	-39,209		40,709
126	64221N	P-3 MODERNIZATION PROGRAM	35,473	90,000	125,473		35,473	90,000		35,473
127	64233N	ATA/AX	165,583	575,000	740,583	-115,583	50,000	690,583		165,583
128	64260N	C/MH-53E	12,456		12,456		12,456			12,456
129	64261N	ACOUSTIC SEARCH SENSORS	47,530		47,530		47,530		-13,800	33,730
130	64262N	V-22A		755,000	755,000	755,000	755,000		755,000	755,000
131	64264N	AIR CREW SYSTEMS DEVELOPMENT	18,246	3,700	21,946		18,246	3,700	3,700	21,946
132	64265N	AIR LAUNCHED SATURATION SYSTEM (ALSS)								
133	64268N	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	65,973		65,973		65,973			65,973
134	64270N	EW DEVELOPMENT	136,903	-25,000	111,903		136,903	-25,000	-10,676	126,227

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
135	64301N	MK 92 FIRE CONTROL SYSTEM UPGRADE	1,941		1,941		1,941			1,941
136	64303N	AEGIS AREA AIR DEFENSE	7,278		7,278		7,278			7,278
137	64307N	AEGIS COMBAT SYSTEM ENGINEERING	89,902		89,902	-28,896	61,006	28,896		89,902
138	64314N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	2,875		2,875		2,875			2,875
139	64358N	CLOSE-IN WEAPON SYSTEM (PHALANX)	9,013		9,013		9,013			9,013
140	64361N	NATO SEA SPARROW	6,299		6,299	5,000	11,299	-5,000		6,299
141	64366N	STANDARD MISSILE IMPROVEMENTS	34,940		34,940		34,940			34,940
142	64367N	TOMAHAWK - THEATER MISSION PLANNING CENT	3,712		3,712		3,712			3,712
143	64369N	5" ROLLING AIRFRAME MISSILE				10,000	10,000	-10,000	10,000	10,000
144	64370N	SSN-688 CLASS VERTICAL LAUNCH SYSTEM								
145	64372N	NEW THREAT UPGRADE	6,166		6,166		6,166			6,166
146	64373N	NON-ACOUSTIC MINE DETECTION							22,800	22,800
147	64502N	SUBMARINE COMMUNICATIONS	15,950		15,950		15,950			15,950
148	64503N	SUBMARINE SONAR DEVELOPMENT	37,312		37,312		37,312			37,312
149	64504N	AIR CONTROL	14,499		14,499		14,499			14,499
150	64506N	CHEMICAL WARFARE COUNTERMEASURES	5,944		5,944		5,944			5,944
151	64507N	NAVY STANDARD SIGNAL PROCESSORS	15,300		15,300		15,300			15,300
152	64508N	RADAR SURVEILLANCE EQUIPMENT	8,198		8,198		8,198			8,198
153	64515N	SUBMARINE SUPPORT EQUIPMENT PROGRAM	22,951		22,951		22,951			22,951
154	64516N	SHIP SURVIVABILITY	5,494		5,494		5,494			5,494
155	64518N	COMBAT INFORMATION CENTER CONVERSION	18,719		18,719		18,719			18,719
156	64524N	SUBMARINE COMBAT SYSTEM								
157	64559N	DEEP SUBMERGENCE TECHNOLOGY	21,085		21,085		21,085			21,085
158	64561N	SSN-21 DEVELOPMENTS								
159	64562N	SUBMARINE TACTICAL WARFARE SYSTEM	65,382		65,382		65,382			65,382
160	64567N	SHIP SUBSYSTEM DEVELOP/LAND BASED TEST S	34,224		34,224		34,224			34,224
161	64574N	NAVY TACTICAL COMPUTER RESOURCES	36,518		36,518		36,518			36,518
162	64601N	MINE DEVELOPMENT	8,399		8,399		8,399			8,399
163	64602N	NAVAL GUNNERY IMPROVEMENTS	5,281		5,281		5,281			5,281
164	64603N	UNGUIDED CONVENTIONAL AIR-LAUNCHED WPNS	10,291	-10,291			10,291	-10,291		10,291
165	64608N	SURFACE ELECTRO-OPTIC SYSTEM								
166	64609N	BOMB FUZE IMPROVEMENT								
167	64610N	MK 50 TORPEDO								
168	64612M	MARINE CORPS MINE COUNTERMEASURES SYS -	2,971		2,971		2,971			2,971
169	64618N	JOINT DIRECT ATTACK MUNITION	26,541	-15,000	11,541		26,541	-15,000	-5,000	21,541

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
170	64654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	5,986		5,986		5,986			5,986
171	64656M	MARINE CORPS ASSAULT VEHICLES - ENG DEV		14,700	14,700	14,700	14,700		14,700	14,700
172	64657M	MARINE CORPS GROUND COMBAT/SUPPORTING A								
173	64704N	ASW OCEANOGRAPHIC EQUIPMENT	1,209		1,209		1,209			1,209
174	64707N	THEATER MISSION PLANNING CENTER	2,874		2,874		2,874			2,874
175	64710N	NAVY ENERGY PROGRAM	4,026		4,026		4,026			4,026
176	64713N	SURFACE ASW SYSTEM IMPROVEMENT								
177	64714N	AIR WARFARE TRAINING DEVICES	2,119		2,119		2,119			2,119
178	64715N	SURFACE WARFARE TRAINING DEVICES	3,100		3,100		3,100			3,100
179	64717M	MARINE CORPS COMBAT SERVICES SUPPORT	249		249		249			249
180	64718M	MARINE CORPS INTEL/ELECTRONICS WARFARE S	806		806		806			806
181	64719M	MARINE CORPS COMMAND/CONTROL/COMM SYS	12,147		12,147		12,147			12,147
182	64727N	JOINT STANDOFF WEAPON SYSTEMS	66,910		66,910		66,910			66,910
183	64761N	INTELLIGENCE	1,965		1,965		1,965			1,965
184	64771N	MEDICAL DEVELOPMENTS							4,113	4,113
185	64780M	JINTACCS MARINE CORPS	995		995		995			995
186	64784N	FIXED DISTRIBUTED SYSTEM - ENG	154,486	-104,486	50,000		154,486	-104,486		154,486
186a		ADVANCED DEPLOYABLE SYSTEM				14,000	14,000	-14,000	14,000	14,000
187	65803N	ELECTROMAGNETIC EFFECTS & SPECTRUM CONTR	3,715		3,715		3,715			3,715
188	65867N	C2 SURVEILLANCE/RECONNAISSANCE SUPPORT	14,032		14,032		14,032			14,032
189	24134N	A-6 SQUADRONS	7,901		7,901		7,901			7,901
190	24136N	F/A-18 SQUADRONS	1,133,589	-535,000	598,589	-190,000	943,589	-345,000	-190,000	943,589
191	24152N	E-2 SQUADRONS	6,656		6,656		6,656			6,656
192	24154N	SEA-BASED ELECTRONIC WARFARE SQUADRONS								
193	24163N	FLEET TELECOMMUNICATIONS (TACTICAL)	23,984		23,984		23,984			23,984
194	24229N	SURFACE COMBATANT ORDNANCE - TOMAHAWK	25,450	5,000	30,450	15,000	40,450	-10,000	5,000	30,450
195	24311N	UNDERSEA SURVEILLANCE SYSTEMS	71,269		71,269		71,269			71,269
196	24313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	21,381		21,381		21,381			21,381
197	24413N	AMPHIBIOUS TACTICAL SUPPORT UNITS	3,551		3,551		3,551			3,551
198	24571N	SPECIAL PROJECTS	21,059		21,059		21,059			21,059
199	25604N	TACTICAL INFORMATION SYSTEM	58,230		58,230		58,230			58,230
200	25620N	ASW COMBAT SYSTEMS INTEGRATION	19,555		19,555		19,555			19,555
201	25633N	AIRCRAFT EQUIPMENT RELIABILITY/MAINT PRO	1,918		1,918		1,918			1,918
202	25667N	F-14 UPGRADE	101,228		101,228		101,228			101,228
203	25670N	TACTICAL INTELLIGENCE PROCESSING	2,506		2,506		2,506			2,506

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204	25675N	OPERATIONAL REACTOR DEVELOPMENT	57,834		57,834		57,834			57,834
205	26313M	MARINE CORPS TELECOMMUNICATIONS	4,189		4,189		4,189			4,189
206	26623M	MARINE CORPS GROUND COMBAT/SUPPORTING AR	20,445		20,445		20,445			20,445
206a		MARINE ENHANCEMENT PROGRAM				12,000	12,000	-12,000	12,000	12,000
206b		LAV-AD				9,400	9,400	-9,400	9,400	9,400
206c		RAAM				2,000	2,000	-2,000	2,000	2,000
207	26624M	MARINE CORPS COMBAT SERVICES SUPPORT	554		554		554			554
208	26625M	MARINE CORPS INTEL/ELECTRONICS WARFARE S	22,838	2,000	24,838	3,000	25,838	-1,000	3,000	25,838
209	26626M	MARINE CORPS COMMAND/CONTROL/COMM SYS	13,435		13,435		13,435			13,435
210	27316N	TACIT RAINBOW								
211	28010M	JOINT TACTICAL COMM PROGRAM (TRI-TAC)	849		849		849			849
212	64230N	WARFARE SUPPORT SYSTEM	2,344		2,344		2,344			2,344
213	64231N	TACTICAL COMMAND SYSTEM	24,943		24,943		24,943			24,943
214	64514N	NAVIGATION SYSTEMS	2,897		2,897		2,897			2,897
215	64577N	EHF SATCOM	27,369		27,369		27,369			27,369
216	64721N	BATTLE GROUP PASSIVE HORIZON EXTENSION S	7,200		7,200		7,200			7,200
217	64777N	NAVSTAR GPS	52,379		52,379		52,379			52,379
218	65866N	NAVY COMMAND AND CONTROL PLAN & DEVELOP	3,033		3,033		3,033			3,033
219	31327N	TECHNICAL RECONNAISSANCE AND SURVEILL	[ ]	[-6,255]		[-6,300]			[-4,300]	
220	33109N	SATELLITE COMMUNICATIONS	29,188		29,188		29,188			29,188
221	33401N	COMMUNICATIONS SECURITY (COMSEC)	[ ]							
222	33603N	MILSTAR SATELLITE COMMUNICATIONS SYSTEM	2,371		2,371		2,371			2,371
223	34111N	SPECIAL ACTIVITIES	[ ]	[-63,000]		[-125,000]			[-87,000]	
		LASER COMMUNICATIONS								
999		INTEL & COMMUNICATIONS CLASSIFIED	649,894	-69,255	580,639	-131,300	518,594	62,045	-91,300	558,594
224	63721N	ENVIRONMENTAL PROTECTION	29,212		29,212	20,000	49,212	-20,000		29,212
225	64208N	RANGE INSTRUMENTATION SYSTEMS DEV (RISD)	9,190		9,190		9,190			9,190
226	64255N	ELECTRONIC WARFARE SIMULATOR DEVELOP	30,608		30,608	-10,000	20,608	10,000		30,608
227	64258N	TARGET SYSTEMS DEVELOPMENT	40,036		40,036	-10,000	30,036	10,000	-10,000	30,036
228	64703N	PERSONNEL, TRAINING, SIMULATION, AND HUM	1,137		1,137		1,137			1,137
229	65151M	STUDIES AND ANALYSIS SUPPORT - MC	1,958		1,958		1,958			1,958
230	65152N	STUDIES AND ANALYSIS SUPPORT - NAVY	5,680		5,680		5,680		111	5,791
231	65154N	CENTER FOR NAVAL ANALYSES	43,178		43,178		43,178			43,178
232	65155N	FLEET TACTICAL DEVELOPMENT AND EVALUATIO	7,797	-2,000	5,797	-3,000	4,797	1,000	-2,000	5,797
233	65156M	MARINE CORPS OPERATIONAL TEST AND EVAL	1,803		1,803		1,803			1,803

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234	65502N	SMALL BUSINESS INNOVATIVE RESEARCH								
235	65804N	TECHNICAL INFORMATION SERVICES	14,619		14,619	-3,000	11,619	3,000	-3,000	11,619
236	65853N	MANAGEMENT AND TECHNICAL SUPPORT	12,747		12,747		12,747			12,747
237	65857N	INTERNATIONAL RDT&E	1,427		1,427		1,427			1,427
238	65861N	RDT&E SCIENCE AND TECHNOLOGY MANGT	54,357		54,357		54,357		7,990	62,347
239	65862N	RDT&E INSTRUMENTATION MODERNIZATION	15,500		15,500		15,500		3,139	18,639
240	65863N	RDT&E SHIP AND AIRCRAFT SUPPORT	108,555	-5,000	103,555		108,555	-5,000	-5,000	103,555
241	65864N	TEST AND EVALUATION SUPPORT	353,226	-18,000	335,226		353,226	-18,000	-18,000	335,226
242	65865N	OPERATIONAL TEST AND EVALUATION CAPABILI	9,159		9,159		9,159			9,159
243	65871M	MARINE CORPS TACT EXPLOITATION OF NATL C	1,254		1,254		1,254			1,254
244	65872N	PRODUCTIVITY INVESTMENTS	416		416		416			416
245	25658N	LABORATORY FLEET SUPPORT	7,821		7,821		7,821			7,821
246	35111N	WEATHER SERVICE	777		777		777			777
247	35160N	DEFENSE METEOROLOGICAL SATELLITE PROG	17,598		17,598		17,598			17,598
248	78011N	INDUSTRIAL PREPAREDNESS	45,384	-30,384	15,000	-45,384		15,000	-45,384	
248a	68011N	MANUFACTURING TECHNOLOGY DEVELOPMENT		80,384	80,384			80,384	119,250	119,250
248b		MANUFACTURING TECHNOLOGY INITIATIVE				108,400	108,400	-108,400		
		PURCHASES FROM DBOF				-733	-733	733	-733	-733
		INFLATION ADJUSTMENT							-16,000	-16,000
		EXCESS INVENTORY							-362	-362
		TRAVEL				-1,110	-1,110	1,110	-1,110	-1,110
		REAL PROPERTY MAINTENANCE - RDT&E							41,000	41,000
		TOTAL RDT&E NAVY	8,517,778	284,518	8,802,296	404,027	8,921,805	-119,509	466,939	8,984,717

Navy defense research sciences

The amended budget request included $457.4 million for Navy defense research sciences.

The House bill would reduce the requested amount by $45.0 million.

The Senate amendment would reduce the requested amount by $50.0 million.

The conferees recommend $412.4 million for Navy defense research sciences, including $5.0 million for the innovative adaptive optics program.

Arctic Ocean data collection

The House report (H. Rept. 102–527) included a recommendation that $3.0 million of the funds requested for the Navy's defense research sciences program (program element 601153N) be used to support preparation for and operation of a submarine in the Arctic Ocean for a dedicated science cruise on a trial basis.

The Senate report (S. Rept. 102–352) contained no similar recommendation.

The conferees agree that learning more about the Arctic Ocean and its influences on the global ecosystem is an important objective. The conferees direct the Navy to provide $3.0 million from within Navy research and development funds to support this important activity.

Anti-air/anti-surface warfare technology

The amended budget request included $86.9 million for anti-air/anti-surface warfare technology.

The House bill would reduce the requested amount by $15.0 million.

The Senate amendment would reduce the requested amount by $10.0 million.

The Senate recedes. The conferees direct that none of the funds authorized for program element 602111 be used to develop a prototype infra-red search and track device for use on surface ships. The conferees believe that any such development effort should be a part of the Navy ship self-defense or surface infra-red search and track programs.

Air systems advanced technology development

The amended budget request included $20.1 million for air systems advanced technology development.

The House bill would add $10.1 million to the amended budget request for integrated system advanced development and related activity for an advanced anti-radiation guided missile capability that has evolved from a small business innovative research program.

The Senate amendment would authorize the amended budget request.

The Senate recedes.

Global surveillance/undersea superiority technology demonstration program

The amended budget request included a major science and technology initiative focused on the development and demonstration of advanced technologies. The Defense Department grouped these technologies into seven major areas or "thrusts", each having the goal of providing quicker solutions to urgent operational needs. Within these technology thrusts, the amended budget request included $50.0 million for global surveillance/air defense/precision strike (program element 603238N) and $100.0 million for undersea superiority technology demonstration (program element 603555N).

In July 1992, the Department of Defense provided the congressional defense committees a description of the Department's science and technology strategy. This report outlined the seven science and technology thrusts, but provided no details on current or future funding requirements.

The House bill would authorize only $25.0 million for global surveillance/air defense/precision strike and $50.0 million for the undersea superiority technology demonstration. The House report (H. Rept. 102–527) expressed concern about the size of the requested funding levels and the lack of a clear understanding of the direction, management, and funding requirements for each of the technology thrusts.

The Senate amendment would authorize the amounts in the amended budget request, but would transfer $14.0 million of the undersea superiority technology demonstration request to a separate program element for advanced deployable systems.

The conferees recommend $25.0 million for global surveillance/air defense/precision strike, $58.0 million for the undersea superiority technology demonstration, and $14.0 million for advanced deployable systems.

The conferees share the concern expressed in the House report. Some individual demonstration projects appear to duplicate projects found in other program elements, while other projects appear to be of lower priority. Although the conferees echo the House report's endorsement of the concept of the technology initiatives, a declining budget requires prudent review of the program by Congress from the program's inception.

The conferees endorse the requirement of the House report that the Department submit comprehensive report on each of the initiatives with the amended budget request for fiscal year 1994/1995.

Advanced technology transition

The amended budget request included $84.7 million for the Navy's advanced technology transition program.

The House bill would authorize only $69.7 million for the program.

The Senate amendment would add $5.0 million to the request to conduct an at-sea demonstration and evaluation of magnetohydrodynamic (MHD) propulsion.

The conferees recommend an authorization of $74.7 million for the advanced technology transition program. The conferees note that this amount provides a 20 percent increase over the fiscal year 1992 program. Coupled with the amount recommended for global surveillance and undersea superiority technology demonstration programs, the Navy's advanced technology demonstration program would increase by 138 percent in fiscal year 1993. The total Navy advanced technology development program would increase by 55 percent.

The conferees believe that MHD propulsion holds promise for both military and commercial applications. The conferees also believe that the Navy should capitalize on the progress in this technology demonstrated in the DARPA advanced submarine technology program. The conferees direct the Navy to use $5.0 million of these funds to conduct an at-sea demonstration and evaluation of MHD propulsion.

SSBN security technology program

The amended budget request contained $72.6 million for SSBN security technology.

The House bill would authorize $54.6 million, a reduction of $18.0 million.

The Senate amendment would authorize the requested amount.

The House recedes. Additional program guidance and direction is contained in the classified annex to this statement of the managers.

T–45 training system

The amended budget request contained $32.0 million to continue development of the T–45 trainer system. The budget request also contained $255.7 million to procure 12 aircraft and $47.7 million in advance procurement for fiscal year 1994.

The House bill would authorize the requested funds.

The Senate amendment would authorize the requested procurement funds. The Senate amendment would also add $25.0 million to continue qualification of an alternative engine for the T–45. This would be in addition to the funds provided for that purpose in fiscal year 1992.

The conferees recommend an authorization of $225.7 million in procurement in fiscal year 1993, and $47.7 million in advance procurement for fiscal year 1994. The conferees also recommend an authorization of $57.0 million in research and development and concur in the directions contained in the Senate report (S. Rept. 102–352). The conferees insist that the Navy fully budget the cost to incorporate the so-called "cockpit 21" at the earliest practical date and to retrofit that configuration to the entire fleet. The conferees also support continuing the effort begun last year to qualify a second engine to provide for price competition in the T–45 program. The conferees understand that this action will have no adverse impact on the current T–45 program schedule.

Airborne mine countermeasures

The amended budget request included $18.7 million for airborne mine countermeasures and $10.6 million for shallow water mine countermeasures demonstrations.

The House bill would authorize the requested amount.

The Senate amendment would provide additional funding of $27.0 million for building engineering development models of the magic lantern mine detection systems.

The House recedes with an amendment that would provide $4.2 million in program element 603782N to complete Navy testing and other actions leading to a fiscal year 1993 milestone II decision on the magic lantern program and $23.1 million in program element 604373N for engineering and manufacturing systems development (EMD) of magic lantern. The conferees agree on the potential for the magic lantern (ML 90) technology as a near-term improvement in Navy mine countermeasures and the need to continue accelerated development and operational testing of that technology with the objective of achieving the earliest possible initial operational capability.

The conferees are disturbed by several aspects of the Navy's management of the magic lantern program. The Navy did not request funds for magic lantern EMD in the fiscal year 1993 amended budget request. The Navy only recently informed one of the congressional defense committees of a funding shortfall needed to complete the fiscal year 1993 evaluation of the advanced development model. These actions appear to reflect the Navy leadership's lack of commitment to evaluating what was shown in the Persian Gulf war to be a promising technology. The conferees direct the Secretary of the Navy to provide increased management attention to the magic lantern program to prevent a recurrence of this situation.

The conferees further direct that the results of the Navy's operational testing of the advanced development model and the status of the Navy's milestone II decision be provided to the congressional defense committees by August 1, 1993. The conferees direct the Navy to obligate no funds for engineering and manufacturing systems development of magic lantern until this report has been delivered.

Advanced submarine systems development

The amended budget request included $155.0 million for advanced submarine system development.

The House bill would authorize only $95.0 million for this purpose.

The Senate amendment would authorize the requested amount.

The conferees recommend $133.0 million for the program. The conferees note that this amount will fully fund the request for Centurion program efforts, including submarine design, a cost and operational effectiveness analysis, and Centurion-unique advanced technology development. The amount would also support advanced development of other technologies desired for the first flight of Centurion submarines. The conferees believe that the Navy must place priority on efforts supporting the first flight and must assign lower priority to those efforts affecting later flights.

Of the amount recommended, the conferees also agree to recommend $2.0 million to continue development of a submarine emergency main ballast tank blow system which uses solid propellant gas generators.

Conventional munitions

The amended budget request included $62.3 million to continue the Navy's conventional munitions advanced development program.

The House bill would recommend an authorization of only $52.3 million.

The Senate amendment would authorize the requested amount.

The Senate recedes. The conferees note that the budget request for this program element increases approximately 50 percent over the amount authorized in fiscal year 1992. The conferees believe that the Navy must focus the program on its high priority efforts within the funding authorized and would expect the Navy to fully fund the missile homing improvement program in accordance with the Navy's emphasis on that program.

Short range antitank weapon (SRAW)

The amended budget request included $8.1 million to develop the short-range antitank weapon (SRAW).

The House bill would approve the requested amount.

The Senate amendment would authorize an additional $13.0 million to accelerate development of SRAW. The Senate report (S. Rept. 102-352) directed the Army to participate with the Marine Corps in the SRAW program. The report also directed the Army to apply all funds remaining in the multipurpose individual munitions (MPIM) program to develop a general-purpose warhead for SRAW that would allow SRAW to neutralize bunkers.

The Senate recedes.

The conferees are encouraged with the progress of the SRAW. This balanced technology initiative (BTI) program has demonstrated accuracy and range performance exceeding requirements in several successful flight tests.

The current warhead design for SRAW is intended primarily to defeat main battle tanks at close range (out of 500 meters). The conferees believe that an alternative general purpose warhead could be developed to provide a capability against other battlefield targets, such as bunkers. The conferees encourage the Army and the Marine Corps to cooperate on such an effort through sharing warhead technology to facilitate development of an alternative general purpose warhead for the SRAW.

The conferees also believe that the SRAW may have application with the Army, if the weapon can achieve its goals for weight and cost.

Lightweight 155mm howitzer

The amended budget request included no funds for the lightweight 155mm howitzer program.

The Senate amendment would authorize $13.1 million to conduct competitive field operational and firing tests between two different prototypes of a lightweight 155mm howitzer.

The House bill contained no similar authorization.

The conferees reemphasize the views expressed in the statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102-190) on completing a joint evaluation of a lightweight 155mm howitzer system. The statement of the managers expressed the belief that the Defense Department:

needed to improve range, accuracy, and tactical mobility for field artillery cannon and rocket systems;

should give priority to completing a joint Army/Marine Corps evaluation of competing lightweight 155mm howitzer system concepts; and

should begin a joint Army/Marine Corps program to meet their requirements for an advanced, lightweight, towed 155mm cannon system.

The conferees recommend $13.1 million for the lightweight 155mm howitzer program. The conferees understand that Army and Marine Corps agreement on an operational requirements document (ORD) for the lightweight 155mm howitzer is a necessary condition for establishing a joint program and evaluating competing system prototypes. Therefore, the conferees direct the Department of Defense not to obligate any of these funds until the Department publishes an ORD and establishes a joint Army/Marine Corps program for the lightweight 155mm howitzer system.

Advanced marine biological system

The amended budget request included $4.7 million to continue the advanced marine biological system advanced development program.

The House bill would provide no funding for the program.

The Senate amendment would authorize the requested amount.

The House recedes.

The conferees note that the amended budget request for fiscal year 1992 proposed a sharp reduction that would have virtually terminated the advanced marine biological system program. The Congress ultimately restored the program by authorizing and appropriating funds for it.

The conferees agree that the Navy has not provided a clear picture either of the Navy's long term objectives or its funding requirements for this program. The conferees direct the Secretary of the Navy to submit a report on the program to the congressional defense committees with the budget request for fiscal years 1994/1995. That report should provide a program plan for the advanced marine biological system program that includes:

a discussion of the program objectives;

a description of technology barriers that must be overcome;

a plan to overcome them, including a detailed program schedule; and

a display of the annual funding requirements through the period of the Future Year Defense Program.

Ship self defense

The amended budget request included $160.4 million to improve the capability of ships to defend themselves against aircraft and missile attack.

The House bill would authorize the requested amount.

The Senate amendment would add $43.0 million for various ship self defense improvements, including Sea Sparrow missile improvements and an infrared (IR) seeker upgrade for the 5" rolling airframe missile (RAM).

The conferees recommend an addition $17.6 million for ship self defense and $10.0 million for 5" RAM, to be allocated as follows:

Program	*Millions*
Quick reaction combat capability (QRCC)	+10.8
Surface ship infrared sensor	+4.8
NULKA decoy testing	+2.0
IR mode upgrade for RAM	+10.0
Total	+27.6

Additional funds for the quick reaction combat capability (QRCC) project would permit the Navy to maintain the schedule for conducting an at-sea test in fiscal years 1993 and 1994. The conferees recommend an increase $10.8 million to the budget request to maintain the schedule for the QRCC at-sea test. These additional funds would also allow the Navy to develop and demonstrate the first phase of the ship self defense system (SSDS), called the "MK I" system. The conferees believe that the Navy should complete this demonstration before proceeding with the determination of requirements for later phases of the SSDS program.

The conferees recommend an additional $4.8 million for investigating surface ship IR sensor integration. These funds would permit the Navy to resolve questions about requirements, such as field of view, scan rate, false alarm rate, and weight reduction, by conducting at-sea testing. The conferees prefer that the Navy prototype and test more than one IR device after completion of the planned cost and operational effectiveness analysis (COEA). A greater emphasis on developmental testing would yield a better technology demonstration program. The conferees believe that spending funds now for acquisition planning would be premature.

The U.S. Navy is nearing completion of the cooperative development of NULKA with Australia. While the Navy has no plans, at present, to deploy the NULKA due to cost and weight considerations, the conferees agree that the concept of NULKA may have the potential to be a highly effective ship self defense adjunct. Therefore, the conferees recommend $2.0 million for the Navy to evaluate alternative deployment concepts seeking to resolve weight and affordability limitations.

The conferees note that although the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) added $5.0 million to continue development of an IR mode upgrade for RAM, the Navy requested no funds to continue the program in the fiscal year 1993 amended budget request. The Navy has indicated that funds had not been requested because of uncertainties in the program. Nevertheless, the Navy stated that the RAM IR mode upgrade was critical to its long-term effectiveness against high speed, low flying missiles. The conferees recognize the potential for the IR upgrade to improve ship self defense, but are concerned about the Navy's commitment to development of the RAM IR upgrade and potential development and procurement costs.

Therefore, the conferees recommend $10.0 million for continuation of the IR mode seeker upgrade program. The conferees di-

rect that none of these funds be obligated until the Navy:

informs the congressional defense committees that the program has been brought under the guidelines of the DOD 5000 series of regulations; and

provides a report to the congressional defense committees which delineates the program plan, schedule, and costs through the period of the Future Year Defense Program.

The conferees are concerned that the Navy has not yet provided a long-term projection on the cost of the ship self defense program and direct that no later than February 28, 1993, the Secretary of the Navy submit to the congressional defense committees an updated report on Navy anti-air warfare programs, including the ship self defense program, that details the program objectives, plan, schedule, and funding requirements through the period of the Future Year Defense Program.

Shore fire support analysis

The amended budget request contained no funds specifically identified for improving naval surface fire support (NSFS).

The Senate amendment recommended $4.0 million for support of a thorough cost and operational effectiveness analysis (COEA) by the Department of the Navy of alternatives for ship-to-shore fire support of amphibious and strike operations.

The House bill contained no similar authorization.

The conferees have reviewed with great interest the Secretary of the Navy's report on NSFS, submitted in response to the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190). The Secretary's report indicates that:

NSFS plays a critical role in amphibious assault operations from over-the-horizon and close range;

the Navy has an acute NSFS deficiency today in supporting these operations;

an NSFS improvement program will be an initiative in the amended budget request for fiscal years 1994/1995, with research and development funding beginning in fiscal year 1995; and

a COEA on the NSFS program will play an essential role in determining the direction for the program.

The Senate recedes. The conferees believe that every effort should be made to complete the NSFS COEA in fiscal year 1993. The conferees strongly encourage the Navy to reprogram those funds necessary to accelerate the program and complete the COEA in fiscal year 1993. The conferees also urge the Navy to include funds in the budget request for fiscal years 1994/1995 to initiate a robust NSFS research and development program based on the results of the COEA.

Helicopter development

The amended budget request included $9.7 million to develop a medium lift replacement (MLR) helicopter.

Neither the House bill nor the Senate amendment would authorize any funds for this purpose.

The Secretary of Defense recently announced that he would proceed with developing the V–22 tiltrotor aircraft *and* a helicopter-based alternative for the MLR mission. The conferees agree that the appropriate way to allow the Secretary to pursue his "dual track" approach would be to authorize the $9.7 million requested for MLR development. The conferees direct that these funds be used only for concept exploration and definition of competing helicopter alternatives.

Airborne antisubmarine warfare (ASW) development

The amended budget request included $40.7 million to continue development of the airborne low frequency sonar (ALFS).

The House bill would authorize $1.5 million to be used only to analyze the current operational requirement for the sonar.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees are aware that the ALFS contract award was protested to the General Accounting Office. With the reduction in the Soviet submarine threat and the increased importance of ASW support for regional operations, the conferees believe that the Secretary of Defense should direct more attention to the Navy's ALFS program. The Secretary should assess the capability and cost of the ALFS system and other alternatives that may meet the Navy's operational requirement for the system.

The conferees direct the Secretary of Defense to report the results of this assessment by March 30, 1993. The conferees direct the Navy not to obligate more than 50 percent of fiscal year 1993 funds provided for ALFS development until the Secretary of Defense provides this report to the congressional defense committees.

Electronic warfare development

The amended budget request included $136.9 million to continue various projects under the Navy's electronic warfare development program.

The House bill would recommend an authorization of only $111.9 million.

The Senate amendment would authorize the requested amount.

The conferees recommend an authorization of $126.3 million. The request included $7.5 million for the airborne self protection jammer (ASPJ). While the conferees direct that none of these funds be used for further development of ASPJ, they recognize that research and development-related obligations may still require a portion of this $7.5 million during the termination of ASPJ. Additionally, the conferees are aware that a replacement for ASPJ remains an important priority for naval aviation. They therefore direct that any balance remaining within this account, after settlement of termination be used toward the reconstruction of a viable and effective jammer development program.

AEGIS combat system engineering

The amended budget request included $89.9 million for AEGIS combat system engineering. This amount included $28.9 million for an upgrade to the AEGIS radar, known as the engineering development model 4B (EDM–4B).

The House bill would authorize the requested amount.

The Senate amendment would authorize $61.0 million, and provide no funds for EDM–4B. This reduction was based on information that the Navy had no plans to produce EDM–4B.

The Senate recedes.

The conferees recommend the requested amount for the AEGIS combat system engineering program. The conferees also direct the Secretary of the Navy not to obligate more than 50 percent of the EDM–4B funds until he submits a report to the congressional defense committees detailing the following information:

An estimate of the threat from anti-ship missiles;

The estimated cost and schedule for development and testing of EDM–4B, and the estimated procurement costs, by year, to add EDM–4B to future DDG–51 destroyers; and

The Navy's plan for fielding EDM–4B, as well as other ship self defense systems (including sensors and weapons).

Advanced rocket system

The amended budget request contained $10.291 million to continue development of an advanced rocket system for use by the Marine Corps.

The House bill would terminate the program because of lack of Service coordination and program redundancy in 2.75 inch rocket programs within DOD.

The Senate amendment would authorize the requested funds.

The conferees recommend an authorization of $10.291 million. The conferees understand that the Navy, Army, and Air Force have entered into a memorandum of agreement that would provide for the joint development and acquisition of a 2.75-inch rocket system. This effort will entail a joint cost and operational effectiveness analysis (COEA), a joint hypervelocity evaluation and a joint rocket management consolidation plan. The conferees direct that copies of these three documents be provided to the congressional defense committees within 30 days of their completion.

Fixed distributed system

The amended budget request included $154.5 million to continue engineering and manufacturing development of the fixed distributed system (FDS).

The House bill would authorize only $50.0 million for the FDS program.

The Senate amendment would authorize the requested amount, but would provide $14.0 million for a separate program element for advanced deployable systems (ADS).

The conferees recommend $154.5 million for the FDS program, but direct the Defense Department to use at least $27.5 million of these funds for research and development on deployable systems. The conferees also agree to establish a separate program element for ADS and provide $14.0 million for that program.

The conferees reiterate the concern expressed in the House report (H. Rept. 102–527) about the relative emphasis the Navy is placing on fixed and deployable surveillance systems. To deal with heightened emphasis on regional conflicts and changes in the antisubmarine warfare threat, the Navy should emphasize the development of quick response systems for rapidly developing regional crises. The conferees agree that the Department should place a higher priority on development of ADS systems capable of rapid or covert deployment in shallow water.

The conferees expect the Secretary of the Navy to submit the revised program for development of the ADS and the revised antisubmarine master plan to the congressional defense committees with the submission of the budget request for fiscal years 1994/1995, as requested in the House report.

Tomahawk baseline improvement program

The amended budget request included $25.4 million to continue development of the so-called "block III" upgrade and associated shipboard systems of the Tomahawk land attack missile.

The House bill recommended an additional authorization of $5.0 million in fiscal year 1993 to initiate a program for a long range cruise missile engine technology upgrade for the Tomahawk system that would contribute to system mid-life upgrades, improved system performance, and reduced system life-cycle maintenance costs.

The Senate amendment recommended an additional authorization of $15.0 million for improvements in Tomahawk guidance and targeting capability and engine efficiency.

The conferees recommend an additional $5.0 million to start Tomahawk engine midlife upgrades. The conferees also encourage the Navy to begin improvements in Tomahawk guidance and mission planning capabilities. These technology initiatives will directly support a Tomahawk baseline improvement program, which the Navy expects to request in the budget request for fiscal years 1994/1995.

Marine Corps ground combat systems

The Senate amendment would add $9.4 million to continue evaluation of a replacement for the Hydra-70 rocket system on the light armored vehicle-air defense (LAV-AD) system.

The House bill contained no similar authorization.

The conferees recommend an additional $9.4 million for the LAV-AD program. The conferees also agree that the Marine Corps should use the increased funding to finish operational testing of the LAV-AD, evaluate potential replacements for the Hydra-70 rocket system, and complete other actions required to begin procurement of the system in fiscal year 1994.

Navy manufacturing technology

The amended budget request included $45.4 million for Navy manufacturing technology.

The House bill would add $50.0 million to the requested amount.

The Senate amendment would add $63.0 million to the requested amount.

The conferees recommend a total authorization of $119.3 million to include the Navy's basic RAMP integration and test facility program as described in the Senate report (S. Rept. 102-352) and the adaption of the RAMP program at the Philadelphia Naval Shipyard as described in the House report (H. Rept. 102-527).

Blood substitutes/advanced transfusable blood

The House report (H. Rept. 102-527) noted the importance of blood substitutes research and recommended that the Secretary of Defense raise the priority of this important research.

The Senate report (S. Rept. 102-352) contained no similar recommendation.

The conferees concur with the House recommendation and direct the Secretary of Defense to coordinate the Department's research program with the research activities of the American Red Cross.

RESEARCH AND DEVELOPMENT, AIR FORCE

Overview

The amended budget request for fiscal year 1993 contained an authorization of $14,532.4 million for Air Force research, development, test, and evaluation. The House bill would authorize $14,242.1 million. The Senate amendment would authorize $14,070.7 million. The conferees recommend authorization of $14,230.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL AF								
1	61101F	IN-HOUSE LABORATORY INDEPENDENT RESRCH	9,806		9,806		9,806			9,806
2	61102F	DEFENSE RESEARCH SCIENCES	237,414	-8,500	228,914		237,414	-8,500		237,414
3	62101F	GEOPHYSICS	42,456	-5,000	37,456		42,456	-5,000	-900	41,556
4	62102F	MATERIALS	84,779	-10,000	74,779	-4,125	80,654	-5,875	-4,125	80,654
5	62201F	AEROSPACE FLIGHT DYNAMICS	73,928	-5,000	68,928	-2,000	71,928	-3,000	-5,000	68,928
6	62202F	HUMAN SYSTEMS TECHNOLOGY	66,199	-10,000	56,199	-4,495	61,704	-5,505	-4,495	61,704
7	62203F	AEROSPACE PROPULSION	85,420	2,000	87,420		85,420	2,000	-11,000	74,420
7a		SPACE NUCLEAR PROPULSION							10,000	10,000
8	62204F	AEROSPACE AVIONICS	105,497	-10,000	95,497	-6,000	99,497	-4,000	-10,000	95,497
9	62205F	PERSONNEL, TRAINING AND SIMULATION	32,777	15,000	47,777		32,777	15,000		32,777
10	62206F	CIVIL ENGINEERING AND ENVIRONMENTAL QUAL	11,773		11,773	2,495	14,268	-2,495		11,773
11	62302F	ROCKET PROPULSION AND ASTRONAUTICS TECH	42,160	-5,000	37,160	-3,000	39,160	-2,000	-5,000	37,160
12	62601F	ADVANCED WEAPONS	43,493	-10,000	33,493		43,493	-10,000	-5,000	38,493
13	62602F	CONVENTIONAL MUNITIONS	67,407	-15,000	52,407	-10,000	57,407	-5,000	-15,000	52,407
		NATURAL GAS VEHICLES								
		GENERAL REDUCTION								
14	62702F	COMMAND CONTROL AND COMMUNICATIONS	115,319	-10,000	105,319	-5,000	110,319	-5,000	-22,800	92,519
15	63106F	LOGISTICS SYSTEMS TECHNOLOGY	14,985		14,985	2,936	17,921	-2,936		14,985
16	63109F	INEWS/ICNIA								
17	63112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	17,835		17,835		17,835			17,835
18	63202F	AEROSPACE PROPULSION SUBSYSTEMS INTEG	29,169		29,169		29,169			29,169
19	63203F	ADVANCED AVIONICS FOR AEROSPACE VEHICLES	51,617		51,617	-10,000	41,617	10,000	-10,000	41,617
20	63205F	AEROSPACE VEHICLE TECHNOLOGY	16,329		16,329	-3,000	13,329	3,000	-3,000	13,329
21	63211F	AEROSPACE STRUCTURES	19,147		19,147		19,147			19,147
22	63216F	AEROSPACE PROPULSION AND POWER TECH	40,790		40,790		40,790			40,790
23	63227F	PERSONNEL, TRAINING AND SIMULATION TECH	9,589		9,589		9,589			9,589
24	63231F	CREW SYSTEMS AND PERSONNEL PROTECT TECH	18,049	1,100	19,149		18,049	1,100	1,100	19,149
25	63238F	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISIO	25,000	-12,500	12,500		25,000	-12,500	-12,500	12,500
26	63245F	ADVANCED FIGHTER TECHNOLOGY INTEGRATION	18,735		18,735		18,735			18,735
27	63250F	LINCOLN LABORATORY	26,686		26,686		26,686			26,686
28	63253F	ADVANCED AVIONICS INTEGRATION	24,676		24,676		24,676			24,676
29	63269F	NATIONAL AERO SPACE PLANE TECH PROG	175,489		175,489	-175,489		175,489	-25,489	150,000
30	63270F	EW TECHNOLOGY	32,781		32,781		32,781			32,781
31	63302F	SPACE AND MISSILE ROCKET PROPULSION	15,516		15,516		15,516			15,516

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
32	63311F	ADVANCED STRATEGIC MISSILE SYSTEMS	66,608	-2,000	64,608		66,608	-2,000		66,608
33	63363F	ARMAMENT TECHNOLOGY INTEGRATION								
34	63401F	ADVANCED SPACECRAFT TECHNOLOGY	36,205		36,205	-10,000	26,205	10,000	-10,000	26,205
35	63410F	SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS	4,182		4,182		4,182			4,182
36	63428F	SPACE SURVEILLANCE TECHNOLOGY	24,801		24,801		24,801		-19,301	5,500
37	63601F	CONVENTIONAL WEAPONS	39,330		39,330		39,330			39,330
38	63605F	ADVANCED WEAPONS TECHNOLOGY	54,837	-21,796	33,041		54,837	-21,796		54,837
39	63707F	WEATHER SYSTEMS - ADV DEV	5,282		5,282		5,282			5,282
40	63723F	CIVIL AND ENVIRONMENTAL ENGINEERING TECH	11,284		11,284	6,800	18,084	-6,800		11,284
41	63726F	C3I SUBSYSTEM INTEGRATION	13,450		13,450		13,450		-4,000	9,450
42	63728F	ADVANCED COMPUTER TECHNOLOGY	11,138		11,138		11,138			11,138
43	63789F	C3 ADVANCED DEVELOPMENT	9,808		9,808		9,808			9,808
		GENERAL REDUCTION								
44	65896F	BASE OPERATIONS - RDT&E	4,810		4,810		4,810			4,810
45	63105F	OLYMPIC	[ ]							
46	63110F	SPECIAL EVALUATION PROGRAM	[ ]	[-35,000]						
47	63111F	MERIDIAN	[ ]							
48	63311F	ADVANCED STRATEGIC MISSILE SYSTEMS								
49	63425F	ADVANCED WARNING SYSTEM								
50	63428F	SPACE SURVEILLANCE TECHNOLOGY								
51	64226F	B-1B	90,691		90,691	-66,400	24,291	66,400	-4,300	86,391
52	64240F	B-2 ADVANCED TECHNOLOGY BOMBER	1,261,384		1,261,384		1,261,384			1,261,384
53	64244F	SHORT RANGE ATTACK MISSILE II (SRAM II)								
54	64312F	ICBM MODERNIZATION	54,913		54,913		54,913			54,913
55	64711F	SYSTEMS SURVIVABILITY (NUCLEAR EFFECTS)	6,400		6,400		6,400			6,400
56	11113F	B-52 SQUADRONS	13,300	15,000	28,300		13,300	15,000	15,000	28,300
57	11120F	ADVANCED CRUISE MISSILE	82,300	-61,100	21,200	-82,300		21,200	-61,100	21,200
58	11142F	KC-135 SQUADRONS	16,700		16,700		16,700			16,700
59	11213F	MINUTEMAN SQUADRONS	28,700		28,700		28,700			28,700
60	11312F	PACCS AND WWABNCP SYSTEM EC-135 CLASS V	2,100		2,100		2,100			2,100
61	11313F	WAR PLANNING ADP - SAC	7,500		7,500		7,500			7,500
62	11815F	ADVANCED STRATEGIC PROGRAMS	[ ]	[25,000]					[25,000]	
63	12310F	NCMC - TW/AA SYSTEMS								
64	12325F	JOINT SURVEILLANCE SYSTEM	4,900		4,900		4,900			4,900
65	12411F	SURVEILLANCE RADAR STATIONS/SITES	8,400		8,400		8,400			8,400

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
66	12412F	DISTANT EARLY WARNING (DEW) RADAR STATIO	2,600		2,600		2,600			2,600
67	12417F	OVER-THE-HORIZON BACKSCATTER RADAR								
68	12423F	BALLISTIC MISSILE EARLY WARNING SYS (BME								
69	12424F	SPACETRACK								
70	12431F	DEFENSE SUPPORT PROGRAM								
71	12432F	SLBM RADAR WARNING SYSTEM								
72	12433F	NUDET DETECTION SYSTEM								
73	12830F	CLASSIFIED PROGRAM	[ ]							
74	12831F	CLASSIFIED PROGRAM	[ ]							
75	33131F	MIN ESSENTIAL EMERG COMM NETWORK (MEECN)	10,700		10,700	5,000	15,700	-5,000		10,700
76	33152F	WWMCCS INFORMATION SYSTEM								
77	33601F	MILSTAR SAT COMM SYSTEM (AF TERMINALS)	1,261,896		1,261,896	-21,500	1,240,396	21,500	-21,500	1,240,396
78	33603F	MILSTAR SATELLITE COMMUNICATIONS SYSTEM								
79	35124F	SPECIAL APPLICATIONS PROGRAM	[ ]			[-53,000]			[-43,000]	
80	35145F	ARMS CONTROL IMPLEMENTATION	4,512		4,512		4,512			4,512
81	35892F	SPECIAL ANALYSIS ACTIVITIES	[ ]							
82	35905F	IMPROVED SPACE BASED TW/AA	251,222		251,222	-45,000	206,222	45,000		251,222
83	35906F	NCMC - TW/AA SYSTEMS	160,300		160,300		160,300			160,300
84	35909F	BALLISTIC MISSILE EARLY WARNING SYSTEM	7,100		7,100		7,100			7,100
85	35910F	SPACETRACK	53,100	-14,900	38,200	39,500	92,600	-54,400	50,400	103,500
86	35911F	SPACE PROGRAMS	57,719		57,719		57,719			57,719
87	35912F	SLBM RADAR WARNING SYSTEMS	1,000		1,000		1,000			1,000
88	35913F	NUDET DETECTION SYSTEM	5,200		5,200		5,200			5,200
89	41216F	AIRLIFT MISSION ACTIVITIES (NON-IF)	6,800		6,800		6,800			6,800
997		STRATEGIC CLASSIFIED	399,200	-10,000	389,200	-53,000	346,200	43,000	-18,000	381,200
90	003107F	TECHNICAL EVALUATION SYSTEM	[ ]							
91	63230F	ADVANCED TACTICAL FIGHTER								
92	63260F	INTELLIGENCE ADVANCED DEVELOPMENT	7,600		7,600		7,600			7,600
93	63307F	AIR BASE OPERABILITY ADVANCED DEVELOPMEN	3,700		3,700		3,700			3,700
94	63617F	COMMAND, CONTROL, AND COMM APPLICATIONS	4,100		4,100		4,100			4,100
95	63714F	DOD PHYSICAL SECURITY EQUIPMENT-EXTERIOR	600		600		600			600
96	63742F	COMBAT IDENTIFICATION TECHNOLOGY	19,100		19,100		19,100			19,100
97	63801F	SPECIAL PROGRAMS	[ ]							
98	64201F	AIRCRAFT AVIONICS EQUIPMENT DEVELOPMENT	16,000		16,000		16,000			16,000
99	64212F	AIRCRAFT EQUIPMENT DEVELOPMENT	4,000		4,000		4,000			4,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
100	64218F	ENGINE MODEL DERIVATIVE PROGRAM (EMDP)	1,000	3,000	4,000		1,000	3,000		1,000
101	64222F	NUCLEAR WEAPONS SUPPORT	5,626		5,626		5,626			5,626
102	64223F	ALTERNATE FIGHTER ENGINE								
103	64231F	C-17 PROGRAM	210,000		210,000	-29,200	180,800	29,200		210,000
104	64233F	SPECIALIZED UNDERGRAD PILOT TRAIN (SUPT)	4,700		4,700		4,700			4,700
105	64237F	VARIABLE STABILITY IN-FLIGHT SIMULATOR T	2,200		2,200		2,200			2,200
106	64239F	ADVANCED TACTICAL FIGHTER FSD	2,224,268	-200,000	2,024,268		2,224,268	-200,000		2,224,268
107	64242F	ADVANCED TACTICAL AIRCRAFT	2,000		2,000		2,000			2,000
108	64245F	SHORT RANGE ATTACK MISSILE-TACT (SRAM-T)								
109	64247F	MODULAR AUTOMATIC TEST EQUIPMENT								
110	64249F	NIGHT/PRECISION ATTACK	26,900		26,900		26,900			26,900
111	64250F	INTEGRATED EW/CNI DEVELOPMENT								
112	64268F	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	111,720		111,720		111,720			111,720
113	64270F	EW DEVELOPMENT	158,500	-49,500	109,000	-59,600	98,900	10,100		158,500
114	64321F	JOINT TACTICAL FUSION PROGRAM	[ ]							
115	64327F	HARDENED TARGET MUNITIONS	5,700		5,700		5,700			5,700
116	64601F	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT	15,200	1,300	16,500		15,200	1,300	1,300	16,500
117	64602F	ARMAMENT/ORDNANCE DEVELOPMENT	6,200		6,200		6,200			6,200
118	64604F	SUBMUNITIONS	7,500		7,500		7,500			7,500
119	64607F	WIDE-AREA, ANTI-ARMOR MUNITIONS								
120	64617F	AIR BASE OPERABILITY	14,400		14,400		14,400			14,400
121	64618F	JOINT DIRECT ATTACK MUNITION	33,300		33,300		33,300			33,300
122	64703F	AEROMEDICAL SYSTEMS DEVELOPMENT	4,200		4,200		4,200		2,753	6,953
123	64704F	COMMON SUPPORT EQUIPMENT DEVELOPMENT	9,400		9,400		9,400			9,400
124	64706F	LIFE SUPPORT SYSTEMS	12,830		12,830		12,830			12,830
125	64708F	CIVIL, FIRE, ENVIRON, SHELTER ENGINEER	2,662		2,662		2,662			2,662
126	64727F	JOINT STANDOFF WEAPONS SYSTEMS	5,800		5,800		5,800			5,800
127	64733F	SURFACE DEFENSE SUPPRESSION	8,200		8,200		8,200			8,200
128	64740F	COMPUTER RESOURCES MANAGEMENT TECH	8,900		8,900		8,900			8,900
129	64750F	INTELLIGENCE EQUIPMENT	3,000		3,000		3,000			3,000
130	64754F	JOINT TACTICAL INFORMATION DIST SYS (JTI	16,500		16,500		16,500			16,500
131	64756F	SIDE LOOKING AIRBORNE RADAR	4,100		4,100		4,100			4,100
132	64770F	JOINT SURVEILLANCE/TARGET ATTACK RADAR S	355,900		355,900		355,900			355,900
133	64779F	JINTACCS	7,100		7,100		7,100			7,100
134	27129F	F-111 SQUADRONS	29,200		29,200		29,200			29,200

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
135	27130F	F-15A/B/C/D SQUADRONS	3,300		3,300		3,300			3,300
136	27131F	A-10 SQUADRONS								
137	27133F	F-16 SQUADRONS	183,800		183,800	-25,100	158,700	25,100	-66,000	117,800
138	27134F	F-15E SQUADRONS	54,000		54,000		54,000			54,000
139	27136F	MANNED DESTRUCTIVE SUPPRESSION	8,800		8,800		8,800			8,800
140	27137F	CONSTANT HELP	[ ]							
141	27141F	F-117A SQUADRONS	1,300	31,000	32,300		1,300	31,000		1,300
142	27161F	TACTICAL AIM MISSILES	34,600		34,600		34,600		-34,600	
143	27162F	TACTICAL AGM MISSILES								
144	27163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	35,400		35,400		35,400			35,400
145	27169F	SEEK CLOCK	[ ]							
146	27215F	TR-1 SQUADRON								
147	27217F	FOLLOW-ON TACTICAL RECONNAISSANCE SYS	55,600	35,500	91,100	-40,300	15,300	75,800	7,000	62,600
147a		FOTARS PRIOR YEAR SAVINGS				-30,500	-30,500	30,500		
147b		FOTARS COMPETITION				50,000	50,000	-50,000		
148	27247F	AF TENCAP	700		700		700			700
149	27248F	SPECIAL TACTICAL UNIT DETACHMENTS	[ ]							
150	27316F	TACIT RAINBOW		10,000	10,000			10,000		
151	27411F	OVERSEAS AIR WEAPON CONTROL SYSTEM								
152	27412F	TACTICAL AIR CONTROL SYSTEMS	24,100		24,100		24,100			24,100
153	27417F	AIRBORNE WARNING AND CONTROL SYS (AWACS)	130,900		130,900		130,900			130,900
154	27419F	TACTICAL AIRBORNE COMMAND & CONTROL SYS	6,300		6,300		6,300			6,300
155	27423F	ADVANCED COMMUNICATIONS SYSTEMS	500		500		500			500
156	27424F	COPPER COAST	[ ]							
157	27431F	TACTICAL AIR INTELLIGENCE SYSTEM ACTIVIT								
158	27433F	TACTICAL IMPROVEMENT PROGRAM	[ ]							
159	27579F	ADVANCED SYSTEMS IMPROVEMENTS	[ ]							
160	27590F	SEEK EAGLE	31,000		31,000		31,000			31,000
161	27591F	OMEGA	[ ]							
162	28006F	MISSION PLANNING SYSTEMS	15,400		15,400		15,400			15,400
163	28010F	JOINT TACTICAL COMM PROG (TRI-TAC)	12,700		12,700		12,700			12,700
164	28021F	ELECTRONIC COMBAT SUPPORT	2,200		2,200		2,200			2,200
165	28042F	HAVE FLAG	[ ]			[46,000]			[46,000]	
166	33605F	SATELLITE COMMUNICATIONS TERMINALS	4,000		4,000		4,000			4,000
167	35137F	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	7,100		7,100		7,100			7,100

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
168	35142F	CENTENNIAL	[ ]	[-65,000]						
169	35158F	CONSTANT SOURCE	7,500		7,500		7,500			7,500
170	35887F	ELECTRONIC COMBAT INTELLIGENCE SUPPORT	1,900		1,900		1,900			1,900
171	41316F	SENIOR CITIZEN	[ ]			[3,300]				
172	41840F	MAC COMMAND AND CONTROL SYSTEM	11,400		11,400		11,400			11,400
173	44011F	SPECIAL OPERATIONS FORCES	2,000		2,000		2,000			2,000
998		TACTICAL CLASSIFIED	801,800	-65,000	736,800	49,300	851,100	-114,300	49,300	851,100
174	31305F	INTELLIGENCE PRODUCTION ACTIVITIES	[ ]	[5,000]						
175	31310F	FOREIGN TECHNOLOGY DIVISION	[ ]			[8,000]				
176	31314F	INFRARED/E-O/DIRECTED ENERGY PROCESSING	[ ]	[2,217]						
177	31315F	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]	[-24,857]		[-2,400]			[-24,857]	
178	31317F	SENIOR YEAR OPERATIONS	[ ]							
179	31324F	FOREST GREEN	[ ]						[-1,500]	
180	31339F	INTEL TELECOM & DEFENSE SPECIAL SECURITY	[ ]							
181	31257F	NUDET DETECTION SYSTEM	[ ]							
182	33110F	DEFENSE SATELLITE COMMUNICATIONS SYSTEM	15,300		15,300		15,300			15,300
183	33126F	LONG-HAUL COMMUNICATIONS (DCS)	3,400		3,400		3,400			3,400
184	33144F	ELECTROMAG COMPATIBILITY ANALYSIS CENTER	10,159		10,159		10,159			10,159
185	33401F	COMMUNICATIONS SECURITY (COMSEC) CLASSIFIED PROGRAM	[ ]							
186	34111F	SPECIAL ACTIVITIES	[ ]	[202,300]		[131,400]			[59,800]	
187	35114F	TRACALS	12,800		12,800		12,800			12,800
188	35159F	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[ ]							
189	35164F	NAVSTAR GLOBAL POSITIONING SYS (USER EQ)	21,700		21,700		21,700			21,700
190	35165F	NAVSTAR GPS (SPACE AND CONTROL SEGMENTS)	59,845		59,845		59,845			59,845
999		INTEL & COMMUNICATIONS CLASSIFIED	2,395,354	184,660	2,580,014	137,000	2,532,354	47,660	33,443	2,428,797
191	63402F	SPACE TEST PROGRAM	53,700		53,700		53,700			53,700
192	63438F	SATELLITE SYSTEMS SURVIVABILITY	3,300		3,300		3,300			3,300
193	64211F	ADVANCED AERIAL TARGET DEVELOPMENT	21,900		21,900		21,900			21,900
194	64227F	TRAINING SYSTEMS DEVELOPMENT	37,224		37,224		37,224			37,224
195	64243F	MANPOWER, PERSONNEL AND TRAINING DEVELOP	3,300		3,300		3,300			3,300
196	64408F	ADVANCED LAUNCH SYSTEM	125,000	-51,000	74,000	-40,000	85,000	-11,000	-40,000	85,000
197	64609F	R&M MATURATION/TECHNOLOGY INSERTION	22,992		22,992		22,992			22,992
198	64707F	WEATHER SYSTEMS - ENG DEV	7,000		7,000		7,000			7,000
199	64735F	RANGE IMPROVEMENT	69,772		69,772	-10,000	59,772	10,000		69,772

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
200	64747F	ELECTROMAGNETIC RADIATION TEST FACILITIE	4,678		4,678		4,678			4,678
201	64755F	IMPROVED CAPABILITY FOR DEVELOPMENT TEST	54,100		54,100		54,100			54,100
202	65101F	PROJECT AIR FORCE	23,100		23,100		23,100			23,100
203	65306F	RANCH HAND II EPIDEMIOLOGY STUDY							9,460	9,460
204	65502F	SMALL BUSINESS INNOVATIVE RESEARCH								
205	65708F	NAVIGATION/RADAR/SLED TRACK TEST SUPPORT	27,279		27,279		27,279			27,279
206	65712F	INITIAL OPERATIONAL TEST & EVALUATION	27,172		27,172		27,172			27,172
207	65807F	TEST AND EVALUATION SUPPORT	423,826	-25,000	398,826		423,826	-25,000	-25,000	398,826
208	65808F	DEVELOPMENT PLANNING	20,603		20,603		20,603		-6,603	14,000
209	65809F	DYCOMS								
210	65856F	ENVIRONMENTAL COMPLIANCE	12,373		12,373		12,373			12,373
211	65863F	RDT&E AIRCRAFT SUPPORT	45,300		45,300		45,300			45,300
212	65876F	MINOR CONSTRUCTION (RPM) - RDT&E	842		842		842			842
213	65878F	MAINTENANCE AND REPAIR (RPM) - RDT&E	12,200		12,200		12,200			12,200
214	65894F	REAL PROPERTY MAINTENANCE - RDT&E							42,502	42,502
215	65896F	BASE OPERATIONS - RDT&E	123,300	-20,000	103,300	-50,000	73,300	30,000	-20,000	103,300
216	35110F	SATELLITE CONTROL NETWORK	104,300		104,300		104,300			104,300
217	35119F	MEDIUM LAUNCH VEHICLES	41,800		41,800		41,800			41,800
218	35130F	CONSOLIDATED SPACE OPERATIONS CENTER								
219	35138F	UPPER STAGE SPACE VEHICLES	42,700	-38,552	4,148	-28,552	14,148	-10,000	-38,552	4,148
220	35144F	TITAN SPACE LAUNCH VEHICLES	142,800		142,800		142,800			142,800
221	35160F	DEFENSE METEOROLOGICAL SATELLITE PROG	23,300		23,300		23,300			23,300
222	35171F	SPACE SHUTTLE OPERATIONS								
223	71112F	INVENTORY CONTROL POINT OPERATIONS	1,200		1,200		1,200			1,200
224	72207F	DEPOT MAINTENANCE (NON-IF)	2,900		2,900		2,900			2,900
225	78011F	INDUSTRIAL PREPAREDNESS	73,370	-50,000	23,370	-73,370		23,370	-50,000	23,370
225a	68011F	MANUFACTURING TECHNOLOGY DEVELOPMENT		103,500	103,500			103,500	115,000	115,000
225b		MANUFACTURING TECHNOLOGY INITIATIVE				146,200	146,200	-146,200		
226	78012F	LOGISTICS SUPPORT ACTIVITIES	6,171		6,171		6,171			6,171
227	78026F	PRODUCTIVITY, RELIABILITY, AVAILABILITY,	23,689		23,689		23,689			23,689
228	91218F	CIVILIAN COMPENSATION PROGRAM	5,300		5,300		5,300			5,300
229	1001004F	INTERNATIONAL ACTIVITIES	3,727		3,727		3,727			3,727
229a		DOMESTIC ACTIVITIES		17,500	17,500			17,500	17,500	17,500
		AFMC CALS								
		ADVANCED OPTICAL SYSTEM								

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		EXCIMER LASER								
		SPECIAL TECHNICAL PROJECTS								
		PURCHASES FROM DBOF				-7,844	-7,844	7,844	-7,844	-7,844
		EXCESS INVENTORIES							-3,878	-3,878
		CIVILIAN PERSONNEL BENEFITS							1,000	1,000
		INFLATION ADJUSTMENT							-27,000	-27,000
		EXCESS PERSONNEL COSTS							-59,346	-59,346
		TRAVEL				-5,100	-5,100	5,100	-5,100	-5,100
		TOTAL RDT&E AIR FORCE	14,532,375	-290,288	14,242,087	-461,644	14,070,731	171,356	-300,675	14,231,700

Defense research sciences

The amended budget request included $237.4 million for defense research sciences.

The House bill reduced the requested amount by $8.5 million.

The Senate amendment would authorize the requested amount.

The conferees recommend $237.4 million for defense research sciences, including $1.0 million for micro-mechanical machining and $10.5 million for seismic research as outlined in the House and Senate reports (H. Rept. 102–527 and S. Rept. 102–352).

Materials technology

The amended budget request included $84.8 million for materials technology, program element 602102F.

The House bill would reduce the requested amount by $10.0 million.

The Senate amendment would reduce the requested amount by $4.1 million.

The House recedes.

The conferees agree that of the funds authorized for materials research, $4.7 million shall be utilized for microencapsulated phase change materials. Because of the wide range of applicability of this research in the technology base, the Air Force is authorized to transfer the $4.7 million to another program element if such a transfer were appropriate to structure an efficient research program.

Global surveillance/air defense/precision strike

The amended budget request contained $25.0 million for the Air Force to pursue various programs under the global surveillance/air defense/precision strike technical "thrust" area.

The House bill would authorize only $12.5 million.

The Senate amendment would authorize the requested funds.

The conferees share the concern of the House that there is no clear philosophy informing Air Force plans and that the current program represents little more than a shopping list. The conferees believe it would be imprudent to provide funds as requested, and recommend an authorization of $12.5 million for fiscal year 1993. The conferees expect the Air Force to develop more realistic plans in this area in future budget submissions.

Space surveillance technology

The amended budget request contained $24.8 million for development of space surveillance technology by the Air Force.

The House bill would authorize the requested amount. The House report (H. Rept. 102–527) also expressed support for the Have Gaze program and required a report from the Secretary of the Air Force on plans to move this technology forward.

The Senate amendment also would authorize the requested amount. The Senate report (S. Rept. 102–352) argued that further analysis is required to compare this technology with other related efforts. The Senate report also required a report from the Secretary on when Have Gaze technology will be ready to proceed to an airborne test bed and flight demonstration.

The conferees agree to authorize $5.5 million for the Have Gaze program and direct the Secretary of the Air Force to provide a report to the congressional defense committees not later than March 31, 1993 on any plans to move this technology forward, including an assessment of when it could be expected to proceed to an airborne test-bed and flight demonstration. The report also should incorporate the results of the independent technical review of the technology required in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190). If the independent review is favorable and DOD desires to initiate an airborne test bed in fiscal year 1993, the Committees on Armed Services of the Senate and House of Representatives would consider a reprogramming request.

Extremely high frequency communications

The amended budget request contained substantial funds for RDT&E and procurement of extremely high frequency (EHF) satellite communications terminals for the Army, Navy, and Air Force.

The House bill would authorize the requested amounts.

The Senate amendment would adjust the requested amounts to reflect the availability of prior year funds.

The House recedes.

The conferees agree to reduce the request for fiscal year 1993 Navy EHF terminal procurement by $13.5 million; and Air Force EHF terminal procurement by $8.0 million. A similar reduction to the Army's satellite terminal RDT&E program is described elsewhere in this statement of the managers.

In addition, the conferees direct the Air Force to select only one contractor to complete procurement of the command post terminal program. This downselect competition, along with reduced procurement quantities, will result in savings of $121.5 million in fiscal year 1993. Accordingly, the conferees authorize a total of $82.0 million for Milstar terminal procurement in the Air Force.

The conferees also endorse the concerns expressed in the Senate report (S. Rept. 102–352) about plans of the Strategic Defense Initiative Organization (SDIO) to develop its own EHF communications payload and unique waveform for strategic defense applications.

Advanced very low frequency receiver

The amended budget request contained $10.7 million for the minimum essential emergency communications network (MEECN) program in the Air Force.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $5.0 million to continue development of the advanced, very low frequency receiver (AVR) system for variety of strategic command and control applications. This program was recently transferred from the B–2 program to the MEECN program without the funding required to sustain the effort. The Senate report (S. Rept. 102–352) also raised concerns about potential problems in assuring communications to the bomber force.

The conferees agree with the Senate position but direct DOD to reprogram funds for this effort from lower priority programs. The conferees urge the Secretary of the Air Force to continue this effort in the fiscal years 1994/1995 budget request.

Follow-on early warning system

The amended budget request contained $251.2 million to continue the demonstration and validation phase of the follow-on early warning satellite system (FEWS).

The House bill would authorize the requested amount.

The Senate amendment would authorize $206.2 million, a reduction of $45.0 million.

The Senate recedes.

The conferees concur with the concerns expressed in the Senate report (S. Rept. 102–352) about the failure of the Defense Department to fully fund the FEWS program in the Future Year Defense Program (FYDP). The conferees are encouraged, however, by recent actions of the Under Secretary of Defense for Acquisition to address this problem, and expect full funding in the fiscal year 1994/1995 budget request.

Spacetrack

The amended budget request contained $53.1 million for the Air Force spacetrack program.

The House bill would authorize $14.9 million less than the requested amount to terminate funding for antisatellite-related battle management development.

The Senate amendment would authorize funding for the effort terminated by the House bill.

The Senate recedes.

The Senate amendment would authorize an additional $39.5 million for the spacetrack program for the advanced electro-optical system.

The House bill contained no similar authorization.

The House recedes.

The Senate amendment would authorize $25.8 million to continue development and testing of the Have Stare radar within the general defense intelligence program (GDIP) account.

The House bill contained no similar authorization.

The House recedes.

The conferees agree to continue funding the Have Stare radar but direct that resource sponsorship for the program be shifted from the GDIP to the tactical intelligence and related activities account in the Air Force. Accordingly, the conferees agree to authorize the Have Stare program in the spacetrack line. Additional guidance on this program is contained in the classified annex to this statement of the managers.

C–17 development

The amended budget request included $210.0 million for continued development of the C–17 airlift aircraft.

The House bill would approve the requested amount.

The Senate amendment would approve $180.8 million, based on information in a reprogramming request that $29.2 million in fiscal year 1993 funds would be excess to requirements for the program.

The Senate recedes. The conferees direct the Air Force to use the $29.2 million to conduct live-fire and realistic survivability testing on major components and subsystems of the C–17.

Follow-on tactical reconnaissance system

The amended budget request contained funds in various accounts to continue the development of the follow-on tactical reconnaissance system (FOTARS).

The House bill would authorize the funds as requested, and would also add $35.5 million to accelerate efforts to correct various problems experienced in the program.

The Senate amendment would terminate the current FOTARS program in light of the problems. The Senate amendment would authorize $15.3 million to develop a technical data package for the FOTARS system, and would authorize $50.0 million to establish a competition on an accelerated basis to select a new developer for the system. The Senate report (S. Rept. 102–352) also criticized the current scope of the program, noting that the Air Force and the Navy had substantially scaled back procurement of reconnaissance pods and ground stations because of cost increases in the program.

The conferees recommend an authorization of $62.6 million in research and development and $18.2 million in procurement. The conferees express their disappointment with the progress and content of the FOTARS pro-

gram, but believe that the best alternative is to proceed with the current program, though with several conditions.

First, the Under Secretary of Defense for Acquisition is directed to report to the Congress if at any point he learns that the FOTARS program has failed to meet the near-term milestones identified to him by the Air Force on September 1, 1992.

Second, not more than 50 percent of the funds appropriated pursuant to this authorization may be obligated until the Secretary of Defense certifies the following:

the Navy has restructured its program to acquire terminals and data links so that data links are procured and made operational on the same schedule as that set for terminals and not later than the initial operational capability of Marine Corps FOTARS capability;

the Chairman of the Joint Chiefs of Staff has polled the major warfighting commanders in chief (the Atlantic, Pacific, Central, European, and Southern Commands) to determine their requirements for ground stations;

the Department has conducted a study of the joint service imagery processing system (JSIPS) capacity required to support the current Defense Guidance;

the Joint Requirements Oversight Council has reviewed the full program and established a baseline to ensure joint participation in the program;

the Future Year Defense Program contains sufficient ground stations to meet the minimum requirements of the Defense Guidance and the warfighting commanders in chief.

Finally, the Air Force shall take such steps as are required to develop a technical data package for the advanced tactical air reconnaissance system (ATARS) program in order to be able to conduct a competition for production not later than the second year of procurement of the program.

National launch system

The amended budget request contained $125.0 million for the DOD portion of the joint DOD-NASA national launch system (NLS) program.

The House bill would authorize $74.0 million. The House report (H. Rept. 102-527) directed the continued development of the new space transportation main engine while NLS requirements were being reviewed.

The Senate amendment would authorize $85.0 million. The Senate report (S. Rept. 102-352) presents arguments for restructuring the NLS program to develop the smallest of the proposed family of vehicles first rather than last. The Senate report also emphasized that the administration has not addressed the implications of the NLS design approach for satellite design and constellation planning.

The House recedes.

The conferees are frustrated by the failure of the administration and Congress to come to grips with the future course of space launch systems. The administration is still attempting to pursue no less than three potentially major launch programs—an aerospace plane, a new booster family, and a nuclear propulsion system—not one of which is fully funded. The administration must prioritize these programs and eliminate—or reduce in scope—those which have no realistic chance of being funded.

The NLS program is said to represent the future of the launch industry. However, of the three NLS variants, the one that would most benefit DOD and the commercial sector is being pursued last, while DOD and the commercial sector have no use for the NLS variant that is being pursued first. Perhaps as a consequence, the launch industry as a whole has not demonstrated much support for the program. The spacecraft community, similarly, appears to have little enthusiasm for the program and has shown little willingness to change its satellite design and operational practices to exploit the putative advantages of the NLS. NASA does not appear to be able to afford to pay half the cost of the NLS and DOD cannot afford to pay more than half. Support in Congress for a substantial NASA contribution to the current program does not appear to exist.

At the same time, study after study within the administration concludes that current U.S. space launch systems and practices are archaic and non-competitive, which could have adverse economic and military consequences in the future.

The conferees urge the administration to establish a coherent NLS program. The conferees believe that the current division of labor between NASA and DOD is not sustainable and that the program itself must be restructured. The conferees direct that not more than half of the funds appropriated to DOD for NLS may be obligated until the Secretary of Defense submits a report to the congressional defense committees that (1) certifies that DOD and NASA have programmed enough funds in their respective future years plans to fully fund NLS; (2) describes in detail a transition plan for NLS for each booster and satellite program, with associated costs; (3) provides total program cost and the respective shares of DOD and NASA; (4) describes DOD and NASA program responsibilities in detail; (5) analyzes the time required for DOD to recoup its investment in an NLS program under an austere mission model; and (6) describes any planned changes in satellite programs and constellations to take advantage of NLS capabilities that could outweigh a strict cost assessment of the NLS program.

The conferees intend to restructure or terminate the NLS program in their review of the fiscal years 1994/1995 budget request if the administration does not develop a coherent program.

Electronics combat integrated test project

The conferees agree to resume the electronic combat integrated test project and authorize use of up to $5.0 million in program element 65807F for the addition of this project's capabilities to the Air Force's Benefield Anechoic Facility at Edwards Air Force Base.

Space nuclear thermal propulsion

The amended budget request contained $38.6 million to continue development of nuclear thermal propulsion technology for a variety of space transportation applications.

The House bill would terminate this program.

The Senate amendment would authorize $10.0 million to continue component technology development at a low level of effort.

The House recedes.

The conferees agree to authorize $10.0 million for technology development in a 6.2 technology base line and continue to share the concerns expressed in both the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352).

Air Force manufacturing technology

The amended budget request included $73.4 million for Air Force manufacturing technology.

The House bill would increase the program by $53.5 million.

The Senate amendment would increase the program by $69.8 million.

The conferees recommend an increase of $65.0 million which would include $5.0 million for the national center for tooling components, $20.0 million for the national center for manufacturing sciences (NCMS), and $1.5 million for the platform for the automated construction of intelligent systems (PACIS) program. The conferees agree that the $20.0 million for NCMS should be provided through a cooperative agreement or contract in lieu of a grant and encourage the Department of the Air Force to require NCMS to obtain matching funds from non-federal sources and to agree on a research plan of mutual interest to the Air Force and to the NCMS private sector members.

The conferees agree that the total authorization of $138.4 million should be divided as follows:

	Millions
Program element 708011F	$23.4
Program element 608011F	115.0

Theater air command and control simulation facility

The amended budget request contained no funds to continue the operation of the theater air command and control simulation facility (TACCSF) by the Air Force. The Defense Department had planned to terminate operation of the facility in fiscal year 1992, but Congress provided additional funds to continue its operation through fiscal year 1992.

While no funds were requested and none were authorized in either the House bill or the Senate amendment, funds were included in the House and Senate defense appropriation bills for fiscal year 1993 for continued operati 0 n of the facility.

The conferees believe that the plans to continue operation of the TACCSF facility are redundant and an unnecessary duplication of a more advanced capability that is being developed under the auspices of the Strategic Defense Initiative. The conferees believe, however, that there is a potential justification for continued operation of the TACCSF facility. Operation Desert Storm demonstrated new potential patterns of command and control of air warfare. New systems like JSTARS became critical elements, while older command and control systems like the airborne command and control centers proved virtually irrelevant. If there is any reason to continue operation of the TACCSF facility, it is to model and simulate this new air warfare command and control environment for purposes of developing and refining operational procedures, especially for joint operations.

Therefore, the conferees direct that any funds appropriated for continued operation of the TACCSF facility may not be expended after April 1, 1993 unless the Secretary of the Air Force certifies by that date that the TACCSF facility does not duplicate the capabilities of the extended air defense test bed, and further certifies that the fiscal year 1994 Future Year Defense Program contains sufficient funds to continue operation of the TACCSF facility throughout the period it covers.

RESEARCH AND DEVELOPMENT, DEFENSE AGENCIES

Overview

The amended budget request for fiscal/year 1993 contained an authorization of $10,053.4 million for Defense Agencies research, development, test, and evaluation. The House bill would authorize $9,629.6 million. The Senate amendment would authorize $10,391.0 million. The conferees recommend authorization of $10,203.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL DEF AG								
1	61101E	DEFENSE RESEARCH SCIENCES	126,078	-10,000	116,078		126,078	-10,000	-10,000	116,078
2	61101W	IN-HOUSE LABORATORY INDEPENDENT RESRCH							4,323	4,323
2a	61101D	IN-HOUSE LABORATORY INDEPENDENT RESRCH		9,275	9,275			9,275		
3	61103D	UNIVERSITY RESEARCH INITIATIVES	99,909	62,000	161,909	10,000	109,909	52,000	89,000	188,909
3a	61102D	DEFENSE RESEARCH SCIENCES		49,032	49,032			49,032		
3b		COMPUTER ASSISTED EDUCATION				15,000	15,000	-15,000		
4	61106D	RESEARCH PROJECTS								
5	61109D	US-JAPAN MANAGEMENT TRAINING				10,000	10,000	-10,000	10,000	10,000
6	61112D	CRITICAL TECHNOLOGY CENTER								
7	62109H	SUPERCONDUCTIVE MAGNETIC ENERGY STORAGE		50,000	50,000			50,000		
8	62222D	COUNTERTERROR TECHNICAL SUPPORT	6,990		6,990	3,010	10,000	-3,010	3,000	9,990
9	62225D	CONCEPT EVALUATION	14,979	-14,979			14,979	-14,979	-14,979	
10	62227D	MEDICAL FREE ELECTRON LASER		20,000	20,000			20,000	20,000	20,000
11	62228D	HISTORICALLY BLACK COLLEGES AND UNIVERS				15,000	15,000	-15,000	15,000	15,000
11a	62223D	MISSION SUPPORT TECHNOLOGY		4,330	4,330	4,330	4,330			
12	62301E	STRATEGIC TECHNOLOGY	377,100	-50,000	327,100		377,100	-50,000	20,000	397,100
13	62702E	TACTICAL TECHNOLOGY	109,300	6,000	115,300		109,300	6,000	-9,108	100,192
14	62707E	PARTICLE BEAM TECHNOLOGY				6,000	6,000	-6,000		
15	62708E	INTEGRATED COMMAND AND CONTROL TECH		75,000	75,000			75,000		
16	62712E	MATERIALS AND ELECTRONICS TECHNOLOGY	71,800	140,000	211,800	60,000	131,800	80,000	91,800	163,600
16a		ADVANCED MATERIALS PARTNERSHIPS				30,000	30,000	-30,000	30,000	30,000
17	62714E	TREATY VERIFICATION								
17a	62XXXE	POST-LAUNCH DESTRUCT TECHNOLOGY		15,000	15,000			15,000	15,000	15,000
18	62715H	DEFENSE NUCLEAR AGENCY	409,957	-50,000	359,957	-37,000	372,957	-13,000	-37,000	372,957
18a	62787D	MEDICAL TECHNOLOGY		107,764	107,764			107,764		
18b	63002D	ADVANCED MEDICAL TECHNOLOGY		36,172	36,172			36,172		
18c	63105D	MEDICAL HIV RESEARCH		3,247	3,247	20,000	20,000	-16,753		
		STRATEGIC DEFENSE INITIATIVE								
19	63214C	SPACE BASED INTERCEPTORS	575,558	-575,558		-225,558	350,000	-350,000	-275,558	300,000
20	63215C	LIMITED DEFENSE SYSTEM	2,134,755		2,134,755	-44,755	2,090,000	44,755	-94,955	2,039,800
21	63216C	THEATER MISSILE DEFENSES	857,725		857,725	139,775	997,500	-139,775	-857,725	
22	63217C	OTHER FOLLOW ON SYSTEMS	849,596	-321,296	528,300	-449,596	400,000	128,300	-549,596	300,000
		SDI GENERAL REDUCTION				-500,000	-500,000	500,000		
23	63218C	RESEARCH AND SUPPORT ACTIVITIES	754,740	-178,020	576,720	-354,740	400,000	176,720	-354,740	400,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		TACTICAL MISSILE DEFENSE INITIATIVE							935,000	935,000
24	63225D	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEV	18,976		18,976	3,024	22,000	-3,024	3,024	22,000
25	63226E	EXPERIMENTAL EVAL OF MAJOR INNOVATIVE TE	270,867	-29,718	241,149	16,000	286,867	-45,718	-20,338	250,529
25a		NATIONAL GUARD/DARPA SIMULATION				20,000	20,000	-20,000	20,000	20,000
25b		NATIONAL GUARD SIMNET CENTER				10,000	10,000	-10,000	10,000	10,000
25c		COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS				50,000	50,000	-50,000	50,000	50,000
25d		DUAL USE EXTENSION ASST PROGRAM				200,000	200,000	-200,000	200,000	200,000
25e		REGIONAL TECHNOLOGY ALLIANCES				100,000	100,000	-100,000	100,000	100,000
25f		CENTER FOR INDUSTRIAL BASE ANALYSIS				5,000	5,000	-5,000	5,000	5,000
25g		UUV TECHNOLOGY				5,000	5,000	-5,000	5,000	5,000
25h		ADVANCED ASW TECHNOLOGY				15,000	15,000	-15,000		
25i		ADVANCED STOVL TECHNOLOGY				5,000	5,000	-5,000		
25j		AUTOMATIC LANDING SYSTEMS				900	900	-900		
25k		CENTER FOR DEFENSE ECONOMIC ADJUSTMENT							2,000	2,000
25l		DEFENSE PROCUREMENT TECHNICAL ASSISTANCE								
26	63227E	RELOCATABLE TARGET DETECTION TECHNOLOGY								
27	63231D	MINIATURE DIAGNOSTIC PROTON ACCELERATOR								
28	63569E	ADVANCED SUBMARINE TECHNOLOGY	57,900	-7,900	50,000		57,900	-7,900		57,900
29	63570E	PRE-COMPETITIVE TECHNOLOGY DEVELOPMENT								
29a		DUAL USE CRITICAL TECHNOLOGY PARTNERSHIPS				100,000	100,000	-100,000	100,000	100,000
30	63704D	SPECIAL TECHNICAL SUPPORT	9,289		9,289		9,289			9,289
31	63706E	MICROWAVE/MILLIMETER WAVE MONOLITHIC INT								
32	63707E	PROTOTYPING OF ADVANCED TECHNOLOGIES &								
33	63715D	AIM-9 CONSOLIDATED PROGRAM								
34	63716D	STRATEGIC ENVIRONMENTAL RESEARCH PROG				200,000	200,000	-200,000	200,000	200,000
35	63717D	EXCIMER LASER TECHNOLOGY				10,000	10,000	-10,000	10,000	10,000
36	63718D	MEDICAL RESEARCH								
37	63719D	FOCUS HOPE		20,000	20,000	20,000	20,000		20,000	20,000
38	63720D	ENVIRONMENT SPECIAL PROJECT								
38a	63722D	MEDICAL DEVELOPMENT (FLEET HOSPITAL)		12,449	12,449			12,449		
39	63736D	COMPUTER AIDED LOGISTICS SUPPORT	11,216		11,216	5,000	16,216	-5,000		11,216
40	63737D	BALANCED TECHNOLOGY INITIATIVE	172,340	-77,000	95,340	4,000	176,340	-81,000	-22,340	150,000
41	63738D	COOPERATIVE DOD/VA MEDICAL RESEARCH		20,000	20,000			20,000	20,000	20,000
42	63739E	MANUFACTURING TECHNOLOGY	255,400	-75,000	180,400	-133,400	122,000	58,400	-128,400	127,000
42a	6XXXXE	SEMATECH		100,000	100,000	100,000	100,000		100,000	100,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
42b		ELECTRONIC MODULE TECHNOLOGY				75,000	75,000	-75,000	75,000	75,000
42c		HIGH DEFINITION DISPLAY SYSTEMS				100,000	100,000	-100,000	100,000	100,000
42d		ADVANCED LITHOGRAPHY				75,000	75,000	-75,000	75,000	75,000
43	63756D	CONSOLIDATED DOD SOFTWARE INITIATIVE	9,019	25,000	34,019	7,500	16,519	17,500	25,000	34,019
43a		HIGH PERFORMANCE COMPUTING MODERNIZATION				43,000	43,000	-43,000	20,000	20,000
44	63756E	CONSOLIDATED DOD SOFTWARE INITIATIVE								
45	64704D	ROCKET MOTOR DEMILITARIZATION PROGRAM	16,859		16,859		16,859			16,859
46	35108K	COMMAND AND CONTROL RESEARCH	1,833		1,833		1,833			1,833
47	72807E	INFRARED FOCAL PLANE, ARRAY								
48	1140011BB	ADVANCED SPECIAL OPERATIONS R&D AND ACQ								
49	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOP	2,940	1,000	3,940		2,940	1,000	1,000	3,940
50	1160402BB	SPECIAL OPERATIONS ADVANCED TECH DEV	14,399		14,399		14,399			14,399
51	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT	549		549		549			549
52	63711H	VERIFICATION TECHNOLOGY DEMONSTRATION	67,079		67,079		67,079			67,079
53	63734J	ISLAND SUN SUPPORT	31,045		31,045	-12,163	18,882	12,163	-9,342	21,703
54	63741D	AIR DEFENSE INITIATIVE	231,220	-34,000	197,220	-34,000	197,220		-34,000	197,220
55	64225C	THEATER MISSILE DEFENSES	140,000		140,000	-140,000		140,000	-140,000	
56	32016K	NATIONAL MILITARY COMMAND SYS-WIDE SPPT	9,083		9,083		9,083			9,083
57	32019K	WWMCCS SYSTEMS ENGINEER	9,182		9,182		9,182			9,182
58	33131K	MIN ESSENTIAL EMERG COMM NETWORK (MEECN)	3,335		3,335		3,335			3,335
59	33154K	WWMCCS ADP MODERNIZATION	29,503		29,503		29,503			29,503
60	63228D	PHYSICAL SECURITY EQUIPMENT	26,611		26,611		26,611			26,611
61	63709D	JOINT ROBOTICS PROGRAM	19,422		19,422		19,422			19,422
62	63710D	CLASSIFIED PROGRAM - C3I	15,781		15,781		15,781			15,781
63	63714D	NON-ACOUSTIC ASW	30,000		30,000	15,000	45,000	-15,000	15,000	45,000
64	63715D	AIM-9 CONSOLIDATED PROGRAM	28,143		28,143		28,143			28,143
65	63743D	THEATER TACTICAL BALLISTIC MISSILE DEFEN								
65a	63807D	MEDICAL SYSTEMS ADV DEVELOPMENT		29,042	29,042			29,042		
66	64702D	JOINT STANDOFF WEAPONS PROGRAM								
67	64705D	MOBILE OFFSHORE BASE ANALYSIS								
67a	64706D	AEROMEDICAL SYSTEMS DEVELOPMENT		2,753	2,753			2,753		
68	64771D	JOINT TACT INFO DISTRIB SYSTEM (JTIDS)	80,802		80,802		80,802			80,802
68a	64773D	MEDICAL DEVELOPMENTS (MED/DENTAL EQUIP DEV)		4,113	4,113			4,113		
68b	64807D	MEDICAL MATERIAL/BIOLOGICAL DEFENSE EQUIP		20,209	20,209			20,209		
69	21135J	CINC C2 INITIATIVES	1,786		1,786		1,786			1,786

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
70	21135K	CINC C2 INITIATIVES								
70a		JCS SIMULATION CENTER/DOCTRINE DEVELOPMENT				10,000	10,000	-10,000		
71	28045K	C3 INTEROPERABILITY (JOINT TACTICAL C3 A	25,381		25,381		25,381			25,381
72	28298K	MANAGEMENT HQ (JOINT TACTICAL C3 AGENCY)								
73	35141D	JOINT REMOTELY PILOTED VEHICLES PROGRAM	129,059	15,000	144,059	-68,200	60,859	83,200	15,000	144,059
74	35815D	GENERAL SUPPORT FOR SO/LIC				2,000	2,000	-2,000	1,500	1,500
75	1110011BB	FORCE ENHANCEMENTS-ACTIVE								
76	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEV	158,223		158,223		158,223		-5,900	152,323
77	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYS DEV	11,897	17,000	28,897		11,897	17,000	17,000	28,897
78	1160408BB	SOF OPERATIONAL ENHANCEMENTS	73,681	-51,700	21,981		73,681	-51,700	-31,200	42,481
79	31011G	CRYPTOLOGIC ACTIVITIES	[ ]	[33,550]		[22,000]			[28,404]	
80	31301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]	[76,350]		[7,000]			[36,800]	
81	31398L	MANAGEMENT HEADQUARTERS GDIP	[ ]							
82	33126K	LONG-HAUL COMMUNICATIONS (DCS)	15,968		15,968		15,968			15,968
83	33127K	SUPPORT OF THE NATIONAL COMMUNIC SYS	3,295		3,295		3,295			3,295
84	33401G	COMMUNICATIONS SECURITY (COMSEC)	[ ]	[-10,000]					[-5,000]	
85	34311D	SELECTED ACTIVITIES								
86	35139B	DMA MAPPING, CHARTING, AND GEODESY (MC&G	55,949		55,949		55,949			55,949
87	35154I	AIRBORNE RECONNAISSANCE SUPPORT PROG	203,300		203,300	-23,300	180,000	23,300		203,300
88	35159B	DEFENSE RECONNAISSANCE SUPPORT ACTIV	6,127		6,127		6,127			6,127
89	35159G	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[ ]							
90	35159I	DEFENSE RECONNAISSANCE SUPPORT ACTIV	55,835		55,835		55,835			55,835
91	35167G	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[ ]							
92	35190D	C3I INTELLIGENCE PROGRAMS	12,849		12,849		12,849			12,849
93	35830K	CENTER FOR INFORMATION MANAGEMENT	3,470		3,470		3,470			3,470
94	35884L	INTELLIGENCE PLANNING AND REVIEW ACTIVIT	[ ]	[17,000]					[12,000]	
95	35885G	TACTICAL CRYPTOLOGIC ACTIVITIES	[ ]							
96	35889G	INTELLIGENCE SUPPORT TO OSD COUNTERNARC	[ ]							
97	35898L	MANAGEMENT HQ (AUXILIARY FORCES)	[ ]							
98	1160409BB	OTHER FORCE PROGRAMS	1,170		1,170		1,170			1,170
999		INTEL & COMMUNICATIONS CLASSIFIED	1,156,283	116,900	1,273,183	29,000	1,185,283	87,900	72,204	1,228,487
99	63705D	MANUFACTURING TECHNOLOGY								
100	63708D	INTEGRATED DIAGNOSTICS	11,275		11,275		11,275			11,275
101	63790D	NATO R&D/US-ISRAEL ENDOWMENT	80,804		80,804		80,804		-16,000	64,804
102	63832D	DEFENSE MODELING/SIMULATION OFFICE				60,000	60,000	-60,000	60,000	60,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
103	64722D	JOINT SERVICE EDUCATION AND TRAINING SYS								
104	65104D	TECHNICAL SUPPORT TO USD(A)	39,161	-5,000	34,161	5,000	44,161	-10,000	-5,000	34,161
105	65106D	GENERAL SUPPORT FOR PA&E								
106	65107D	GENERAL SUPPORT FOR POLICY								
107	65108D	GENERAL SUPPORT FOR NET ASSESSMENT								
108	65109D	GENERAL SUPPORT FOR FM&P								
109	65110D	TECHNICAL SUPPORT TO USD(A)-CRITICAL TEC								
110	65112D	RAND NATIONAL DEFENSE RESEARCH INSTITUTE								
111	65114E	BLACK LIGHT	5,000		5,000		5,000			5,000
112	65116D	GENERAL SUPPORT TO C3I								
113	65117D	FOREIGN MATERIAL ACQUISITION AND EXPLOIT	11,913		11,913		11,913			11,913
113a		FOREIGN TECHNOLOGY MONITORING				2,000	2,000	-2,000		
114	65119D	GENERAL SUPPORT FOR P&L								
		DTS- JOINT PROJECT OFFICE								
115	65120S	DEFENSE BUSINESS OPER FUND TECH INFO SER	6,100		6,100		6,100			6,100
116	65135D	ENVIRONMENTAL CENTER								
117	65136D	FLEXIBLE COMPUTER INTEGRATED MANU SYS								
117a	65125D	STUDIES AND ANALYSES		111	111			111		
117b	65306D	RANCH HAND II EPIDEMIOLOGY STUDY		9,460	9,460			9,460		
118	65502D	SMALL BUSINESS INNOVATIVE RESEARCH								
119	65502E	SMALL BUSINESS INNOVATIVE RESEARCH								
120	65711D	CRITICAL TECHNOLOGY ANALYSIS								
121	65798S	DEFENSE SUPPORT ACTIVITIES	13,400		13,400		13,400			13,400
121a	65800D	MEDICAL COMMAND SUPPORT		3,495	3,495			3,495		
122	65801S	DEFENSE TECHNICAL INFORMATION CENTER								
123	65802S	INFORMATION ANALYSIS CENTERS								
124	65803D	R&D IN SUPPORT OF DOD ENLISTMENT, TEST &								
124a	65861D	SCIENCE/TECH MGT (NAVMED MGT SUPPORT)		7,990	7,990			7,990		
124b	65862D	RDT&E INSTRUMENTATION & MATERIAL SUPPORT		3,139	3,139			3,139		
125	65872D	PRODUCTIVITY INVESTMENTS								
126	65898E	MANAGEMENT HQ (RESEARCH AND DEV)	20,175		20,175		20,175			20,175
126a	65898D	MANAGEMENT HQ COMMAND		5,452	5,452			5,452		
127	35889D	INTELLIGENCE SUPPORT TO OSD COUNTERNARC								
128	35889E	INTELLIGENCE SUPPORT TO OSD COUNTERNARC								
129	78011S	INDUSTRIAL PREPAREDNESS							29,000	29,000

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R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
129a	68011S	MANUFACTURING TECHNOLOGY DEVELOPMENT		40,500	40,500			40,500	37,000	37,000
129b		MANUFACTURING TECHNOLOGY INITIATIVE				118,000	118,000	-118,000		
129c		MANUFACTURING EDUCATION PROGRAM				25,000	25,000	-25,000	25,000	25,000
129d		MFG MANAGERS IN THE CLASSROOM				5,000	5,000	-5,000	5,000	5,000
129e		MANUFACTURING EXTENSION PROGRAM				100,000	100,000	-100,000	100,000	100,000
129f		ADVANCED MANUFACTURING PARTNERSHIPS							25,000	25,000
130	101015D	TECHNOLOGY SECURITY FUNCTIONS								
130a		JOINT US/CIS RESEARCH & DEVELOPMENT PROG		25,000	25,000			25,000		
		LIDAR				11,600	11,600	-11,600	11,600	11,600
		SPECIAL TECHNICAL PROJECTS								
		INTERNATIONAL NUCLEAR NONPROLIFERATION								
		PURCHASES FROM DBOF				-802	-802	802	-802	-802
		TRAVEL				-1,027	-1,027	1,027	-1,027	-1,027
		EXCESS INVENTORY							-397	-397
		INFLATION ADJUSTMENT							-19,000	-19,000
		UNDISTRIBUTED				496,990	496,990	-496,990		
		TOTAL RDT&E DEFENSE AGENCIES	10,053,381	-423,738	9,629,643	337,588	10,390,969	-761,326	150,044	10,203,425

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request
		DIRECTOR OF TEST & EVAL DEFENSE							
1	64940D	CENTRAL TEST & EVAL INVESTMENT DEV (CTEI	116,060		116,060	-8,000	108,060	8,000	-8,000
2	65130D	FOREIGN COMPARATIVE TESTING	35,301		35,301	-4,000	31,301	4,000	-4,000
3	65131D	LIVE FIRE TESTING	11,078		11,078		11,078		
4	65804D	DEVELOPMENT TEST AND EVALUATION	119,268	-20,000	99,268	-8,000	111,268	-12,000	-8,000
		TOTAL DEVELOPMENTAL TEST	281,707	-20,000	261,707	-20,000	261,707		-20,000
		DIRECTOR OF OPERATIONAL TEST & EVALUATION							
1	65118D	OPERATIONAL TEST AND EVALUATION	12,983		12,983		12,983		
		TOTAL OPERATIONAL TEST	12,983		12,983		12,983		

University research initiatives

The amended budget request included $99.9 million for university research initiatives.

The House bill would add $62.0 million for the Department of Defense experimental program to stimulate competitive research and for the augmentation awards for science and engineering research training program. The House report (H. Rept. 102-527) also noted that $15.0 million in this program element was for the historically Black colleges and universities program (HBCU).

The Senate amendment would add $10.0 million for science and engineering fellowships.

The conferees agree that the HBCU program should be funded in program element 602228 and that the $15.0 million authorized in the Senate report (S. Rept. 102-352) for computer assisted education and the $2.0 million authorized for foreign technology monitoring should be funded from the university research initiatives line. The conferees further agree to authorize a total of $188.9 million to fund all the programs mentioned above, as described in the House report (H. Rept. 102-527) and the Senate report (S. Rept. 102-352).

Liquid metal magnetohydrodynamics

The House bill would provide $15.0 million for a liquid metal magnetohydrodynamics project (LMMHD) to be funded from NATO research and development funds.

The Senate amendment did not authorize funds for this project.

The conferees agree that the LMMHD project should be pursued as a university research initiative and add $15.0 million to program element 601103D, university research initiatives in the Defense Agencies, to fund this project.

Supercomputer development and modernization

The amended budget request contained $162.9 million for high performance computing and communication (HPC) and no funding for supercomputer modernization in the Department of Defense laboratories.

The House bill would reduce the HPC request by $45.0 million and redistribute the funds to the military Services for supercomputer utilization.

The Senate amendment would authorize the amended budget request for the HPC program and an additional $43.0 million for supercomputer modernization.

The conferees agree that the DARPA HPC program is a vital part of the national HPC initiative of the White House Office of Science and Technology Policy (OSTP), and that effective technology and information transfer between government and industry is essential to not only effectively communicate business opportunity and program progress and plans but to allow external critical assessments to be made by outside experts as well. The conferees are encouraged that DARPA and OSTP have strengthened their management teams as a result of congressional concerns. Therefore, the conferees recommend the requested amount for the DARPA HPC program.

The conferees are also encouraged to have received the Department of Defense supercomputer modernization plan called for in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), but are dismayed that the plan fails to indicate any intent to fund supercomputer acquisition activity.

The conferees direct the Secretary of Defense to initiate funding in the fiscal years 1994/1995 request for the modernization elements detailed in the plan. As an interim measure, the conferees recommend $20.0 million in addition to the unspent fiscal year 1992 funds for DOD to acquire existing supercomputers and ensure availability of supercomputer training, access time on available machines, and software development for specific high priority projects. The conferees direct that funds received by industrial-funded laboratories and centers for this initiative shall not be subject to regulations associated with the Defense Business Operations Fund (DBOF).

Tactical technology

The amended budget request included $109.3 million for tactical technology in DARPA.

The House bill would add $6.0 million for a charged particle beam program.

The Senate amendment would authorize a charged particle beam program but would not identify the source of funding.

The conferees agree to authorize $7.6 million for tactical technology in DARPA, $6.0 million for the charged particle beam program, and $1.6 million for the advanced modular cogeneration and power management system.

The conferees agree to a total authorization of $100.2 million for tactical technology.

Materials and electronics technology

The amended budget request included $71.8 million for materials and electronics technology.

The House bill would add $140.0 million to the requested amount for research on the following: lithography, fuel cells, optoelectronics, MIMIC, electronic module technology, and diamond and silicon carbide materials.

The Senate amendment would add $60.0 million for the following: optoelectronics, nanoelectronics, and metal matrix composites.

The conferees agree to the following additional projects at the amounts indicated:

	Millions
Optoelectronics	$25.0
Nanoelectronics	9.0
Metal matrix composites	26.0
MIMIC	10.0
Fuel cells	11.8
Diamond and silicon carbide materials	10.0

The conferees agree that the Department of Defense should competitively select the best technologies to use in its fuel cell power plant demonstration project for a variety of applications, including automative and other power supply. The Department of Defense is also encouraged to solicit cost-sharing proposals from industry for this dual-use project. The conferees agree that DARPA should take advantage of its ongoing work in metal matrix composites to the maximum degree possible to find ways of inserting this new technology into emerging military and commercial products.

Defense Nuclear Agency

The amended budget request contained $410.0 million for the Defense Nuclear Agency (DNA).

The House bill would authorize $360.0 million.

The Senate amendment would authorize $373.0 million.

The House recedes.

The Senate report (S. Rept. 102-352) contained extensive guidance, direction, and recommendations on DNA roles and missions, funding, and management. The Senate report expressed concern that the DNA budget has been increasing despite the reduction in the threat and declining defense budgets overall. The Senate report called for a comprehensive review of DNA roles and missions, and emphasized the view that DOD should retain a focal point within the Department for nuclear weapons matters. The Senate report urged, and in some cases directed, that DOD utilize DNA expertise gained through decades of research and modeling of nuclear, hydrodynamic, and other short-lived phenomenology for a broad range of important non-nuclear requirements.

The conferees agree that DOD must retain a focal point within the Department for nuclear weapons expertise. Such an organization remains essential both to meet traditional requirements—such as monitoring the status of nuclear weapons and analyses of the safety and security of U.S. nuclear weapons, providing operational support to the Chairman of the Joint Chiefs of Staff and the combatant commands, hardening of both nuclear and conventional systems to the effects of nuclear weapons, and planning for and conducting weapons effects tests—and to provide important capabilities and expertise in support of relatively recent missions, such as arms control verification, assistance in the dismantling and disposal of nuclear weapons in the former Soviet Union, and the monitoring of nuclear proliferation.

The conferees also agree that, in lieu of the directives contained in the Senate report, DNA roles and missions, funding, and management should be reviewed at the highest levels of the Defense Department. The conferees direct the Defense Science Board and a group composed of the Vice Chairman of the Joint Chiefs of Staff, the Director of Tactical Warfare Programs, and the Director of Strategic and Theater Nuclear Forces to review these matters, and make recommendations to the Chairman of the Joint Chiefs of Staff and the Secretary of Defense. The Chairman should address the future of DNA in his overall roles and missions review, and the Secretary of Defense shall report to the congressional defense committees on changes to or expansion of the DNA charter, if any, not later than May 1, 1993.

Of the specific recommendations in the Senate report, the conferees agree only to authorize $20.0 million for continuation of the joint Navy/DNA electrothermal gun program and to authorize $15.0 million to accelerate simulator development. The conferees direct the Director of Defense Research and Engineering, in coordination with the Director of DNA and the Secretary of the Navy, to report jointly to the congressional defense committees on development and test milestones and objectives for the Navy/DNA electrothermal gun program.

Experimental evaluation of innovative technology

The amended budget request included $270.9 million for the experimental evaluation of innovative technology.

The House bill would reduce the amended budget request by $29.7 million, which would result from a reduction of $34.7 million for a classified program, and an addition of $5.0 million for gamma-gamma ray resonance imaging.

The Senate amendment would add $16.0 million to the requested amount for low-cost digital terrain mapping.

The conferees agree to both the House and Senate changes to the requested amount. In addition, the conferees agree to the House recommendation that $50,000 be utilized to evaluate low frequency synthetic aperture earth penetrating radar.

The conferees agree that the total authorization for experimental evaluation of innovative technology shall be $250.5 million.

Advanced short takeoff and vertical landing aircraft (ASTOVL)

The Senate report (S. Rept. 102-352) recommended an additional authorization of $5.0 million to the Defense Advanced Research Projects Agency (DARPA) to continue its evaluation of an advanced short takeoff and vertical landing (ASTOVL) technology demonstration program.

The House report (H. Rept. 102-527) contained no similar recommendation.

The conferees believe that this program could have broad implications for a future generation, multi-role/strike fighter. Indications are that new technologies could allow the Department of Defense to develop a STOVL aircraft which offers low cost, stealth, speed, and agility. Such an aircraft, which the Department could procure as current generation, multi-role and strike aircraft retire, would present an excellent candidate for multi-service development by the Navy, Air Force, and Marine Corps.

Accordingly, the conferees direct that $5.0 million of the funds requested in fiscal year 1993 for experimental evaluation of major innovative technology (DARPA R&D program element 603226E) be used to prepare for the next step in development of the STOVL strike fighter concept. The conferees expect that this step will lead to a large scale model and component testing.

Automatic landing systems

The Senate amendment would authorize $0.9 million for Defense Advanced Research Projects Agency (DARPA) research on technologies to provide situational awareness for flight operations in and around airfield approach zones. The Senate report (S. Rept. 102-352) supported DARPA interest in multilateral technology to reduce the cost and improve the safety of automatic landing systems. Such technology developments have the potential to enable precision control of aircraft to so-called "category 1" minimum standards.

The House bill contained no similar authorization.

The Senate recedes.

The conferees direct the Director of DARPA to further evaluate automatic landing systems technology. If that assessment indicates that research could lead to useful improvements, the Director should provide a plan for funding additional research as part of the budget request for fiscal years 1994/1995.

Unmanned undersea vehicle technology

The Senate amendment would add $5.0 million to continue the development of fuel cell technology for underwater weapons and larger manned submarines.

The House bill contained no similar authorization.

The House recedes. The conferees believe that advanced fuel cells for use in unmanned undersea vehicles and host platforms have great potential for both military and commercial applications. The conferees strongly encourage the continuation of the DARPA and Navy program in the development of this technology.

Advanced ASW technology

The Senate amendment would recommend an additional $15.0 million for the experimental evaluation of major innovative technologies (EEMIT) program managed by the Defense Advanced Research Project Agency (DARPA). These funds would be used to explore ways to apply massive computer processing capabilities to the solution of ASW problems.

The House bill contained no similar authorization.

The Senate recedes. The conferees are encouraged by the significant progress that has been made in applying massively-parallel computers to the problem of submarine detection and classification. Automation of ASW processing for detection and classification, which heretofore has been almost exclusively dependent upon human operators, holds great promise for improving surveillance in both deep and shallow water regions, reducing manpower requirements, and providing improved capabilities. The conferees strongly encourage (1) DARPA and the Department of Defense to continue funding support for this program, and (2) the Navy to move the technology into current and future operational systems as soon as feasible.

Advanced submarine technology

The amendment budget request included $57.9 million for the advanced submarine technology program in the Defense Advanced Research Projects Agency (DARPA).

The House bill would authorize $50.0 million for this program.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees note with great satisfaction the impressive progress in advanced submarine technology that has been made under DARPA leadership. The conferees also are pleased that DARPA and the Navy have transferred many of the more mature technologies to the Navy's technology base and advanced submarine system development programs. The conferees encourage DARPA to continue its support of this program and assess the contribution DARPA can make to the further development of advanced submarine warfare technology, as recommended in the House report (H. Rept. 102-527).

Excimer laser technology

The Senate amendment would authorize $10.0 million to continue development of low-earth orbit, space object imaging technology.

The House bill contained no similar authorization.

The House recedes. The conferees endorse the guidance for this program contained in the Senate report (S. Rept. 102-352).

Balanced technology initiative

The conferees agree that the Department of Defense should report to the Committees on Armed Services of the Senate and the House of Representatives not later than April 15, 1993 regarding the Department's future plans for the balanced technology initiative (BTI). The conferees also agree that, as part of the BTI program, DARPA shall investigate a wide area surveillance platform aerobody and associated phased array radar technology. The Department of Defense should assess the benefit of a multi-year investigation beyond fiscal year 1993.

The conferees further agree to authorize $150.0 million, including $13.8 million for electric gun research, for the balanced technology initiative.

Electric armaments technology program

The conferees have reviewed with great interest the *DOD Electric Armaments Technology Program Report* dated June 4, 1992, which was submitted to the congressional defense committees in response to the direction contained in the statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). The conferees commend the Department of Defense for the thoroughness of the report. The report provides the congressional defense committees a comprehensive review of the program objectives, potential applications, technical accomplishments, management, and funding required by the military Services and participating agencies for the program through fiscal year 1995.

Over the last decade, a robust national effort has made significant progress in electric armaments technology. The conferees believe, however, that the promise of electric armaments technology will be realized only if the program continues on a solid scientific basis to identify and overcome technological barriers in gun propulsion, pulsed power, projectile/lethality, and simulation modeling. Then it must demonstrate by means of advanced technology demonstrations or modifications to fielded systems the maturity of the technology and its readiness for further development.

It is clear from the size of the program and the complexity of the technologies that there must be a coordinated electric armaments technology program with clearly defined objectives and milestones against which progress is measured. Among the military Services and defense agencies, the program should focus on resolving critical technology issues and minimizing duplication, while still maintaining competition. In concert with the defense reliance effort, such a program should make efficient use of the limited resources that will be available in future defense budgets.

The conferees direct the Director of Defense Research and Engineering to provide to the congressional defense committees by February 28 each year through 1995, an updated report on the electric armaments technology program which addresses technological progress during the past fiscal year, the extent to which program objectives and milestones have been met, funding obligations, and changes in program structure. The report should also project future plans, milestones, and funding requirements through the end of the current multi-year defense plan.

Manufacturing technology

The amended budget request included $255.4 million for manufacturing technology.

The House bill would reduce the requested amount by $75.0 million by transferring $80.0 million from the manufacturing technology account to another account for SEMATECH, and adding $5.0 million for coal utilization centers of excellence.

The Senate amendment would reduce the requested amount by $133.4 million by transferring $133.4 million from the manufacturing technology account to other accounts for SEMATECH, electronic module technology, and high definition displays.

The conferees agree to transfer the funds as proposed in the Senate amendment and to add $20.0 million to SEMATECH, for a total of $100.0 million; $31.4 million to electronic module technology, for a total of $75.0 million; and $95.0 million to high definition displays, for a total of $100.0 million. The conferees also agree to the House addition of $5.0 million for the coal utilization centers of excellence.

The conferees further agree that $10.0 million of the funds authorized for SEMATECH should be utilized for development of pollution-preventing, environmentally safe microchip manufacturing process. In executing this mandate, SEMATECH is expected to consult appropriate environmental and labor organizations.

Advanced lithography

The conferees agree that DARPA should maintain a balance of investigative efforts in

cross cutting as well as competing advanced lithography technologies as recommended in the Senate report (S. Rept. 102-352). DARPA should also recognize the importance of lithography for other applications such as micro machining technologies. The conferees further agree to authorize the specific x-ray projects set forth in the House report (H. Rept. 102-527).

Software initiative

The amended budget request included $9.0 million for a software initiative.

The House bill would add $25.0 million to the requested amount for the Software Engineering Institute, the National Applied Software Engineering Center, and university-based software research.

The Senate amendment would add $7.5 million to the requested amount to continue the DARPA reusable software initiative.

The conferees agree to add $25.0 million, $7.5 of which is for the reusable software technology adoption program under the DOD consolidated software initiative.

Special operations technology development

The amended budget request included $2.9 million for special operations technology development.

The House bill would increase the requested amount by $1.0 million to investigate portable power sources, including specialized batteries.

The Senate amendment would approve the requested amount.

The Senate recedes.

Non-acoustic antisubmarine warfare

The amendment budget request contained $30.0 million for non-acoustic antisubmarine warfare (NAASW) RDT&E in the Office of the Secretary of Defense (OSD).

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $15.0 million for this effort.

The House recedes.

The conferees reiterate their strong support, as expressed in section 217 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), for two viable, independent non-acoustic ASW programs within the Department of Defense. The conferees have included additional guidance and direction on NAASW in the classified annex to this statement of the managers.

Joint remotely piloted vehicles program

The amended budget request contained $129.1 million to continue development of various unmanned air vehicles under the joint remotely piloted vehicles (RPV) program.

The House bill would authorize the requested amount, and would also authorize an additional $15.0 million to examine alternative vertical take off and landing (VTOL) technologies in addition to the tilt-rotor technology, which is the only approach under consideration by the joint project office.

The Senate amendment would authorize $60.9 million, eliminating $68.2 million associated with the medium range RPV program.

The conferees recommend a total authorization of $144.1 million. Concerning the VTOL technologies, the conferees recommend the addition of $15.0 million to the requested amount. The conferees direct that those funds may be used only for purposes of developing alternative VTOL technologies other than the tilt rotor technology, and beginning the integration of technology, such as common automatic landing systems, which possess broad application throughout the family of unmanned vehicles.

The conferees express serious reservations over the management of these programs by the joint project office. Remarkably little progress has been registered during the past five years in this area. The conferees believe the Secretary of Defense should undertake a comprehensive management review of the joint program office.

Manufacturing technology initiative

The House bill would authorize $40.5 million for a manufacturing technology initiative.

The Senate amendment would authorize $118.0 million for such an initiative.

The conferees agree to authorize the following:

	Millions
STEP program	$2.0
Defense Logistics Agency Mantech	29.0
Agile manufacturing programs	30.0
Manufacturing partnerships with foreign sources	5.0
Total	66.0

The conferees agree that of the funds provided, at least $7.5 million shall be for apparel manufacturing demonstrations. The conferees also agree that this program should be executed in accordance with the House report (H. Rept. 102-527) and the Senate report (S. Rept. 102-352). The conferees again note their agreement that this program be managed by the Under Secretary of Defense for Acquisition and not by the Assistant Secretary of Defense for Production and Logistics.

Defense Modeling and Simulation Office

The Senate amendment contained $60.0 million in research and development funds and $10.0 million in procurement funds to continue operations of the newly-established Defense Modeling and Simulation Office (DMSO).

The House bill contained no similar authorization.

The conferees are pleased at the significant progress that has been achieved by the DMSO during the past year and recommend an authorization of $10.0 million in procurement and $60.0 million in research and development. The conferees expect, however, that the Defense Department will budget the funds required to continue operations of the DMSO in future budget submissions.

Joint simulation center for warfighting concepts and doctrine development

The Senate amendment would authorize $10.0 million to establish a Joint Simulation Center for Doctrine and Concept Development under the Joint Chiefs of Staff.

The House bill contained no similar authorization.

The conferees understand that the Joint Chiefs of Staff support the establishment of this center, but that it is not possible to establish the center by February 1, 1993, the date specified in the Senate report (S. Rept. 102-352). The JCS has indicated that it would be possible to establish the center by June 1, 1993.

The conferees welcome the constructive approach outlined by the JCS. The conferees believe that a charter for the center should be established not later than July 1, 1993. Since the implementation date would fall so later in the fiscal year, the conferees do not believe that funds are likely to be needed during fiscal year 1993. The conferees strongly support the establishment of the joint simulation center, and if funds are needed in fiscal year 1993, the Defense Department should utilize resources made available through the Defense Modeling and Simulation Office.

Army National Guard advanced simulation project

The National Guard Bureau and the Defense Advanced Research Projects Agency have jointly developed a program to introduce advanced simulation technology to improve the peacetime readiness and wartime mobilization of National Guard roundout brigades. The program was initiated with funds appropriated for the Defense Modeling and Simulation Office in fiscal year 1992. In order to continue the project, the Senate amendment would authorize $20.0 million for fiscal year 1993.

The House bill would not authorize any funds for this purpose.

The conferees recommend an authorization of $20.0 million.

National Guard armor simulation center

The Senate amendment would authorize $10.0 million to establish a National Guard armor simulation center in conjunction with existing simulation facilities at the Army's Armor Center at Ft. Knox, Kentucky.

The House bill contained no similar authorization.

The conferees recommend an authorization of $10.0 million.

University research indirect costs

The Senate report (S. Rept. 102-352) included the following discussion of university research indirect costs:

In response to abuse of the overhead reimbursement process by certain universities, the Office of Management and Budget has imposed a cost cap on administrative indirect cost reimbursements during the review of indirect cost reimbursements for institutions of higher education. The committee notes that university research is one of the jewels in our national technology base, and that it is imperative that any such rules not impose disincentives to the continuation of practices that have led to world class leadership by our university research institutions. In addition, the committee notes that there are important differences between contracts and grants, and expects that the final rules will contain appropriate provisions reflecting these differences.

The House report (H. Rept. 102-527) contained no similar discussion.

The conferees endorse the Senate report's discussion of this issue.

Endowment for Defense Industrial Cooperation (sec. 205)

The House bill contained a provision (sec. 204) that would authorize $10.0 million for the U.S. share of the initial capitalization of a U.S.-Israel Endowment for Defense Industrial Cooperation. The provision would offset the $10.0 million authorization by reducing by $10.0 million the funds authorized for Navy advanced submarine system development.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit to Congress a report on the benefits and limitations of establishing a U.S.-Israel Endowment for Defense Industrial Cooperation.

V-22 Osprey aircraft program (sec. 211)

The House bill contained a provision (sec. 211) that would require the Department of Defense to develop, manufacture, and oper-

ationally test three production representative V–22 aircraft. These would be in addition to the three production representative aircraft authorized and appropriated in fiscal year 1992. The House provision would also require the Secretary of Defense to request necessary funds in future budget requests to complete development, manufacture, and operational testing of six production representative V–22 aircraft.

The Senate amendment included a similar provision (sec. 211) which would not require the Secretary of Defense to request additional funds in future budget requests for the V–22 aircraft program.

The Senate amendment also included a provision (sec. 212) that would require the Commandant of the Marine Corps to submit a report by September 1, 1992, on the crash of the V–22 Osprey prototype aircraft on July 20, 1992. The provision would prohibit obligating any more than 50 percent of the fiscal year 1993 V–22 funds until the Commandant had submitted the report.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would:

authorize the use of $755.0 million only for the V–22 Osprey aircraft program,

direct the use of fiscal year 1993 and prior year funds only for the development, manufacture, and operational testing of V–22 Osprey or derivative tiltrotor aircraft, and

limit the obligation of any more than 50 percent of the fiscal year 1993 funds until the Commandant has submitted the crash report.

The required report on the recent crash should highlight any investigation conclusion that points to possible flaws with the V–22 prototype aircraft design. The conferees are most interested in any potential design flaws that the government/contractor team could not correct within the scope of the congressionally-directed program to develop, manufacture, and test V–22 Osprey or derivative tiltrotor aircraft.

The conferees note that the current V–22 full-scale development (FSD) program is being operated under a fixed-price contract. Many of the terms and conditions under which that agreement was reached are no longer valid. Given the change in program direction proposed by the Secretary of Defense, the conferees believe that it is no longer cost-effective or prudent to complete a number of tasks called for in the existing FSD contract. The conferees understand that any new V–22 contract will be a cost-plus type instrument. Since it would be difficult to manage various phases of the effort under two such disparate contracting vehicles, therefore, the conferees believe that the Defense Department should move expeditiously to reduce the scope of the FSD contract, as appropriate, and close it out.

Special operations variant of the V–22 Osprey aircraft (sec. 212)

The Senate amendment included a provision (sec. 213) that would authorize the expenditure of $15.0 million in Defense Agencies research and development funds for work on the special operations variant of the V–22 aircraft.

The House bill contained no similar provision.

The House recedes.

Extension of prohibition on testing MIRACL against an object in space (sec. 213)

The House bill contained a provision (sec. 213) that would prohibit the Secretary of Defense from carrying out a test of the mid-infrared advanced chemical laser (MIRACL) transmitter and associated optics against an object in space during 1993 unless such testing is specifically authorized in law.

The Senate amendment contained no similar provision.

The Senate recedes.

One-year delay in transfer of management responsibility for Navy mine countermeasures program (sec. 215)

The House bill contained a provision (sec. 216) that would delay implementation of section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190). Section 216 requires that management of Navy mine countermeasures (MCM) research and development programs be transferred to an office within the Office of the Secretary of Defense unless the Secretary certified by June 1, 1992, that the Navy had fully funded a program that met the requirements of the combatant commanders.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delay implementation of the transfer. The amendment would also require the Secretary of Defense to submit the required certification for the following fiscal year with the submission of the amended budget request for that year, rather than by June 1 of each year, as originally stipulated.

The conferees believe that the Navy has been operating in good faith to develop and implement a more robust plan for MCM research and development. The conferees also understand that only a technical problem prevented the Secretary from making the required certification this year. The conferees, however, do not intend that this amendment be interpreted as a willingness to waive section 216 again.

Light armored vehicle—105 millimeter gun (LAV–105) program (sec. 216)

The House bill contained a provision (sec. 217) that would direct the Secretary of the Navy to reinstate the engineering and manufacturing systems development program for the LAV–105 program and to obligate the fiscal year 1992 funds authorized and appropriated for this purpose. The provision would also require that $14.7 million of fiscal year 1993 Navy research and development funds be spent only for completion of the development and operational testing of the LAV–105 vehicle.

The Senate amendment contained no similar provision, but included $14.7 million for the fiscal year 1993 LAV–105 program.

The Senate recedes with an amendment.

Advanced research projects (sec. 217)

The House bill contained a provision (sec. 219) that would clarify the authority of the Department of Defense to enter into certain cooperative research and development agreements.

The Senate amendment contained no similar provision.

The Senate recedes.

Superconductive magnetic energy storage (sec. 218)

The House bill contained a provision (sec. 221) that would authorize $50.0 million for the superconducting magnetic energy storage (SMES) project and restrict obligation of R&D funds for the Defense Nuclear Agency (DNA) until all existing requirements established by law pertaining to that project have been complied with or the Secretary of Defense has submitted to the Armed Services Committees of the Senate and the House of Representatives, a detailed explanation as to why those requirements have not been satisfied.

The Senate amendment contained no similar provision.

The conferees have been made aware of the draft joint Department of Defense/Department of Energy (DOD/DOE) plan for SMES development. This plan has been distributed informally to the appropriate congressional oversight committees. The conferees believe the draft plan fulfills the intent of Public Law 102–190. Consequently, the Senate recedes with an amendment that would direct DOD and DOE to revise the draft DOD and DOE plan for SMES and require the revision to be submitted to the Congress not later than 30 days after the enactment of this bill. The conferees further direct the Secretary of Defense to release all remaining funds for SMES for the conduct of the technical tasks in the revised plan. In accordance with the plans, no fiscal year 1993 funds are required; therefore, the House recedes from adding $50.0 million. Prior legislation relating to planning activity and contractor "downselect" would be repealed.

Missile defense programs (secs. 231–234)

Theater missile defense initiative (sec. 231)

The House bill contained a provision (sec. 231) that would create a theater missile defense initiative (TMDI) and transfer all programs, projects, and activities formerly associated with the SDIO theater missile defense (TMD) program element and their associated research and development and procurement funding to TMDI. The provision would authorize $62.5 million for TMDI procurement for fiscal year 1993 and $997.7 million for TMDI research and development, of which not less than $90 million would be available for Naval TMD programs, projects, and activities.

The Senate amendment contained no similar provision. However, the Senate amendment would authorize $62.5 million for fiscal year 1993 for TMD procurement within the overall funds provided to SDI and $997.5 million for TMD research and development programs, projects, and activities.

The Senate recedes. The conferees agree to create a TMDI as directed in the House bill. In directing this action, the conferees do not intend to rule out any arrangement the Secretary of Defense may determine is most appropriate for the management and program direction of the TMDI, including placing TMDI under the management and direction of the Director of SDIO. Regardless of what organizational relationship the Secretary determines is appropriate between SDI and TMDI, the conferees direct the Secretary of Defense to ensure that TMDI and SDI programs, projects, and activities that share common technologies or requirements be closely coordinated, including the use of combined or joint funding and management where appropriate. This direction is designed to avoid redundancy, to obtain both technological and financial efficiencies, and to maximize the incorporation of common technologies in specific theater and strategic missile defense systems. Furthermore, the Secretary may use the authority to transfer a limited amount of funding from SDI program element funding to TMDI during fiscal year 1993 to help promote these efficiencies. Finally, the conferees invite the Secretary to consider the establishment of joint activities funding lines within both TMDI and SDI for fiscal year 1994 and thereafter so as to clearly identify those programs, projects, and activities which are common to both theater and strategic missile defense systems.

The conferees agree to authorize $75.2 million for fiscal year 1993 for TMDI procurement and $935 million for TMDI research and development and to eliminate the TMD program element under SDI.

Strategic Defense Initiative funding (sec. 232)

The House bill contained a provision (sec. 232) that would authorize $3.4 billion for non-TMDI SDI research and development in fiscal year 1993, allocated among the four remaining SDI program elements as follows: $2.13 billion for the limited defense system (LDS), no funds for space-based interceptors (SBI), $528.3 million for other follow-on systems, and $576.7 million for research and support (R&S). The House bill would provide a total of $4.3 billion in SDI and TMDI funds in fiscal year 1993.

The Senate amendment contained a provision (sec. 222) that would authorize a total of $3.8 billion for SDI in fiscal year 1993 and, in addition to the TMD funding authorization described above, establish the following ceilings on the four non-TMD SDI program elements: $2.09 billion for LDS, $350 million for SBI, $400 million for other follow-on systems, and $400 million for R&S. The provision would also declare that nothing in this act shall be construed to authorize the exercise of any option to fabricate or field elements of a user operational evaluation system (UOES) at the initial ABM site.

The conferees agree to authorize a total of $3.04 billion for non-TMDI SDI research and development in fiscal year 1993, allocated among the four remaining SDI program elements as follows: $2.04 billion for LDS, $300 million for SBI, $300 million for other follow-on systems, and $400 million for R&S. In combination with the procurement and research and development funds which the conferees agree to authorize under the TMDI, the conference agreement would provide a total of $4.5 billion in SDI and TMDI funds in fiscal year 1993.

The conferees do not object to continued planning by SDIO of the various UOES options for the initial ABM site. However, since no proposal on exercising a particular UOES early fielding option is expected to be proposed to Congress by the Defense Department prior to 1995, the conferees make no decision at this time on any of the UOES options for the initial ABM site. The conferees therefore agree to the provision in the Senate bill that would declare that nothing in this act is to be construed to authorize the exercise of any of these options.

Reporting on transfers and allocation of funding for TMDI and SDI (sec. 233)

The House bill contained a provision (sec. 232(d)) that would authorize the Secretary of Defense to transfer up to 10 percent of the funds to or from any of the four Strategic Defense that the missile defense goal of the United States is to comply with the ABM Treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of the Treaty, as modified by any protocol or amendment thereto, while deploying an anti-ballistic missile system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles; maintain strategic stability; and provide highly effective theater missile defense (TMDs) to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friends and allies of the United States.

Deployment dates

The House bill contained a provision (sec. 233(b)) that would delete the deployment date in the MDA for the initial ABM site but retain the deployment date for TMD systems in the MDA.

The Senate amendment contained a provision (sec. 221) that would delete the specific dates that had been incorporated in section 233(b) of the MDA as goals for achieving the deployment of advanced theater missile defense (TMD) systems and the initial anti-ballistic missile (ABM) system.

The House recedes. The conferees direct the Secretary of Defense to develop the advanced TMD and initial ABM deployments consistent with sound acquisition procedures and in accordance with a low-to-moderate technical risk and low-to-moderate concurrency program. The conferees further direct the Secretary to structure this development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components. On July 2, 1992, the Secretary of Defense submitted a report to Congress in accordance with section 233(b)(3) of the MDA outlining his plan for the development for deployment of advanced TMD systems and the initial ABM system. The conferees also endorse SDIO plans to develop, test, and field UOE prototypes for the THAAD system by 1996. The conferees believe that the baseline programs for TMD and the limited defense system (LDS) as set forth in this report constitute a low-to-moderate technical risk and low-to-moderate concurrency program. Under these programs, deployment of the initial ABM site of the LDS would occur in the year 2002, and advanced TMD systems would attain their initial operational capabilities (IOCs) in the same time frame.

Transfer of far-term, follow-on technologies

The Senate amendment contained a provision (sec. 221(b)) that would require the Secretary of Defense to transfer responsibility for the research and development of far-term, follow-on technologies (that is, technologies not likely to be weaponized within the next 10–15 years) to the Defense Advanced Research Projects Agency (DARPA) or the appropriate Service until Initiative program elements provided under the House bill, and to submit a report to the congressional defense committees on the allocation of funding, after any such transfers, for each SDI program, project, or activity. The report would be required not later than 90 days after enactment.

The Senate amendment contained a similar provision (sec. 222(c)), except that such transfers would be permitted among the five program elements, including TMD, of SDI under the Senate bill. However, the transfer authority would not be available to transfer funds out of the TMD program element.

The Senate recedes with an amendment. In light of the provision elsewhere in this Act that would create a separate theater missile defense initiative within the Department of Defense, the conferees agree to permit transfers to occur as provided in both bills among the four remaining program elements of SDI, and to permit transfers from the four SDI program elements to TMDI. None of the four SDI program elements could be reduced by more than 10 percent of the amount authorized for such elements in the conference agreement and funding for none of those four SDI elements, or for TMDI, could be increased by more than 10 percent of the amount authorized in the conference agreement. The transfer authority could not be used to reduce TMDI funding below the amount authorized in the conference agreement for that program.

The flexibility to transfer funds to TMDI from SDI program elements will assist in helping ensure that efficiencies can be obtained for technology development programs having both strategic and theater missile defense applications.

Revision of the Missile Defense Act of 1991 (sec. 234)

U.S. missile defense goals

The House bill contained a provision (sec. 233) that would amend the Missile Defense Act (MDA) of 1991 to state expressly that it is a goal of the United States to maintain compliance with the ABM Treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic defense missile system, or component thereof, in violation of the Treaty, as modified by any protocol or amendment thereto. The provision would further modify the MDA to state that it is a goal of the United States to deploy an ABM system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles, which may include space-based sensors and additional deployment sites if authorized by Congress and permitted by the ABM Treaty, as modified by any protocol or amendment thereto.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree they are mature enough to warrant their transfer to SDIO, unless he certifies that the national security interests of the United States require a particular project, project, or activity now under the other follow-on technologies program element to be maintained under SDIO.

The House provision contained no similar provision.

The House recedes.

Arms control considerations

The Senate amendment contained a provision (sec. 221(a)) that would revise section 233(a)(2) of the MDA to clarify that the ground-based surveillance and tracking system (GSTS) pop-up optical probe is a sensor system not prohibited by the ABM Treaty (i.e., an adjunct) and therefore one of a series of Treaty-compliant sensor systems, the optimum utilization of which shall be included in the initial Treaty-compliant ABM site architecture.

The House bill contained no similar provision.

The House recedes. The conferees are concerned by the apparent gap between SDIO planning assumptions with regard to programs that raise ABM Treaty compliance problems and the progress to date in U.S. and Russian efforts to negotiate amendments of the ABM Treaty. The conferees urge the President to continue to pursue the changes to, and clarifications of, the ABM Treaty as provided in section 233(c)(2) of the MDA. However, pending further negotiation of such revisions, the conferees direct SDIO to plan the architecture for the initial, Treaty-compliant ABM site on the basis of the Treaty as now constituted and not as it may be revised. The conferees are aware that SDIO is pursuing a proposal to upgrade PAVE PAWS and BMEWS early warning radars (EWRs) to expand the coverage of the initial site. The administration has not yet determined if the testing and utilization of such upgraded EWRs would be compliant with the Treaty. If the administration ultimately determines that the testing and utilization of such upgraded radars in an ABM mode does not violate the Treaty, then the conferees agree that such upgraded EWRs

would be another in that series of Treaty-compliant sensor systems, the optimum utilization of which shall be included in the initial Treaty-compliant ABM site architecture.

Development and testing of ABM systems or components (sec. 235)

The Senate amendment contained a provision (sec. 223) that would specify that funds provided to the Defense Department for fiscal year 1993 and previous years may not be obligated or expended for the development or testing of anti-ballistic missile (ABM) systems or components unless such development or testing is consistent with the development and testing described in the July 1992 SDIO report.

The House bill contained a virtually identical provision (sec. 234).

The House recedes.

Limitation regarding SDIO support services contracts (sec. 236)

The Senate amendment contained a provision (sec. 224) that would limit the Strategic Defense Initiative Organization (SDIO) to expenditures of $100 million for procurement of support services, defined as professional, administrative, and management support services, special studies and analysis, and contractors/consultants.

The House bill contained no similar provision.

The House recedes with an amendment that would set the limit at $135 million.

The conferees are aware that only 259 federal employees were assigned to SDIO in August 1992 to manage the largest single R&D program in the Defense Department, and that SDIO has used contracts to procure the technical, scientific, and engineering support required to accomplish its mission. The conferees urge the Director of SDIO to minimize the disruption caused by this limitation by first reducing contracts for administrative, clerical, management support, studies and analysis, and consultant services.

The Secretary of Defense is directed to undertake a study of the civilian and military manning levels in SDIO in order to determine the number and qualifications of civil service employees required to provide the services SDIO has previously been procuring by contract. The Secretary shall take actions to ensure that SDIO has sufficient civilian and military personnel to accomplish its mission as defined in the Missile Defense Act.

Medical countermeasures against biowarfare threats (sec. 241)

The House bill contained a provision (sec. 222) that would prohibit the obligation of expenditure of any funds authorized for product development or for research, development, test, and evaluation of medical countermeasures against biowarfare threat agents that have not been assessed by the Armed Forces Medical Intelligence Center in conjunction with the national intelligence community as being developed or produced for weaponization purposes.

The Senate amendment contained a provision (sec. 231) that would authorize no more than $59.67 million for fiscal year 1993 for the medical component of the biological defense research program (BRDP). The provision would also extend through fiscal year 1993 the limitations on the medical component of the BRDP contained in section 251 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The House recedes.

National aerospace plan (sec. 242)

The amended budget request contained $175.5 million for the national aerospace plan (NASP).

The House bill would authorize the requested amount.

The Senate amendment would terminate the program. The Senate report (S. Rept. 102-352 argued that NASP is unaffordable in the current budget environment; DOD has failed to program funds for the program in the Future Year Defense Program; and NASA has failed to contribute its share of funding.

The conferees agree that the Department of Defense should pursue a vigorous technology base program in hypersonic research. The conferees conclude that the technology is not mature enough to make a decision on the feasibility of a mach 25 orbital flight test vehicle and that the cost of such a program may be prohibitive. The conferees are also disturbed by the chaotic signals on the NASP effort emanating from NASA management, and by the lack of support for the NASA contribution to this joint program from NASA and Congress. Last year, the conferees served "notice to the administration that the NASP program will *not* be permitted to become a civilian space program activity overwhelmingly funded by DOD." Despite this admonition, no funding will be available from NASA in fiscal year 1993 for this program.

In light of the above, the conferees recommend a provision that would prohibit DOD from obligating funds for NASP after fiscal year 1993 in amounts greater than twice the amount provided for NASP in the Housing and Urban Development and Independent Agencies appropriations act for that fiscal year. For fiscal year 1993, the conferees agree to authorize $150.0 million for the purpose of completing the current three-year phase of the NASP program. The conferees agree that completing the technology development phase is the responsible way to terminate the current effort, and make an informed decision about the future feasibility and direction of hypersonic flight programs. The conferees direct that no more than half the appropriate funds for NASP in fiscal year 1993 may be obligated until the Secretary of Defense certifies to the congressional defense committees that the Department of Defense and NASA have budgeted sufficient funds to complete the program's technology assessment phase. The conferees also serve notice that further support for an orderly phase-out of the current program will depend on the NASA contribution in future years.

Landsat (sec. 243)

The Senate amendment contained a provision (sec. 839) that would authorize the Department of Defense to contract for the development, procurement, and support to operations of the seventh Landsat earth resources satellite.

The House bill contained no similar provision.

The House recedes.

The conferees agree to provide DOD the authority to proceed with the acquisition of Landsat 7 in the event that Congress fails to enact a comprehensive land remote sensing policy act during the 102 Congress. Also, the government cannot afford to wait longer to begin satellite acquisition if it wishes to ensure continuity in Landsat services in the late 1990s. The conferees emphasize the limited nature of the provision and stress the importance of revising the Land Remote Sensing Act of 1984.

LEGISLATIVE PROVISIONS NOT ADOPTED

Department of Defense Comptroller

The House bill included a provision (sec. 212) that would require the Department of Defense to reduce the number of personnel in the Office of the DOD Comptroller by five percent per month for every month that the Department failed to implement the V-22 aircraft program authorized and appropriated by Congress.

The Senate amendment contained no similar provision.

The House recedes. The Secretary of Defense has agreed to move forward with implementing the V-22 program authorized and appropriated by Congress.

P-3 maritime patrol aircraft modernization program

The House bill contained a provision (sec. 214) that would direct the Secretary of the Navy to obligate fiscal year 1992 funds appropriated to upgrade the propulsion plant and to make airframe payload and endurance improvements in the P-3 aircraft. It would authorize an additional $90.0 million of fiscal year 1993 funds for this purpose. The provision would also require the Secretary of Defense to include funds in future budget requests to execute whatever P-3 modernization program is approved by the Defense Acquisition Board (DAB).

The Senate amendment contained no similar provision. The Senate report (S. Rept. 102-352) directed the Navy not to eliminate any P-3 squadrons from the Navy's planned force structure (18 active and nine reserve squadrons) before fiscal year 1996. The report also directed the Secretary of the Navy to prepare a detailed plan for modernizing maritime patrol squadrons and to submit the plan to the congressional defense committees with the fiscal years 1994/1995 budget request.

The House recedes.

The conferees note that the Navy is attempting to reorient its antisubmarine warfare (ASW) program from open-ocean ASW operations toward an improved capability for regional ASW operations. The conferees believe that maritime patrol aircraft will continue to have an important role in ASW and anti-surface warfare patrol operations. The conferees also believe that the Navy must place a high priority on modernization of the P-3 aircraft fleet and expect that this modernization will be reflected in the amended budget request for fiscal years 1994/1995.

The conferees agree that the Secretary of the Navy should submit the report requested by the Senate report. The conferees also believe that the DAB should review the alternatives for modernizing maritime patrol squadrons.

Semiconductor cooperative research program

The House bill contained a provision (sec. 218) that would authorize $100.0 million for the semiconductor cooperative research program (SEMATECH).

The Senate amendment contained no similar provision, but would authorize $100.0 million for SEMATECH in a separate funding line.

The House recedes. The conferees recommend an authorization of $100.0 million for SEMATECH in a separate funding line.

Flexible computer integrated manufacturing program

The House bill contained a provision (sec. 220) that would authorize $12.5 million to implement a rapid acquisition of manufactured parts program (RAMP) at the Philadelphia Naval Shipyard and $11.5 million for the RAMP test and integration facility program within the Naval Supply Systems Command.

The Senate amendment contained $11.5 million for the RAMP test and integration facility program in the Navy MANTECH funding line.

The House recedes.

The conferees agree to fund the RAMP program at the Philadelphia Naval Shipyard and the RAMP test and integration facility at the Naval Supply Systems Command under the Navy MANTECH program.

Charged particle beam

The House bill contained a provision (sec. 224) that would authorize $6.0 million for the charged particle beam program and would reduce the amount requested for the advanced launch systems program by $6.0 million.

The Senate amendment contained no similar provision.

The House recedes. The conferees direct the Department of Defense to conduct the charged particle beam program under the DARPA tactical technology line.

Medical information demonstration program

The House bill contained a provision (sec. 225) that would authorize $15.0 million for a competitive grant to a medical college to provide research facilities with access to medical education and clinical research data.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recommend $15.0 million for a 50 percent cost-shared grant to be awarded through competitive procedures to a medical college to provide research facilities with the capability to access medical educational and research data through electronic networks. The conferees urge the Department of Defense to select an institution which has in place or is in the process of establishing computerized abstraction tools and a worldwide computer network linking public and private medical institutions. The conferees direct the Secretary of Defense to provide the grant in program element 602787A, Army medical technology.

Shipboard electronic warfare programs

The Senate amendment included a provision (sec. 214) that would require the Secretary of Defense to identify a separate program element in the budget request for fiscal years 1994/1995 for electronic warfare programs involving ship self-defense.

The House bill contained no similar provisions.

The Senate recedes.

The conferees believe that the electronic warfare programs which contribute directly to solving the ship self-defense problem should be managed by the single program manager for ship self-defense.

Funding for Technical Support Working Group on counter-terrorism

The Senate amendment contained a provision (sec. 232) that would authorize $10.0 million for the Technical Support Working Group (TSWG) on counter-terrorism. The provision would specify that $3.0 million of the $10.0 million would be available for cooperation with NATO and major non-NATO allies.

The House bill contained no similar provision, although it would authorize in a separate funding line $6.99 million for the TSWG—the amount included in the amended budget request.

The Senate recedes. The conferees recommend $9.99 million for the TSWG in a separate funding line. The $3.0 million addition to the requested amount would be available for cooperation with NATO and major non-NATO allies.

TITLE III—OPERATION AND MAINTENANCE

OVERVIEW

The House bill would authorize $77,816,268,000 for operation and maintenance for the Department of Defense and $16,600,000 for Working Capital Fund accounts in fiscal year 1993.

The Senate amendment would authorize $81,703,819,000 for operation and maintenance for the Department of Defense and $1,123,800 for Working Capital Fund accounts in fiscal year 1993.

The conferees recommend authorization of $80,805,502,000 for operation and maintenance for the Department of Defense and $1,145,000,000 for Working Capital Fund accounts in fiscal year 1993, as reflected in the following tables.

OPERATION AND MAINTENANCE
SUMMARY OF FUNDS RECOMMENDED FOR AUTHORIZATION
(DOLLARS IN THOUSANDS)

ACCOUNT	FY 1993 REQUEST	HOUSE CHANGE	FY 1993 HOUSE AUTHORIZED	SENATE CHANGE	FY 1993 SENATE AUTHORIZED	CONFERENCE CHANGE	FY 1993 CONFERENCE AUTHORIZED
O&M, ARMY	15,419,100	(1,837,694)	13,581,406	(1,225,885)	14,193,215	(1,517,188)	13,901,912
O&M, NAVY	20,728,600	(2,457,106)	18,271,494	(357,319)	20,371,281	(1,195,604)	19,532,996
O&M, MARINE CORPS	1,607,500	(50,200)	1,557,300	(153,985)	1,453,515	(48,985)	1,558,515
O&M, AIR FORCE	17,581,000	(2,143,866)	15,437,134	(704,523)	16,876,477	(988,143)	16,592,857
O&M, DEFENSE AGENCIES	9,033,000	530,094	9,563,094	(648,395)	8,384,605	233,879	9,266,879
O&M, INSPECTOR GENERAL	125,200	93,700	218,900	300	125,500	0	125,200
O&M, ARMY RESERVE	990,300	919	991,219	43,473	1,033,773	24,473	1,014,773
O&M, NAVY RESERVE	852,700	0	852,700	26,092	878,792	12,792	865,492
O&M, MARINE CORPS RESERVE	74,700	1,250	75,950	121	74,821	471	75,171
O&M, AIR FORCE RESERVE	1,215,723	(900)	1,214,823	(1,836)	1,213,887	(1,436)	1,214,287
O&M, ARMY NATIONAL GUARD	2,134,100	82,600	2,216,700	117,113	2,251,213	103,913	2,238,013
O&M, AIR NATIONAL GUARD	2,552,624	(700)	2,551,924	(40,149)	2,512,475	(39,449)	2,513,175
RIFLE PRACTICE, ARMY	2,700	0	2,700	0	2,700	0	2,700
COURT OF MILITARY APPEALS	5,900	0	5,900	(7)	5,893	(7)	5,893
ENVIRONMENTAL RESTORATION	901,200	0	901,200	612,000	1,513,200	612,000	1,513,200
HUMANITARIAN ASSISTANCE	13,000	0	13,000	12,000	25,000	12,000	25,000
DRUG INTERDICTION/COUNTER DRUG ACTV	1,263,400	0	1,263,400	0	1,263,400	0	1,263,400
WORLD UNIVERSITY GAMES	0	6,000	6,000	6,000	6,000	6,000	6,000
WORLD CUP GAMES	0	0	0	9,000	9,000	9,000	9,000
OLYMPIC GAMES	0	2,000	2,000	2,000	2,000	2,000	2,000
DEFENSE HEALTH PROGRAM	9,507,457	(418,033)	9,089,424	(385)	9,507,072	(348,418)	9,159,039
TOTAL OPERATION & MAINTENANCE	84,008,204	(6,191,936)	77,816,268	(2,304,385)	81,703,819	(3,122,702)	80,885,502

WORKING CAPITAL FUNDS

ACCOUNT	FY 1993 REQUEST	HOUSE CHANGE	FY 1993 HOUSE AUTHORIZED	SENATE CHANGE	FY 1993 SENATE AUTHORIZED	CONFERENCE CHANGE	FY 1993 CONFERENCE AUTHORIZED
WORKING CAPITAL FUNDS							
Defense Business Operations Fund	1,123,800	(1,107,200)	16,600	0	1,123,800	21,200	1,145,000
TOTAL WORKING CAPITAL FUNDS	1,123,800	(1,107,200)	16,600	0	1,123,800	21,200	1,145,000

O&M, ARMY
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, ARMY	15,419,100		13,581,406		14,193,215		13,901,912
Reduced Inventory Purchases		(509,000)		(222,000)		(222,000)	
Foreign Nationals		(94,000)				(94,000)	
Civilian Pay Quarter Adjustment		(102,000)				0	
Wage Grade Pay Adjustment		(55,000)		(5,900)		(5,900)	
Headquarters and Administration		(8,000)				(4,000)	
Consultants		(13,000)		(9,600)		(13,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				(25,000)	
Leases		(17,000)				(8,500)	
Classified Programs		(105,794)		(56,200)		(127,228)	
Recruiting, Advertising and Examining		(34,600)		(12,500)		(12,500)	
Classroom Training		(84,000)		(80,000)		(40,000)	
Burdensharing		(95,000)		(40,000)		(95,000)	
DBOF Technical Adjustments		(559,400)				(251,400)	
CFE Verification		(2,500)				0	
Pentagon Reservation Maintenance Fund		(31,900)		(10,000)		(31,900)	
Criminal Investigations Transfer		(28,500)				0	
Nursing Demonstration Program		2,000				2,000	
Foreign Currency Repricing				(53,600)		0	
Reduced Purchases By DBOF				(132,500)		(132,500)	
Return Excess Inventory Stocks				(743,000)		(743,000)	
Excess On-Order Purchases				(250,000)		(125,000)	
Excess DBOF Cash				(100,000)		0	
Command, Control, Communications				(40,000)		(13,000)	
Real Property Maintenance (Transfer)				599,798		574,798	
Real Property Maintenance				(22,000)		0	
Travel				(29,896)		(29,896)	

Administrative Airlift		(800)	(800)
Printing		(3,002)	(3,002)
OSIA - Reduced FY 1993 Costs		(5,000)	(5,000)
Revised Inflation		(11,000)	(11,000)
Retire SIGINT Equipment		(35,500)	(35,500)
O&M Purchase Threshold		6,900	0
Civilian Personnel Benefits		9,800	14,800
JROTC		18,690	18,690
Service Academy Bands		(75)	0
Army Environmental Policy Institute		1,500	1,500
Madigan Army Medical Center			150
Transfer - National Defense Stockpile			(100,000)
TOTAL	(1,837,694)	(1,225,885)	(1,517,188)

O&M, NAVY
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, NAVY	20,728,600		18,271,494		20,371,281		19,532,996
Excess Inventories		(646,000)		(321,280)		(321,280)	
Foreign Nationals		(30,000)				(30,000)	
Civilian Pay Quarter Adjustment		(91,000)				0	
Wage Grade Pay Adjustment		(33,000)		(19,200)		(19,200)	
Headquarters and Administration		(8,000)				(4,000)	
Consultants		(1,000)		(24,600)		(1,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				(25,000)	
Leases		(11,000)				(5,500)	
Classified Programs		(25,406)		(25,700)		(25,435)	
Recruiting, Advertising and Examining		(13,000)		(4,700)		(4,700)	
Classroom Training		(71,000)		(62,000)		(31,000)	
Force Structure Support Excess		(253,000)				(50,000)	
Burdensharing		(3,000)				(3,000)	
Philippine Severance Pay		(52,000)		(52,000)		(52,000)	
DBOF Technical Adjustments		(1,045,500)				(782,500)	
Pentagon Reservation Maintanance Fund		(22,000)		(3,900)		(22,000)	
Criminal Investigations Transfer		(54,200)				0	
Guantanamo Base Operations		2,000				2,000	
Foreign Currency Repricing				(4,300)		0	
Reduced Purchases by DBOF				(166,800)		(166,800)	
Return Excess Inventory Stock				(31,500)		(31,500)	
Excess DBOF Cash				(100,000)		0	
Command, Control, Communication				(40,000)		(13,000)	
Real Property Maintenance (Transfer)				551,256		510,256	

Real Property Maintenance		(54,000)	0
Travel		(12,405)	(12,405)
Administrative Airlift		(2,350)	(2,350)
Printing		(2,376)	(2,376)
OSIA - Reduced FY 1993 Costs		(7,300)	(7,300)
Revised Inflation		(13,000)	(13,000)
O&M Purchase Threshold		41,000	0
Naval Earth Orbit Activities		1,600	1,600
Civilian Personnel Benefits		4,800	7,400
SOSUS		(15,000)	0
JROTC		6,486	6,486
Service Academy Bands		(50)	0
Transfer - National Defense Stockpile			(100,000)
USS Sanctuary			2,000
TOTAL	(2,457,106)	(357,319)	(1,195,604)

O&M, MARINE CORPS
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, MARINE CORPS	1,607,500		1,557,300	1,453,515		1,558,515
Excess Inventories		(44,000)		(21,960)	(21,960)	
Recruiting, Advertising and Examining		(6,200)		(2,600)	0	
Foreign Currency Repricing				(100)	0	
Reduced Purchases by DBOF				(15,300)	(15,300)	
Return Excess Inventory Stock				(19,500)	(19,500)	
Excess DBOF Cash				(100,000)	0	
Training and Education				(6,000)	(3,000)	
Wage Grade Pay Raise				(1,200)	(1,200)	
Travel				(3,593)	(3,593)	
Printing				(620)	(620)	
Revised Inflation				(2,000)	(2,000)	
MP Training				460	460	
O&M Purchase Threshold				1,000	0	
Civilian Personnel Benefits				600	900	
MC Enhancements				14,600	14,600	
JROTC				2,228	2,228	
TOTAL		(50,200)		(153,985)	(48,985)	

O&M, AIR FORCE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, AIR FORCE	17,581,000		15,459,634		16,876,477		16,592,857
Excess Inventories		(634,000)		(271,140)		(271,140)	
Foreign Nationals		(23,000)				(23,000)	
Civilian Pay Quarter Adjustment		(78,000)				0	
Wage Grade Pay Adjustment		(39,000)		(11,600)		(11,600)	
Headquarters and Administration		(17,000)				(8,500)	
Consultants		(16,000)		(9,000)		(16,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				(25,000)	
Leases		(11,000)				(5,500)	
Recruiting, Advertising and Examining		(5,000)		(1,800)		(1,800)	
Classroom Training		(46,000)		(44,000)		(22,000)	
Real Property Maintenance		(232,000)		(90,000)		0	
Burdensharing		(2,000)				(2,000)	
DBOF Technical Adjustments		(598,100)				(275,100)	
Depot Level Reparables & Reliability Centered Maintenance		(100,000)				(50,000)	
Pentagon Reservation Maintenance Fund		(24,200)		(7,100)		(24,200)	
Classified Programs		(93,466)		(16,900)		(33,100)	
Criminal Investigations Transfer		(41,000)				0	
Civil Air Patrol		400		1,331		1,331	
Junior ROTC		25,000		4,022		4,022	
Computer-aided Acq. & Logistics System		13,000				13,000	
Foreign Currency Repricing				(25,500)		0	
Reduced Purchases By DBOF				(140,200)		(140,200)	
Return Excess Inventory Stock				(224,000)		(224,000)	

Workload Carryover	(100,000)		(50,000)
Excess On-Order Purchases		(150,000)	(75,000)
Excess DBOF Cash		(100,000)	0
Command, Control, Communication		(40,000)	(13,000)
Real Property Maintenance (Transfer)		446,394	403,894
Travel		(16,008)	(16,008)
Administrative Airlift		(9,150)	(9,150)
Printing		(2,892)	(2,892)
OSIA - Reduced FY 1993 Costs		(6,800)	(6,800)
Revised Inflation		(16,000)	(16,000)
B52/B1 Depot Costs		(17,600)	0
O&M Purchase Threshold		36,000	0
Civilian Personnel Benefits		7,600	11,600
Service Academy Bands		(180)	0
Transfer - National Defense Stockpile			(100,000)
TOTAL	(2,121,366)	(704,523)	(988,143)

O&M, DEFENSE AGENCIES
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, DEFENSE AGENCIES	9,033,000		9,561,594		8,384,605		9,266,879
Excess Inventories		(62,000)		(32,258)		(32,258)	
Foreign Nationals		(3,000)				(3,000)	
Civilian Pay Quarter Adjustment		(37,000)				0	
Wage Grade Pay Adjustment		(13,000)		(9,200)		(9,200)	
Headquarters and Administration		(17,000)				(8,500)	
Consultants		(15,000)		(16,800)		(15,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				0	
Leases		(11,000)				(5,500)	
Recruiting, Advertising and Examining		(2,000)		(400)		(400)	
Classroom Training		(6,000)				0	
DBOF Technical Adjustments		(11,300)				(11,300)	
OSIA Chemical Weapons Verification		(14,300)		(14,300)		(14,300)	
Pentagon Reservation Maintenance Fund		(31,900)		(9,900)		(31,900)	
Defense Commissary Agency		(55,500)				(55,000)	
Classified Programs		(209,306)		(157,435)		(173,861)	
Defense Contract Audit Agency		8,700		8,700		8,700	
Defense Commissary Agency		1,107,200				0	
Physician Assistant Demonstration Program		1,000				1,000	
National Defense Stockpile Operating Expenses				(33,000)		0	
Office of Economic Adjustment				25,000		50,000	
Office of the Secretary of Defense				(3,400)		(3,400)	
Foreign Currency Repricing				(4,700)		0	
Reduced Purchases By DBOF				(22,600)		(22,600)	
Excess DBOF Cash				(100,000)		0	

Command, Control, Communication		(30,000)	(10,000)
Real Property Maintenance (Transfer)		168,362	168,362
Real Property Maintenance		(34,000)	0
Travel		(16,355)	(16,355)
Printing		(2,609)	(2,609)
Revised Inflation		(8,000)	(8,000)
Payments to School Districts		58,000	58,000
Legacy Res. Manage. Prog.		40,000	40,000
O&M Purchase Threshold		129,500	0
CINC Initiatives Fund		25,000	25,000
Transfer - National Defense Stockpile		(612,000)	(100,000)
Civilian Personnel Benefits		4,000	8,000
Civilian Community Corps Demo Program			30,000
National & Community Service Programs			30,000
Economic Adjustment Planning Pilot Project			2,000
Assistance Through EDA			80,000
Training and Employment Services			75,000
Troops to Teachers Program			65,000
Environmental Remediation Tng Scholarships			10,000
College Grants - Env. Restoration Tng			10,000
Upward Bound Projects			5,000
Job Bank Program			4,000
Serv. Mmbrs Occupational Conversion & Tng			75,000
Procurement Technical Assistance Centers			12,000
TOTAL	528,594	(648,395)	233,879

O&M, INSPECTOR GENERAL
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, INSPECTOR GENERAL	125,200		218,900		125,500		125,200
Criminal Investigations Transfer		93,700				0	
O&M Purchase Threshold				300		0	
TOTAL		93,700		300		0	

O&M, ARMY RESERVE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, ARMY RESERVE	990,300		991,219		1,033,773		1,014,773
Recruiting, Advertising & Examining		(5,300)		(1,900)		(1,900)	
Classified Programs		(1,781)				0	
End Strength Adjustment		8,000		46,000		27,000	
Reduced Purchases By DBOF				(7,000)		(7,000)	
Reduce Purchases From DBOF				(10,140)		(10,140)	
Real Property Maintenance (Transfer)				23,200		23,200	
Wage Grade Pay Raise				(600)		(600)	
Travel				(4,367)		(4,367)	
Printing				(720)		(720)	
Revised Inflation				(1,000)		(1,000)	
TOTAL		919		43,473		24,473	

O&M, NAVY RESERVE
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, NAVY RESERVE	852,700		852,700		878,792		865,492
Recruiting, Advertising and Examining		(2,000)		(800)		(800)	
Craft of Opportunity Program		2,000				3,200	
Reduced Purchases By DBOF				(11,200)		(11,200)	
Reduce Purchases From DBOF				(16,027)		(16,027)	
Real Property Maintenance (Transfer)				27,872		27,872	
End Strength Adjustment				33,000		16,500	
Travel				(1,024)		(1,024)	
Administrative Airlift				(4,576)		(4,576)	
Printing				(153)		(153)	
Revised Inflation				(1,000)		(1,000)	
TOTAL		0		26,092		12,792	

O&M, MARINE CORPS RESERVE
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, MARINE CORPS RESERVE	74,700		75,950		74,821		75,171
Recruiting, Advertising and Examining		(1,000)		(100)		0	
End Strength Adjustment		2,250		2,000		2,250	
Reduced Purchases By DBOF				(600)		(600)	
Reduce Purchases From DBOF				(800)		(800)	
Travel				(322)		(322)	
Printing				(57)		(57)	
TOTAL		1,250		121		471	

O&M, AIR FORCE RESERVE
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, AIR FORCE RESERVE	1,215,723		1,214,823		1,213,887		1,214,287
Recruiting, Advertising and Examining		(900)		(300)		(300)	
Reduced Purchases By DBOF				(12,000)		(12,000)	
Reduce Purchases From DBOF				(17,015)		(17,015)	
Real Property Maintenance (Transfer)				28,500		28,500	
End Strength Adjustment				1,000		1,000	
Wage Grade Pay Raise				(1,900)		(1,900)	
Travel				(721)		(721)	
Printing				(100)		(100)	
Civilian Personnel Benefits				700		1,100	
TOTAL		(900)		(1,836)		(1,436)	

O&M, ARMY NATIONAL GUARD
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, ARMY NATIONAL GUARD	2,134,100		2,218,200		2,251,213		2,238,013
Recruiting, Advertising and Examining		(4,400)		(1,600)		(1,600)	
End Strength Adjustment		87,000		97,000		92,000	
Reduced Purchases By DBOF				(23,500)		(23,500)	
Reduce Purchases From DBOF				(33,620)		(33,620)	
Real Property Maintenance (Transfer)				34,400		34,400	
Wage Grade Pay Raise				(3,600)		(3,600)	
Travel				(1,156)		(1,156)	
Administrative Airlift				(200)		(200)	
Printing				(711)		(711)	
Revised Inflation				(1,000)		(1,000)	
Civilian Personnel Benefits				1,100		1,700	
National Guard Youth Program				50,000		50,000	
National Guard Medical Pilot Program		1,500				5,000	
Classified Programs						(13,800)	
TOTAL		84,100		117,113		103,913	

O&M, AIR NATIONAL GUARD
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, AIR NATIONAL GUARD	2,552,624		2,551,924		2,512,475		2,513,175
Recruiting, Advertising and Examining		(700)		(300)		(300)	
Reduced Purchases By DBOF				(30,000)		(30,000)	
Reduce Purchases From DBOF				(42,774)		(42,774)	
Real Property Maintenance (Transfer)				41,000		41,000	
End Strength Adjustment				(1,000)		(1,000)	
Wage Grade Pay Raise				(4,400)		(4,400)	
Travel				(1,562)		(1,562)	
Administrative Airlift				(1,227)		(1,227)	
Printing				(186)		(186)	
Revised Inflation				(1,000)		(1,000)	
Civilian Personnel Benefits				1,300		2,000	
TOTAL		(700)		(40,149)		(39,449)	

O&M, RIFLE PRACTICE, ARMY
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, RIFLE PRACTICE, ARMY	2,700		2,700		2,700		2,700
TOTAL		0		0		0	

O&M, U.S. COURT OF MILITARY APPEALS
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, U.S. COURT OF MILITARY APPEALS	5,900		5,900		5,893		5,893
Travel				(7)		(7)	
TOTAL		0		(7)		(7)	

O&M, ENVIRONMENTAL RESTORATION, DEFENSE
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, ENVIRONMENTAL RESTORATION DEFENSE	901,200		901,200		1,513,200		1,513,200
Transfer - Nat. Defense Stockpile				612,000		612,000	
TOTAL		0		612,000		612,000	

O&M, HUMANITARIAN ASSISTANCE
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, HUMANITARIAN ASSISTANCE	13,000		13,000		25,000		25,000
				12,000		12,000	
TOTAL		0		12,000		12,000	

O&M, DRUG INTERDICTION & COUNTER DRUG ACT, DEFENSE
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, DRUG INTERDICTION	1,263,400		1,263,400		1,263,400		1,263,400
Project 3415 Riverine Craft (Procurement)		(3,500)				0	
Project 6404 SOCOM Riverine Support (Proc.)		(1,485)				0	
Project 6415 Theater CINC Support		(1,000)				0	
Project 3000 Naval Reserve (Procurement)		(1,300)				0	
Project 9401 Office of Secretary of Defense		(1,000)				0	
Project 3303 Hydrofoil Patrol Boat		(2,000)				0	
Project 1403 Counter-Drug Research & Dev.		(10,715)				0	
Demand Reduction		(5,000)				0	
OPTEMPO		(10,000)				(20,000)	
Classified Programs		(89,300)				(89,300)	
Project 9499 Support to Law Enforcement		30,000		30,000		30,000	
Project 4499 Civil Air Patrol		1,000		1,000		1,000	
Counter-Drug Surveillance Plan		5,000				5,000	
Consolidated Surveillance Account		89,300				89,300	
Undistributed Reduction						(41,000)	
Demand Reduction Military Departments				15,000		15,000	
Demand Reduction National Guard				10,000		10,000	
Undistributed Operating Tempo				(56,000)		0	
TOTAL		0		0		0	

O&M, WORLD UNIVERSITY GAMES
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, WORLD UNIVERSITY GAMES	0		6,000		6,000		6,000
Increase		6,000		6,000		6,000	
TOTAL		6,000		6,000		6,000	

O&M, WORLD CUP GAMES
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, WORLD CUP GAMES	0		0		9,000		9,000
Increase		0		9,000		9,000	
TOTAL		0		9,000		9,000	

O&M, OLYMPIC GAMES
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, OLYMPIC GAMES	0	2,000	2,000	2,000	2,000	2,000	2,000
Increase		2,000		2,000		2,000	
TOTAL		2,000		2,000		2,000	

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O&M, DEFENSE HEALTH PROGRAM
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, DEFENSE HEALTH PROGRAM	9,507,457		9,089,424		9,507,072		9,159,039
Excess Inventories		(105,000)				0	
Shift to Research & Development		(313,033)				(313,033)	
Reduced Purchases By DBOF				(38,300)		(38,300)	
Reduce Purchases From DBOF				(54,640)		(54,640)	
Training and Education				(8,000)		(8,000)	
Wage Grade Pay Raise				(1,400)		(1,400)	
Travel				(5,209)		(5,209)	
Printing				(836)		(836)	
Revised Inflation				(17,000)		(17,000)	
CHAMPUS				49,000		14,000	
Transition Benefits				76,000		76,000	
TOTAL		(418,033)		(385)		(348,418)	

O&M, WORKING CAPITAL FUNDS
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION			SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION		CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION	
O&M, WORKING CAPITAL FUNDS											
Defense Business Operations Fund	1,123,800	(1,107,200)	16,600			0	1,123,800		21,200	1,145,000	
TOTAL	1,123,800	(1,107,200)	16,600	0	0	0	1,123,800	0	21,200	1,145,000	

ITEMS OF SPECIAL INTEREST

Defense business operations fund technical adjustments

The conferees agree to the technical adjustments contained in the House bill and discussed in the House report (102-527) for the Defense Business Operations Fund (DBOF) capital program and for DBOF overcharges, including depreciation of military construction projects.

Automatic data processing

The conferees continue to support the basic goals of the DOD corporate information management (CIM) initiative. However, the military departments still have not coordinated all of their automatic data processing (ADP) efforts with each other or under the CIM initiative, and they continue to develop their own systems under the guise of "service-uniqueness". To encourage the military departments to coordinate all of their system development efforts with each other and with the CIM program, the conferees recommend reductions of $25.0 million to the ADP requests for the Army, Navy, and Air Force.

Marine Corps intelligence training

In an attempt to help remedy Marine Corps intelligence shortfalls highlighted during Operation Desert Shield/Desert Storm, the conferees direct that $2.0 million of Marine Corps operation and maintenance funds available in fiscal year 1993 be set aside for intelligence training.

Air Force depot maintenance workload carryover

The conferees agree to a reduction of $50.0 million in the Air Force operation and maintenance account because of the significant growth in excess depot maintenance workload carried over from one fiscal year to the next. While making this reduction due to excess workload carryover, the conferees continue to support a level of depot maintenance funding necessary to ensure a steady flow of work through the industrial activities of the military Services.

Office of Economic Adjustment

The conferees agree to authorize an increase of $50.0 million above the requested amount for the Office of Economic Adjustment (OEA). This increase is necessary to support the expanded scope of OEA assistance programs authorized in title XLIII of this act.

Defense Commissary Agency

The conferees agree to a $55.0 million reduction to the amount requested for the Defense Commissary Agency (DeCA). This reduction is possible due to reduced inventories and increased cash levels in the commissary system. Funds to offset this reduction should be transferred to the DeCA from the Defense Business Operations Fund (DBOF).

The conferees are concerned about the systemic bill paying problems being encountered by the Defense Commissary Agency since its creation on October 1, 1991. By the end of February 1992, DeCA had approximately 187,000 overdue invoices unpaid, totalling between $350-$400 million. Corrective action, initiated in response to Congressional attention, has resulted in more timely payment of current invoices. However, at the end of August 1992, DeCA still had an unacceptable level of overdue invoices.

The conferees expect DeCA to fully comply with the letter and intent of the Prompt Payment Act. DeCA should review its current compliance program and procedures to ensure that staff are adequately trained and understand the requirements of the Act. In addition, DeCA should review its procedures to ensure that it has not imposed practices that frustrate compliance with the law.

Specifically, the conferees note that DeCA has imposed restrictions on the submission of invoices by its vendors for the purpose of reducing the number of invoices to be processed. Certain vendors have been directed to submit twice-monthly roll-ups for product delivered. Since the time available to the government to make a timely payment is triggered by receipt of the invoice (or acceptance of the product or service, whichever is later), agency action to delay submission of a vendor's invoice for work performed can circumvent the statutory payment protections afforded by the Prompt Payment Act. Under the Act, a vendor may submit an invoice any time after performance. Within 60 days after enactment of this act, the conferees direct DeCA to provide to the Committees on Armed Services of the Senate and the House of Representatives a plan to revise its policies regarding roll-ups to conform to industry practices, assuring that vendors covered by the 7-day or 10-day payment terms specified in the Act are permitted to submit invoices on the schedule employed by the vendor in the private sector.

Arms control compliance

The amended budget request contained $505.2 million for Department of Defense funding for arms control-related programs.

The House bill would authorize $482.8 million.

The Senate amendment would authorize $465.6 million.

Based on thorough consultation with officials from the Office of the Secretary of Defense, the military Services, and the On-Site Inspection Agency (OSIA), the conferees recommend several funding adjustments to the budget request for activities related to arms control. The adjustments reflect delays in the anticipated date of entry into force of the Strategic Arms Reduction Talks (START), as well as changes in inspection requirements for ongoing and anticipated activities related to the Intermediate-range Nuclear Forces (INF) Treaty, the Conventional Forces in Europe (CFE) Treaty, the Bilateral Chemical Weapons Agreement, and the Open Skies (OS) Treaty.

The adjustments result in reductions to the amended budget request of $.6 million in procurement, $5.6 million in military construction, and $33.4 million in operation and maintenance accounts. The recommended adjustments result in an overall savings of $39.6 million in DOD funding for arms control-related programs, which are listed in the table below and reflected in the appropriate account tables.

FY 1993 DoD Arms Control Budget
(Dollars in Millions)

Account	Program	Request	Change	Recommendation
WPN	Trident II Msl	10.8		10.8
OPN	VLS	3.9		3.9
MPAF	MMII/MMIII Mods	21.3		21.3
OPAF	Spares & Repairs	0.2		0.2
AP,AF	C–135	51.6		51.6
OPA	Arms Control Compliance	3.5		3.5
PDA	OSIA	7.2	–0.6	6.6
RDT&E, AF	Arms Control Implementation	4.5		4.5
RDT&E,DA	Ver Tech Dem, DNA(603711)	67.1		67.1
O&M, Army		50.5	–5.0	45.5
O&M, Navy		58.5	–7.3	51.2
O&M, Air Force		66.0	–6.8	59.2
O&M, DA	OSIA	153.5	–14.3	139.2
O&M, DA	DNA	1.0		1.0
MILCON, DA	OSIA	5.6	–5.6	0.0
Total		505.2	–39.6	465.6

Drug interdiction and counter-drug activities

To fund congressional priorities, including the detection and monitoring systems evaluation and plan and the expanded demand reduction pilot program, the conferees recommend the following changes to the amounts requested for drug interdiction and counter-drug activities.

Although the conferees have decided to grant considerable discretion to the Department in taking reductions in individual programs, the conferees direct that no reductions be taken in project 1403. The conferees believe that the various activities funded under this project offer the best chance for a significant breakthrough with great impact on the national counter-drug effort. In this connection, the conferees direct the Department to evaluate chemical detector devices consisting of an infrared detector coupled with a high-speed signal processor and, if test results warrant, to use funds from Research and Development, Drug Interdiction accounts to evaluate and fully develop this device.

Drug interdiction and counter-drug activities, operation and maintenance

[In thousands of dollars]

Fiscal year 1993 drug interdiction and counter-drug activities, O&M request ..	$1,263,400
Reductions:	
Undistributed operating tempo	($20,000)
Undistributed general reduction	($41,000)
Classified programs	($89,300)
Total reductions	($150,300)
Increases:	
Project 9499 support to law enforcement	$30,000
Project 4499 Civil Air Patrol	$1,000
Counter-drug detection and monitoring systems plan	$5,000
Consolidated detection and monitoring systems	$89,300
Demand reduction, military departments	$15,000
Demand reduction, National Guard	$10,000
Total increases	$150,300
Recommendation	$1,263,400

Television operating scoring system

Since 1985, the Air Force has invested millions of dollars in engineering capabilities to build the world's only integrated electronic range at Nellis Air Force Base. The television operated scoring system (TOSS) program is a critical component to testing and evaluating the performance of combat aircrews at the Nellis Range, contributing to the success of U.S. air power in the Persian Gulf conflict. The conferees believe that the Air Force should continue to support this program at a level that results in the maintenance of current capability through fiscal years 1993 and 1994.

C–141 secondary exhaust nozzle procurement

The conferees are aware of the program to design and develop a new C–141 secondary exhaust nozzle that could reduce maintenance costs and contribute to extending the life of the aircraft. The conferees are disturbed that the Air Force has not announced a decision on whether to proceed with new nozzle production. Therefore, the conferees direct the Secretary of the Air Force to submit his recommendation on the secondary nozzle procurement program, including the relevant cost analysis supporting the recommendation, to the congressional defense committees by February 1, 1993.

Airlift support for the United States Antarctic program

The conferees understand that when the two previously authorized and appropriated LC–130 aircraft are delivered to the Air National Guard, two of their older model LC–130 aircraft are scheduled to be transferred to the Navy. If this proposed transfer takes place, as much as $20 million could be required to re-configure these aircraft to Navy operational standards. At the present time, both the Air National Guard and the Navy operate these ski-equipped aircraft to provide logistical support to the United States Antarctic program.

The conferees direct that no LC–130 aircraft be transferred from the Air National Guard to the Navy until the Secretary of Defense conducts a complete review of the current allocation of heavy airlift resources to support the United States Antarctic program. This review shall include future equipment needs; a cost analysis of transferring LC–130 aircraft from the Air National Guard to the Navy; whether any reorganization of this mission could improve the efficiency of operations; and whether the Air National Guard could assume a greater role in providing this support. The results of this review should be provided to the congressional defense committees by March 1, 1993.

Intelligence and threat analysis center

The House bill would deny authorization for the Army's Intelligence and Threat Analysis Center (ITAC) and would implicitly reallocate ITAC personnel billets. The House position is that the creation of joint intelligence centers, increased capabilities at the Defense Intelligence Agency, and the restructuring and reinforcing of intelligence brigades, call into question the need to maintain ITAC.

The Senate amendment did not deny authorization for ITAC.

The House recedes.

In addressing this issue, the conferees reviewed the missions of ITAC. The conferees conclude from this review that some of these missions are appropriate for a Service-level intelligence production organization, while others may not be appropriate. Some of these missions have also been assigned to other organizations or are being performed by more than one organization.

The conferees agree that the issues of duplication of effort and mission, and of separate overhead costs, raised in connection with ITAC by the House are applicable across the general military intelligence production units within the Department of Defense. These issues should be addressed in a larger review of the roles and missions of defense intelligence and departmental general military intelligence production units, all of which are located in the Washington, D.C. metropolitan area. The conferees also agree that in light of continued severe budget constraints and personnel reductions, more needs to be done to optimize the dwindling resources of our intelligence production units. The conferees direct the Chairman of the Joint Chiefs of Staff to examine these issues as part of his comprehensive roles and missions review and make recommendations to the Secretary of Defense.

Army backlog of facility maintenance and repair

The conferees are concerned that the Army has funded real property maintenance activity at U.S. bases at less than 75 percent of the annual requirements. This low level of funding means that necessary work to maintain the $200 billion of Army infrastructure cannot be accomplished. These shortfalls caused the backlog of maintenance and repair to continue to rise alarmingly.

Even an installation the size of Fort Gillem, Georgia, with a real property value of about $650 million, has a carryover backlog of approximately $18 million—with no ability to apply annual funding toward the reduction of these requirements.

The conferees believe that the Army must place more attention on the condition of its facilities and establish a realistic real property maintenance funding level, as well as allow a reasonable level of additional funding to reduce the size of the current backlog. Even at today's low inflation rates, an installation must spend at least seven percent of the value of its backlog requirements to stay even with deterioration and inflation—and this is in addition to full funding for validated annual requirements.

The conferees want to emphasize that real property maintenance is not simply a matter confined in infrastructure. Continued deterioration of facilities risks creating the same kind of quality of life and morale problems that plagued the Army in the late 1970s. Trying to convince the highest quality personnel that the Army has ever had that they are part of a first rate organization is going to become increasingly difficult if their living and working conditions are second or third rate.

Therefore, the conferees direct the Army to prepare a special report to be submitted with the fiscal years 1994/1995 budget request which specifically addresses the amount of funding proposed for U.S. installations towards the utilities, maintenance and repair, minor construction, and other engineering support accounts, and the percentage of annual requirements for each account provided by the proposed funding level.

In addition, the conferees direct the Army to allocate seven percent of Fort Gillem's backlog of maintenance and repair funds for real property maintenance in an effort to improve the serious neglect of facilities at that installation.

Hospital ship for humanitarian relief

The conferees agree to authorize $2.0 million for a ship check of the ex-*U.S.S. Sanctuary*, a former hospital ship, for the purpose of determining the feasibility and cost of restoring the ship for use on humanitarian relief missions. The ship is currently in the custody of a private, nonprofit organization. The conferees direct the Secretary of the Navy to use these funds to prepare a budget quality estimate of the cost to restore the ship to a status adequate to support humanitarian relief operations and, in a emergency, U.S. military operations. The Secretary of the Navy should submit this estimate to the congressional defense committees not later than March 1, 1993.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Humanitarian assistance (sec. 304)

The House Bill contained a provision (sec. 304) that would extend the authority contained in prior authorization acts for the transportation of humanitarian assistance to Afghanistan and Cambodia, and for other humanitarian purposes worldwide, and would

authorize $13.0 million for this purpose in fiscal year 1993.

The Senate amendment contained a similar provision (sec. 304) that would authorize $25.0 million for this purpose in fiscal year 1993. The increase in funding was to meet the increased demands for transportation of humanitarian relief, especially in eastern Europe and Africa.

The House recedes with an amendment that would expand the reporting requirements for excess non-lethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

The conferees note that the report regarding humanitarian assistance for countries not specifically authorized by law shall be submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in addition to the Committee on Armed Services of the Senate and House of Representatives.

The House conferees wish to express their strong concern over the expansion of the humanitarian assistance program and wish to state that the program will be the subject of joint hearings by the Committees on Foreign Affairs and Armed Services of the House of Representatives. In this regard, the House conferees also express concern that the humanitarian assistance program would be exempted from restrictions contained in the section of this act concerning excess defense articles. The excess defense article program would prohibit all construction and emergency equipment from being transferred to foreign countries. The House Committee's joint hearings will examine the exemption for the humanitarian assistance program.

Support for the 1994 World Cup Games (sec. 305)

The Senate amendment contained a provision (sec. 305) that would authorize DOD to provide logistical support and personnel services to the 1994 World Cup Games to be held in nine American cities during the summer of 1994.

The House bill contained no similar provision.

The House recedes.

Transfer authority (sec. 306)

The Senate amendment contained a provision (sec. 306) that would authorize the Secretary of Defense, to the extent provided in appropriations acts, to transfer funds from two sources into the O&M accounts during fiscal year 1993. This section would authorize the transfer of $3,054.0 million from the Defense Business Operations Fund to the O&M accounts to the extent that the military department concerned has received credit from the Defense Business Operations Fund for unneeded secondary items returned to the Fund for credit by the military department. Transfers under this authority may also be made if the Secretary of Defense certifies to the congressional defense committees that the military department concerned has, to the extent practicable, returned to the Defense Business Operations Fund all unneeded secondary items under the control of the military department. This section would also authorize the transfer of $612.0 million from the National Defense Stockpile Transaction Fund to the operation and maintenance, defense agencies account.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the transfer of $400.0 million from the National Defense Stockpile Transaction Fund to the operation and maintenance accounts of the Army, Navy, Air Force, and defense agencies fiscal year 1993.

SUBTITLE B—LIMITATIONS

Prohibition of the use of certain funds for Pentagon Reservation (sec. 311)

The House bill contained a provision (sec. 312) that would prohibit the use of contributions to the Pentagon Reservation maintenance funds for any purpose other than the day-to-day operation of these facilities. It would also require a report by the Secretary of Defense no later than December 31, 1992, the Secretary of Defense no later than December 31, 1992, regarding the proposed renovation of the Pentagon.

The Senate amendment contained no similar provision. However, the Senate report (S. Rept. 102-352) addressed the renovation of the Pentagon within the context of the Defense Department's presence in the National Capital Region. It was the Senate Armed Services Committee's view that the Department should reassess the need of each activity which is currently within the region to remain there, along with a strategy to meet each activity's long-term facility needs. This effort should be undertaken as part of the Department's 1993 base closure and realignment review.

While the Committee supported the renovation of the Pentagon complex, it questioned whether the current scope of the project could be justified in light of the reduced size of the Defense Department. It also recognized that the first phase of this effort, the replacement of the central heating and cooling plant which was authorized at $80.1 million in fiscal year 1992, has been delayed until fiscal year 1993 because of the fiscal year 1992 rescission act. The Senate's proposed authorization level for the Pentagon Reservation maintenance fund was adjusted to provide funding for this project, which is badly needed regardless of the size or pace of the renovation of the Pentagon itself.

The Senate report directed the Secretary of Defense to provide the congressional defense committees with a report regarding the Department's long-term plans for the National Capital Region, as well as a revalidation of its plans to renovate the Pentagon facility, no later than April 15, 1993.

The Senate recedes with an amendment that would modify the prohibition of renovation funds to permit the replacement of the Pentagon's central heating and cooling plant during fiscal year 1993; broaden the scope of the required report to include all Defense Department activities within the National Capital Region; and adjust the reporting date to follow the Defense Secretary's submission of recommendations to the Defense Commission on Base Closures and Realignments.

Prohibition on the use of funds for certain service contracts (sec. 312)

The House bill contained a provision (sec. 313) that would prohibit the Department of Defense from entering into any contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted by the Department of Defense under OMB Circular A-76. This prohibition would not apply to a contract, or the renewal of a contract, for the performance of an activity under contract on September 30, 1992.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit this prohibition to fiscal year 1993.

SUBTITLE C—ENVIRONMENTAL PROVISIONS

Extension of reimbursement requirement for contractors handling hazardous wastes from defense facilities (sec. 321)

The House bill contained a provision (sec. 321) that would extend the reimbursement requirement of 28 U.S.C. 2708(b)(1) through fiscal year 1993.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of prohibition on use of environmental restoration funds for payment of fines and penalties (sec. 322)

The Senate amendment contained a provision (sec. 318) that would prohibit the use of funds appropriated for fiscal year 1993 for the environmental restoration account in the Department of Defense from being used to pay fines or penalties except to the extent that the fine or penalty imposed arises out of activities funded by the account.

The House bill contained a similar provision (sec. 322).

The Senate recedes.

Pilot program for expedited environmental response actions (sec. 323)

The House bill contained a provision (sec. 323) that would establish a pilot program to expedite the performance of on-site environmental response actions at military installations closing under the base closure process and at other military installations pursuant to the defense environmental restoration program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add two bases to be identified for closure by the Base Realignment and Closure Commission during fiscal year 1993 and reduce the number of open bases participating in the program from five to four per military Service.

The amendment would broaden the program to include all Department of Defense environmental restoration activities as potential program participants.

The amendment would also clarify that the other environmental restoration activities of the Department of Defense should not be delayed by the program. The conferees believe that the goal of the program should be to identify ways to expedite or reduce the costs of environmental restoration. Once identified, any new concepts, technologies, or initiatives could then be incorporated into other programs. The conferees do not intend that the implementation of any pilot program should delay in any way the other environmental restoration programs at closing bases, open bases, or formerly used defense sites.

Overseas environmental restoration (sec. 324)

The House bill contained a provision (sec. 324) that would express the sense of Congress that the cost of environmental restoration at overseas military bases should be borne by the host nation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that there be an equitable division, with the host country, of the environmental restoration costs.

Evaluation of use of ozone depleting substances by the Department of Defense (sec. 325)

The Senate amendment contained a provision (sec. 311) that would direct the Defense Logistics Agency (DLA) to identify and evaluate the use of class I ozone depleting substances by the military Services and to

plan for future uses. The provision would also require an evaluation and report on the anticipated future usage of class II ozone depleting substances.

The House bill contained no similar provision.

The House recedes.

This evaluation is necessary to plan adequately for the 1995 phaseout of production of class I ozone-depleting substances and to plan for the use of these substances in certain mission critical instances into the 21st century. The conferees believe that the Department of Defense Chlorofluorocarbons Advisory Committee can continue to provide valuable assistance to DOD during this period of transition, and are pleased that the Committee's charter has been extended. The conferees urge the Department to utilize the Committee's talents to the maximum extent practicable.

Elimination of use of class I ozone-depleting substances in certain military procurement (sec. 326)

The Senate amendment contained a provision (sec. 312) that would prohibit the Department of Defense from entering into any new contracts, or modifying, extending, or amending existing contracts after June 1, 1993 that would require the use of class I ozone-depleting substances—chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and methyl chloroform—unless the use of these substances is specifically justified by the senior acquisition official. This provision would also encourage DOD contractors to identify suitable non-ozone-depleting substitutes for class I substances, and, where deemed appropriate, recover reasonable costs, if any, associated with identification of acceptable substitute materials or processes.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree that the Department must move quickly to review its uses and requirements for class I ozone-depleting substances. The provision would prohibit the Department from entering into any new contracts after June 1, 1993, that require the use of any class I ozone-depleting substance.

The provision would also require DOD to review existing contracts, as part of the routine process of contract modification, extension, and amendment, to determine if there are any contractual requirements to use class I ozone-depleting substances. If the contract contains such a requirement, the senior acquisition official or designee must determine if there is a suitable substitute for the requirement that avoids the use of class I ozone-depleting substances. If such substitute exists, the contract must be further modified to include the alternative.

This review must be conducted within 60 days after any contract is modified, extended, or amended. The requirement to review applies to all contracts entered into before June 1993 that have a contract value in excess of $10 million, and that have at least one year remaining in the term of the contract following the modification, extension, or amendment that triggered the review.

The amendment would provide that any adjustment in the price of the contract as a result of this section would be made pursuant to the federal acquisition regulations.

In addition, the amendment would direct the Secretary to provide reports on this effort to Congress. Quarterly reports would be required for four years, followed by two annual reports beginning with fiscal year 1996.

Prohibition on the purchase of surety bonds and other guarantees for the Department of Defense (sec. 327)

The Senate amendment contained a provision (sec. 321) that would prohibit the use of appropriated funds during fiscal year 1993 to obtain surety or performance bonds to guarantee the direct performance of the United States to fulfill a legal requirement.

The House bill contained no similar provision.

The House recedes.

Legacy resource management fellowship program (sec. 328)

The Senate amendment contained a provision (sec. 322) that would establish a fellowship program. The program would bring into the Department of Defense up to three fellows to receive training in natural resources management and stewardship and to participate in program implementation.

The House bill contained no similar provision.

The House recedes.

Supplemental authorization of appropriations for fiscal year 1992 (sec. 329)

The Senate amendment contained a provision (sec. 323) that would authorize the supplemental appropriations requested by DOD for fiscal year 1992 for environmental restoration, defense programs and for the base realignment and closure account, II. If these funds are not appropriated during fiscal year 1992, this authorization may be applied to fiscal year 1993.

The House bill contained no similar provision.

The House recedes.

At the time the Department of Defense submitted its budget request for fiscal year 1992, the base closure process had not identified the military installations to be closed that year. As a result, the Defense Department, unable to submit a detailed request for the base closure account based upon specific needs of the closing bases and the receiving bases, submitted an estimated request of $100 million. Funding for cleanup of all bases, except those previously identified for closure in 1990, was included in the request for the defense environmental restoration account (DERA).

During the Senate Armed Services Committee (SASC) mark-up of the defense authorization bill for fiscal years 1992 and 1993, the Committee shifted $69 million, the funding requested for those bases that had been identified for closure following submission of the budget request, from the DERA to the base closure account. In addition, the SASC increased funding to expedite the cleanup at these closing bases. Following the lead of the SASC, the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) included the following amount of the funding needed to cleanup the bases identified for closure in 1992. In addition, the Act provided that the base closure account was the exclusive source of funding for those bases identified for closure during 1992. This limitation was identical to that which was in effect for the base closure account established for those bases identified for closure in 1990.

Unfortunately, the Department of Defense Appropriations Act for Fiscal Year 1992 contained only the originally requested $100 million. As a result, DOD did not have adequate funds in the base closure account in fiscal year 1992 to carry out the environmental restoration program at the newly closing bases. Thus, it became necessary for DOD to submit a request for supplemental appropriations to ensure adequate funding for the environmental restoration programs at the newly closing bases. This request was submitted in January 1992 at the time that the amended DOD budget request for fiscal year 1993 was submitted. The supplemental appropriation was enacted into law on September 23, 1992. Delay in approval of the supplemental request has seriously delayed the environmental restoration program at the bases identified for closure in 1992.

Indemnification of transferees of closing defense property (sec. 330)

The Senate amendment contained a provision (sec. 317) that would require the Secretary of Defense to hold harmless, defend, and indemnify transferees of closing military facilities, from all suits, claims, demands, judgments, costs, or other fees arising out of the release or threatened release of any hazardous substance, pollutant, or contaminant as a result of DOD activities at the closing military installation. This indemnification provision would not apply where the transferee caused or contributed to the release or threatened release. The provision would require that the Secretary of Defense be notified of the claim for indemnification within two years after such claim accrues. This would establish a statute of limitations for handling any such claim. The provision would also require that the person seeking indemnification cooperate fully with the Department of Defense in handling the claim.

The House bill contained no similar provision.

The House recedes with an amendment that would ensure that the indemnification provided pursuant to this section does not conflict with or modify section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601–9657). In addition, the amendment would clarify when a claim accrues.

Extension of authority to issue surety bonds for certain environmental programs (sec. 331)

The Senate amendment contained a provision (sec. 320) that would extend existing law through December 31, 1995 to ensure that the liability of surety and performance bond providers, who provide performance bonds for environmental restoration work, does not extend beyond the scope of the bond.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Risk sharing in environmental restoration contracts of the Department of Defense (sec. 332)

The Senate amendment contained a provision (sec. 313) that would direct the Department of Defense to issue regulations to ensure, where appropriate, that contracts entered into by the Secretary of Defense for environmental restoration activities at current and former military installations provide for risk sharing. The provision would also provide independent authority to the Secretary of Defense to indemnify fully DOD environmental response action contractors from all liability founded upon federal, state, or local law and arising out of work performed pursuant to the defense environmental restoration program (DERP). The provision would preclude the Secretary from providing indemnification for liability arising from the contractor's gross, willful, and intentional negligence. In addition, the provision would provide that in providing indemnification, the Secretary shall include deductibles and shall place limits on the amount of indemnification.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Defense, in consultation with the Attorney General, Administrator of the Environmental Protection Agency (EPA), and the Director of the Office of Management and Budget (OMB), to review and report on indemnification issues in lieu of issuing regulations.

SUBTITLE D—DEFENSE BUSINESS OPERATIONS FUND

Limitations on the use of the Defense Business Operations Fund (sec. 341)

The House bill contained a provision (sec. 331) that would extend the limitation on the period of management by the Department of Defense of the Defense Business Operations Fund (DBOF) until April 15, 1994 and would add a requirement for separate accounting, reporting, and auditing of funds and activities. The provision would further establish milestones that the Department must achieve for the implementation of the fund and that are to be monitored and evaluated by the Comptroller General.

The Senate amendment contained a provision (Sec. 351) that would extend the limitation on the period of management by the Department of Defense of the DBOF until April 15, 1994.

The Senate recedes with an amendment.

Capital asset subaccount (sec. 342)

The House bill contained a provision (sec. 332) that would limit the use of the capital asset subaccount within the Defense Business Operations Fund and would also require a report by the Secretary of Defense on this account.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Limitations on obligations against Defense Business Operations Fund (sec. 343)

The Senate amendment contained a provision (sec. 352) that would prohibit the Secretary of Defense from incurring obligations against the Defense Business Operations Fund during fiscal year 1993, except for obligations for fuel, subsistence and commissary items, retail operations, repair of equipment, and the cost of operations, in excess of 65 percent of the sales from the Defense Business Operations Fund during the fiscal year. This provision would allow the Secretary of Defense to waive this 65 percent limitation cap if he determines that such action is essential to the national security of the United States.

The House bill contained no similar provision.

The House recedes.

SUBTITLE E—DEPOT-LEVEL ACTIVITIES

Competitive bidding for tactical missile maintenance (sec. 351)

The House bill contained a provision (sec. 341) that would require the Secretary of Defense to use competitive procedures if the Secretary decides to consolidate tactical missile maintenance.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to ensure that the Systems Management Activity and the Depot Systems Command are relocated to Rock Island Arsenal, Illinois, in accordance with the recommendation of the Base Closure and Realignment Commission dated July 1, 1991.

Limitations on the performance of depot-level maintenance of material (sec. 352)

The House bill contained a provision (sec. 342) that would establish a limit of no more than 40 percent of the depot-level maintenance workload by each type of equipment and materiel that may be offered for contract by non-governmental personnel. The provision would also extend the limitations on the performance of depot-level maintenance by the Army and Air Force in section 2466 of title 10, United States Code, to the Navy.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree to include the Navy under the limitations on the performance of depot-level maintenance in section 2466 of title 10, United States Code. The conferees do not agree to establish a limit of no more than 40 percent of the depot-level maintenance workload by each type of equipment and materiel that may be offered for contract by non-governmental personnel. However, the conferees agree that the Secretary of the Army shall provide for the performance by employees of the Department of Defense of not less than 50 percent in fiscal year 1993, 55 percent in fiscal year 1994 and 60 percent in fiscal year 1995 of Army aviation depot-level maintenance. The Secretary concerned may not cancel a depot-level maintenance contract in effect on the date of enactment of this act in order to comply with the requirements of this provision.

Requirement of competition for the performance of workloads previously performed by depot-level activities of the Department of Defense (sec. 353)

The House bill contained a provision (sec. 343) that would require the Department of Defense to use competitive procedures for awarding any workload currently being performed in a military depot.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that the Secretary of Defense or the Secretary of a military department may not change the performance of a depot-level maintenance workload that has a threshold value of $3.0 million and that is being performed by a depot-level activity of the Department of Defense to performance by a private contractor unless, prior to selection of the private contractor, the Secretary uses competitive procedures for the selection.

Repeal of requirement for competition pilot program for depot-level maintenance of materials (sec. 354)

The House bill contained a provision (sec. 345) that would amend section 314 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to increase the limit of non-core workload that can be competed among depots or with private industry from 10 percent to 20 percent.

The Senate amendment contained a provision (sec. 358) that would amend section 314 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 by deleting the limitation on the amount of depot maintenance workload in the Army and the Air Force above the core level that can be opened to competition during fiscal year 1993.

The House recedes. The conferees direct that depot maintenance workload selected for competition not be drawn disproportionately from one or several depot maintenance activities of the military Services.

SUBTITLE F—COMMISSARIES AND MILITARY EXCHANGES

Standardization of certain programs and activities of military exchanges (sec. 361)

The House bill contained a provision (sec. 351) that would require the Secretary of Defense to standardize among the military departments certain programs and activities of the military exchanges of the military departments not later than October 1, 1993. The provision would also require the Secretary of Defense to submit to the Congress a report on other programs and activities of the military exchanges that the Secretary determines can be economically and efficiently managed through standardization or consolidation under a single nonappropriated fund instrumentality.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the date for standardization of these programs and activities to March 31, 1994.

Accountability regarding the financial management and use of nonappropriated funds (sec. 362)

The House bill contained a provision (sec. 352) that would require the Secretary of Defense to establish regulations governing the management and use of nonappropriated funds. The provision would also establish penalties for violations of these regulations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Demonstration program for the operation of certain commissary stores by nonappropriated fund instrumentalities (sec. 363)

The House bill contained a provision (sec. 353) that would establish a demonstration program to determine the feasibility of operating commissary stores by nonappropriated fund instrumentalities at selected locations. The period of the demonstration program would be one year. A report by the Secretary of Defense would be required at the end of the demonstration period concerning recommendations as to whether similar programs should be carried out at other military installations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to conduct the demonstration program at not less than one but not more than three military installations, including at least one installation that supports predominant numbers of reserve and National Guard personnel.

Release of information regarding sales at commissary stores (sec. 364)

The House bill contained a provision (sec. 354) that would repeal 10 U.S.C. 2487, which provides that certain data and reports generated by electronic scanners used in military commissaries may not be released to the public except under a written agreement that requires payment for the information.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment which would amend 10 U.S.C. 2487 to provide that the Secretary of Defense, in his discretion, may: (1) authorize such information to be released under written agreements, awarded under competitive procedures, if he determines that release of such information under such agreements to be in the best interests of the Department of Defense; or (2) authorize such information to be released to the public under the procedures that normally apply to the release of government information to the public.

Use of commissary stores by members of the Ready Reserve (sec. 365)

The House bill contained a provision (sec. 355) that would extend commissary benefits

to members of the Ready Reserve who have satisfactorily completed 50 or more reserve points in a year without regard to whether the reservist was paid for duty.

The Senate amendment contained no similar provision.

The Senate recedes.

SUBTITLE G—OTHER MATTERS

Extension of guidelines for reductions in the number of civilian positions in the Department of Defense (sec. 371)

The House bill contained a provision (sec. 361) that would expand the requirements contained in section 322 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) for the annual DOD civilian personnel master plan. The provision would also amend the guidelines for civilian personnel reductions in section 322.

The Senate amendment contained a provision (sec. 354) that would repeal the guidelines and the requirements for this master plan.

The Senate recedes with an amendment. The conferees agree to the changes in the guidelines for reductions for civilian positions in the Department of Defense for fiscal year 1993 only. The conferees also agree that the changes in the civilian positions master plan that would be made by the House provision should apply only to the plan submitted by the Secretary of Defense with the fiscal years 1994/1995 budget request.

Annual report on security and control of supplies (sec. 372)

The House bill contained a provision (sec. 362) that would continue the requirement in section 2891 of title 10, United States Code, for the Secretary of Defense to submit an annual report to the Senate and the House of Representatives on security and control of DOD supplies. The provision would also expand the areas to be included in this report.

The Senate amendment contained a similar provision (sec. 353) that would extend the requirement for this report through fiscal year 1994.

The House recedes.

Transportation of donated military artifacts (sec. 373)

The House bill contained a provision (sec. 363) that would allow the Department of Defense to use military assets to demilitarize and transport excess or donated military items in the United States

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary concerned to demilitarize, prepare, and transport an item authorized to be donated by the military department to a recognized war veterans' association in the United States under section 2572 of title 10, United States Code, without cost to the recipient, if the Secretary determines the demilitarization, preparation, and transportation can be accomplished as a training mission without additional budgetary requirements for the unit involved.

Subcontracting authority for Air Force and Navy depots (sec. 374)

The House bill contained a provision (sec. 364) that would expand the authority contained in section 2208(j) of title 10, United States Code, concerning subcontracting authority for the Air Force and Navy.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note that over the years, statutes affecting the military Services' depots and arsenals have been enacted that are often oriented toward an individual Service rather than being applied to each Service consistently. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees not later than April 15, 1993, that identifies all of the provisions or statutes affecting the depots and arsenals of one or more military Services, and includes any recommendations to make these provisions and statutes consistent throughout the Department of Defense.

Consideration of vessel location for the award of layberth contracts for sealift vessels (sec. 375)

The House bill contained a provision (sec. 369) that would require the Secretary of the Navy to establish military effectiveness as a major criteria in the award of contracts for the layberthing of sealift vessels.

The Senate amendment contained no similar provision.

The Senate recedes.

Pilot program to use National Guard medical personnel in areas containing medically underserved populations (sec. 376)

The House bill contained a provision (sec. 370) that would establish a pilot program in Tennessee, Florida, and Ohio to use National Guard medical personnel to provide health care to medically underserved populations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Chief of the National Guard Bureau, under regulations prescribed by the Secretary of Defense, to enter into an agreement with the Governors of one or more states to carry out a pilot program during fiscal years 1993 and 1994 to provide training and professional development opportunities for members of the National Guard through the provision of health care to medically underserved populations in those states. The provision would authorize not more than $5.0 million for the Chief of the National Guard Bureau to fund activities of the National Guard under these agreements.

Authority for the issue of uniforms without charge to members of the armed forces (sec. 377)

The House bill contained a provision (sec. 371) that would allow the Department of Defense to issue a military uniform without charge to certain members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Program to commemorate World War II (sec. 378)

The House bill contained a provision (sec. 374) that would authorize the Department of Defense to conduct a program to commemorate the 50th anniversary of World War II.

The Senate amendment contained a similar provision (sec. 1048).

The House recedes with an amendment that would subject the program to the Trademark Act and would delete the application of chapter 171 of title 28, United States Code, for voluntary services.

Extension of demonstration project for the use of proceeds from the sale of certain lost, abandoned, or unclaimed personal property (sec. 379)

The House bill contained a provision (sec. 375) that would extend for one year the authority contained in section 343 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to conduct a demonstration program at Naval Base, Norfolk and Naval Air Station, Norfolk, under which proceeds from the sale of lost, abandoned, or unclaimed property on the installation will be credited to the operation and maintenance account of that installation.

The Senate amendment contained no similar provision.

The Senate recedes.

Promotion of civilian marksmanship (sec. 380)

The House bill contained a provision (sec. 376) that would authorize the continued appropriation of funds for the Army's civilian marksmanship program. The provision would also authorize the Secretary of the Army to raise revenues to support the activities of the civilian marksmanship program through the sale of rifles and ammunition to authorized individuals and clubs and through the establishment of fees for participants in activities of the civilian marksmanship program.

The Senate amendment contained a similar provision (sec. 355).

The House recedes with an amendment.

Optional defense dependents' summer school programs (sec. 382)

The Senate amendment contained a provision (sec. 359) that would authorize the Secretary of Defense to provide optional summer school programs in the DOD dependent schools.

The House bill contained no similar provision.

The House recedes.

Review of military flight training activities at civilian airfields (sec. 383)

The Senate amendment contained a provision (sec. 360) that would require the Secretary of Defense to carry out a review of the present practices and procedures of the military departments in utilizing civilian airfields, especially such airfields located in heavily populated or urban areas, during the course of military flying training activities.

The House bill contained no similar provision.

The House recedes.

Preference for procurement of energy efficient electric equipment (sec. 384)

The Senate amendment contained a provision (sec. 363) that would require the Secretary of military department or the head of a defense agency to provide a preference for the procurement of certain energy efficient electrical and refrigeration equipment for Defense Department contracts. The provision would also require the Secretary of Defense to conduct demonstration projects for the use of energy efficient electric lighting and refrigeration equipment at DOD facilities.

The House bill contained no similar provision.

The House recedes.

Payment of residents of the Armed Forces Retirement Home for services (sec. 385)

The conferees agree to a provision that authorizes the residents of the Armed Forces Retirement Home to hold part-time or intermittent jobs at the Home and to receive compensation for these services.

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 386)

The Senate amendment contained a provision (Sec. 333) that would authorize a total of $58.0 million in fiscal year 1993 Defense Department funds for payments to local school districts which are impacted by military de-

pendents. Of this total, $50.0 million would be authorized for assistance to eligible local educational agencies that operate schools that include students who are dependent children of members of the armed forces or civilian employees of the Department of Defense and who, while in attendance at such schools, reside on federal property. The provision would also authorize the Secretary of Defense to use $8.0 million, in consultation with the Secretary of Education, to make payments to local educational agencies eligible for payment under section 3 of Public Law 81-874 (20 U.S.C. 238) which are entitled to payments adjusted in accordance with subsection (e) of that section as a result of closures and realignments of military installations. Finally, the provision would require the Secretary of Defense, in consultation with the Secretary of Education, to submit a report to the Senate and House of Representatives on local educational agencies which are affected by base closings and realignments and by redeployments of U.S. military personnel not later than February 15 of each year from 1993 through 1995.

The House bill contained no similar provision.

The House recedes.

State equalization programs (sec. 387)

The Senate amendment contained a provision (sec. 1065) that would provide that any state whose program of state education aid was certified by the Secretary of Education for fiscal year 1988, but whose program was determined by the Secretary not to meet certain requirements for one or more fiscal years from 1989 through 1992 shall be deemed to have met these requirements for fiscal years 1989 through 1992.

The House bill contained no similar amendment.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Prohibition on use of funds to pay for certain patron services at commissary stores

The House bill contained a provision (sec. 311) that would prohibit the Department of Defense from using its funds to pay for bagger or similar patron services at a commissary store.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on management of commissary funds through the Defense Business Operations Fund

The House bill contained a provision (sec. 333) that would prohibit the inclusion of the Defense Commissary Agency in the Defense Business Operations Fund.

The Senate amendment contained no similar provision.

The House recedes. The conferees direct the Secretary of Defense to provide an annual report to the Congress on the appropriated fund and surcharge expenditures for commissaries of the Department of Defense.

Requirement of comparable offering from private contractor contracts and Department of Defense contracts for contracts offered for competition

The House bill contained a provision (sec. 344) that would require the Secretary of Defense, in offering for competition contracts for the performance of depot-level maintenance workloads, to offer contracts for the performance of workloads that are being performed by private contractors at least to the same extent as offers for contracts performed by depot-level activities of the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that in offering for competition contracts for the performance of depot-level maintenance workloads, the Secretary concerned should make every effort to achieve a balance between workload being performed by private contractors and workload being performed by depot-level activities of the Department of Defense.

Reporting requirement for funding requests for support of sporting events

The House bill contained a provision (sec. 372) that would require the Secretary of Defense to submit a report prior to any request or expenditure of funds to support a sporting event such as the Olympics.

The Senate amendment contained no similar provision.

The House recedes. The conferees expect the Secretary of Defense to include future costs for DOD support for athletic events, including justification for such costs, in the Department's budget requests. The conferees also agree that, to the maximum extent practicable, acquisition of equipment by the Department of Defense to support athletic events in the United States should be usable for other missions of the Department of Defense, including support for other athletic events.

Requirement for identification of land on which no hazardous substances or petroleum products or their derivatives were stored, released, or disposed of

The Senate amendment contained a provision (sec. 314) that would amend section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a mechanism to identify clean portions of closing military facilities that are listed on the national priority list (NPL). Once identified, these clean parcels of land could then be segregated and sold or otherwise transferred in advance of those portions of the closing military facilities that are listed on the NPL and that require environmental remediation prior to transfer.

The House bill contained no similar provision.

The Senate recedes.

Clarification of covenant warranting that remedial action has been taken

The Senate amendment contained a provision (sec. 315) that would amend section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify that for the purposes of subparagraph (B)(i) of section 120(h), remedial action has been taken if the construction and installation of an approved remedial design has been completed, and the Administrator of the Environmental Protection Agency has determined that the remedy is operating properly and successfully. This provision would allow the Department of Defense and the military Services to transfer land that has long-term remediation efforts in place, such as a system to pump and treat groundwater, but which has otherwise been successfully remediated.

The House bill contained no similar provision.

The Senate recedes.

Requirement to notify states of certain leases

The Senate amendment contained a provision (sec. 316) that would amend section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 by adding a new section that would direct the head of a federal agency, including the Secretary of Defense, to notify the state in which military property is located 90 days in advance of the date such property is to be leased. This provision would apply only when any hazardous substance or any petroleum product or its derivatives was stored for one year or more, known to have been released or disposed of on the military property being transferred, and only to those facilities that are being closed.

The House bill contained no similar provision.

The Senate recedes.

Modification of contract indemnification authority (sec.)

The Senate amendment contained a provision (sec. 319) that would broaden the scope of contracts, to include contracts for environmental restoration, for which the Secretary of a military department may indemnify contractors for third party claims or for loss of or damage to the contractor's property arising from unusually hazardous activities under the contract, to include contracts for activities carried out under the defense environmental restoration program.

The House bill contained no similar provision.

The Senate recedes.

Impact aid

The Senate amendment contained a provision (sec. 334) that would maintain impact aid funding for school districts in communities affected by military base closings.

The House bill contained no similar provision.

The Senate recedes.

Purchase of items not exceeding $100,000

The Senate amendment contained a provision (sec. 356) that would authorize the Secretary of Defense to increase the threshold on purchases made with operation and maintenance (O&M) funds from $15,000 to $100,000.

The House bill contained no similar provision.

The Senate recedes. The conferees agree to consider any future proposals by the Department of Defense to increase the threshold on purchases made with O&M funds.

Madigan Army Medical Center

The Senate amendment contained a provision (sec. 364) that would authorize $150,000 of the funds authorized to be appropriated by title III for operation and maintenance, army for a program design and feasibility study to provide a residential program for military dependents with severe behavior disorders at Madigan Army Medical Center.

The House bill contained no similar provision.

The Senate recedes. The conferees agree to authorize $150,000 within the amount authorized for operation and maintenance, army in fiscal year 1993 for this study.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the active duty end strengths for each of the military Services requested in the President's budget for fiscal year 1993.

The Senate amendment contained a similar provision (sec. 401). The Senate provision would also prescribe officer end strengths as a subset of the active duty end strengths prescribed for each military Service for fiscal year 1993.

The House recedes. The authorized levels are shown below.

ACTIVE DUTY END STRENGTHS

	Fiscal year—1992 planned	1993 request and recommendation
Army:		
Total	640,700	598,900
Officer	94,885	88,855
Navy:		
Total	551,400	535,800
Officer	69,395	67,455
Marine Corps:		
Total	188,000	181,900
Officer	19,065	18,440
Air Force:		
Total	486,800	449,900
Officer	92,020	84,970
Totals:		
Total	1,866,900	1,766,500
Officer	275,365	259,720

Active and reserve force structure and end strength reductions (sec. 402)

The Senate amendment contained a provision (sec. 402) that would authorize the Secretary of Defense to exceed the active duty end strengths prescribed in section 401, and to transfer funds for such purpose, to the extent he determines that such actions are necessary to avoid involuntary separations.

The House bill contained no similar provision.

The House recedes. The conferees note that this is the second year that the conferees have recommended this authority. For fiscal year 1992, the military Services have this authority in section 664 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) to avoid any involuntary separations.

General and flag officer joint requirements (sec. 403)

The Senate amendment contained a provision (sec. 405) that would authorize the Chairman of the Joint Chiefs of Staff to exclude up to eight general or flag officer positions designated as joint service requirements from the general and flag officer end strength ceilings established for fiscal year 1995 by section 403 of the National Defense Authorization Act for Fiscal Year 1991 (Pubic Law 101–510). This authority would be temporary and effective for only three years.

The House bill contained no similar provision.

The House recedes with an amendment.

The amendment would increase to twelve the number of general and flag officers that may be excluded. The conferees note that the increase compensates for action taken elsewhere in this act that would obviate the realignment of four general and flag officer positions from other sources within the Department of Defense to the control of the Chairman of the Joint Chiefs of Staff.

Study on general and flag officer requirements for joint positions (sec. 404)

The conferees recommend a provision that would require the Secretary of Defense to conduct a study of general and flag officer requirements for joint positions, and to report the results of the study along with appropriate recommendations to the Committees on Armed Services of the Senate and House of Representatives within one year of the enactment of this act.

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would restore to the Selected Reserve end strength 49,050 of the 115,997 reduction (including the Coast Guard Reserve) requested by the Department of Defense.

The Senate amendment contained a similar provision (sec. 411) that would restore to the Selected Reserve end strength 103,705 of the 115,997 reduction requested by the Department of Defense by reaffirming the Selected Reserve end strengths for each of the reserve components authorized for fiscal year 1993 in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190). The Senate amendment would also prohibit any Selected Reserve force structure or unit reductions in fiscal year 1993, except for: 1) physical relocation of units which are the direct result of mandated base realignments and closures in fiscal year 1993; 2) the deactivation of reinforcing units of the Naval Reserve tied directly to a decommissioning of an active component unit in fiscal year 1993; and 3) the deactivation of an aviation unit which results directly from the phase-out of a weapons system from both the active and reserve components in fiscal year 1993.

The Senate recedes with an amendment. The authorized levels are shown below.

	FY 1992 program	DOD request FY 1993	Conference agreement
Army National Guard	431,200	383,100	422,725
Army Reserve	301,840	257,500	279,615
Naval Reserve	142,611	125,800	133,675
Marine Corps Reserve	42,400	38,900	42,315
Air National Guard	118,100	119,200	119,300
Air Force Reserve	83,396	82,200	82,300
Coast Guard Reserve	15,150	12,000	15,150
Totals	1,134,697	1,018,700	1,095,080

The conference agreement would further establish the fiscal year 1993 end strength authorization for each selected reserve component as a minimum, and authorize the Secretary concerned to breach this minimum by one-half of one percent if necessary in order to permit the early and timely release of individuals prior to the end of the fiscal year in order to avoid individual hardship.

End strengths for reservists on active duty in support of the reserve components (sec. 412)

The House bill contained a provision (sec. 412) that would increase the full-time manning of the reserve components by 2,389 over the budget request.

The Senate amendment contained a provision (sec. 412) that would reaffirm the reserve full-time support end strengths for each of the reserve components authorized for fiscal year 1993 in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190).

The Senate recedes with an amendment. The authorized levels are shown below.

	Fiscal year 92 program	DOD Request fiscal year 1993	Authorized fiscal year 1993
Army National Guard	24,611	22,637	24,736
Army Reserve	12,838	12,152	12,637
Naval Reserve	22,504	20,926	21,490
Marine Corps Reserve	2,285	2,130	2,285
Air National Guard	9,081	9,131	9,106
Air Force Reserve	649	636	636
Totals	71,968	67,612	70,890

Reserve component force structure (sec. 413)

The House bill contained a provision (sec. 413) that would establish a force structure allowance of not less than 425,000 for the Army National Guard during fiscal year 1993.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require the Secretaries of the military departments to prescribe a force structure allowance, or a number of units and positions allocated to those units, for each reserve component that is consistent with the authorized end strength for that component. The amendment would further require the Secretaries concerned to prescribe the force structure allowance in accordance with historical Services policies but, in no case, prescribe a force structure allowance for any component that is less than the authorized end strength for the particular component. With regard to unit reductions, the conferees expect that no medical or aviation units in any of the reserve components be eliminated in fiscal year 1993.

Authorization of student training loads (sec. 421)

The House bill contained a provision (sec. 421) that would authorize the military training student loads for each military Service and reserve component for fiscal year 1993.

The Senate amendment contained a similar provision (sec. 421).

The Senate recedes. The authorized levels are shown below.

Fiscal year 1993 Committee Recommendation

Service:	
Army	85,475
Navy	51,371
Marine Corps	18,831
Air Force	33,164
DOD Agencies	4,740
Total	193,581

Reduction in recruiting personnel (sec. 431)

The Senate amendment contained a provision (sec. 564) that would require the Department of Defense to reduce the number of military personnel assigned to recruiting activities by 10 percent from the fiscal year 1992 level over two years. Individuals in positions that are eliminated would return to work in their primary specialties.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Navy craft of opportunity program (sec. 432)

The House bill contained a provision (sec. 534) that would direct the Secretary of the Navy to ensure that none of the end strength reductions projected for the Navy Reserve in this act include personnel authorizations assigned to the craft of opportunity (COOP) mission.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on military personnel appropriation (sec. 433)

The Senate amendment contained a provision (sec. 431) that would limit the fiscal year 1993 appropriations for military personnel to $77.3162 billion.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the fiscal year 1993 appropriations for military personnel to $76.311 billion.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authority to increase or decrease authorized strengths

The Senate amendment contained a provision (sec. 403) that would authorize the Secretary of Defense, when he determines such action to be in the national interest, to increase and decrease the end strengths authorized for the active and reserve components by .5 percent and 2 percent, respectively.

The House bill contained no similar provision.

The Senate recedes.

Repeal of limitation on reductions in medical personnel

The Senate amendment contained a provision (sec. 404) that would repeal the current limitation on the reduction of medical personnel.

The House bill contained no similar provision.

The Senate recedes. The conferees believe that the two-year medical study mandated by the Congress in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) should analytically address and make recommendations on the appropriate mix of active and reserve medical personnel. Until the Congress can take action on the recommendations of the study, the conferees believe that the active and reserve medical strengths of the military Services should not be reduced. In this regard, section 518 of this act would prohibit the Secretary of Defense from reducing medical personnel in the Selected Reserve below the number of such personnel in the Selected Reserve on September 30, 1992. The conferees note and endorse the discussion in the Senate report (S. Rept. 102–352) of the Senate provision with regard to the expected outcome of the medical study.

Limitation on the appropriation for permanent change of station

The Senate amendment contained a provision (sec. 563) that would limit appropriations for permanent change of station (PCS) moves to $2,863.11 million, or $150 million below the amended budget request for fiscal year 1993.

The House bill contained no similar provision.

The Senate recedes. The conferees endorse the intent of the Senate provision to reduce personnel turbulence and increase tour lengths in the military Services. In this regard, the conferees direct the Secretary of Defense to include in the justification material for the budget request for fiscal years 1994/1995 the actions being taken or that are planned within the Department of Defense to reduce personnel turbulence and increase tour lengths.

TITLE V—MILITARY PERSONNEL POLICY

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reference to personnel policy provisions in title XLIV (sec. 500)

This section cross-references transition benefit provisions that would normally appear in this title to the appropriate sections in title XLIV of this act.

Reports on plans for officer accessions and assignment of junior officers (sec. 501)

The Senate amendment contained a provision (sec. 521) that would require the Department of Defense to submit to the congressional defense committees a report on its plan for the procurement of officers, by source of commission, through fiscal year 1997. This provision would also require the Department of Defense to submit a report to the congressional defense committees on its plan for the assignment of officers entering on active duty, by source of commission, through fiscal year 1997.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Evaluation of effects of officer strength reductions on officer personnel management systems (sec. 502)

The Senate amendment contained a provision (sec. 522) that would require the Department of Defense to task an outside agency, such as a federally funded research and development center (FFRDC) with extensive manpower expertise, to conduct a complete review of the officer management plans of the military Services, and to make recommendations to the Department of Defense for appropriate changes to the Defense Officer Personnel Management Act (DOPMA).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Submission of eligibility lists to selective early retirement boards (sec. 503)

The Senate amendment contained a provision (sec. 524) that would clarify the authority of the Secretary of a military department to exclude from eligibility lists provided to selective early retirement boards the names of officers who do not meet the eligibility criteria prescribed by the Secretary concerned. This provision would apply to the temporary, expanded selective early retirement authority provided to the Department of Defense at its request.

The House bill contained no similar provision.

The House recedes.

Temporary authority to adjust the tenure of limited duty officers in the Navy (sec. 504)

The Senate amendment contained a provision (sec. 525) that would temporarily authorize the establishment of maximum tenure points for limited duty officers (LDO) in the Navy: (1) for the grade of commander (O–5), 35 years of total active service or after twice failing of selection to the grade of captain (O–6), whichever occurs first; and (2) for the grade of captain (O–6), 38 years of total active service. This provision would expire on October 1, 1995.

The House bill contained no similar provision.

The House recedes.

Appointment of chiropractors as commissioned officers (sec. 505)

The House bill contained a provision (sec. 502) that would amend title 10, United States Code, to authorize the Secretary of Defense to appoint chiropractors as commissioned officers in the armed forces to provide chiropractic care within the military health care system.

The Senate amendment contained a similar provision (sec. 701).

The Senate recedes with a technical amendment.

Clarification of minimum service requirements for certain flight crew positions (sec. 506)

The House bill contained a provision (sec. 503) that would amend title 10, United States Code, to require reserve component members to complete a period of service obligation in an active status in the Selected Reserve.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would clarify that this provision applies to National Guard and Reserve members who have completed flight training in an active duty for training status.

Authority for temporary promotion of certain Navy lieutenants (sec. 507)

The House bill contained a provision (sec. 504) that would make permanent the authority for spot promotion of certain Navy lieutenants who possess skills for which a critical shortage exists and who are serving in positions designated to be held by lieutenant commanders. The current authorization expires on September 30, 1992.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would extend the current authorization for one year. The conferees believe that the continued need for this authority should be evaluated in the review of the defense officer management system mandated elsewhere in this statement of the managers.

Pilot program for active component support of reserves (sec. 511)

The House bill contained a provision (sec. 511) that would restructure the active Army support program for the reserve component required by sections 414 and 521 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) to make it a phased, integrated two-year test.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note and endorse the discussion of this provision in the House report (H. Rept. 102–527).

Repeal of requirement for removal of full-time reserve personnel from ROTC duty (sec. 512)

The House bill contained a provision (sec. 512) that would repeal section 559 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), which prohibited active guard and reserve (AGR) personnel from being assigned to duty with a unit of the Reserve Officer Training Corps (ROTC) program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would limit the number of AGR personnel assigned to ROTC duty to not more than 200 at any time.

Active Army combat support and combat service support billets (sec. 513)

The Senate amendment contained a provision (sec. 501) that would require the Army to realign the missions associated with the 19,000 combat support and combat service support spaces it retained in the active Army from deactivated units in Europe to the Army National Guard and Army Reserve as appropriate by the end of fiscal year 1993.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would strike the realignment of missions required in the Senate provision, and instead require the report on the structure and mix of active and reserve forces required by section 402 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) to include an assessment of the effect on combat readiness of realigning the missions as proposed in the Senate provision. The amendment would also modify the number of combat support and combat service support positions cited in the Senate provision from 19,000 to 13,700.

Preference in Guard and reserve affiliation for voluntarily separated members (sec. 514)

The House bill contained a provision (sec. 514) that would amend section 1150 of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510), to include voluntarily separated personnel as individuals who have preference for assignment to positions in the Selected Reserve. The House bill also contained another provision (sec. 703) that would address this subject.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would integrate the two House provisions.

Technical correction and codification of requirement of baccalaureate degree for appointment or promotion of reserve officers to grades above first lieutenant or lieutenant (junior grade) (sec. 515)

The House bill contained a provision (sec. 515) that would make a technical correction to section 523 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to clarify that the section does not apply if the person was appointed to or federally recognized in the grade of captain or Navy lieutenant before October 1, 1995.

The Senate amendment contained no similar provision.

The Senate recedes.

Disability, retired, or severance pay for reserve members disabled while traveling to or from training (sec. 516)

The House bill contained a provision (sec. 516) that would authorize the payment of disability retired or severance pay to certain reserve members who were or who become disabled while travelling either to or from reserve training.

The Senate amendment contained no similar provision.

The Senate recedes.

Service credit for concurrent enlisted active duty service performed by ROTC members while in the Selected Reserve (sec. 517)

The House bill contained a provision (sec. 517) that would authorize ROTC members who are concurrently members of the Selected Reserve to receive credit for active service for any period of enlisted service on active duty other than for training after July 31, 1990.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note that this provision would provide for the equitable treatment of individuals who were activated in their Selected Reserve positions. The situation addressed by this provision would not have occurred had these individuals not been in a dual status. The conferees question the advisability of continuing the simultaneous membership program. In this regard, the conferees direct the Secretary of Defense to evaluate the simultaneous membership program to determine if it should be continued, and to report the results of the evaluation to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993. The report shall include a summary of actions that have been taken or are planned on the basis of the evaluation.

Limitation on reduction in number of medical personnel in the National Guard and reserves (sec. 518)

The Senate amendment contained a provision (sec. 502) that would prohibit the Secretary of Defense from reducing the number of medical personnel in the Army National Guard and Army Reserve below the number of such personnel in those components on September 30, 1992.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the coverage of this provision to all components of the Selected Reserve.

One-year extension of certain reserve officer management programs (sec. 519)

The House bill contained a provision (sec. 513) that would extend, from September 30, 1992 to September 30, 1993, the authorities for: (1) the appointment of a person as a reserve officer in the medical corps with credit applied for education and experience in determining the grade to which the person will be appointed; (2) the promotion of certain reserve officers serving on active duty who would have been otherwise promoted but for the fact they were serving on active duty; and (3) the use of professional credit by certain officers of the reserve components in the computation of years of service for the transfer of such officers to the retired service.

The Senate amendment contained a similar provision (sec. 503).

The House recedes with a clarifying amendment.

Modification of the reenlistment eligibility of certain former reserve officers (sec. 520)

The Senate amendment contained a provision (sec. 504) that would modify current reenlistment eligibility criteria to deny reenlistment to those reserve officers who are discharged or released from active duty for misconduct, moral or professional dereliction, duty performance below standards for the grade held, or retention being inconsistent with the interests of national security. The provision would also deny reenlistment in those cases in which an officer's former enlisted status and grade were based only on participation in a precommissioning program that led to the commission from which the individual was released or discharged.

The House bill contained no similar provision.

The House recedes.

Military service academies (secs. 521-524)

The Senate amendment contained six provisions (secs. 511-516) that would effect certain efficiencies in the operation of the military service academies. The rationale for these provisions is contained in the report by the Senate Armed Services Committee on the National Defense Authorization Act for Fiscal Year 1993 (S. Rept. 102-352). The Senate provisions are discussed below.

Section 511 would require that no more than one two-star general or flag officer may be assigned to each of the military service academies.

Section 512 would require the Secretary of Defense to submit a plan to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993 for implementing the recommendations of the March 1992 report by the General Accounting Office (GAO) on the academy preparatory schools.

Section 513 would require the Secretary of Defense to submit legislation by April 1, 1993 to conform faculty staffing at the United States Military Academy (USMA) and the United States Air Force Academy (USAFA) to the faculty staffing at the United States Naval Academy (USNA) (50/50 military/civilian mix), and to phase out the assignment of permanent military professors at the USMA and USAFA.

Section 514 would prescribe that no appropriated funds may be used after April 1, 1993 to pay for enlisted bands at the military service academies.

Section 515 would prescribe that no appropriated funds may be used after April 1, 1993 to pay non-instructional military staff at the military service academies in positions that are not certified by the DOD Inspector (DODIG) as directly involved in the administration of students and faculty or maintenance of facilities at these institutions.

Section 516 would place staff supervision of the military academies under the training and education commands of the military services (Army Training and Doctrine Command, Naval Education and Training Command, and Air Training Command).

The House bill contained no similar provisions.

The House recedes with an amendment.

With regard to the Senate provision limiting the number of general and flag officers that may be assigned to the military service academies (sec. 511), the amendment would instead repeal the minimum grade requirements in statute for general and flag officer positions at the military service academies. The amendment is intended to provide the Secretary of Defense the authority and flexibility to evaluate and establish uniform standards for designating general and flag officer positions at the military service academies. The conferees note and endorse the intention of the Air Force to realign one of the three general officer positions at the USAFA.

With regard to the Senate provision on the military service academy preparatory schools (sec. 512), the conferees agree that the Secretary of Defense should consider efficiencies in the operation of these schools, such as those recommended by the General Accounting Office, and consistent with other principles of organizational and management efficiency. The conferees note that the military academies are planning actions to effect efficiencies in this area, and expect the Secretary of Defense to coordinate and follow through on these plans.

With regard to the Senate provision requiring the Secretary of Defense to submit legislation to conform the civilian-military faculty mix at the USMA and the USAFA to that at the USNA, and to phase out the assignment of permanent military professors at these institutions (sec. 513), the amendment would instead require the Secretary of Defense to submit recommended legislation for increasing the number of civilian faculty and reducing the number of military faculty at the USMA and the USAFA. The amendment would also provide the USMA and USAFA the same civilian hiring flexibility that currently is authorized for the USNA.

With regard to the Senate provision that would phase out the enlisted bands at the military service academies (sec. 514), the conference agreement would drop the Senate provision. However, the conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services by April 1, 1993, on a broader evaluation of the overall structure and organization of military bands. The conferees note that there are 93 military bands, 49 of which are in the Army. These bands cost nearly $200 million annually to operate. The conferees recognize the valuable function of military bands, both in the military and civilian communities, and do not propose their complete elimination. However, the conferees believe that efficiencies in the structure and organization of bands can and should be achieved as defense resources are reduced. For example, cadets and midshipmen at the military service academies could be encouraged to form their own bands to help reduce reliance on active duty resources (there are 98 active duty band members at the USMA), and the National Guard and reserve components could be assigned more responsibility for part-time support in this area.

With regard to the Senate provision that would prohibit the use of appropriated funds for non-instructional staff at the military service academies that are not certified by the DODIG as directly involved in the administration of students and faculty or maintenance of facilities at the military

service academies (sec. 515), the amendment would instead require the DODIG to conduct a management audit of the non-instructional staff at the military service academies, and the Secretary of Defense to report the results of the audit and the actions taken on the basis of the audit to the Committees on Armed Services of the Senate and House of Representatives by June 1, 1993. The conferees believe that efficiencies can and should be achieved in this area.

With regard to the Senate provision that would place the staff supervision of the military service academies under the training and education commands of the military services (sec. 516), the conference agreement would drop the Senate provision. However, the conferees expect the Secretary of Defense to review current oversight procedures and to promulgate a regulation which provides for the uniform oversight and management of the military service academies and to submit a copy of that regulation to the Committees on Armed Services of the Senate and House of Representatives by June 1, 1993.

Authority of the United States Military Academy to confer the degree of master of arts in leadership development (sec. 525)

The House bill contained a provision (sec. 532) that would authorize the Superintendent of the United States Military Academy (USMA) to confer the degree of master of arts in leadership development on a maximum of 20 graduates annually of that program who have fulfilled the requirements for the degree.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would authorize the Superintendent of the USMA to confer the degree of master of arts in leadership development only on those officers who have successfully completed the course of instruction devised by the USMA for this purpose, to include those officers who are enrolled in the course of instruction on the date of enactment of this act.

Report on prohibition on participation of reserve personnel in Air Force pilot training courses (sec. 531)

The House bill contained a provision (sec. 521) that would prohibit Air Force Reserve and Air National Guard pilot candidates from attending undergraduate pilot training (UPT) conducted by the active Air Force.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would strike the House provision, and instead require that no additional National Guard or Air Force Reserve personnel may be scheduled for UPT until a report is submitted to the Committees on Armed Services of the Senate and House of Representatives by the Secretary of Defense on the necessity for continuing the input of National Guard and Air Force Reserve personnel into UPT. The conference agreement would allow National Guard and Air Force Reserve personnel scheduled for UPT on the date of enactment of this act to complete processing for and to enter UPT if qualified.

ROTC scholarships for National Guard (sec. 532)

The House bill contained a provision (sec. 522) that would amend title 10, United States Code, to designate 100 financial assistance programs to be awarded by the Chief, National Guard Bureau, for students that will be required to serve in the Army National Guard after being appointed as commissioned officers. The House provision would require that such students attend military universities, military junior colleges, or state universities within the state of their residence. The House provision would also require that such students be prohibited from serving on active duty other than for training, unless called to active duty with their Army National Guard Selected Reserve unit, or as an individual filler in support of a contingency operation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require the Secretary of the Army, instead of the Chief of the National Guard Bureau, to implement this program consistent with the standards for the active duty program and with appropriate consideration for the geographic dispersion of such scholarships. The amendment would also designate 50 of the 100 scholarships for 2-year programs.

Junior reserve officers' training corps program (sec. 533)

The House bill contained a provision (sec. 523) that would amend title 10, United States Code, to allow students above the eighth grade, regardless of age, and aliens lawfully admitted to the United States for permanent residence, to be counted when determining whether a Junior ROTC program has the minimum number of students required to remain active. The House provision would also remove the ceiling on instructor pay, but continue existing limits on Department of Defense obligations for instructor salaries.

The Senate amendment contained a similar provision (sec. 565) that would: (1) codify the purpose of the Junior ROTC programs of the military Services; (2) permit these programs to be expanded in number from 1,600 to 3,500; and (3) authorize the Secretary of a military department to pay a participating institution the difference between an instructor's military retired pay and the instructor's normal pay if on active duty in those instances determined by the Secretary concerned to be in the national and community interest.

The House recedes with an amendment. The amendment would combine the House and Senate provisions, and also specify that the authority for the Secretary of a military department to pay the participating institution's portion of instructor pay should be limited to institutions in educationally and economically disadvantaged areas.

Retention on active duty of enlisted members within two years of eligibility for retirement (sec. 541)

The Senate amendment contained a provision (sec. 561) that would provide the same tenure protection to enlisted members that is afforded under current law to officers who have completed 18 but less than 20 years of active duty for retirement eligibility purposes.

The House bill contained no similar provision.

The House recedes.

Authority for military school faculty members and students to accept honoraria for certain scholarly and academic activities (sec. 542)

The House bill contained a provision (sec. 531) that would establish more appropriate guidelines governing the acceptance of honoraria for an appearance, speech, or article by students and faculty of Department of Defense educational institutions.

The Senate amendment contained no similar provision.

The Senate recedes.

Payment for leave accrued and lost by Korean conflict prisoners of war (sec. 543)

The House bill contained a provision (sec. 533) that would ensure that the Department of Defense has the authority to pay, from appropriations available for the current fiscal year, deserving former Korean conflict prisoners of war for leave actually accrued and lost while a prisoner of war.

The Senate amendment contained no similar provision.

The Senate recedes.

Military reserve technicians (sec. 544)

The House bill contained a provision (sec. 1301) that would require the Secretary of Defense to implement a program that would provide priority consideration to certain involuntarily separated military reserve technicians for positions in the competitive service within the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Air Reserve technicians (sec. 545)

The House bill contained a provision (sec. 535) that would direct the Secretary of the Air Force to carry out the high-year tenure (HYT) program of the Air Force Reserve so as not to require the removal of an Air Reserve technician from active status as a reservist before attaining age 60 in the case of any technician who has a total of not less than 33 years of active duty and reserve military service before January 1, 1992, and who is otherwise qualified for retention as an Air Reserve technician.

The Senate amendment contained no similar provision.

The Senate recedes.

Mental health evaluations of members of armed forces (sec. 546)

The House bill contained a provision (sec. 536) that would require the Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard, to prescribe regulations regarding mental health evaluations of members of the armed forces. The House provision would specify that the regulations shall cover procedures for outpatient and inpatient evaluations; member rights; procedures for emergency or involuntary inpatient evaluations; and a prohibition against the use of referrals for mental health evaluations to retaliate against whistleblowers.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Report on the Selective Service System (sec. 547)

The Senate amendment contained a provision (sec. 1064) that would require the Secretary of Defense, in consultation with the Director of the Selective Service System, to submit a report through the President to Congress on the continued requirement for registration under the Selective Service System.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of requirement concerning initial commissioning of officers

The House bill contained a provision (sec. 501) that would repeal section 501 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), which mandates that all commissioned officers appointed after September 30, 1996 be

initially appointed in a reserve component on active duty for a minimum of one year.

The Senate amendment contained no similar provision.

The House recedes.

Requirement for test assignments of female service members to certain combat positions

The Senate amendment contained a provision (sec. 523) that would modify the authority provided by section 550 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) for the Department of Defense to conduct test assignments of women to combat positions. The provision would require the Department of Defense to include in such tests at a minimum the assignment of women to combat aircraft in each of the military Services.

The House bill contained no similar provision.

The Senate recedes.

Teacher certification credit for military experience

The Senate amendment contained a provision (sec. 532) that would require the Secretary of Defense to develop uniform standards and procedures for the granting of appropriate credit for servicemembers under state teacher certification and licensing procedures. The provision would also require the Secretary to coordinate with appropriate state agencies to encourage the adoption of such standards and procedures by the states.

The House bill contained no similar provision.

The Senate recedes. However, certain of the requirements contained in the Senate provision would be incorporated into the conference agreement on teacher and teacher's aide placement programs for separating servicemembers.

Limitation on enlisted aides

The Senate amendment contained a provision (sec. 562) that would reduce the current statutory ceiling on enlisted aides from 300 to 240, consistent with the 20 percent reduction in general and flag officers mandated in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). The provision would also limit the assignment of enlisted aides only to personnel who occupy command positions.

The House bill contained no similar provision.

The Senate recedes. The conferees expect the Secretary of defense to review the current practices and numbers with regard to the assignment of enlisted aides, and to report the results of the review to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993. The conferees expect the review to consider the existing limit on the number of enlisted aides that are authorized and the overall reduction in the number of general and flag officers. In this regard, the conferees expect the Committees on Armed Services to consider and take appropriate action on the recommendations of the Department of Defense in this area next year.

Reserve Forces Policy Board

The conferees note that the Reserve Forces Policy Board (RFPB) celebrates its 40th anniversary this year. The RFPB was created by an act of Congress in 1952 to provide policy advice to the Secretary of Defense on matters relating to the reserve components of the military Services. The RFPB role during the Cold War years was instrumental in assisting the Department of Defense in creating a credible, ready, reserve force, particularly after the advent of the Total Force Policy. The RFPB function today is no less important. The debate on the size, roles, missions, and ultimate disposition of the reserve components of the future must be conducted utilizing the experience and expertise of those who have served in and with those forces. The conferees believe that the RFPB should continue to perform the essential function with direct access to the top leadership in the Department of Defense.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reference to compensate and other personnel benefits in title XLIV (sec. 600)

This section cross-references compensation and other benefit provisions relating to the defense drawdown that would normally appear in this title to the appropriate sections in title XLIV of this act.

Authority to waive repayment of advance pay received incident to an authorized or ordered evacuation (sec. 602)

The Senate amendment contained a provision (sec. 614) that would authorize the Secretaries of the military departments to waive the recovery of up to one month's advance pay made to single or unaccompanied military personnel who drew an advance incident to an authorized or ordered evacuation. Current law allows such waivers for accompanied personnel only. This provision would recognize that single and unaccompanied members, like accompanied members, may also suffer consequences of such an evacuation that would make recovery of the advance pay received against equity and good conscience or against the public interest.

The House bill contained no similar provision.

The House recedes. The conferees expect the Department of Defense to apply this provision to military personnel affected by Hurricane Andrew as appropriate.

Clarification of authority to provide special pay for nonphysician health care providers (sec. 611)

The House bill contained a provision (sec. 611) that would expand section 302(c) of title 37, United States Code, to include chiropractors within the definition of nonphysician health care providers authorized special pay. The provision is a companion to another House provision (sec. 507), which would authorize chiropractors to be commissioned in the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of expiring authorities for certain bonuses and special pay (sec. 612)

The House bill contained a provision (sec. 612) that would extend from September 30, 1992 to September 30, 1993, the authorities for: (1) a reenlistment bonus for active members; (2) an enlistment bonus for members in critical skills; (3) an aviator retention bonus; (4) enlistment and reenlistment bonuses for reserve members; (5) special pay for enlisted members of the Selected Reserve assigned to high priority units; (6) education loans for certain health professionals who serve in the Selected Reserve; (7) an accession bonus for registered nurses; (8) a nurse candidate accession program; and (9) special pay for nurse anesthetists.

The Senate amendment contained a similar provision (sec. 603).

The Senate recedes with a technical amendment.

Temporary increase in the number of days a member may be reimbursed for temporary lodging expenses (sec. 621)

The House bill contained a provision (sec. 621) that would authorize the Secretaries of the military Services to extend the period of time from four to ten days for which subsistence expenses may be paid or reimbursed for a change of permanent station to a geographical area determined by that Secretary to be affected by the withdrawal of U.S. forces from overseas base realignments and closures, or the restructuring or deactivation of units. This authority would extend through September 30, 1997.

The Senate amendment contained no similar provision.

The Senate recedes.

Prohibition on the asserting of liens on personal property being transported at government expense (sec. 622)

The Senate amendment contained a provision (sec. 613) that would prohibit transporters from asserting liens on the personal property of military personnel while such property is being transported at government expense. This provision would protect military personnel from liens or detainment of household goods, unaccompanied baggage, and privately owned vehicles due to carrier disputes.

The House bill contained no similar provision.

The House recedes.

Subsistence reimbursement for escorts of foreign arms control inspectors (sec. 623)

The Senate amendment contained a provision (sec. 619) that would authorize reimbursement for subsistence costs incurred by U.S. military personnel accompanying foreign arms control inspectors in the United States for monitoring on-site inspections provisions of arms control treaties and agreements.

The House bill contained no similar provision.

The House recedes.

Amendment to reflect change in name of the Military Airlift Command to the Air Mobility Command for travel and transportation (sec. 624)

The Senate amendment contained a provision (sec. 618) that would make a technical change to section 404 of title 37, United States Code, to reflect the change in the name of the Military Airlift Command to the Air Mobility Command.

The House bill contained no similar provision.

The House recedes.

Evacuation allowance in connection with Hurricane Andrew (sec. 625)

The conferees recommend a provision that would remove legal impediments to the payment of evacuation allowances to military personnel, federal civilian personnel, and certain military dependents who were evacuated as a result of Hurricane Andrew.

Concurrent receipt of military retirement pay and veterans' disability pay (sec. 641)

The Senate amendment contained a provision (sec. 611) that would require the Department of Defense to: (1) submit legislation that would permit the concurrent receipt of military retired pay and veterans' disability compensation pay, or another formula to accomplish this end; and (2) set aside sufficient amounts in its legislative contingency fund to pay for the enactment of such legislation in fiscal year 1994.

The House bill contained no similar provision.

The House recedes with an amendment.

The amendment would strike the Senate provision and instead require the Secretary of the Defense to submit to the Committees on Armed Services of the Senate and House of Representatives a report on alternative approaches to permit the concurrent payment to military retirees of military retired pay and veterans' disability compensation. The conferees direct the Congressional Research Service (CRS) of the Library of Congress to provide a report to the Committees on Armed Services by April 1, 1993 on programs which currently have offsets similar to the offset made between military retired pay and VA disability compensation, or where the beneficiary is required to choose between benefits earned during the same chronological time period, e.g., Civil Service Retirement and Federal Employment Compensation Act. The study should include, but not be limited to the following programs:

(1) Military survivors benefits/dependency and indemnity compensation

(2) Federal civil service retirement/federal employment compensation

(3) Railroad retirement/workers' compensation

(4) Social Security/workers' compensation

(5) Federal civil service disability/Federal Employment Compensation Act/state and local government disability programs

The Congressional Research Service (CRS) study should further address the question of how the current policy of offsetting military retired pay and VA disability compensation, as it relates to military retirees, compares to other federal beneficiaries affected by similar policies. The study should also estimate the budgetary impact of removing such policies throughout the federal government.

Amendment of computation of retired pay for certain enlisted members credited with extraordinary heroism (sec. 642)

The Senate amendment contained a provision (sec. 615) that would make a technical change to section 1402 of title 10, United States Code. The provision would permit enlisted members who are entitled to an increase in retired pay because of extraordinary heroism to retain this entitlement in the event their retired pay is later recomputed for additional active service.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Survivor Benefit Plan open enrollment (sec. 643)

The House bill contained a provision (sec. 654) that would amend section 1405 of the Military Survivor Benefits Improvement Act of 1989 (Public Law 101–189).

The Senate amendment contained no similar provision.

The Senate recedes.

Provision of temporary foster care services outside the United States for children of the armed forces (sec. 651)

The House bill contained a provision (sec. 651) that would amend chapter 53 of title 10, United States Code, to authorize the Service Secretaries involved to expend appropriated funds for expenses related to providing necessary foster care in overseas areas where public, tax supported services are not available for children of members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Reimbursement for adoption expenses (sec. 652)

The Senate amendment contained a provision (sec. 612) that would modify the adoption reimbursement benefit authorized by section 651 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) to provide the broader benefit coverage authorized in the original test program by section 638 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180). The broader coverage would be retroactive to the date of the expiration of the test program.

The House bill contained no similar provision.

The House recedes with an amendment that would provide reimbursement for adoption expenses under the program adopted last year.

Protection for dependent victims of abuse by members of the armed forces (sec. 653)

The Senate amendment contained a provision (sec. 1070) that wou'd provide annuity protection for spouses and former spouses of members losing eligibility for retired pay as a result of abuse of a dependent. The provision would also entitle such individuals to benefits on the same basis as a dependent of a retired member of the armed forces.

The House recedes with an amendment that would align the benefits and procedures authorized in this section with the benefits provided to former spouses under the Uniformed Services Former Spouses Protection Act.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification of CHAMPUS reform initiative contract

The House bill contained a provision (sec. 633) that would direct the Secretary of Defense to issue a modification to the request for proposals (RFP) for the new CHAMPUS reform initiative (CRI) contract in California and Hawaii to more closely reflect the beneficiary cost-sharing requirements included in the current CRI contract in operation in those two states.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that the Department of Defense has recognized the wisdom of the House provision, and has implemented it.

Reproductive health services

The House bill contained a provision (sec. 637) that would entitle military personnel and their dependents to reproductive health services in a medical facility of the uniformed services outside the United States on a reimbursable basis.

The Senate amendment contained a similar provision (sec. 715).

The conferees agree to exclude this provision. The Senate has passed a bill (S. 3144) which contains this provision. The House intends to pass this bill and send it to the President as soon as possible.

Educational assistance for graduate programs for members of the Selected Reserve

The House bill contained a provision (sec. 642) that would amend title 10, United States Code, to permit Selected Reserve participant in the Montgomery G.I. Bill to pursue graduate level course work, subject to available appropriations.

The Senate amendment contained no similar provision.

The House recedes.

Survivor Benefit Plan annuity

The House bill contained a provision (sec. 653) that would provide an annuity under the Survivor Benefit Plan to Charlotte S. Neal, of Lynchburg, Virginia, former wife of the late Lieutenant Commander Michael D. Christian, United States Navy (Retired).

The Senate amendment contained no similar provision.

The House recedes.

Eligibility for retire pay for non-regular service

The Senate amendment contained a provision (sec. 617) that would authorize certain personnel who were members of a reserve component or other non-regular component of the armed forces before August 16, 1945, and who completed 20 or more years of qualifying service on or after that date, to be eligible for retired pay. Such eligibility would begin on the date of enactment of this provision.

The House amendment contained no similar provision.

The Senate recedes.

Services provided by the Defense Accounting and Finance Service

The conferees note that the Senate report (S. Rept. 102–352) directed the General Accounting Office to conduct an audit of the Defense Accounting and Finance Service (DFAS). The conferees expect the audit to include an assessment of the adequacy of services provided to all segments of the DFAS customer base (active, reserve, retired and other customers), and an evaluation of plans to implement the defense joint military pay system and the defense retiree annuitant pay system. The conferees are interested in whether or not these systems will result in broader, improved services to customers.

TITLE VII—HEALTH CARE PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reference to health care services in title XLIV (sec. 700)

This section cross references health care provisions relating to the defense drawdown that would normally appear in this title to the appropriate sections in title XLIV of this act.

CHAMPUS dental health care benefits (sec. 701)

The Senate amendment contained a provision (sec. 702) that would authorize $80.0 million for the Department of Defense to design and implement an improved dental health care benefit for military dependents under the CHAMPUS program. This provision would also prescribe an increase in the monthly premium limit from $10 to $20, and authorize the Department of Defense to prescribe higher deductibles for orthodontic services, crowns, gold fillings, bridges, or complete or partial dentures.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would: (1) authorize the Secretary of Defense to reduce premiums for enlisted members in the E–1 through E–4 grades; (2) strike the statutory dollar limit on this program; (3) establish an April 1, 1993 effective date; (4) provide flexibility to the Secretary of Defense to add additional covered services; and (5) authorize $50.0 million for implementation of this program in fiscal year 1993.

Pharmaceutical drug benefit (sec. 702)

The Senate amendment contained a provision (sec. 705) that would require the creation and phase-in of a mail-service pharmaceutical drug benefit for members of the military community (active duty members and their dependents, retirees, and survivors). The benefit would initially be phased-in in at least two multi-state areas within 18 months. A report to Congress, prior to full implementation, would be made within 24

months of enactment of this act. In addition, the Senate amendment would require the implementation of a demonstration project to supply prescription pharmaceuticals to eligible persons through a managed care network of community retail pharmacies. The benefit would initially be carried out in regions that consisted of at least two multi-state areas.

The House bill contained no similar provisions.

The House recedes with an amendment.

The amendment would require that the managed care network of community retail pharmacies become a part of all managed health care programs awarded or renewed after January 1, 1993.

In establishing this program, the conferees recommend that the Secretary of Defense take advantage of the latest technologies found in civilian managed care networks utilizing community retail pharmacies and other government programs, such as a point-of-sale electronic claims management system for the purpose of performing on-line, real-time eligibility verification, claims data capture, and adjudication and payment of claims. The conferees believe such service will be important to the efficient and effective management of the new managed care network of community retail pharmacies.

Maximum annual amount for deductibles and co-payments (sec. 703)

The Senate amendment contained a provision (sec. 707) that would lower the existing CHAMPUS catastrophic cap for retirees and their dependents from $10,000 to $7,500.

The House bill contained no similar provision.

The House recedes.

Comprehensive individual case management program under CHAMPUS (sec. 704)

The House bill contained a provision (sec. 639) that would permit payment of comprehensive home health services under CHAMPUS, where cost-effective and appropriate. The provision would also put in place a case management system to coordinate utilization of health services.

The Senate amendment contained a similar provision (sec. 709).

The House recedes with a technical amendment.

The conferees believe the case management program is the best approach to address the need of beneficiaries for whom regular CHAMPUS benefits are limited by the custodial care exclusion and other restrictions contained in the law and CHAMPUS regulations.

Medical and dental care for certain incapacitated dependents (sec. 706)

The Senate amendment contained a provision (sec. 714) that would provide medical and dental coverage under CHAMPUS to unmarried children who are incapable of self-support because of a mental or physical incapacity and who become the dependents of a member or former member.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would limit the coverage of this provision to dependents who are under 23 years of age, enrolled in a full-time course of higher learning, and mentally or physically incapacitated.

National claims processing center study (sec. 711)

The Senate amendment contained a provision (sec. 712) that would establish a national claims processing system for CHAMPUS, to be fully implemented within five years. This national system would facilitate the electronic transmission of claims and billing functions throughout CHAMPUS.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would specify that the system could be procured through single or multiple contracts, and permit the procurement to proceed on a unitary or incremental basis. It would extend the time period for full implementation from five to seven years.

Conditions on expansion of CHAMPUS reform initiative to other locations (sec. 712)

The House bill contained a provision (sec. 634) that would prohibit the expansion of the CHAMPUS reform initiative beyond its current boundaries of California and Hawaii, except in base closure areas, until at least 90 days after the Secretary of Defense certifies that such expansion is the most cost-effective option to providing care in the expansion areas. The House provision would require that, not later than 30 days after the Secretary submits his certification, the General Accounting Office (GAO) and the Congressional Budget Office (CBO) shall jointly submit a report evaluating the certification.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the intent of the conferees that the evaluation of any future expansion of the CRI to other locations should also include considerations of accessibility and quality of care.

Alternative health care delivery methodologies (sec. 713)

The Senate amendment contained a provision (sec. 713(a) and (b)) that would require the Department of Defense to make a number of modifications to the coordinated care program. This provision would extend the life of the current CHAMPUS reform initiative demonstration in California and Hawaii, and require the contract to be submitted to a competitive process.

Additionally, this provision would require the Department to continue to test a broad array of military health reform options for the next four years. This should include, but not be limited to, the Department of Defense's CHAMPUS reform initiative, CHAMPUS, and the catchment area management and coordinated care program.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Managed health care network for Tidewater region of Virginia (sec. 714)

The House bill contained a provision (sec. 635) that would reaffirm section 712(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) directing the Defense Department to undertake a managed health care program, not later than September 30, 1992, in the Tidewater region of Virginia based on the catchment area management (CAM) demonstration project underway in a number of locations, including Charleston, South Carolina.

The Senate amendment contained no similar provision.

The Senate recedes.

Positive incentives for coordinated care program (sec. 715)

The House bill contained a provision (sec. 636) that would direct the Secretary of Defense to modify the "Policy Guidelines on the Department of Defense Coordinated Care Program," issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992, to provide incentives or "carrots" to beneficiaries of the military health care system who enroll in the coordinated care program. These incentives would include a reduction in CHAMPUS deductibles and co-payments; reduced cost-sharing requirements for primary care; and the expansion of benefits currently authorized under the CHAMPUS program.

The Senate amendment contained a similar provision (sec. 713(c)).

The Senate recedes with a technical amendment.

Managed-care delivery and reimbursement model (sec. 716)

The House bill contained a provision (sec. 640) that would exempt the participation agreement negotiated between a uniformed services treatment facility and the Secretary of Defense from the Federal Acquisition Regulations required by the Office of Federal Procurement Policy Act (41 U.S.C. 4219c)).

The Senate amendment contain no similar provision.

The Senate recedes.

Correction of omission in delay of increase of CHAMPUS deductibles related to Operation Desert Storm (sec. 721)

The House bill contained a provision (sec. 632) that would correct the inadvertent exclusion of dependents of members who served and were killed in the Persian Gulf war, members who served in the Persian Gulf war and subsequently died; or members who served in the Persian Gulf war and subsequently retired, from receiving the authorized delay in the increase of the CHAMPUS outpatient deductible for CHAMPUS beneficiaries for care provided on or after April 1, 1991. Section 712 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) authorized an increase in the CHAMPUS outpatient deductible which was then delayed until October 1, 1991 by the Persian Gulf Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25).

The House provision would also authorize the Secretary of Defense to provide reimbursement or credit against future deductible requirements for the affected beneficiaries.

The Senate amendment contained no similar provision.

The Senate recedes.

Military health care for persons reliant on health care facilities at bases being closed and realigned (sec. 722)

The Senate amendment contained a provision (sec. 704) that would require the Department of Defense to solicit input from the active duty dependents and retirees and their survivors who will be affected by the closure or realignment of a base that houses a military treatment facility at which they receive their health care.

The House bill contained no similar provision.

The House recedes. The conferees are concerned about reports that in some areas in which a base is being closed or realigned, the Department is closing the base health care facility prior to closure or realignment of the base, and prior to implementing a managed care delivery system or contracting with a health insurance plan to provide needed services to beneficiaries. Failure to implement a managed care alternative in a timely fashion could increase the cost of medical care to the Department in these areas. Addi-

tionally, the access of beneficiaries to entitled care is threatened. The conferees believe the Department has an obligation to implement a replacement health care delivery system or contract with a health insurance plan before closing a base health care facility.

Comprehensive study of the military medical care system (sec. 723)

The Senate amendment contained a provision (sec. 711) that would require, as part of the study mandated by section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), the federal employee health benefits program to be studied to determine whether designing a similar program for military dependents and retirees would be cost-effective and provide for the health coverage needs of dependents and retirees (including those over age 65).

The House bill contained no similar provision.

The House recedes.

Annual beneficiary survey (sec. 724)

The Senate amendment contained a provision (sec. 706) that would require the Department of Defense to conduct an annual, formal satisfaction survey of those utilizing the military medical system.

The House bill contained no similar provision.

The House recedes.

Risk-sharing contract study (sec. 725)

The Senate amendment contained a provision (sec. 710) that would require the Secretary of Defense, in consultation with the Secretary of Health and Human Services, to study the feasibility and develop an implementation plan for a demonstration project to track the current Medicare managed care risk contract.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding health care policy for the uniformed services (sec. 726)

The Senate amendment contained a provision (sec. 703) that would express the sense of Congress regarding the current and future direction of the military health care system.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Preemption

The conferees believe the advent of contracting for managed care services within the Department of Defense health care system is a positive step toward assuring both government and military beneficiaries cost-effective, quality-controlled programs for health care delivery. The conferees have become concerned, however, about the potential cost and complexity of the layers of federal, state, and local laws and regulations on contracts that include more than one state. Next year, the conferees plan to review the question of whether some federal standards should be developed in this area that could create some continuity. Accordingly, the conferees hope that the Department of Defense would start to review this issue in preparation for next year's budget hearings.

Guidelines for managed care

Section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) directed the Department of Defense to study the entire DOD health care system and to report to the congressional defense committees. Section 733 called for an assessment of the qualifications of the personnel involved in CHAMPUS mental health utilization review, an evaluation of the actions taken to ensure that reviewers have no financial conflict of interest, and an evaluation of the adequacy of the existing appeals process.

The conferees note that the survey and report are expected to take a long time to produce. They hope the Department of Defense would initiate, by January 1, 1993, proposed regulations aimed at achieving actual improvement in these and related areas of consumer protection.

The conferees expect the Department of Defense to develop standards that will ensure and promote the delivery of quality health care and to foster greater coordination among health care providers that participate under this program. The standards should also protect patients by ensuring that the reviewing professionals are qualified to perform utilization review and managed care activities, and are licensed and competent in the area of care needed by the consumer.

Such standards should include a requirement that neither the providers nor any reviewing professional or agent have any financial incentive in the outcome of the prescribed treatment methodology followed.

Partial hospitalization under CHAMPUS

The conferees believe it is critical that a wide range of mental health options be available to CHAMPUS beneficiaries, so that services can be received in the most appropriate and cost-effective setting.

The conferees believe that partial hospitalization is an important benefit to bridge the transition from inpatient to outpatient care in order to ensure that there is no disruption in the continuity of care for beneficiaries. The conferees intend to continue to closely monitor the Department of Defense implementation of this program, including the determination of reasonable reimbursement rates.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Codification and amendments to section 1207 (sec. 801)

The House bill contained a provision (sec. 801) that would extend the five percent goal program for the award of DOD contracts and subcontracts to small disadvantaged businesses, historically Black colleges and universities, and minority institutions through fiscal year 2000 (section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661)). In addition, this provision of law would be codified as section 2323 of title 10, United States Code.

The Senate amendment contained a provision (sec. 814) that would extend the program through fiscal year 2000 and require the establishment of a process to review claims that the use of SDB set-asides has caused an industry category to bear a disproportionate share of the progress toward the goal.

The Senate recedes with a technical amendment.

The conferees agree to consolidate all section 1207-related provisions into a single section. The additional codified provisions are: (1) section 806 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180); and (2) section 832 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189).

Provisions relating to small businesses and small disadvantaged businesses (sec. 802)

The House bill contained a provision (sec. 802) that would: (1) apply the "non-manufacturer rule" to the program established by section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661); and (2) require the Secretary of Defense to issue regulations to ensure prime contractors comply with existing subcontracting requirements and make subcontracting plans a factor in the contract award process.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The Defense Department has advised the conferees that it has developed a proposed regulation concerning the non-manufacturer rule. However, DOD has delayed issuance of this rule at the request of the Small Business Administration, which also intends to publish a rule on this subject. The conferees direct the Secretary of Defense to immediately issue a proposed regulation for comment on the non-manufacturer rule.

The conferees are concerned that subcontract awards by DOD prime contractors to small business concerns (including small disadvantaged businesses) declined 5.3 percent in fiscal year 1991 compared to the preceding year. The regulations required by this provision are intended to ensure that this decline does not become a trend and that the Department and its prime contractors enforce and comply with existing subcontracting plan requirements.

The conferees direct the Secretary to conduct a prompt review of DOD and prime contractor efforts to increase subcontract awards to small businesses and small disadvantaged businesses and to propose additional strategies to increase such awards. The results of this review should be reported to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993.

Under current law (section 806 of the National Defense Authorization Act of Fiscal Years 1988 and 1989 (Public Law 100–180)), the Secretary is required to make the administration of small business subcontracting plans a factor in the evaluation of the performance of contracting officials. The conferees direct the Secretary to take the appropriate steps to ensure that this requirement is fully enforced.

Funding for defense research by historically Black colleges and universities and minority institutions (HBCU/MI) (sec. 803)

The Senate amendment contained a provision (sec. 814) that would authorize $15.0 million for the HBCU/MI infrastructure assistance program established in section 832 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510).

The House bill contained no similar provision.

The House recedes.

Small Business Administration certificate of competency program (sec. 804)

The Senate amendment contained a provision (sec. 811) that would modify the Small Business Administration (SBA) certificate of competency program as it affects the defense acquisition process.

The House bill contained no similar provision.

The House recedes with an amendment that would require: (1) DOD contract solicitations to advise small businesses of their right to request the Small Business Administration to review a contracting officer's determination that such business is "nonresponsible" to perform a contract; and (2) the contracting officer to notify such business in writing of a "nonresponsibility" de-

termination and of the right to request the SBA review. The provision would sunset at the end of fiscal year 1995.

Extension of program for the negotiation of comprehensive small business subcontracting plans (sec. 805)

Section 834 of the National Defense Authorization Act for Fiscal Years 1990/1991 (Public Law 101–189) authorized DOD and approved prime contractors to negotiate subcontracting plans on a division- or company-wide basis. This program expires at the end of fiscal year 1993.

The Senate amendment contained a provision (sec. 812) that would extend this program through fiscal year 1994.

The House bill contained no similar provision.

The House recedes.

Extension of test program of contracting for DOD printing services (sec. 806)

Section 843 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100–456) established a program authorizing the Public Printer to limit competitions to small disadvantaged businesses (SDBs) for defense printing services. The Defense Department may count such awards towards the five percent goal for awards to SDBs under section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661). This program expires at the end of fiscal year 1993.

The Senate amendment contained a provision (sec. 813) that would extend this program through fiscal year 2000.

The House bill contained no similar provision.

The House recedes.

Pilot mentor-protégé program (sec. 807)

The Senate amendment contained a provision (sec. 815) that would authorize $55.0 million for the pilot mentor-protégé program established under section 831 of the National Defense Authorization Act for Fiscal Year 1990 and 1991 (Public Law 101–189). The Senate provision would also require the Department of Defense to publish and maintain any Department policy relating to the program in the defense federal acquisition regulations. The Senate provision also would make changes to strengthen the mentor protégé program as it relates to the Small Business Act on: (1) findings of affiliation or control; (2) assistance under the Small Business Administration's section 8(a) program; and (3) review of any mentor protégé agreement.

The House bill contained no similar provision.

The House recedes.

Codification of recurring provision relating to subcontracting with certain nonprofit agencies (sec. 808)

The Senate amendment contained a provision (sec. 1052) that would codify section 8082 of the Department of Defense Appropriations Act for Fiscal Year 1992 (Public Law 102–172) and encourage eligible DOD prime contractors to subcontract with Javits-Wagner-O'Day (JWOD) entities by allowing such contractors to credit purchases from JWOD entities towards their small business subcontract plan goals.

The House bill contained no similar provision.

The House recedes.

Expansion and extension of authority under major defense acquisition pilot program (sec. 811)

Section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) authorized the Department of Defense to nominate six major acquisition programs for participation in a pilot program intended to determine the potential for "increasing the efficiency and effectiveness of the acquisition process" by waiving or limiting the application of certain specified statutory requirements. This authority expires on September 30, 1992.

The House bill contained a provision (sec. 814) that would extend the authorization for the pilot program to September 30, 1995. The House bill also would expand eligibility under the program to include non-major acquisition programs.

The Senate amendment contained no similar provision.

The Senate recedes.

Acquisition workforce improvement (sec. 812)

The House bill contained a provision (sec. 815) that would make a number of changes in the legislation established by the Defense Acquisition Workforce Improvement Act (title XII of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190)). The provision would: (1) provide that the first statutory 5-year reviews of individual assignments to critical positions under 10 U.S.C. 1734(e)(2) are not required to be undertaken until after October 1, 1995, although the Defense Department may undertake such a review as a matter of discretion before that date; (2) waive the minimum assignment period in 10 U.S.C. 1734(b) for deputy program managers who receive a subsequent acquisition assignment; (3) authorize DOD, until October 1, 1997, to determine that an individual has fulfilled the requirements for mandatory training on the basis of demonstrated competence in the areas that would otherwise require specific training under 10 U.S.C. 1723, 1724, and 1735; (4) modify the experience requirement for deputy program managers under 10 U.S.C. 1735(b)(3) to require six years of experience for major programs and four years for non-major programs; and (5) authorize the Secretary of Defense to prescribe equivalent training requirements in lieu of the business management and training requirements established by 10 U.S.C. 1732(b)(2)(B).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make it clear that a scholarship recipient under 10 U.S.C. 1744 may be offered a position in the excepted service notwithstanding subchapter I of chapter 33 of title 5, United States Code.

Certification of claims (sec. 813)

The House bill contained a provision (sec. 815) that would revise the law governing the certification of contract claims (10 U.S.C. 2410). The House provision also would waive the 18-month time limitation on the submission of shipbuilding claims under 10 U.S.C. 2405(b), with respect to claims originally submitted within the time period, if a claim was deemed insufficient due to the fact that the original certification was signed by the wrong individual.

The Senate amendment contained a similar provision (sec. 827) with respect to waiver of the 18-month time limit under 10 U.S.C. 2405(b) concerning shipbuilding claims deemed deficient solely due to the status of the individual who signed the original certification.

The House recedes with an amendment. Under the conference agreement, the Secretary of Defense would be required to propose regulations for inclusion in the Federal Acquisition Regulation to provide that: (1) a contract claim or related request for relief must be accompanied by the certification required under the Contract Disputes Act of 1978; and (2) the person who certifies the claim must be an individual who is authorized to bind the contractor and who has knowledge of the basis of the claim or request and knowledge of the claim or request. Upon publication of the regulations, 10 U.S.C. 2410 would be repealed. The conference agreement also would reflect the amendments proposed by the House bill and the Senate amendment concerning waiver of the 18-month time limit under the shipbuilding claims statute, 10 U.S.C. 2405(b).

The conferees note that current law has been viewed as an impediment to the adoption of a government-wide rule providing a single certification that would cover both statutes applicable solely to the Department of Defense and the Contracts Disputes Act. The conference agreement is intended to remove this impediment.

Deadline for report on rights in technical data regulations (sec. 814)

Section 807 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) required the Secretary of Defense to establish a government-industry committee to recommend a final regulation on rights in technical data. The provision required issuance of a new regulation by September 15, 1992, and established restrictions on the content of any interim regulations.

The House bill contained a provision (sec. 817) that would extend these requirements in view of delays in the establishment of the committee.

The Senate amendment contained no similar provision.

The Senate recedes.

Requirement to establish single point of contact for information concerning persons convicted of defense contract-related felonies (sec. 815)

The House bill contained a provision (sec. 819) that would require the General Services Administration to maintain and publish a list of persons subject to the prohibitions in 10 U.S.C. 2408 concerning employment of persons convicted of defense contract-related felonies in certain positions by defense contractors.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the establishment of a single point of contact in the Department of Justice at which a contractor could promptly obtain information as to whether a person is subject to the prohibitions in 10 U.S.C. 2408.

Extension of program for use of master agreements for procurement of advisory assistance services (sec. 816)

The Senate amendment contained a provision (sec. 821) that would extend the test program for the use of master agreements to facilitate the competitive acquisition of advisory and assistance services through fiscal year 1994.

The House bill contained no similar provision.

The House recedes.

Major defense acquisition program reports (sec. 817)

The Senate amendment contained a provision (sec. 822) that would incorporate certain changes in the selected acquisition reports (SAR) required by section 2432 of title 10, United States Code. These changes were requested by the Defense Department and

would clarify the content of the information in the SAR reports and facilitate the administration of the SAR process.

The House bill contained no similar provision.

The House recedes.

Allowable costs (sec. 818)

The Senate amendment contained a provision (sec. 830) that would amend 10 U.S.C. 2324 to: (1) clarify that a contractor will be charged a penalty only if the cost has been expressly disallowed by regulation; (2) clarify that the amount of the penalty assessed is the amount of the disallowed cost that has been allocated to defense contractors; (3) delete the authorization for DOD to assess an additional $10,000 penalty (in addition to a regular penalty of the amount mischarged plus interest or a double penalty if submitted the cost before); and (4) authorize DOD to waive the penalty if the contractor withdraws the submission prior to a DOD audit, or if the amount is insignificant.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to issue regulations providing for the waiver of a penalty if the contractor demonstrates, to the contracting officer's satisfaction, that it has established appropriate policies, personnel training, an internal control and review system that provide assurances that unallowable costs are not included in the contractor's proposal, and that the unallowable costs were included by mistake. The conferees note that the purpose of the penalty provisions in 10 U.S.C. 2324 is to ensure that contractors, rather than the government, bear the burden of assuring that contractor submissions for reimbursement of costs on government contracts do not include unallowable costs.

Clarification of rules governing advisory and assistance services for operational testing (sec. 819)

The Senate amendment contained a provision (sec. 832) that would amend 10 U.S.C. 2399 to make it clear that an organization that has acted as the government representative in testing activities is not subject to the same restrictions that apply to those which have acted on behalf of a contractor.

The House bill contained no similar provision.

The House recedes.

Regulations changing military department participation in joint acquisitions (sec. 820)

The Senate amendment contained a provision (sec. 833) that would require the Secretary of Defense to prescribe regulations that would prohibit military departments participating in joint acquisition programs from unilaterally terminating or substantially reducing participation in the joint program without approval of the Under Secretary of Defense for Acquisition.

The House bill contained no similar provision.

The House recedes.

Competitive prototyping (sec. 821)

The House bill contained a provision (sec. 1055) that would require the Department of Defense to use a competitive prototyping acquisition strategy on all major system developments unless the Secretary of Defense granted a waiver and provided a report to Congress.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would allow the Under Secretary of Defense for Acquisition to grant the waiver when a written justification is submitted explaining why use of competitive prototyping is not practicable, including cost estimates comparing the total program cost of the acquisition strategy with and without competitive prototyping.

Repeal of procurement limitation on typewriters (sec. 831)

The House bill contained a provision (sec. 811) that would repeal 10 U.S.C. 2507(c), which prohibits the purchase of manual typewriters or components from Warsaw Pact countries. The collapse of the Warsaw Pact makes the original provision obsolete.

The Senate amendment contained a similar provision (sec. 806(c)).

The Senate recedes.

Procurement limitation on ball bearings and roller bearings (sec. 832)

The House bill contained a provision (sec. 812) that would prohibit the Defense Department, during fiscal years 1993, 1994, and 1995, from procuring ball bearings or roller bearings that are not produced in the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that the House provision is consistent with the terms of the existing prohibition in the Defense Federal Acquisition Regulation Supplement.

Restriction on purchase of sonobuoys (sec. 833)

The Senate amendment contained a provision (sec. 834) that would prohibit the Defense Department from procuring sonobuoys manufactured in a foreign country unless U.S. sonobuoy manufacturers are permitted to compete on an equal basis with foreign firms for the sale of sonobuoys in that foreign country.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Debarment of persons convicted of fraudulent use of "Made in America" labels (sec. 834)

The House bill contained a provision (sec. 821) that would require the Secretary of Defense to debar a person from contracting with the federal government for at least 3 years but not more than 5 years if the person had been convicted of fraudulently affixing "Made in America" labels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to determine whether a person convicted of fraudulently affixing "Made in America" labels should be debarred from contracting with the Defense Department. If the Secretary determined that the person should be debarred, the Secretary would have to submit to Congress a report on such a determination.

Foreign investment in the United States (secs. 835–838)

The House bill contained a provision (sec. 1071) that would require the President to prohibit a merger, acquisition, or takeover subject to an investigation under section 721(a) of the Defense Production Act of 1950 unless the Secretary of Defense certified to Congress that the merger, acquisition, or takeover would not pose a significant risk of diversion of sensitive U.S. defense technology of a foreign firm or government and would not otherwise harm U.S. national security interests.

The Senate amendment contained three provisions (secs. 824, 825, and 838) that would affect foreign investment in the United States. Section 824 would prohibit the purchase of certain U.S. defense contractors by an entity controlled by a foreign government. Section 825 would prohibit the award of certain DOD and Energy Department national security contracts to companies owned by an entity controlled by a foreign government. Section 838 would make several changes to section 721 of the Defense Production Act (the so-called Exon-Florio amendment).

The House recedes to section 824 of the Senate amendment with an amendment that would delete paragraphs (1) and (2) of subsection (b). As a result, the prohibition on the purchase of certain U.S. defense contractors by an entity controlled by a foreign government would not apply if the purchase were not suspended or prohibited pursuant to section 721 of the Defense Production Act.

The House recedes to section 825 of the Senate amendment.

The Senate recedes to section 1071 of the House bill with an amendment. The purpose of the amendment is to direct the Defense and Energy Departments to develop a data base helpful to the Committee on Foreign Investment in the United States (CFIUS), the inter-agency committee that reviews foreign investment cases under section 721 of the Defense Production Act.

The amendment consists of the following requirements: (1) the Secretary of Defense and the Secretary of Energy shall collect and maintain a data base on certain contractors which are controlled by foreign persons; (2) the Secretaries of Defense, Energy, and Commerce shall submit to Congress an annual report on aspects of foreign investment in U.S. defense firms; and (3) in certain circumstances, the appropriate DOD intelligence agency or agencies shall assess the risk of diversion of defense critical technology posed by a CFIUS case.

The House recedes to section 838 of the Senate amendment with an amendment that would make the following changes to section 838 (all of the following references to subsections of section 721 of the Defense Production Act are to the subsections as they would be redesignated by the conference agreement): (1) make a technical change in the new subsection (b); (2) specify that the report the President is required to transmit to Congress by redesignated subsection (g) shall be consistent with the confidentiality requirements of redesignated section 721(c); (3) add a new subsection (j) that would amend section 721 to require that, in any Exon-Florio case in which a designee of the President performs a technology risk assessment, the assessment shall be provided to any other designee of the President responsible for reviewing Exon-Florio cases; and (4) delete the requirement for an intelligence study.

Under current law, if the President decides to take an action pursuant to redesignated subsection (d), redesignated subsection (g) requires the President to transmit immediately a written report to Congress of the action the President intends to take, including a detailed explanation of the findings made under redesignated subsection (e).

The conference agreement would amend redesignated subsection (g) to require the President to submit to Congress a written report in every case in which the President makes a determination of whether or not to take an action under redesignated subsection (d), including a detailed explanation of the findings made under redesignated subsection (e) and the factors considered under redesignated subsection (f).

Since the enactment of section 721 as part of the Omnibus Trade and Competitiveness Act of 1988, over 700 cases have been notified. Of those cases, only nine have gone to the President for a determination. In only one of those cases has the President decided to take an action. As a result, the President has been required to submit a report to Congress explaining his action in only one case. The conferees believe that any case that requires a determination by the President is of sufficient importance to require a written report by the President explaining in detail the basis for his action. Such reports are not intended to establish precedents under the Exon-Florio amendment since each case is unique. However, the reports will help Congress and the public develop an understanding of the policies underlying Presidential determinations, and hold the President accountable for actions under the Exon-Florio amendment.

The conferees intend that the President is to include in the report required by redesignated subsection (g) a description of any requirements requested from or assurances given by the parties to any merger, acquisition, or takeover. Section 721 gives the President broad powers to "take such action for such time as the President considers appropriate."

The conference agreement retains subsection (b) of section 838 that would amend redesignated section 721(f) by adding two considerations to the three considerations now in the law for deciding whether a takeover affects the national security. The first new consideration concerns the potential effects of a proposed or pending transaction on sales of military goods, equipment, or technology to any country identified by the Secretary of State under the Export Administration Act as a country that supports terrorism, as a country of concern regarding missile proliferation or the proliferation of chemical and biological weapons, or is listed under the Nuclear Non-Proliferation Act of 1978 on the nuclear non-proliferation special country list. The second new consideration added by subsection (b) of section 838 would permit the President to consider as a factor in making his decision "the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security."

Finally, the conferees note that, as used in paragraph (1) of redesignated section 721(e), the term "credible evidence" may not be construed to require that before a review or investigation may be undertaken or before the President may take action under redesignated subsection (d) there has to be an allegation that a person who would be subject to such review or investigation committed an illegal act.

Limitation on sale of assets of certain defense contractor (sec. 839)

The House bill contained a provision (sec. 818) that would require any Defense Department contract with the LTV Aerospace and Defense Company to prohibit the company from selling any of its assets to any entity unless the entity agreed to assume all the company's liabilities to its retired employees.

The Senate bill contained no similar provision.

The Senate recedes.

Advance notification of contract performance outside the United States (sec. 840)

The Senate amendment contained a provision (sec. 829) that would require firms that are bidding for or performing certain DOD contracts to notify the Defense Department in advance of any intention to perform outside the United States any part of the contract (1) that exceeds $500,000 in value, and (2) that could be performed inside the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would make technical changes to the Senate provision.

Acquisition fellowship program (sec. 841)

The Senate amendment contained a provision (sec. 831) that would authorize the Department of Defense to offer up to 25 science and technology fellowships as incentive to recruit or retain high caliber personnel to government service. These fellowships would permit an individual, after completing at least two years of government service, to engage in research and teaching in a field related to government science and technology policy for a period of up to two years.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Purchase of Angolan petroleum products (sec. 842)

The Senate amendment contained a provision (sec. 836) that would specify that section 316 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) shall cease to be effective when the President certifies to Congress that free, fair, and democratic elections have taken place in Angola after September 1, 1992. Section 316 prohibited the Defense Department from purchasing Angolan petroleum products from companies producing petroleum products in Angola.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority for the Department of Defense to share equitably the costs of claims under international armaments cooperation programs (sec. 843)

The Senate amendment contained a provision (sec. 828) that would authorize the Defense Department to pay its share of an international armaments cooperation program's claims in accordance with the program's cost-sharing formula or in accordance with any other equitable formula that is negotiated by the participants.

The House bill contained no similar provision.

The House recedes with an amendment that would provide this authority for two years.

The conferees understand that this authority is necessary to allow the United States to enter into cooperative project agreements with NATO or its member countries providing for the shared liability of the cooperative agreement countries for third party liability claims that arise out of actions of the participants in the performance of their official duties. In addition, the conferees understand that the shared liability agreement will provide for sharing in accordance with the ratio of support the member country provides for the program, irrespective of the nationality of the individual against whom the claim arose, or where the cause of action arose. Thus, for example, if a U.S. employee of a multinational program office is in an automobile accident in the United States, in the course of official business, the claim will be paid by all of the multinational program participants, in the proportion in which they support the program. Because this is a change in the way the United States has traditionally treated third-party claims on multinational programs, this authority would be provided for two years only. At that point, the conferees expect to evaluate the experience utilizing this approach and determine whether to extend this authority.

LEGISLATIVE PROVISIONS NOT ADOPTED

Clarification of calculation of contract goal

The House bill contained a provision (sec. 803) that would clarify that DOD is required to report progress toward meeting the five percent goal established in section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) in terms of the aggregate award of prime contracts and subcontracts to specified entities.

The Senate bill contained no similar provision.

The House recedes.

Procurement limitation on fuel cells

The House bill contained a provision (sec. 813) that would prohibit the Defense Department during fiscal year 1993 from procuring fuel cells that are not produced in the United States.

The Senate amendment contained no similar provision.

The House recedes.

At the time of passage of the House bill, the General Accounting Office (GAO) was reviewing whether purchases by the Air Force of synthetic fabric fuel tanks for installation in aircraft violated the Berry Amendment provisions of Department of Defense appropriations acts and implementing regulations. The House provision was intended to provide GAO adequate time to complete its review and for the Department of Defense to implement any GAO recommendations.

On July 31, 1992, the GAO issued a decision that the Berry Amendment does apply to the Air Force's purchases of fuel cells for H-53 and H-3 helicopters. The conferees understand that the Defense Department intends to abide by the GAO decision and to restrict future purchases of such fuel cells to U.S. manufacturers. Indeed, in an award made in early August 1992, the Navy abided by the GAO decision and awarded a contract to an American firm, rather than a foreign firm. In light of the Defense Department's plan to buy only U.S.-made fuel cells, the conferees agree that the House provision may be unnecessary at this point in time.

The Berry Amendment, which has been included in Department of Defense appropriations acts since 1941, requires the Department of Defense to buy domestically produced goods in certain instances. In 1968, synthetic fabric and coated synthetic fabric were added to the list of protected items under the Berry Amendment. Despite a 1989 GAO ruling to the contrary, the Department of Defense General Counsel has stated the Berry Amendment did not apply to the purchase of fuel cells.

However, the conferees note that the Senate report (S. Rept. 102-154) accompanying the fiscal year 1992 defense appropriations bill indicated that the Berry Amendment restriction was intended to apply to synthetic fabric fuel containers for military aircraft. Based on congressional intent and the GAO ruling, the conferees direct the Department of Defense to abide by the Berry Amendment in its purchases of synthetic fabric fuel cells.

Independent cost accounting in the Department of Defense

The House bill contained a provision (sec. 820) that would require the Secretary of De-

fense to take such actions as necessary to strengthen independent cost accounting in the Department of Defense, including correction of deficiencies identified in report number 92-028, issued by the Inspector General of the Department of Defense on December 30, 1991.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that the Secretary of Defense should take aggressive action to strengthen independent cost accounting in the Department of Defense. Such action should include correcting the deficiencies identified in the Inspector General's report, enhancing the capability of the Cost Analysis Improvement Group (CAIG) in the Office of the Secretary of Defense, focusing the activities of the CAIG on the performance of independent cost estimating functions, ensuring close adherence within the Department of Defense to DOD regulations with respect to independent cost estimates that implement 10 U.S.C. 2434, and limiting the participation of any firm that has a contract with the program office of a defense acquisition program (or that is a prime contractor or subcontractor on such a program) in the preparation of an independent cost estimate with respect to that program. In addition, the Secretary should consider assigning the Army Cost and Economic Analysis Center, the Navy Center for Cost Analysis, and the Air Force Cost Center and Independent Cost Analysis Program to the Assistant Secretary for Financial Management of the military department concerned.

Although the conferees believe that legislation is not required at this time, the conferees will propose such legislation in 1993 if prompt and effective action is not taken to strengthen the independent cost accounting function in DOD in the manner described in this statement of managers.

Shipbuilding total program reporting

The Senate amendment contained a provision (sec. 835) that would require the Navy to include a better estimate of shipbuilding total program quantities in its official reports to Congress. The Navy has interpreted the existing law to require that it report only those ships included in the Future Years Defense Program (FYDP), or perhaps a year or two beyond that.

The House bill contained no similar provision.

The Senate recedes.

The conferees are interested in receiving more complete reports of the Navy's intentions for major shipbuilding programs. Having a full perspective is critical to making informed judgments about future programs.

The conferees strongly believe that reports on shipbuilding programs should reflect the total program planned by the Navy and that such reports are required under current law. The conferees direct the Navy to change its reporting on shipbuilding programs to include the real total ship program, as defined in the cost and operational effectiveness analysis supporting milestone decisions, operational requirements documents, or other program planning documentation.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Report of the Chairman of the Joint Chiefs of Staff on roles and missions of the armed forces (sec. 901)

The House bill contained a provision (sec. 905) that would require the Secretary of Defense to submit to Congress the triennial report of the Chairman of the Joint Chiefs of Staff on roles and missions, along with the Secretary's reassessment of the historic roles and missions assigned to the armed forces.

The Senate amendment contained a provision (sec. 901) that would require the Chairman's report on roles and missions, together with the views of the Secretary of Defense, to be submitted to Congress. The provision would also expand the Chairman's report to require comments and recommendations by the Chairman in certain areas.

The House recedes with an amendment that would ensure that effectiveness is not unduly diminished for the sake of efficiencies and require the Chairman to reassess the current assignment of roles and missions to the armed forces.

Sense of the Congress on cooperation between the United States Army and the United States Marine Corps (sec. 903)

The Senate amendment contained a provision (sec. 903) concerning cooperation between the Army and the Marine Corps in certain roles and missions.

The House bill contained no similar provision.

The House recedes with an amendment.

National Guard/reserve component operational support airlift study (sec. 904)

The Senate amendment contained a provision (sec. 913) that would direct the Secretary of Defense to survey the operational support and administrative transport airlift aircraft operated by the reserve components in order to develop a modernization roadmap.

The House bill contained no similar provision.

The House recedes.

Vice Chairman of the Joint Chiefs of Staff (sec. 911)

The Senate amendment contained a provision (sec. 902) that would provide for the Vice Chairman to be a full member of the Joint Chiefs of Staff with the same rights as the Service Chiefs, including the right to provide advice in disagreement with or in addition to the advice of the Chairman.

The House bill contained a provision (sec. 901) that would provide for the Vice Chairman to be a member of the Joint Chiefs of Staff but would specify that the Vice Chairman is subject to the direction and control of the Chairman, would not allow the Vice Chairman to provide advice in disagreement with or in addition to the advice of the Chairman, and would not allow the Vice Chairman to have a formal vote.

The House recedes.

Application of definition of principal course of instruction at the Armed Forces Staff College (sec. 921)

The House bill contained a provision (sec. 921) that would change the implementation date for all Phase II joint professional military education courses at the Armed Forces Staff College from October 31, 1993 to January 1, 1994.

The Senate amendment contained no similar provision.

The Senate recedes.

Test program for reserve officer professional military education (sec. 922)

The House bill contained a provision (sec. 922) that would direct the Secretary of the Army to design and implement a test program that would enable reserve officers to attend nonresident military education courses in a paid drill status.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Army to draft a plan for carrying out a test program to improve the provision of professional military education to reserve component officers of the Army who are unable to attend such courses in a full-time duty status. The Secretary would submit a report to the Congress that would outline a concept of the most effective approach for testing and evaluating the plan and would identify any legislative changes required to implement the test.

Civilian faculty members of the Defense Foreign Language Center (sec. 923)

The House bill contained a provision (sec. 924) that would provide the Secretary of the Army the same authority regarding civilian faculty members of the Defense Language Institute Foreign Language Center as is allowed for civilian faculty members in other senior professional military schools. This authority would enhance the Defense Language Institute's ability to retain high quality instructors, and to establish a faculty structure consistent with the civilian academic environment. The provision would also authorize the Secretary of Defense to use the Foreign Language Center to train linguists participating in counter-drug activities and require a report on technologies to enhance automated translation capabilities.

The Senate amendment contained a similar provision (sec. 1044).

The Senate recedes with an amendment that would delete the provision relating to the use of the Foreign Language Center for counter-drug training and the report on technologies to enhance automated translation capabilities. These matters are discussed further in the section of this statement of managers relating to title X of this act.

Certifications relating to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Special Operations Command (sec. 931)

The Senate amendment contained a provision (sec. 905) that would require the Secretary of Defense to certify to the congressional defense committees that (1) all the duties and functions specified in law, the Unified Command Plan, and DoD directive 5138.3 for the U.S. Special Operations Command and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict have been assigned to those organizations, and (2) the Command and the Office of the Assistant Secretary have been authorized the number of personnel necessary to perform their duties and functions.

The House bill contained no similar provision.

The House recedes.

Joint officer personnel policy (sec. 932)

The Senate amendment contained a provision (sec. 906) that would amend the joint officer management provisions of title 10, United States Code, in several ways. It would extend for five additional years the nuclear propulsion officer exemption and the authority to waive the joint duty assignment requirement for promotion to flag or general officer rank in the case of an officer who served at least a year in an equivalent joint duty assignment. The provision would also allow the substitution of a masters or higher degree for completion of a program at a joint professional military education school; would change the definition of a full tour of duty; and would allow credit for a full joint

tour for an assignment within an officer's own military department or in an assignment outside such department, but not in a joint duty assignment, upon certification by certain designated officers.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to conduct a study to assess the appropriateness of the allocation of joint duty assignments and critical joint duty assignments, with particular emphasis on the defense agencies; to make adjustments in light of the study; and to submit a report to the Armed Services Committees of the Senate and House of Representatives containing the results of the study and any recommendations for legislative changes to provide for a waiver of the exclusion by law of consideration of an assignment within an officer's own military department as a joint duty assignment.

The conferees take note of the progress that has been achieved in increasing the exposure of nuclear propulsion officers to joint duty. There are now 92 nuclear propulsion officers in joint duty assignments as compared to 25 in 1986. Additionally, the percentage of nuclear propulsion officers eligible for flag selection who have completed full tours of duty in a joint duty assignment increased to 21 percent during 1991 (as compared to the original plan of 14 percent) and is projected to increase to almost 30 percent by 1994. The present exemption will expire at the end of calendar year 1993.

The conferees believe that more aggressive action is needed and request the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to develop and submit to the Armed Services Committees, no later than May 30, 1993, a five-year plan to increase the number of nuclear propulsion officers who will serve in joint duty assignments and to increase the percentage of such officers eligible for selection to flag rank who will have completed a full tour of duty in a joint duty assignment during the five-year period commencing on January 1, 1994. In conjunction with this plan, the Secretary is further requested to advise the Armed Services Committees of the maximum number of nuclear propulsion officers eligible for flag rank during each of the five years for whom a waiver of the requirements of section 619(e) of title 10, United States Code, might be required.

The conferees have reviewed the existing procedures, both statutory and regulatory, for the designation of a position as a joint duty assignment. The conferees believe that the time has come to reconsider the joint duty assignment list, particularly with respect to the defense agencies. The conferees took note of the General Accounting Office (GAO) report (B-232940) of February 15, 1990, and direct the Secretary to consider the GAO methodology in conducting this study. The conferees realize the decision to assign a 50 percent allocation of joint duty assignments to each defense agency was motivated by a number of factors, including the professional military education pipeline requirements relating to joint specialists, the promotion policy objectives of section 662 of title 10, United States Code, and the joint duty assignment prerequisite for promotion to general or flag officer of section 619 of title 10, United States Code. Nevertheless, the 50 percent allocation does result in some unfortunate results, and the conferees believe it is necessary to examine each joint duty assignment in the defense agencies to determine the correctness of existing designations within those agencies and if it would be appropriate to reallocate joint duty assignment percentages among those agencies. The conferees believe that the Secretary of Defense has sufficient authority under current law to correct any inequities in the allocation of joint duty assignments within and among the defense agencies, but encourage the Secretary to submit a recommendation for legislative change if he determines that it is necessary.

The conferees remain convinced that the decision to exclude assignments within an officer's own military department is correct as a general rule, but maintain an open mind as to whether a limited exception might be necessary for some assignments. The conferees are aware of some anecdotal information on this point, but the lack of a broad analytical effort precludes any decision on changes at this time. Consequently, the conferees have required the Secretary of Defense to conduct a survey of such positions and to recommend to the Congress whether the Secretary should be granted limited waiver authority to award joint duty credit for assignments within an officer's own Service.

Joint duty credit for equivalent duty in Operation Desert Shield/Desert Storm (sec. 933)

The Senate amendment contained a provision (sec. 907) that would authorize the Secretary of Defense to grant joint duty credit to officers recommended by the Chairman of the Joint Chiefs of Staff who are deemed to have performed service in the Persian Gulf conflict that provided significant experience in joint matters or involved frequent professional interaction with units and members of another armed force or an allied armed force.

The House bill contained so similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to provide credit on a case-by-case basis for a full or partial tour of duty in a joint duty assignment to officers who served in the Persian Gulf combat zone in an assignment that is deemed by the Secretary to have provided significant experience in joint matters even though that service does not fall within the definition of "joint duty assignment" under current law. The Secretary would be responsible for establishing uniform criteria for the purpose of determining credit for such service and for determining if full or partial credit for such an assignment shall be granted. In establishing the criteria, the Secretary would also be required to ensure that such criteria not rely on including entire categories of officers as a method of determining eligibility. The conferees recognize the need for the criteria to establish boundaries of eligibility, but intend for the Defense Department to base such criteria on the merit of each individual officer's exposure to joint matters and not on distinctions of circumstance or position.

The conferees agreed to resolve a dilemma that has confronted them for two years by providing a limited suspension of the requirements of the Goldwater-Nichols Defense Reorganization Act to achieve the purposes intended by this provision. On the one hand, the conferees have been determined that personnel deserving joint duty credit for their service in Operation Desert Shield/Desert Storm receive it. The conferees realized, however, that it would not be possible for Congress to establish adequate criteria in law governing the award of full or partial joint credit. Therefore, the conferees determined that the Secretary of Defense is in the best position to establish fair and comprehensive criteria to guide the award process within the Department in a uniform manner.

On the other hand, the conferees have been concerned that setting aside the rigorous joint officer requirements of the Goldwater-Nichols Act risks creating a one-time opportunity for the circumvention of the Act's requirements by officers underserving of joint duty credit. The conferees categorically state that this outcome would be completely contrary to their intent. The conferees intend that the Secretary of Defense exercise the considerable discretion he is granted in this provision to establish a decision-making process within the Department that is judicious and fair, and that will result in credit for a full joint duty assignment only in those cases in which an officer truly has gained significant experience in joint matters.

The conferees also agree that, in determining the number of officers to receive Persian Gulf joint duty credit, the Secretary must work within certain valid limitations. The Secretary must safeguard the overriding needs of the Department to fill joint duty positions at each field grade and general/flag officer level from among the ranks of the most outstanding officers. The Secretary must ensure that officers with operational and support experience in the Persian Gulf war continue to move into appropriate joint positions. The Secretary must ensure that the promotion policy objectives for joint officers in section 662 of title 10, United States Code, and other applicable provisions of chapter 38 of that title can continue to be met.

After consulting with officials within the Office of the Secretary of Defense and the Joint Staff, the conferees are confident that a number of factors, including those identified above, will serve as a prudent and responsible restraint on the number of officers who receive joint duty credit under this provision. Accordingly, the conferees chose not to impose a statutory limit.

CINC's initiative fund (sec. 934)

The Senate amendment contained a provision (sec. 908) that would amend section 166a of title 10, United States Code, to enable the Chairman of the Joint Chiefs of Staff to propose activities involving countries not assigned to the responsibility of a combatant commander for funding through the CINC's initiative fund. The provision would also authorize funding for various purposes related to the expanding military to military contacts with the states of the former Soviet Union and Eastern Europe, would increase the limitation on funding for international military education and training to $5 million, and would increase the overall funding for the CINC's initiative fund.

The House bill contained no similar provision.

The House recedes with an amendment that would establish the limitation on funding for international military education and training at $2 million, of which no more than $1 million would be available for the states of the former Soviet Union and Eastern Europe, and would clarify other matters.

Organization of the Office of the Chief of Naval Operations (sec. 935)

The Senate amendment included a provision (sec. 904) that would require the Navy to establish a position of Assistant Chief of Naval Operations for Expeditionary Warfare and to fill that position with a lieutenant general from the Marine Corps.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees note the reorganization of the Office of the Chief of Naval Operations (CNO) recently announced by the Secretary of the Navy. The Secretary's actions would restructure and reduce the size of the Office of the Chief of Naval Operations. The conferees are encouraged by the apparent progress that is being made in rationalizing the operations of the staff.

The conferees agree with the Secretary of the Navy that establishing a director for expeditionary warfare within the Office of the CNO would help bring a better focus to major problems confronting the Navy as it plans to conduct expeditionary operations in Third World situations. The conferees agree that the position should be filled by a major general from the Marine Corps and operate within the so-called "N8" section of the organization. The conferees recommend a provision that would accomplish these aims.

Grade of certain commanders of special operations forces (sec. 936)

The Senate amendment contained a provision (sec. 1056) that would require the commanders of the special operations commands within the U.S. Central and Southern Commands to be of general or flag officer grade.

The House bill contained no similar provision.

The House recedes with an amendment that would specify that during the two-year period beginning on February 1, 1993, the special operations commanders within the U.S. Central and Southern Commands shall be of general or flag officer grade. The amendment would also require the Secretary of Defense to submit to Congress no later than March 1, 1994, a report explaining the Secretary's recommendations for the grade structure for the special operations forces component commander for each unified command.

The conferees agree to limit the Senate provision to a two-year period because of uncertainty over the effects of the drawdown in the number of general and flag officer positions. Nonetheless, special operations forces will grow increasingly important as regional contingencies and unconventional warfare come to dominate U.S. security concerns. Therefore, the conferees urge the Secretary of Defense to retain general or flag officers in the special operations positions covered by the Senate provision after February 1, 1995.

Report on assignment of special operations forces (sec. 937)

The House bill contained a provision (sec. 904) that would require the Secretary of Defense to submit a report to Congress no later than February 1, 1993 regarding the assignment of all active and reserve special operations forces stationed in the United States to the Special Operations Command. The report would delineate the peacetime command and control responsibilities of the commander of the Special Operations Command and the chiefs of the reserve components, including establishment of training and readiness standards, military and civilian personnel management, programming and budget execution functions, and conduct of operational training.

The Senate amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Conduct and review of investigations in the Department of Defense

The House bill contained a provision (sec. 902) that would require the Secretary of Defense to consolidate in the Defense Criminal Investigative Service the functions of the Army's Criminal Investigation Command, the Navy Investigative Service Command, and the Air Force Office of Special Investigations. The House bill also contained a provisions (sec. 903) that would repeal the statutes (10 U.S.C. 3020 and 8020) that require that the positions of deputies and assistants of the Inspectors General of the Army and Air Force be filled by military officers.

The Senate amendment contained a provision (sec. 911) that would require the Secretary of Defense to establish a Commission on the Management and Review of Department of Defense Investigations.

The House recedes with respect to its provisions and the Senate recedes with respect to its amendment.

The conferees agree that there is a serious problem in the conduct and review of investigations in the Department of Defense. The most recent example is the Navy's flawed inquiries into the incidents related to the 1991 Tailhook Symposium and the ensuing investigations. According to a report issued by the DOD Inspector General on September 21, 1992: "The principals in the Navy investigations erred when they allowed their concern for the Navy as an institution to obscure the need to determine accountability for the misconduct and the failure of leadership that had occurred. In our view, the deficiencies in the investigations were the result of an attempt to limit the exposure of the Navy and senior Navy officials to criticism regarding Tailhook 91."

This is not a novel problem, and it is not confined to investigations into issues involving sexual assault and harassment. Two years ago, the Senate Armed Services Committee took note of the committee's hearings and inquiries into a number of DOD investigations, including the Navy's investigation of the USS *Iowa* explosion (S. Rept. 101–384). The committee expressed serious concern about the conduct of investigations, the review process, and standards and procedures relating to assessment of accountability. The House Armed Services Committee has expressed similar concerns with respect to investigations by each of the military departments into matters such as acquisition management and friendly fire incidents, as well as the *Iowa* and Tailhook matters.

The conferees note that as a general matter, the Department's investigative reports reflect the work of dedicated, skilled professionals. There have been significant matters, however, in which the conduct, management, and review of investigations have been deficient. Too often, these have pertained to allegations involving leadership and management failures.

The process of conducting and reviewing investigations within the Department of Defense involves unique challenges. The activities under investigation may be classified. The investigation may involve ongoing or recently completed operations involving highly sensitive national security concerns. The matters under investigation may pertain to the responsibility and accountability of the chain of command. Under the Uniform Code of Military Justice, offenses such as dereliction of duty, conduct unbecoming an officer, and conduct to the prejudice of good order and discipline can result in criminalizing actions, and failures to act, which in civilian society are treated as noncriminal personnel matters. Military officers in the chain of command, as well as the Service Secretaries, the Secretary of Defense, and the President, have unique powers under the Uniform Code of Military Justice to convene and review courts-martial. Because of these judicial powers, they must be particularly sensitive in the management and oversight of the Department of Defense, including its investigative functions, to avoid actions that could undermine the court-martial process through the taint of unlawful command influence.

The conferees note that both the House and Senate Armed Services Committees intent to give this matter detailed oversight consideration in the coming year, with a view toward determining the scope of legislation required to address the conduct and review of investigations within DOD.

The conferees also agree that the Secretary of Defense should conduct a prompt and vigorous review of the conduct and review of DOD investigations.

The conferees agree that the Secretary of Defense would benefit from receiving a broad range of advice on this matter, and recommend that the Secretary convene an advisory board comprised of present and past DOD officials who have had extensive experience in the conduct and review of investigations, as well as present and past officials with similar experience in other government agencies.

The Secretary should request such an advisory board to assess current state of affairs within the Department, and to provide him with advice and recommendations, with respect to the following matters: (1) the training and qualifications of investigative personnel; (2) the division of responsibilities among organizations with investigative, audit, and inspection functions within the Department of Defense; (3) the coordination of activities among such organizations; (4) the potential for savings, and for improvements in efficiency and effectiveness, through consolidation of functions or organizations; (5) procedures to ensure that such organizations are capable of, and responsive to, the needs of the unified commands, the defense agencies, and other joint organizations; (6) procedures to ensure prompt and thorough investigation of allegations concerning classified matters, operational matters, and the performance of persons in the chain of command; (7) procedures to ensure that investigative organizations are not subject to improper command influence while also ensuring that such organizations are responsive to the investigative and inspection needs of the chain of command; (8) procedures to ensure that there is timely and thorough coordination between organizations conducting investigations and officials within the chain of command who will be responsible for acting on the results of such investigations; (9) guidance as to the circumstances under which an investigative organization should withhold information about an investigation from the immediate chain of command, and present the information only to superior authorities; (10) procedures for ensuring a timely determination as to whether the investigation should be undertaken by a court of inquiry or other formal administrative board procedure; (11) procedures to ensure that the rights of individuals under the Uniform Code of Military Justice, administrative procedures, and other applicable laws and regulations are protected during the course of an investigation and subsequent review procedures; (12) guidance to ensure that military and civilian officials in the chain of command receive timely instruction and advice on the procedures for undertaking appropriate management actions during the course of an investigation

without interfering with the investigation or engaging in unlawful command influence; and (13) procedures to ensure that investigative materials are organized and presented in a manner that facilitates timely action by reviewing authorities.

Among other issues that such an advisory board could address are: (1) the appropriate chain of command for the Service investigative organizations; (2) whether the head of such organizations should be a military officer or civilian official; (3) if a military officer is so assigned, the rank of such officer; (4) the best command structure for these organizations; (5) whether fraud investigation responsibilities should be transferred to the Defense Criminal Investigative Service; (6) whether criminal investigation responsibilities should be consolidated into a DOD-wide criminal investigation bureau; (7) whether criminal investigations, procurement fraud, counterintelligence, technical services, and protective services should all be performed by the Service investigative organizations or should some or all of these missions be reassigned within the Services or consolidated at the DOD-level; (8) whether a DOD-level centralized technical services organization should be created; (9) whether allegations of homosexuality that do not involve homosexual acts should be investigated by criminal investigative organizations; (10) should special agents have a separate career path or should they be soldiers, sailors, or airmen first and special agents second; (11) should special agents be civilians, officers, or enlisted; (12) the appropriate number of special agents that are necessary to conduct general criminal investigations; and (13) the basic level of administrative support needed for the investigative function.

Sense of Congress expressing support for professional military education

The Hosue bill contained a provision (sec. 923) that would express the sense of the Congress concerning the importance of maintaining an effective professional military education system at a time of force reductions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the maintenance of an effective system of professional military education is increasingly important now that U.S. military forces are being reduced to the lowest levels since World War II. The conferees agree that the pressures generated by reductions in military forces should not be allowed to negate the actions taken by the Department of Defense in response to the recommendations contained in the April 21, 1989 report prepared by the Panel on Military Education of the House Committee on Armed Services. The conferees urge, as a matter of policy, the Secretary of Defense to continue efforts to maintain the quality of the schools of the professional military education system and the joint curriculum taught at these schools. The Secretary should make every effort to improve the quality and availability of professional military education courses for reserve officers who are unable to attend such courses while in the active service in order to ensure a continued source of qualified leaders for the reserve components.

The conferees also believe that it is very important for the Department of Defense to preserve its long-term investment in military graduate education. Post-graduate education and professional military education together constitute a strategic investment in the armed forces' future. They have been successful in producing the adaptable, flexible, problem-solving leadership that characterizes our armed forces today. To ensure that future military leaders are equally capable requires continued support of military graduate education.

Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve matters

The Senate amendment contained a provision (sec. 903) that would require the Chairman of the Joint Chiefs of Staff to establish the position and office of Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters.

The House bill contained no similar provision.

The Senate recedes. The conferees do not wish to establish the office and position of Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters in statute. However, the conferees agree with the intent of the Senate provision. Therefore, the conferees direct the Chairman of the Joint Chiefs of Staff to establish and staff an office of Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters. The conferees expect the position and supporting staff to be drawn from existing National Guard and reserve assets.

Deputy Assistant Secretary of Defense for Equal Opportunity

The Senate amendment contained a provision (sec. 909) that would require the Department of Defense to reestablish, from within existing resources, the office and position of Deputy Assistant Secretary of Defense for Equal Opportunity.

The House bill contained no similar provision.

The Senate recedes. The conferees do not wish to establish the position and office of Deputy Assistant Secretary of Defense for Equal Opportunity in statute. However, the conferees agree that such a position and office are necessary. Therefore, the conferees direct the Secretary of Defense to establish such a position and office within 60 days of the enactment of this act.

Delivery of legal services within the Department of Defense

On March 3, 1992, the Deputy Secretary of Defense issued a memorandum entitled "Ensuring Execution of the Laws and Effective Delivery of Legal Services." The memorandum addressed a number of issues, including the relationships among various legal organizations within the Department of Defense. As noted in the Senate report (S. Rept. 102–352), the March 3 memorandum was susceptible to interpretations that could disrupt important working relationships within the Department of Defense. On June 19, 1992, David S. Addington, during proceedings before the Senate Armed Services Committee on his confirmation to be General Counsel of the Department of Defense, provided important clarifying information in response to questions posed by the Committee. The Senate report observed that it was imperative that the Deputy Secretary's March 3 memorandum be either rescinded or revised to ensure consistency with the material in the June 19 response.

The Senate amendment contained a provision (sec. 910) that would direct the Secretary of Defense to either rescind or revise the March 3 memorandum.

The House bill contained no similar provision.

On August 14, 1992, the Deputy Secretary of Defense issued a new memorandum entitled "Ensuring Effective Execution of the Laws and Effective Delivery of Legal Services," which superseded the March 3 memorandum. The Deputy Secretary directed that the new memorandum be implemented in a manner consistent with Mr. Addington's June 19 response to the Senate Armed Services Committee.

The conferees agree that the information contained in Mr. Addington's June 19 response contained important clarifying information that necessitated revision of the Deputy Secretary's March 3 memorandum. In view of the Deputy Secretary's August 14 memorandum, and the direction to implement that memorandum in a manner consistent with Mr. Addington's June 19 response, the conferees agree that legislation is not necessary at this time. The Armed Services Committees of the Senate and House of Representatives will continue to monitor this situation closely to ensure that the Department maintains appropriate procedures for ensuring the effective execution of the laws and delivery of legal services, including procedures for airing and resolving differing views among legal organizations within DOD.

Continuing requirement for reporting on operational activities

The Senate amendment contained a provision (sec. 914) that would amend title 10, United States Code, to require the Department of Defense to keep the Committees on Armed Services of the Senate and House of Representatives fully and currently informed on all operational activities and require all federal departments, agencies, or independent establishments to furnish any information requested by these committees relating to such operational activities.

The House bill contained no similar provision.

The Senate recedes. The conferees have received assurances from the Secretary of Defense that the Committees on Armed Services will be kept advised of operational activities as a matter of comity and in a spirit of cooperation between the executive and legislative branches of the government. The conferees intend to revisit this issue next year in the light of the cooperation that the committees actually experience in the interim.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Restatement of requirement for mission budget (sec. 1002)

The Senate amendment contained a provision (sec. 1002) that would extend the requirement for an alternative defense budget that reflects roles and missions to the entire period covered by the Future Year Defense Program.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees agree that the extant national military strategy should serve as a basis for the mission categories in the required future years mission budget.

The conferees reaffirm the statements in the Senate report (S. Rept. 102–352) regarding double-counting of forces for different missions, the meaning of contingency forces, and the integration of Guard and reserve forces and modernization costs into a mission structure. The conferees further reaffirm previous congressional guidance (H. Rept. 101–923) that appropriate mission categories include offensive and defensive stra-

tegic forces, heavy land forces, ground-based tactical air forces, mobility forces, power projection forces, sea control forces, special operations forces, and intelligence activities, and that a mission budget should allocate research and development funding to these categories to the maximum extent possible. The Defense Department should consider a separate category for elements of the Department of Defense that are not directly tied to primary missions, such as basic research or reserve forces in lower states of readiness that are not designated to support any particular mission.

Finally, the conferees agree that the allocation of each type of force to each unified and specified command should be included in the mission budget as well.

Treatment of certain "M" account obligations (sec. 1003)

The House bill contained a provision (sec. 1003) that would require the Secretary of Defense, prior to reobligating any sum in an "M" or merged account, to identify and cancel with the Treasury of the United States an equal sum from such account. The provision would also require the Secretary to provide notice of any such reobligation proposal in a sum greater than $10 million and to wait 30 days prior to effecting the reobligation.

The Senate amendment contained no similar provision.

The Senate recedes.

Additional transition authority regarding closing appropriation accounts (sec. 1004)

The Senate amendment contained a provision (sec. 1003) that would amend existing law to provide for the charge to current appropriations under certain specified conditions in the case of appropriations that expired at the end of fiscal years 1985 to 1992 in order to satisfy legitimate charges to contracts. The provision would limit the total amount of such charges to the lesser of one percent of the total appropriations of the current account or of the expired account and would require notice to the congressional defense committees and a wait of 30 days.

The House bill contained no similar provision.

The House recedes with an amendment that would condition such charges on the Secretary of Defense certifying that limits on expending obligating funds are being complied with and that violations are being reported to the President and Congress. If the Secretary is unable to make such certifications, he would have to submit a report to Congress setting forth the actions that will be taken to enable such certifications to be made.

FBI counterintelligence funding (sec. 1005)

The Senate amendment contained a provision (sec. 1063) that would provide that no funds are authorized to be appropriated under this act for the Federal Bureau of Investigation (FBI).

The House bill contained no similar provision.

The House recedes.

The conferees view the inclusion of funding for the FBI foreign counterintelligence program in the defense budget request as an inappropriate attempt to circumvent the budget summit agreement.

Classified annex (sec. 1006)

There is a classified annex of legislative provisions to this conference report. The classified annex is incorporated by reference into this act and has the force and effect of law. The classified annex is available to the Senate and House of Representatives during consideration of this conference report, and will be made available to the President at the time of presentment of this legislation.

East Coast homeports for nuclear-powered aircraft carriers (sec. 1011)

The House bill contained a provision (sec. 1011) that would require the Department of the Navy to establish a second homeport on the East Coast of the United States for nuclear-powered aircraft carriers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would find that Naval Station Mayport ought to be the second East Coast homeport for nuclear-powered aircraft carriers, when such an additional homeport becomes necessary.

The amendment would also require the Secretary of the Navy to report to the congressional defense committees on the Navy's plan for developing such a homeport. That report shall address timing and cost, and be consistent with the Navy's plans for retiring conventionally-fueled aircraft carriers and deploying nuclear-powered aircraft carriers.

Limitation on overseas ship repairs (sec. 1012)

The House bill contained a provision (sec. 1020) that would codify current Navy practices in determining whether a ship operating overseas will have maintenance performed overseas before returning to the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Navy mine countermeasure program (sec. 1013)

The House bill contained a provision (sec. 1014) that would require a report by the Secretary of the Navy regarding the proposed consolidation of mine countermeasures forces at one homeport on the Gulf of Mexico.

The Senate amendment contained a similar provision (sec. 2862) that would also direct the Comptroller General to evaluate the Navy report, and prohibit any actions to effect such a consolidation until 90 days after receipt of the Navy report by the congressional defense committees.

The House recedes with an amendment.

The conferees note the Navy's recent commissioning at Ingleside, Texas, of Naval Station Ingleside, which has been designated the homeport of a significant portion of the Navy's mine warfare fleet. For the sole purpose of ensuring that the Secretary of the Navy acts judiciously in regard to consolidating the mine warfare mission, the conferees recommend a provision that would direct the Secretary of the Navy to conduct a study of the operational and economic implications, as well as siting alternatives, of consolidation of mine countermeasures missions.

This report shall be submitted to the congressional defense committees no later than December 15, 1992, and will be followed within 30 days by an evaluation by the Comptroller General. The provision would prohibit any actions by the Department of the Navy to effect consolidation until 60 days after the release of the study by the Department of the Navy, or February 15, 1993, whichever is later. The conferees want to make it perfectly clear that this action does not have any effect on the transfer of ships or mine warfare personnel that the Navy has already officially announced, as of September 23, 1992, will be stationed at Naval Station Ingleside, Texas.

Transfer of certain vessels (sec. 1014)

The House bill included a provision (sec. 1013) that would direct the Secretary of the Navy to transfer two Navy auxiliary vessels to the Department of Transportation to be assigned as training ships to Texas A&M University and the Maine Maritime Academy when the vessels are no longer required for use by the Navy.

The Senate amendment included a similar provision (sec. 1053), but would link the transfer to the date of decommissioning of the vessels.

The House bill also contained a provision (sec. 1019) that would allow the Secretary of the Navy to transfer the obsolete tank landing ship ex-USS *Wahkiakum County* to the not-for-profit organization Ships for Youth and the Environment without the 60 day notification required by section 7308 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on compliance with domestic ship repair law (sec. 1015)

The House bill contained a provision (sec. 1061) that would require the Secretary of the Navy to submit a report on the Navy's compliance with section 7309 of title 10, United States Code, relating to restrictions on construction or repair of vessels in foreign shipyards.

The Senate amendment contained no similar provision.

The Senate recedes.

Repeal of requirement for construction of combatant and escort vessels in Navy yards (sec. 1016)

The Senate amendment contained a provision (sec. 1054) that would repeal subsection (a) of section 7299a of title 10, United States Code. This subsection required that the first ship and every other ship of a class of combatants or escort vessels be built in Navy yards. This requirement is subject to a waiver by the President if the President determines that meeting the requirement is inconsistent with the public interest.

The House bill contained no similar provision.

The House recedes.

Procurement of ships for the sealift program (sec. 1021)

The House bill included a provision (sec. 1017) that would authorize the Secretary of the Navy to purchase up to five ships built in foreign yards for the fast sealift ship program. The provision would require that whatever conversion work is done on the ships to make them suitable for the Navy's purpose would have to be performed in U.S. shipyards.

The Senate bill contained no similar provision.

The Senate recedes.

Modification of fast sealift program (sec. 1022)

The House bill contained a provision (sec. 1021) that would modify previous legislation relating to domestic content of sealift propulsion systems, bridge and machinery control systems, and interior communications equipment. The modification would expand the coverage of the domestic content provision for propulsion systems. The new limitations would apply to each major propulsion subsystem (engines, reduction gears, and propellers), rather than to propulsion systems as a whole.

For bridge and machinery control systems and interior communications equipment, the provision would allow the Secretary of Defense to waive the domestic content requirements if the system or equipment were not available or the cost of compliance would be unreasonable.

The Senate amendment contained no similar provision.

The Senate recedes.

Strategic sealift report (sec. 1023)

The Senate amendment contained a provision (sec. 126) that would require a detailed report on the intended purposes for strategic sealift funding before any funding could be obligated.

The House bill contained no similar provision.

The House recedes.

National defense sealift fund (sec. 1024)

The Senate amendment contained a provision (sec. 1077) that would establish a fund called the national defense sealift fund. This fund would be the mechanism for channeling resources to meet strategic sealift requirements, including those deficiencies identified in the Mobility Requirements Study report.

The House bill contained no similar provision.

The conferees recommend a provision that would establish the national defense sealift fund, under the control of the Secretary of Defense, with the following features:

the fund will gain resources from appropriations, contributions, receipts from disposal of DOD sealift vessels, and receipts from any build and charter program conducted under section 1424(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510);

budget requests for expenditures from the sealift fund must be made by program, project, and activity in four distinct categories:

construction, purchase, alteration, and conversion;

operations, maintenance, lease, and charter;

installation and maintenance of national defense features on privately owned and operated vessels; and

research and development.

appropriations made to the fund will be made available for obligation no longer than five years, unless otherwise specifically provided by law;

not more than $10.0 million from the fund may be obligated during fiscal year 1993 until 30 days after the Secretary of Defense submits a detailed report on the intended uses of the fund during fiscal year 1993; and

not more than five foreign-built vessels may be purchased by the fund.

Under the provision recommended by the conferees, resources in the fund would be available for construction and conversion, operations, defense features, and research and development. In general, obligation of funds for programs, projects, and activities will require both an authorization and an appropriation. In certain unusual circumstances, however, subsection (j) of the provision would permit funds to be obligated under other authority.

Funds could be shifted between these categories only after consultation with the congressional defense committees. The conferees direct the Secretary of Defense not to shift funds between categories unless the Secretary follows the existing prior approval reprogramming process.

In addition, for funds transferred into the fund from prior year appropriations for shipbuilding and conversion, Navy, and for funds appropriated directly to the fund for expenditure in fiscal year 1993, the conferees recommend a provision that would restrict obligation of these funds until a detailed obligation plan is submitted. The provision would make $10.0 million available for obligation for necessary efforts until the plan is available. The conferees direct that the funding plan not be executed until the congressional defense committees have approved the plan under existing procedures for prior approval reprogrammings.

Finally, regarding amounts that may be deposited into the fund in the future, the conferees agree that such amounts shall be authorized for specific purposes, typically based on the annual budget request. However, to the extent that the Secretary should desire a deviation from the plan as authorized, the conferees direct that such changes shall be made only after notification to the congressional defense committees through a prior approval reprogramming process.

The House bill contained a provision (sec. 1021) that would modify previous legislation relating to domestic content of sealift ship propulsion systems, bridge and machinery control systems, and interior communications equipment. The modification would expand the coverage of the domestic content provision for propulsion systems. The new limitations would apply to each major propulsion subsystem (engines, reduction gears, and propellers), rather than to propulsion systems as a whole. proceeded with class standard equipment that does not include CPP and left the decision about CPP to be determined through the selection process that evaluates competitive proposals. The conferees are concerned that the circular of requirements (COR), and the evaluation criteria by which the Navy will evaluate shipyard offers for new construction sealift ships, may be incomplete, inadequately reflecting the operational and economic advantages that may be available from CPP. In particular, the evaluation criteria may not adequately weigh ship maneuverability and the ability to operate at a sustained 15 knot cruising speed. Accordingly, the conferees request the Secretary of the Navy to review this matter as it pertains to the COR.

The conferees believe that the recommended limit of five foreign-built vessels represents a reasonable balance between the concerns for moving forward more quickly to add sealift capability, and supporting the domestic shipbuilding industry. Although the conferees will not be inclined to recommend a change in this limit in the future, they recognize that circumstances could change.

The provision that would establish the sealift fund recognizes that build and charter and including defense features on commercial ships could provide useful ways of enhancing aggregate sealift capability. The conferees regret that the Navy has not provided the analysis of costs and benefits of proposals to construct vessels with defense features requested in the statement of the managers (H. Rept. 102–311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190). The Defense Department has clearly favored government ownership of vessels, rather than showing any intent to follow the national sealift policy which emphasizes reliance on the private sector. The Defense Department has provided no basis for this dichotomy between averred policy and its actions.

Revitalization of U.S. shipbuilding industry (sec. 1031)

The House bill contained a provision (sec. 1016) that would require the Secretary of Defense to direct that all strategic sealift ships be designed and built to commercial specifications and to establish an interagency working group to formulate a comprehensive program to preserve the shipyard industrial base. Unless the Secretary submits a comprehensive plan developed by that working group with the defense budget request for fiscal years 1994/1995, a penalty would be triggered. It would prohibit the Department of Defense from contracting for goods and services with any company physically located in or headquartered in any country that continues to provide a subsidy to a foreign shipyard for the construction or repair of vessels or that engages in ship dumping practices.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree that the President is the appropriate official to convene the interagency working group and provide the report not later than October 1, 1993.

The conferees agree to modify the penalty provision to include only foreign firms. The conferees also agree to amend the provision to waive the penalty if:

the President notifies Congress that he is unable to submit the plan by October 1, 1993; and

he includes an explanation of the reasons for delay and a statement that the plan will be submitted by April 15, 1994.

Additional support for counter-drug activities (sec. 1041)

The Senate amendment contained a provision (sec. 921) that would amend section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) to extend its provisions through fiscal year 1994; clarify and broaden the authority to enable to systematic and continuing reporting on the movement of persons, vehicles, or other potential modes of transporting drugs; preclude limiting support only to critical, energent, or unanticipated requirements; and authorize the provision of linguist and intelligence analysis services.

The House bill contained a provision (sec. 1031) that would amend section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) to extend its provisions through fiscal year 1994 and authorize $40.0 million for additional support to other agencies for counter-drug activities. The House bill also contained a provision (sec. 924) that would, in part, authorize the Secretary of Defense to use the Foreign Language Center of the Defense Language Institute to train linguists and require the Secretary to submit a report evaluating the feasibility of using enhanced linguist automated translation capabilities and training.

The House recedes with an amendment that would limit the detection, monitoring, and communication of movement in the case of air and sea traffic to within 25 miles of and outside the boundaries of the United States and in the case of surface traffic, to outside the boundaries and within the United States to not exceed 25 miles of the boundaries provided the initial detection occurred outside the boundary. The amendment would also specifically authorize $40.0 million for additional support to other agencies for counter-drug activities. The conferees emphasize that nothing in this section changes the applicability of section 375 of title 10, United States Code, which prohibits direct participation by Department of Defense personnel in a search, seizure, arrest, or any other similar activity.

The conferees are concerned with the late obligation of section 1004 funds and with the criteria applied by the Defense Department in determining the use of such funds. Accordingly, the conferees have amended section 1004 to provide that support may not be limited only to critical, emergent, or unantici-

pated requirements. The conferees do not intend that other agencies rely upon section 1004 funding in formulating their budget requests to the Congress. Nevertheless, the conferees believe that the most important criteria for provision of section 1004 support should be the consistency of the supported activity with the priorrities of the National Drug Control Strategy and the contribution that such activity makes to the national counter-drug effort. For example, section 1004 funds should be used for, but not limited to, such activities as providing counter-narcotics training for local law enforcement officials by military police instructors. The conferees further urge the Secretary to ensure that section 1004 funds and support are provided throughout the fiscal year and not husbanded for expenditure in the final quarter.

The conferees are pleased with the Department of Defense's prior notification to the Armed Services and Foreign Relations Committees of the Senate and the Armed Services and Foreign Affairs Committees of the House of Representatives concerning support to foreign law enforcement agencies and expect the Department to foster communications with those committees on such support.

The conferees are aware of linguist support the Department has provided to the Drug Enforcement Agency (DEA) for several years. At the Department's request, DEA developed an alternative electronic delivery means to supplant temporary duty (TDY) linguists. The conferees understand that a centralized remote digitized translation system has demonstrated a cost-effective means of meeting this translation support requirement. The conferees direct the Department to establish such a system as soon as possible in order to reduce the TDY linguist support. Funds provided pursuant to section 1004 are authorized to be used for establishment and operation of the electronic system to the extent that it is utilized for counter-drug purposes.

Finally, the conferees urge the Secretary of Defense to make maximum use of the resources of the Foreign Language Center of the Defense Language Institute in the provision of linguist services and associated training.

Maintenance and operation of equipment (sec. 1042)

The Senate amendment contained a provision (sec. 922) that would amend section 374 of title 10, United States Code, to authorize Department of Defense personnel to operate equipment for the purpose of detecting, monitoring, and communicating the movement of land traffic to assist law enforcement officials.

The House bill contained no similar provisions.

The House recedes with an amendment that would limit the communication of movement of traffic to surface traffic outside the United States and within the United States up to 25 miles, provided the initial detection was outside the boundary. The conferees are agreed in the need to clarify congressional intent with respect to support to law enforcement authorities in connection with the movement of surface traffic across the border of the United States. Accordingly, the conferees have agreed to a provision that would clarify congressional intent to authorize the systematic and continuing reporting on the movement of persons, vehicles, or other potential modes of transporting drugs on the surface to provide law enforcement with the necessary cued intelligence required to plan effective interdiction efforts. The conferees emphasis, however, that nothing in this section changes the applicability of section 375 of title 10, United States Code, which prohibits direct participation by Defense Department personnel in search, seizure, arrest, or any other similar activity.

Counter-drug detection and monitoring systems plan (sec. 1043)

The House bill contained a provision (sec. 1032) that would require the Secretary of Defense to establish requirements for land, air, and sea-based systems to be used by the Department in its mission as the lead agency for detection and monitoring of the transit of illegal drugs into the United States; to identify and evaluate existing and proposed counter-drug detection and monitoring systems; and to prepare a plan for the development, acquisition, and use of improved systems. The provision would also require the Secretary to submit a report to Congress covering these areas and would prohibit the obligation of funds for the procurement, upgrading, and research and development of a counter-drug detection and monitoring system, or the lease of such a system for a new capability, until the Secretary's report is submitted.

The Senate amendment contained a provision (sec. 924) that would require the Secretary of Defense to conduct a study of the land, sea, and air-based systems used by the Department in carrying out activities relating to the reconnaissance, detection, and monitoring of drug traffic and to submit a report to Congress on the results of the study, including the evaluation of existing and potential systems. The provision would also prohibit the obligation of funds for the procurement, upgrading, research and development, or lease of a counter-drug reconnaissance, detection, and monitoring system, prior to the submission of the report, but specifically would authorize the obligation of funds for such actions if necessary to carry out the study.

The Senate recedes with an amendment that would insert the requirement for the Secretary to determine systems that should be terminated, and provide the authority to obligate funds for actions necessary to carry out the study.

The conferees further direct the Secretary to ensure that the evaluation of systems includes existing systems and technologies, such as the sea-based aerostats (SBAs), small aerostat surveillance system (SASS), and the relocatable over the horizon radar (ROTHR). Further, the Department will ensure that new concepts, such as airships, P-3, aircraft equipped with airborne early warning radar, T-1A aircraft, and modified T-47 aircraft; non-developmental items, such as multi-sensor surveillance aircraft; and developmental items, such as low-observable, modular/reconfigurable, high-speed maritime patrol craft, as described in the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352) are fully evaluated. The conferees authorize the Department to use funds from drugs interdiction accounts to acquire (lease or purchase) and modify these systems for the purpose of evaluation. The conferees also authorize $5.0 million for the conduct of the administrative activities necessary for this evaluation, and to prepare the resulting plan and report to Congress. The conferees expect the Department to work out arrangements with other agencies when such agencies already possess an item which needs to be assessed.

The conferees further direct the Department not to take any irrevocable action with regard to selection of systems in the counter-drug area pending the completion of the systems plan.

Demand reduction activities (sec. 1045)

The Senate amendment contained a provision (sec. 925) that would require the Secretary of Defense to expand the drug demand reduction outreach program of the Department to include regions beyond the vicinity of military installations and to focus on youths, in general, and inner-city youths, in particular.

The House bill contained a provision (sec. 1034) that would require the Secretary of Defense to prepare a report assessing the feasibility and desirability of conducting such a program.

The House recedes with an amendment that would authorize the Secretary of Defense to conduct an expanded drug demand reduction outreach program on a three-year pilot basis and would require the Secretary to submit a report to Congress no later than two years after the date of the enactment of this act.

The conferees are aware of the numerous and varied outreach programs currently carried out by the armed forces. The conferees believe that those programs, which are currently carried out on a volunteer basis, if expanded both geographically and in scope and adequately funded, can make a substantial contribution to the reduction in demand for illegal drugs. The conferees direct that the program be conducted in a manner that complements, rather than duplicates, similar efforts undertaken by other federal, state, and local agencies.

Joint Task Force Five

The House bill would deny authorization for the U.S. Pacific Command's Joint Task Force 5 (JTF-5), which is located in Alameda, California, and that provides intelligence and operations support to multiple law enforcement agencies. The House conferees fully support the functions performed by JTF-5 but believe the intelligence functions, constituting over 50 percent of the total JTF-5 personnel billets, should be fully or partially consolidated with the Joint Intelligence Center-Pacific in Hawaii.

The Senate amendment did not deny authorization for JTF-5.

The House recedes.

The conferees note that the joint intelligence centers are intended to be consolidated centers of intelligence support to the unified and specified commanders. Further, the statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) directed the Secretary of Defense to examine and report on the possibility of consolidating the counter-drug task forces. The conferees have received this report and note the Department's decision to retain the existing task force structure. However, the conferees believe that further refinements in the present counter-drug organizational structure are possible to minimize cost, reduce duplication, and enhance counter-drug operations and support of law enforcement agencies. Accordingly, the conferees urge the Department to consider further consolidation of the intelligence functions presently dispersed in the counter-drug joint task forces to the joint intelligence centers of the responsible unified and specified commands.

Technical and clerical amendments (secs. 1051-1055)

The House bill contained two provisions (secs. 1041 and 1042) and the Senate amend-

ment contained three provisions (secs. 1031, 1033, and 1034) that would codify and clarify certain provisions of law and provide certain technical amendments.

The Senate recedes with an amendment.

United States Court of Military Appeals amendments (secs. 1061–1062)

The Senate amendment contained a provision (sec. 1058) that would make two improvements in the laws governing the Court of Military Appeals. The first would equalize retirement provisions applicable within the Court by authorizing all of the judges to be placed under the same retirement system. The second would enhance the Court's stature and independence by establishing tenure for the chief judge in place of the current provision which permits the chief judge to be removed from that position at any time.

The House bill contained no similar provision.

The House recedes with respect to providing tenure for the chief judge. With respect to the change in the Court's retirement system, the House recedes with an amendment that would give prospective effect to the change.

Other amendments to the Uniform Code of Military Justice (secs. 1063–1067)

The Senate amendment contained a provision (sec. 1059) that would make a number of amendments to the Uniform Code of Military Justice proposed by the Department of Defense to bring the military justice system more closely in line with civilian law procedures. The provision would: (1) amend article 3 to ensure that a court-martial has jurisdiction over a servicemember for offenses committed during a prior enlistment; (2) amend article 57 to permit a military sentence to be served consecutively, rather than concurrently, with a civilian or foreign sentence; (3) amend article 63, which governs rehearings, to provide court members with accurate information about the maximum sentence that may be imposed at a rehearing; (4) amend article 111 to provide a statutory standard for breath and blood measurements of alcohol; (5) amend article 118 to clarify that unpremeditated murder requires that only one individual need be put at risk by an inherently dangerous act evincing a wanton disregard of human life resulting in the unlawful killing of an individual; and (6) amend article 120 to eliminate the spousal rape exception and make the offense of rape gender neutral.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Use of aircraft safety and accident investigation reports (sec. 1071)

The House bill contained a provision (sec. 1051) that would require the Secretary of a military department to make the records and reports of a safety investigation available to the Committee on Armed Services of the Senate or House of Representatives upon the request of the chairman and ranking member of that committee. Individuals to whom access is provided to such records or reports would be required to preserve the confidentiality of their contents. The provision would also require a military aircraft accident investigation to contain a clear conclusory statement or determination of the cause of the accident or, if such is not possible, to describe those factors that substantially contributed to or caused the accident.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would first require that the Service Secretaries shall release recordings or other factual material before the completion of the accident only if two conditions are met: first, that there be a specific request for the information, a standard imposed so that the Services are not forced to prepare every factual item uncovered in an accident investigation for early public release even when there is no public interest in the material; and, second, that any material prepared for such release must be material that would normally be releaseable at the conclusion of the accident investigation.

Second, the amendment would require an accident investigation board to state an opinion or opinions of the cause or causes of the accident when there is evidence sufficient for the board to make such determinations. The conferees intend to permit the Service Secretaries lattitude in establishing evidentiary standards if they so choose. The conferees also emphasize that nothing in the amendment is intended to force a board to reach a conclusion. If the board feels the evidence is so conflicting or inadequate that it cannot reasonably reach a conclusion, this provision would allow it to state that the cause is indeterminable.

The conferees also note their continuing expectation that the Committee on Armed Services of the Senate and the House of Representatives will receive, on a non-releasable basis, copies of safety reports for review when, in the opinion of committee or committees concerned, circumstances so require. The conferees believe that review of these reports by the committees should not be a matter of dispute and expect the military Services to forthrightly and promptly comply with official requests of this nature.

Survivor notification and access to reports relating to service members who die during operations or training (sec. 1072)

The House bill contained a provision (sec. 1052) that would require the Secretary of Defense to provide the family of a member of the armed forces with timely notification and copies of reports about the death of the member to the extent that the reports would be subject to release under the Freedom of Information Act and the Privacy Act. The provision would also require the Secretary of Defense to review fatality notification procedures.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The conferees intend that the term "fatality report" include the documentary exhibits to such a report, including an autopsy report and accompanying photographs. The conferees note that this provision has prospective application with respect to fatalities occurring on or after the date of enactment. The conferees encourage the Department of Defense, however, to apply the procedures required by this provision, insofar as practicable, in the Department's communications with survivors of service members who died prior to enactment of this act.

Authority for civilian students to attend the United States Naval Postgraduate School (sec. 1073)

The House bill contained a provision (sec. 1053) that would amend section 7041 of title 10, United States Code, to authorize civilian students to attend the United States Naval Postgraduate School on a reciprocal-tuition waiver basis. Civilians would be admitted to the school without having to pay tuition, as long as they were enrolled and paying tuition at a civilian institution of higher learning that has a reciprocity agreement with the Naval Postgraduate School, and meet citizenship, residency, and aptitude requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

Elimination of reports required by law (sec. 1074)

The Senate amendment contained a provision (sec. 1049) that would repeal 16 statutory requirements for reports from the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would repeal one of the 16 requirements that would be repealed by the Senate provision.

Restriction on obligation of funds for new museums (sec. 1075)

The Senate amendment contained a provision (sec. 1051) that would prohibit obligation of funds for construction or capitalization of four museums for which funds were appropriated in fiscal year 1992 unless the Secretary of Defense makes a special determination that the museum is a high priority item that would make a unique contribution to the missions of the military departments.

The House bill contained no similar provision.

The House recedes. The conferees note that during consideration of the Military Construction Authorization Act for Fiscal Year 1985 (Public Law 98-407), the Armed Services Committees of the Senate and the House of Representatives carefully reviewed the question of whether federal funds should be used for the construction of military museums. At that time, the committees concluded that each military Service should be limited to one museum that would be constructed with public funds.

The conferees support local initiatives to establish museums on military installations using private funds, with modest support using appropriated operating funds from their associated military bases. The conferees endorse the policy adopted in the 1985 legislation limiting the actual construction of museums with appropriated funds to one per Service.

Army military history fellowship program (sec. 1076)

The Senate amendment contained a provision (sec. 1052) that would direct the Secretary of the Army to award fellowships in military history of the Army to eligible individuals.

The House bill contained no similar provision.

The House recedes.

Amendment to authorize an optional refund of lump-sum annual leave payments to certain civilian personnel (sec. 1077)

The Senate amendment contained a provision (sec. 1045) that would make a technical change to section 5551 of title 5, United States Code, as amended by the Portability of Benefits for Nonappropriated Fund Employees Act of 1990 (Public Law 101-508). The 1990 amendment was retroactive to January 1, 1987, and provided that leave would be transferred. Certain personnel who had transferred before the amendment was enacted had received lump-sum payments for accrued leave. These personnel are required to refund the payments they received in exchange for leave credit. This provision would allow such employees the option of keeping

such payments or refunding such payments and having their leave recredited.

The House bill contained no similar provision.

The House recedes.

Equity in benefits for temporary federal emoloyees (sec. 1078)

The House bill contained provisions (secs. 1201–1206) that would provide health and life insurance and retirement benefits to temporary employees within the Department of Defense who complete one year of current continuous employment or four years of service within a six-year period.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment. The conferees agree that the Office of Personnel Management should report to Congress by April 1, 1993 on the feasibility of providing health and life insurance and retirement benefits to temporary employees.

Designation of United States military physicians as civil surgeons under the Immigration and Nationality Act of 1991 (sec. 1079)

The House bill contained a provision (sec. 1068) that would deem United States military physicians with not less than four years of professional experience to be civil surgeons for the purpose of performance of physical examinations under the Immigration and Nationality Act of 1991.

The Senate amendment contained no similar provision.

The Senate recedes.

Use of armed forces insignia on state license plates (sec. 1080)

The House bill contained a provision (sec. 537) that would amend chapter 53 of title 10, United States Code, to authorize the Secretaries of the military departments to approve an application by a State to use or imitate the seal or other insignia of the department, or of armed forces under the jurisdiction of that Secretary, on motor vehicle license plates issued by the State to an individual who is a member or former member of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Civil-military cooperative action program (sec. 1081)

The Senate amendment contained a provision (sec. 1060) that would authorize the Secretary of Defense to establish a civil-military cooperative action program to use the skills, capabilities, and resources of the armed forces to assist civilian efforts to meet critical domestic needs of the United States.

The program would have the following objectives: (1) enhancing individual and unit training and morale through meaningful community involvement; (2) encouraging cooperation between civilian and military sectors of society in addressing areas of domestic need; (3) advancing equal opportunity and improving relations among racial and ethnic groups; (4) enriching the civilian economy through education, training, and transfer of technological advances; (5) improving the environment and economic and social conditions; and (6) providing opportunities for disadvantaged citizens.

The program would be governed by three essential principles: (1) any project under the program must be undertaken in a manner that is consistent with the military mission of the unit in question; (2) the project must fill a need that is not otherwise being met, and should not compete with the private sector or with services provided by other government agencies; and (3) the program cannot become a basis for justifying additional overall defense expenditures or for retaining excess military personnel. Projects should be undertaken only with personnel, resources, and facilities that exist for legitimate military purposes.

The House amendment contained no similar provision.

The important role that the military can play in meeting domestic needs has been underscored by the critical role of the armed forces in the aftermath of Hurricane Andrew. Although the relief effort required the cooperative efforts of many federal, state, and local entities, only the Department of Defense had the equipment and personnel to provide the logistics and infrastructure necessary for the timely provision of essenital food, shelter, medical, sanitation, and communications services for a disaster of this magnitude.

The conferees agree that a vibrant civil-military cooperative action program can assist civilian officials in addressing a variety of domestic needs, consistent with the military mission and the primary role of other government agenices and the private sector in dealing with domestic matters.

The House recedes.

Limitation on support for United States contractors selling arms overseas (sec. 1082)

The House bill contained a provision (sec. 1062) that would require the Defense Department to be fully reimbursed for any support it provides to U.S. firms at overseas military trade shows.

The Senate amendment contained a provision (sec. 2802) that would, in part, prohibit the exhibition of any Defense Department equipment at an international trade show unless the equipment was leased by its manufacturer at a fair market rate.

The Senate recedes with an amendment.

The conferees believe that U.S. firms should pay the costs of marketing their defense equipment at international trade shows. Therefore, the amendment would require that, if a U.S. firm or industrial association asked the Defense Department to provide equipment for an international trade show outside the United States, such equipment could not be supplied unless the firm reimbursed the Defense Department for the incremental costs that it incurred in providing the equipment. These incremental costs would be (1) the incremental costs incurred by any military personnel who accompany the equipment, including their food, lodging, and local transportation; (2) the incremental transportation costs incurred in moving the equipment from its normally assigned location to the trade show and back again; and (3) any other miscellaneous incremental costs.

The amendment would also prohibit the Defense Department from participating directly in international trade shows outside the United States unless the Secretary of Defense determined that it was in U.S. national security interests to do so. The Secretary could not delegate authority to make this determination below the level of the Under Secretary of Defense for Policy. The amendment would require the Secretary of Defense to submit a report to Congress 45 days before the opening of a trade show in which the Defense Department intended to participate directly. The conferees do not intend this prohibition to cover airshows and similar military exhibits held on overseas U.S. military bases for the purpose of promoting better community relations among U.S. military personnel, their dependents, and host citizens.

Sense of Congress regarding the time limitations for consideration of military decorations and awards (sec. 1083)

The House bill contained a provision (sec. 1066) that would express the sense of the Congress that the Secretaries of the military departments should consider recommendations for decorations or awards for World War II service regardless of the time limitations on the consideration of such awards. Recommendations under this provision would have to be submitted by December 31, 1995 in order to merit consideration.

The Senate amendment contained no similar provision.

The Senate recedes.

Award of the Navy Expeditionary Medal to the "Doolittle Raiders" (sec. 1084)

The Senate amendment contained a provision (sec. 1068) that would express the sense of Congress that the President should award the Navy Expeditionary Medal to members of the Navy who served in Navy Task Force 16, culminating in the air raid commonly known as the "Doolittle Raid on Tokyo," during 1942, regardless of the time limitation on the consideration of such awards.

The House bill contained a similar, more general provision (sec. 1066) that is incorporated elsewhere in this act.

The House recedes.

Sense of Congress regarding the award of Purple Heart to members killed or wounded in action by friendly fire (sec. 1085)

The House bill contained a provision (sec. 538) that would require the Secretaries of the military departments, for purposes of awarding the Purple Heart, to treat a member of the armed forces killed or wounded in action by friendly fire in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States. The House provision would apply to members of the armed forces killed or wounded on or after December 7, 1941.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The amendment would express the sense of Congress that the Secretaries of the military departments should ensure that in the future the Purple Heart should be awarded without hesitation to members of the armed forces killed or wounded by friendly fire while actively engaged with the enemy. In this regard, the conferees note that in a letter to the Chairman of the Subcommittee on Military Personnel and Compensation of the House Armed Services Committee dated October 25, 1992, the Deputy Assistant Secretary of Defense (Military Manpower and Personnel Policy) stated with regard to this matter:

In short, the critical factors we use to determine eligibility for the Purple Heart in "friendly fire" situations is whether or not the Service member was *actively engaged* with the enemy. For your information, Service members involved in Operation Desert Storm who sustained injuries in these types of circumstances (i.e., killed or wounded *in action* by friendly fire) were awarded the Purple Heart.

Study of effects of Persian Gulf conflict mobilization on members of the reserve components who were self-employed or owners of small businesses (sec. 1086)

The Senate amendment contained a provision (sec. 505) that would require the Secretary of Defense to conduct a study and re-

port on the economic and other effects on the reserves and members of the National Guard who were self-employed or owners of small businesses and who were activated in connection with Operation Desert Shield/Desert Storm.

The House bill contained no similar provision.

The House recedes.

Civil-military youth service programs (secs. 1091-1095)

The Senate amendment contained four provisions (secs. 1081-1085) concerning the civil-military youth service programs.

Section 1081 of the Senate amendment would authorize the Chief of the National Guard Bureau to enter into agreements with the governors of up to 10 states to conduct a National Guard civilian youth opportunities pilot program to evaluate the feasibility and effectiveness of military-based training to improve the life skills and employability of high school dropouts. This section would also authorize $50.0 million in fiscal year 1993 for this program.

Section 1082 of the Senate amendment would create a Civilian Community Corps demonstration program to test the feasibility of a federally administered residential national youth service program as an alternative to traditional forms of national service. The program would be administered through the Commission on National and Community Service and coordinated with the National Guard civilian youth opportunities program. This section would also authorize $50.0 million in fiscal year 1993 for this program.

Section 1083 of the Senate amendment would require coordination, to the maximum extent practicable, among the Chief of the National Guard Bureau, the Board of Directors and Executive Director of the Commission on National and Community Service, and the Director of the Civilian Community Corps, with respect to the National Guard and youth opportunities program and the Civilian Community Corps demonstration program.

Section 1084 of the Senate amendment would authorize $50.0 million in fiscal year 1993 to increase the ability of the Commission on National and Community Service to promote nonresidential national youth service programs in areas affected by the military downsizing.

Section 1085 of the Senate amendment would require that funds could be made available under sections 1082 and 1084 only if determined by the Office of Management and Budget (OMB) to be counted against the defense category of discretionary spending limits for fiscal year 1993.

The House bill contained no similar provisions.

The House recedes with an amendment. The amendment would make technical changes, and also reduce the amounts authorized for the Civilian Community Corps demonstration program and for the national and community service program to $30.0 million for each program.

Closing of appropriation accounts available for indefinite periods

The House bill contained a provision (sec. 1002) that would amend section 1555 of title 31, United States Code, to remove the requirement that an agency head or the President determine that the purposes of an account, from which no disbursement has been made for two years, have been carried out prior to the closing of the account. Thus, these accounts would be closed in the event that no disbursements from them were made for two consecutive fiscal years.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on expansion of San Diego homeport area

The House bill contained a provision (sec. 1012) that would prohibit the Secretary of the Navy from expanding the area administratively designated as the San Diego homeport area to include Long Beach or San Pedro, California.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that the Navy should continue to have the discretion to administratively designate homeport areas. The conferees also believe that quality of life considerations for Navy personnel and their families should continue to be a priority factor in the Navy's planning for ship repair and overhaul work.

Requirement to expedite construction of sealift ships

The House bill contained a provision (sec. 1018) that would prevent the Department of Defense from obligating funds for the C-17 program at any faster rate than funds are obligated for the strategic sealift program. This was intended as an inducement to the Department to move more expeditiously on the sealift program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the Department is beginning to make better progress on the strategic sealift program. However, if progress does not continue apace, the conferees will recommend that further legislative action be taken.

Sense of Congress regarding an international effort to limit the supply of illegal narcotics

The House bill contained a provision (sec. 1033) that would express the sense of Congress concerning international contributions to the counter-drug effort.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that all nations should contribute commensurate with their resources to efforts to curb the production of illegal narcotics at their source and that the allies of the United States should be encouraged to make greater contributions to this effort.

Provision of certain facilities and services of the Department of Defense to certain educational entities

The House bill contained a provision (sec. 1063) that would authorize the Secretary of Defense to provide certain services to, and make available facilities for use by, certain educational entities.

The Senate amendment contained no similar provision.

The House recedes. The conferees encourage the military Services to provide appropriate support to educational entities under existing statutes and regulations authorizing such support.

Defense maritime logistical readiness

The Senate amendment contained several provisions (secs. 1021-1023) designed to improve the level of support for the United States merchant marine, including:

(1) directing that more U.S. cargo travel only on U.S. flag vessels;

(2) shifting priority for carrying U.S. military cargo to liner operators;

(3) directing the Secretary of Defense to ensure that DOD studies give full consideration to capabilities of the U.S. flag merchant marine; and

(4) encouraging the Department of Defense to enter into logistics readiness agreements with U.S. flag merchant marine operators to assure that sealift capacity will be available in an emergency.

The House bill contained no similar provisions.

The Senate recedes.

POW/MIA stamp

The Senate amendment contained a provision (sec. 1074) that would require the Postmaster General to issue a commemorative postage stamp in honor of American prisoners of war and Americans missing in action.

The House bill contained no similar provision.

The Senate recedes. The conferees consider it inappropriate for Congress to set a precedent for dictating the subjects of postage stamps after 150 years of carefully avoiding that role. The conferees, however, strongly urge the Postal Service to consider the issuance of a commemorative postage stamp honoring American prisoners of war and Americans missing in action from all wars.

Nuclear proliferation control

The Senate amendment contained provisions (secs. 1091-1094F) that would prohibit firms that promote nuclear proliferation from doing business with the U.S. government, create additional economic sanctions against firms and banks that promote economic proliferation, ensure that U.S. funds provided to multilateral lending agencies do not promote nuclear proliferation, create new sanctions against countries that traffic in critical bomb parts and designs or transfer or detonate nuclear devices, and expand reporting to Congress on relevant developments.

The House bill contained no similar provisions.

The Senate recedes.

National education goals panel

The Senate amendment contained provisions (secs. 1301-1307) that would authorize establishment within the Department of Education a National Education Goals Panel.

The House bill contained no similar provisions.

The conferees note that the authorization for this panel is included in the conference report on S.2, The Neighborhood Schools Improvement Act.

The Senate recedes.

TITLE XI—ARMY GUARD COMBAT REFORM INITIATIVE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 1101)

Section 1101 would cite this title as the "National Guard Combat Readiness Reform Act of 1992".

Minimum percentage of prior active-duty personnel (sec. 1111)

The House bill contained a provision (sec. 701) that would require the Secretary of the Army to establish regulations no later than March 15, 1993, with the objective of increasing the percentage of prior active duty personnel in the Army National Guard to 65 percent, in the case of officers, and to 50 percent, in the case of enlisted members, by the end of fiscal year 1997. The House provision would require that officer and enlisted accession percentages be prescribed for fiscal years 1993 through 1997 in order to achieve the 1997 prior-service levels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require the Secretary of the Army to provide to the Committees on Armed Services of the Senate and House of Representatives a copy of the regulations required by this section. The Secretary shall also provide any recommendations for improvements in this section.

Service in the Selected Reserve in lieu of active-duty service (sec. 1112)

The House bill contained a provision (sec. 702) that would require that military service academy graduates and distinguished Reserve Officer Training Corps (ROTC) graduates leaving active duty before satisfying their active duty service obligation must serve the remainder of that obligation in the Selected Reserve, unless the service Secretary waives the requirement because of the non-availability of unit positions. The House provision would also direct the Secretary of the Army to develop a program in which certain ROTC graduates would serve on active duty for two years and complete the remainder of their service obligation with the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Review of officer promotions by commander of associated active duty unit (sec. 1113)

The House bill contained a provision (sec. 704) that would require any promotion of an officer in the Army National Guard above the grade of first lieutenant to first be reviewed by the commander of the active duty unit associated with the National Guard unit of that officer, or another active component officer as designated by the Secretary of the Army. The provision would also require that a written statement of that commander's concurrence or nonconcurrence be provided to the promotion authority.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would limit the applicability of the provision to unit vacancy promotions, and would establish an implementation schedule that calls for the provision to apply to Army National Guard round-out/round-up units effective April 1, 1993; to Army Selected Reserve units designated as early deployers effective October 1, 1993; and all remaining Army National Guard combat units effective April 1, 1994. The amendment would also require the Secretary of the Army to report to the Committees on Armed Services of the Senate and House of Representatives an implementation plan and legislative proposals to clarify, improve, or modify the provision to better carry out the purpose of the provision.

Noncommissioned officer education requirements (sec. 1114)

The House bill contained a provision (sec. 705) that would require that the military education requirements prescribed by the Secretary of the Army for noncommissioned officers must be met prior to promotion to a higher grade. The active Army would have to assume responsibility for making sufficient training positions available to meet those requirements. The House provision would also allow the Secretary of the Army to waive the prescribed requirements only in cases in which it would be necessary to preserve continuity of leadership under combat conditions.

The Senate amendment contained no similar provision.

The Senate recedes.

Initial entry training and nondeployable personnel account (sec. 1115)

The House bill contained a provision (sec. 706) that would require the Secretary of the Army to establish a personnel accounting category for members of the Army National Guard who have not completed the minimum training requirement for deployment or who are otherwise not available for deployment. The provision would also direct that individuals in this account could not fill positions in National Guard units.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Minimum physical deployability standards (sec. 1116)

The House bill contained a provision (sec. 707) that would require members of the Army National Guard who are unable to meet minimum physical deployability standards within a period of 90 days, whether due to physical disability or inability to complete successfully a physical fitness evaluation, be transferred to the personnel accounting category that would be established in another House provision (sec. 706). The House provision would also require that if a member so transferred is unable to complete successfully a physical fitness evaluation within six months after such transfer, the member would be separated or retired from the National Guard.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove all reference to physical fitness evaluations.

Medical assessments (sec. 1117)

The House bill contained a provision (sec. 708) that would require each member of the Army National Guard to undergo dental and medical screening on an annual basis, and a physical fitness evaluation on a semiannual basis. Each member of the Army National Guard over the age of 40 would be required to undergo a full physical examination at least every two years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove all reference to physical fitness evaluations.

Dental readiness of members of early deploying units (sec. 1118)

The House bill contained a provision (sec. 709) that would require the Secretary of the Army to develop a plan to ensure that members of the Army National Guard whose units are scheduled for early deployment in the event of mobilization, are dentally ready for deployment. This provision would require the Secretary to submit a report on this plan to the Committees on Armed Services of the Senate and House of Representatives no later than February 15, 1993. This report would have to include any legislative proposals the Secretary considered necessary to implement this plan.

The Senate amendment contained no similar provision.

The Senate recedes.

Combat unit training (sec. 1119)

The House bill contained a provision (sec. 710) that would require the Secretary of the Army to establish a program to minimize post-mobilization training required for combat units of the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Use of combat simulators (sec. 1120)

The House bill contained a provision (sec. 711) that would direct the Secretary of the Army to expand the use of training simulators in order to increase training opportunities for members of the Army National Guard. The House provision noted that Guard units frequently have difficulty gaining access to training facilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees strongly concur that simulations, simulators, and advanced computer-based training devices offer significant potential for improving the readiness of reserve component forces.

Deployability rating system (sec. 1121)

The House bill contained a provision (sec. 721) that would require modification of the current unit readiness rating system for the Army Reserve and Army National Guard to ensure the rating system accurately assesses the readiness of a unit to deploy and identifies unit shortfalls that require additional resources. This provision would also require that this rating system reflect the unit's percentage of required personnel assigned and the number of personnel who are qualified in their primary occupational specialty, the fill and deployability rate for critical occupational specialties, and the status of equipment directly held by the unit and necessary to carry out its basic mission requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Inspections (sec. 1122)

The House bill contained a provision (sec. 722) that would amend section 105 of title 32, United States Code, to require the Secretary of the Army to determine whether units of the Army National Guard can meet the requirements of their unit designator.

The Senate amendment contained no similar provision.

The Senate recedes.

Active duty associate unit responsibility (sec. 1131)

The House bill contained a provision (sec. 731) that would require the Secretary of the Army to develop a program no later than September 30, 1993, that requires each National Guard combat unit to be associated with an active duty combat unit. This program would be required to be fully implemented by September 30, 1995.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require that the responsibilities prescribed in subsection (b) of the House provision be assigned to the headquarters of active Army combat units at the brigade or higher level. The conferees intend that the Secretary of the Army adhere to the same implementation schedule as specified for the implementation of section 704 of the House bill, as modified by this act.

The conferees expect the Secretary to implement this provision using the same schedule as that specified in section 1113 in this title relating to the review of officer promotions by the commander of the associated active duty unit.

Training compatibility (sec. 1132)

The House bill contained a provision (sec. 732) that would amend section 414 of the Na-

tional Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), to require the Secretary of the Army to assign 3,000 non-commissioned officers and warrant officers to the pilot program for active component support of the reserves, beginning in fiscal year 1995.

The Senate amendment contained no similar provision.

The Senate recedes.

Systems compatibility (sec. 1133)

The House bill contained a provision (sec. 733) that would require the Secretary of the Army to develop and implement a program that would ensure Army personnel, maintenance management, supply, and finance systems are compatible and able to interface across all Army components. This provision would require the Secretary of the Army to submit a report to the Committees on Armed Services of the Senate and House of Representatives no later than September 30, 1993, describing the systems compatibility program and detailing the plan for implementation of the program by the end of fiscal year 1997.

The Senate amendment contained no similar provision.

The Senate recedes.

Equipment compatibility (sec. 1134)

The House bill contained a provision (sec. 734) that would amend section 115 of title 10, United States Code, to include a statement on the current status of the incompatibility of equipment between the Army reserve components and the active forces of the Army, the effect of that level of incompatibility on combat readiness, and a plan to achieve full compatibility in the annual report on National Guard and reserve component equipment.

The Senate amendment contained no similar provision.

The Senate recedes.

Deployment planning reform (sec. 1135)

The House bill contained a provision (sec. 735) that would require the Secretary of the Army to develop a system for identifying the mobilization priority of Army reserve component units, based on contingency planning requirements and doctrine. The provision would direct the Secretary of the Army to develop a system to link the unit deployment designators to the resourcing system, and to include a higher priority for units with fewer post-mobilization days allocated before deployment. Units designated with shorter post-mobilization periods would receive greater funding for training, full-time support, equipment, and assignment of manpower in excess of 100 percent of their authorized levels.

The House provision would also require the Secretary of the Army to establish procedures to identify the command level at which combat units would be integrated into the active component forces and to ensure this level of integration is consistent with the post-mobilization training days allocated to units by their unit deployment designators.

The Senate amendment contained no similar provision.

The Senate recedes.

Qualification for prior-service enlistment bonus (sec. 1136)

The House bill contained a provision (sec. 736) that would amend title 37, United States Code, to restrict the payment of prior service enlistment bonuses to individuals who are military occupational specialty (MOS)-qualified for the unit position they are projected to occupy.

The Senate amendment contained no similar provision.

The Senate recedes.

Study of implementation for all reserve components (sec. 1137)

The conferees recommend a provision that would require the Secretary of Defense to assess the feasibility of implementing the provisions of this title for all reserve components, and to submit a report to the Committees on Armed Services of the Senate and House of Representatives containing a plan for such implementation.

Preference for filling vacancies for persons separated from active forces

The House bill contained a provision (sec. 703) that would amend section 1150 of title 10, United States Code, to provide priority during the force drawdown for vacant positions within the reserve components to persons voluntarily or involuntarily separating from the armed forces under honorable conditions, and who apply within one year of separation.

The Senate amendment contained no similar provision.

The House recedes. The House provision is incorporated elsewhere in this act.

TITLE XII—SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Supplemental authorization for Operation Desert Storm (secs. 1201-1204)

The Senate amendment contained provisions (secs. 1011-1014) that would extend to fiscal year 1993 the authority to use the Defense Cooperation Account and the Persian Gulf Regional Defense Fund and would authorize additional appropriations from these accounts for incremental military personnel costs of Operation Desert Storm.

The House bill contained no similar provisions.

The House recedes.

Supplemental authorization of appropriations for fiscal year 1992 (sec. 1211)

The Senate amendment contained a provision (sec. 1069) that would provide supplemental authorizations for fiscal year 1992 for costs arising from the consequences of Hurricane Andrew and Typhoon Omar.

The House bill contained no similar provision.

The House recedes.

TITLE XIII—MATTERS RELATING TO ALLIES AND OTHER NATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Overseas basing activities (sec. 1301)

The House bill contained a provision (sec. 1056) that would reduce the total amount authorized by this act for fiscal year 1993 by $3.5 billion. The provision would require that the $3.5 billion reduction may only be made from funds for programs, projects, and activities that support U.S. forces assigned in Europe, Japan, or Korea.

The House bill contained another provision (sec. 368) that would require the President to consult with other NATO members and South Korea to achieve agreements under which each country shall, by September 30, 1994, assume an increased share of U.S. costs of maintaining U.S. installations in each country. The provision would require certain reductions in the amounts that may be obligated to conduct overseas basing activities in fiscal years 1993 and 1994.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would modify and combine the two House provisions into a single provision.

The single provision recommended by the conferees consists of the following major elements:

(1) The total amount that is obligated to conduct overseas basing activities during fiscal year 1993 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $500 million.

(2) The baseline for fiscal year 1993 is the sum of the amounts specified for operation and maintenance; family housing, operations; family housing, construction; and military construction (including NATO Infrastructure) in the January 1992 DOD report, *Amended FY 1992/FY 1993 Biennial Budget Estimates for Defense Overseas Funding and Dependent Overseas Funding.*

(3) The provision expresses the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal years 1994, 1995, and 1996 as the number of U.S. military personnel stationed overseas declines and as U.S. allies assume an increased share of the costs of overseas U.S. military installations.

(4) The reductions set forth in the provision for fiscal year 1993 and future fiscal years may be offset by increases in host-nation support, the accelerated withdrawal of overseas U.S. forces, or other measures. For fiscal year 1993, the conferees recommend reductions in the amounts requested for overseas operation and maintenance and military construction to meet the overall reduction in overseas defense spending required by this provision. The following reductions for fiscal year 1993 are displayed in the operation and maintenance and military construction tables elsewhere in this statement of the managers: (1) −$250 million in overseas operation and maintenance; (2) −$112 million in overseas military construction projects; and (3) −$161 million in the NATO Infrastructure account.

(5) The savings realized as a result of the reduction required by this provision for fiscal year 1993 will be allocated for operation and maintenance and military construction at military facilities in the United States.

(6) In order to achieve additional savings in fiscal year 1994 and in future fiscal years, the President should enter into revised host-nation agreements with certain U.S. allies in which they agree to assume an increased share of the costs of overseas U.S. military installations.

The annual *Report on Allied Contributions to the Common Defense*, required by section 1003 of the National Defense Authorization Act for Fiscal Year 1985 (Public Law 98-525), was due to the Congress on April 1, 1992. However, the report was transmitted to Congress on September 11, 1992, far too late to be of use during this authorization cycle. The Congress needs information contained in this report to make reasoned judgments on the status of burdensharing. The conferees expect that this report for 1993 will be transmitted by the date required by law.

Overseas military end strength (sec. 1302)

The House bill contained a provision (sec. 1058) that would prohibit on and after September 30, 1995 the use of appropriated funds to support an end strength level of U.S. military personnel permanently stationed ashore outside the United States in excess of 60 percent of the end strength level of such personnel on September 30, 1992.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the date in the House pro-

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vision from September 30, 1995 to September 30, 1996.

Reduction in the authorized end strength for military personnel in Europe (sec. 1303)

The House bill contained a provision (sec. 1057) that would lower the statutory ceiling on U.S. military personnel permanently stationed ashore in Europe to 100,000, effective the end of fiscal year 1995.

The Senate amendment contained a provision (sec. 1063) that would lower the statutory ceiling on U.S. military personnel permanently stationed ashore in Europe to 100,000, effective the end of fiscal year 1996.

The House recedes.

The conferees intend that each Service take a proportional share of the reduction of end strength, to the extent practical, consistent with the overall restructuring that will be required to reduce to the 100,000 level. Based on estimates of the U.S. European Command of the mix at the 150,000 level, such a reduction would result in an approximate mix of 60 percent for the Army, 30 percent for the Air Force, and 10 percent for the Navy.

Reports on overseas basing (sec. 1304)

The House bill contained a provision (sec. 367) that would require the Secretary of Defense to submit an annual report on the overseas basing plan of U.S. forces, the status of overseas base closures and the associated negotiations schedule, the potential savings and residual value of such closures, and the efforts to obtain increased host nation support. The House provision also would require a report on the budgetary implications of overseas basing agreements in advance of signing such agreements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide for the expiration of these requirements at the end of five years.

Burdensharing contributions by Kuwait (sec. 1305)

The House bill contained a provision (sec. 1070) that would add Kuwait to those countries (Japan and South Korea) from which the Defense Department may accept cash burdensharing contributions. The provision would also delete the requirement in section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 that the Defense Department use these burdensharing contributions to offset U.S. costs only in the country making the contribution.

The Senate amendment contained no similar provision.

The Senate recedes. Although the House provision would allow the Defense Department to spend contributions outside the country that made them, the conferees emphasize that such "out-of-country" expenditures are to be made only with the agreement of the contributing country, and are to be spent only on costs specified in section 1045(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 that are directly related to U.S. military activities in the contributing country. The conferees expect the quarterly report required by section 1045(f) to fully explain the relationship between any "out-of-country" costs and the "in-country" U.S. military activities they support.

Cooperative military airlift agreements (sec. 1311)

The Senate amendment contained a provision (sec. 1055) that would lengthen from 3 months to 12 months the period of time over which the credits and liabilities of cooperative military airlift agreements must be liquidated.

The House bill contained no similar provision.

The House recedes.

Cooperative agreements with allies (sec. 1312)

The Senate amendment contained a provision (sec. 362) that would relax the geographic restrictions that limit the authority of U.S. military forces to acquire logistics support, supplies, and services from NATO allies and certain non-NATO countries.

The House bill contained no similar provision.

The House recedes.

The conferees are concerned over the imbalance in the cross-servicing agreements that has evolved since the enactment of the North Atlantic Treaty Organization Mutual Support Act of 1979 (Public Law 96-323). The Defense Department reported in its 1992 annual report that the United States purchased $103 million worth of services from NATO allies compared to only $7 million purchased from the United States.

The purchases made by the United States included war readiness material, contractor storage and repair support, wartime host nation support, and support for exercises. The conferees believe these costs should be shared by U.S. allies. NATO has now agreed that such costs are eligible for funding from the NATO infrastructure account. Therefore, the conferees direct the Secretary of Defense to conduct negotiations for actual funding of these costs either directly or through the NATO infrastructure account and to include in the Secretary's annual report on these agreements and transactions, efforts to achieve allied offsets to these costs.

Authority for government of Oman to receive excess defense articles (sec. 1313)

The House bill contained a provision (sec. 1067) that would amend section 516(a) of the Foreign Assistance Act of 1961 to make Oman eligible to receive excess defense articles.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would achieve the same purpose as the House provision but by a different change in section 516(a) of the Foreign Assistance Act of 1961.

Future of the North Atlantic Treaty Organization (sec. 1314)

The Senate amendment contained a provision (sec. 1073) that would require the Secretary of Defense, in consultation with the Secretary of State, to provide a report to Congress which would analyze the foreseeable threats to the security of the North Atlantic Treaty Organization (NATO) member nations, determine whether there is a requirement to revise the North Atlantic Treaty to meet future challenges, and assess the extent to which the Treaty permits the use of NATO forces for peacekeeping purposes and the range of peacekeeping missions that should be considered. The Senate amendment also contained a related provision (sec. 1066) that would express the sense of the Senate that the United States should open discussions with NATO member nations with a view toward broadening NATO's mission to include common transatlantic security concerns, including those beyond NATO's geographic boundaries.

The House bill contained no similar provisions.

The House recedes with an amendment. The conferees recommend a provision that would combine the two provisions contained in the Senate amendment, direct that the report be delivered to the Senate and House Committees on Armed Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, and provide that the report be provided by the President rather than the Secretary of Defense in consultation with the Secretary of State.

Nuclear weapons reductions (sec. 1321)

The House bill contained a provision (sec. 1059) that would declare that it shall be the goal of the United States to pursue a number of policy objectives related to securing, reducing, and eventually eliminating the nuclear weapons possessed by the United States, Russia, France, Britain, China, and other nuclear-weapons states. The provision would also direct the President to submit an annual report on the actions taken by the United States and other nations during the previous year to achieve these policy objectives and the actions the United States planned to take during the next year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would revise several of the policy objectives to reflect recent developments in the area of arms control.

Volunteers investing in peace and security (sec. 1322)

The House bill contained a provision (sec. 1060) that would require the Secretary of Defense to establish the volunteers investing in peace and security (VIPS) program. This voluntary corps of veterans would use the commitment and skills (logistics, health care, engineering, nuclear plant safety, environmental cleanup, communications, and other skills) of retiring and separating servicemembers to assist the independent states of the former Soviet Union as they build a more secure future.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide the Secretary of Defense with discretionary authority to establish this program.

The conferees note that the VIPS program offers the unique advantage of providing quality, cost-effective assistance to the independent states of the former Soviet Union while opening job opportunities for servicemembers leaving active duty as the nation continues a 25 percent reduction of the armed forces.

Report on U.S. strategic posture in the Middle East and Persian Gulf region (sec. 1331)

The Senate amendment contained a provision (sec. 1041) that would direct the Secretary of Defense to provide a report on the U.S. strategic posture in the Middle East/Persian Gulf region.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Prohibition on contracting with supporters of the secondary Arab boycott of Israel (sec. 1332)

The Senate amendment contained a provision (sec. 1043) that would codify in permanent law a prohibition against Department of Defense contracting with foreign firms that participate in the secondary Arab boycott of Israel.

The House bill contained no similar provision.

The House recedes with a technical amendment.

United Nations peacekeeping and enforcement report (sec. 1341)

The Senate amendment contained a provision (sec. 1062) that would require the President to submit a report to Congress on the proposals of the Secretary General of the United Nations in his report to the Security Council entitled *Preventive Diplomacy, Peacemaking and Peacekeeping.*

The House bill contained no similar provision.

The House recedes. The conferees expect both the Secretary of State and the Secretary of Defense to be major contributors to the President's report and expect the report to discuss the policy implications of Department of Defense funding of peacekeeping activities and the assignment of responsibility for international peacekeeping and enforcement activities between those two cabinet officials. The report should be delivered to the Senate and House Armed Services Committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee.

Support for peacekeeping activities (sec. 1342)

The House bill contained a provision (sec. 1069) that would authorize the Secretary of a military department to contribute or lend supplies and equipment to the United Nations to support international peacekeeping activities.

The Senate amendment contained a provision (sec. 1064) that would authorize the Secretary of Defense, to the extent provided in annual authorization and appropriation acts, to furnish assistance, including funds, supplies, and equipment, by loan or contribution in support of international peacekeeping activities of the United Nations or a regional organization. Funds would be provided under certain limited circumstances and conditions and would be subject to a 30 days advance notice to Congress. For fiscal year 1993, such assistance would be limited to $300.0 million and would be subject to a determination by the Director of the Office of Management and Budget that the expenditure can be counted against the defense category.

The House recedes with an amendment that would include services as a form of assistance that could be provided; delete the authority to make loans; use the costs rather than assessments for peacekeeping as the baseline for determining the circumstances and conditions of fund availability; explicitly provide that this authority is restricted to meet unexpected and urgent peacekeeping requirements; and terminate the Secretary's authority on September 30, 1993.

The conferees emphasize that this authority is subject to annual defense authorization and appropriation acts and will be carefully examined next year, together with the review of the President's report on United Nations peacekeeping and enforcement provided for elsewhere in this act.

Prohibition on payment of severance pay to certain foreign nationals in the Philippines (sec. 1351)

The House bill contained a provision (sec. 365) that would prohibit the Defense Department from paying severance pay to DOD foreign nationals in the Philippines if the foreign nationals employment is discontinued because of the termination of U.S. basing rights.

The Senate amendment contained no similar provision.

The Senate recedes.

Revision of rules concerning severance pay for foreign nationals (sec. 1352)

The House bill contained a provision (sec. 366) that would repeal section 311(b)(3)(B) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189) concerning the effective date of the prohibition of paying severance costs to foreign nationals working at overseas U.S. bases that are closed at the request of the government of that country.

The Senate amendment contained a provision (sec. 823) that would authorize the Secretary of Defense to waive the prohibition on the payment of severance costs to U.S. contractors where such payments are generallly required by host nation laws.

The Senate recedes with an amendment that would combine the House and Senate provisions into one provision. The conferees agree that the President should enter into active negotiations to have severance pay costs assumed by host nations by October 1, 1994.

Extension of overseas workload program (sec. 1353)

The House bill contained a provision (sec. 1054) that would renew for fiscal year 1993 authority for the maintenance and overhaul of U.S. military equipment outside the theater in which it is normally located unless a service secretary determined that performing the maintenance and overhaul outside the theater would adversely affect military preparedness or would violate an international agreement.

The Senate amendment contained no similar provision.

The Senate recedes.

Study of providing forward presence of naval forces during peacetime (sec. 1361)

The Senate amendment included a provision (sec. 1042) that would require the Secretary of Defense to submit a report on alternative methods for providing forward presence. The provision would prevent obligating shipbuilding and conversion, Navy funds for the carrier replacement program for fiscal year 1994 until the Secretary has submitted this report.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the carrier replacement program obligation limitation.

Permanent authority to pay certain expenses of personnel of developing countries for attendance at bilateral or regional cooperation conferences (sec. 1362)

The Senate amendment contained a provision (sec. 1057) that would make permanent the authority of the Secretary of Defense to pay the travel, subsistence, and similar expenses of defense personnel of developing countries in connection with their attendance at defense meetings.

The House bill contained no similar provision.

The House recedes.

Report on proliferation of military-based satellites (sec. 1363)

The House bill contained a provision (sec. 1065) that would require the Secretary of Defense to submit a report to Congress on the proliferation of satellites with military applications; current and planned U.S. efforts to develop an antisatellite capability to counter this proliferation; and U.S. military requirements for antisatellite capabilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add two sections to the report requirement. One would require a review of other measures that the United States might use to counter satellites, and the other would require an assessment of the likelihood of any Third World country with access to militarily useful satellites being able to obtain or develop an effective antisatellite capability.

In addition, the conferees direct the Secretary to submit his report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

Report on international mine clearing (sec. 1364)

The Senate amendment contained a provision (sec. 1067) that would require the Secretary of Defense, in consultation with the Secretary of State, to provide a report on international mine clearing efforts in situations involving the repatriation and resettlement of refugees and displaced persons.

The House bill contained no similar provision.

The House recedes with a technical amendment that would specify that the report shall be submitted to Congress. The report should be delivered to the Senate and House Armed Services Committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee.

Landmine export moratorium (sec. 1365)

The Senate amendment contained a provision (sec. 1072) that would prohibit for one year the export of anti-personnel landmines.

The House bill contained no similar provision.

The House recedes with a technical amendment.

LEGISLATIVE PROVISION NOT ADOPTED

Sale to Korea of obsolete ammunition from war reserve stocks

The Senate amendment contained a provision (sec. 361) that would authorize a one-time sale of obsolete ammunition to South Korea at a price negotiated by the Secretary of Defense, but not less than the ammunition's salvage value.

The House bill contained no similar provision.

The Senate recedes. The conferees understand that the Defense Department is interested in transferring to South Korea a variety of obsolete or surplus equipment, in addition to the obsolete ammunition that is the subject of the Senate provision. Rather than consider this possible transfer on a piecemeal basis, the conferees agree to defer the Senate provision so that the Congress may consider in 1993 the entire package of equipment that the Defense Department may propose to transfer to South Korea.

TITLE XIV—DEMILITARIZATION OF THE FORMER SOVIET UNION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Demilitarization of the former Soviet Union (secs. 1401-1441)

The House bill contained several provisions (title XI) dealing with nuclear weapons nonproliferation, including section 1106 and sections 241-243, which concerned weapons destruction and demilitarization in the former Soviet Union. Section 1106 would extend through fiscal year 1993 the authority to expend the remainder of the $400 million authorized in the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228) for destroying the weapons of the former Soviet Union and preventing their prolifera-

tion. It would also authorize an additional $250 million for the same purposes. Sections 241–243 would encourage the Secretary of Defense to participate actively in joint research and development programs with the states of the former Soviet Union and would authorize the Secretary to spend not more than $25 million in fiscal year 1993 for technical cooperation and participation, in-kind assistance, and other activities in such programs. The purposes of these programs would include demilitarizing the industries of the former Soviet Union and preventing the proliferation of its weapons.

The Senate amendment contained provisions (title XI) that, in addition to the measures in section 1106 of the House bill, would authorize another $150 million for such programs and extend their scope to include the industrial demilitarization of the former Soviet Union as well as the expansion of military-to-military contacts between the United States and the independent states of the former Soviet Union. The Senate amendment would also stipulate that the presidential certifications regarding recipient countries required under the Soviet Nuclear Threat Reduction Act of 1991 be made annually. The Senate amendment contained no provision similar to sections 241–243 of the House bill.

The conferees agree to combine the provisions of the House bill and the Senate amendment. The conferees agree that the primary focus of the activities authorized under this title should be on the transportation, storage, safeguarding, and destruction of nuclear and other weapons of mass destruction, as well as on the nonproliferation of such weapons and their components. The conferees also believe that prudent and measured U.S. assistance in demilitarizing the defense industries of the former Soviet Union can help reduce the potential threat posed by the former Soviet Union's still robust defense establishment.

The conferees believe that U.S. government funding to assist demilitarizing the defense industries of the former Soviet Union should, to the extent possible, be directed to facilitating the involvement of the U.S. private sector in that process. Such funding should be used, pursuant to an interagency strategy coordinated throughout the relevant components of the U.S. government, to improve the environment for investment by U.S. firms in redirecting the human and material resources of the former Soviet Union's defense sector to meet pressing civilian needs and creating mutually beneficial commercial opportunities. The conferees believe that the provisions in sections 241–243 of the House bill can contribute significantly to such undertakings.

The conferees have in mind industrial demilitarization projects that would directly contribute to the elimination of military production capability, especially in the area of weapons of mass destruction. The conferees believe that a modest use of U.S. government funds can assist in eliminating defense production capability in the former Soviet Union and foster a significant investment of U.S. private sector funds, while bringing profits to U.S. firms and the American economy. The conferees foresee, as discussions with administration officials indicate, that no more than about $40 million for such industrial demilitarization projects would be proposed to the Congress for obligation during fiscal year 1993.

The conferees find that the experience to date of the former Soviet Union in industrial demilitarization indicates that this undertaking can waste ill-considered investments. To help insure that funds available under this title are used effectively to advance U.S. interests, the conferees have established specific requirements for advance notifications of any proposal to obligate funds for industrial demilitarization in the former Soviet Union.

The conferees also agree that, at a time when the countries of the former Soviet Union are forming their respective defense establishments and military doctrines, intensified contacts between them and U.S. defense officials are timely. Such contacts, if carefully conceived and selectively executed, can help shape the militaries of these countries along non-threatening, democratic lines and thus advance U.S. national security interests.

Therefore, the conferees urge the Secretary of Defense to establish programs to accelerate and intensify contacts and cooperation between the Department of Defense and selected elements of the ministries of defense and armed forces of the states of the former Soviet Union. The conferees believe that such programs should include those to promote (1) civil-military relations appropriate to democratic societies; (2) openness and transparency in defense establishments, policy, doctrine, forces, budgets, and programs; and (3) cooperation, education, advice, and training in areas of shared security interests.

The conferees agree to limit funding under this title for military-to-military contacts to not more than $15 million.

The conferees further agree to limit expenditures for other specifically authorized activities as follows: (1) not more than $25 million for joint research and development conducted by the nongovernmental foundation established in the Freedom Support Act; (2) not more than $10 million for the study, assessment, and identification of nuclear waste disposal activities by the former Soviet Union in the Arctic region; (3) not more than $25 million for the activities of Project Peace as outlined in Senate Report 102–408 accompanying the Fiscal Year 1993 Department of Defense Appropriations bill; and (4) not more than $10 million for the volunteers investing in peace and security (VIPS) program, as outlined in section 1322 of this act.

TITLE XV—NON-PROLIFERATION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

International nuclear nonproliferation (secs. 1501–1505)

The amended budget request contained no funding for international nonproliferation activities.

The House bill contained provisions (title XI) aimed at reducing the threat of nuclear proliferation. Section 1103 would require DOD and DOE to submit a joint report on their nonproliferation activities and the mechanisms for integrating them with those of other U.S. Government agencies. Section 1104 of the House bill would support the development of technologies to improve the capabilities to detect and monitor proliferation activities. That section would authorize $20.0 million for DOD nonproliferation technology programs, such as improved sensors for radiation detection, effluent analysis, and seismic stations. It would also authorize $40.0 million for DOE nonproliferation activities in areas such as verification technology, nuclear safety, and nuclear security. Section 1105 of the House bill would encourage the Secretary of Defense and the Secretary of Energy to participate actively in U.S. efforts to stem the proliferation of nuclear weapons. It would authorize up to $40.0 million that the Secretary of Defense and Secretary of Energy, under the guidance of the President and in coordination with the Secretary of State, could spend in support of and for technical cooperation with international organizations to establish more effective safeguards against proliferation and combat the threat of nuclear terrorism and nuclear accidents.

The Senate amendment contained a provision (sec. 1075) that would authorize the Secretary of Defense to furnish assistance in support of international nuclear nonproliferation activities. DOD assistance in support of international activities would include provision of supplies and equipment from existing stocks and financial support from amounts appropriated for DOD for fiscal year 1993 or from balances in the working capital accounts. The provision of DOD support would require a determination by the Secretary of Defense that provision of this support was in the national security interests of the United States and that the provision of support would not adversely affect military preparedness. Support for international organizations would be limited to $20.0 million and could only be furnished if Department of State funds for contributions to international organizations were found insufficient or not available to meet U.S. fair share assessments for international nuclear nonproliferation activities. In addition, $20.0 million could be used for the On-Site Inspection Agency (OSIA) in support of the United Nations Special Commission on Iraq.

The Senate amendment would also provide an additional $86 million for verification and control technology in support of President Bush's nonproliferation initiative.

The Senate recedes with an amendment.

The conferees recommend a provision (sec. 1502) that would incorporate the concerns of Congress about the growing threat to U.S. national security of the proliferation of weapons of mass destruction and missile, delivery systems. The provision would emphasize Congress' support for increased funding for nonproliferation technologies, and encourage more active support by DOD and DOE for nonproliferation activities. Another provision (sec. 1504) would highlight programs funded in appropriate accounts elsewhere in the act, including $20.0 million for seismic research and nuclear proliferation detection technology programs at the Defense Advanced Research Projects Agency (DARPA) as part of its strategic technology program. In addition, section 1505 would encourage DOD to provide increased support for international nonproliferation activities, such as the activities of the International Atomic Energy Agency (IAEA) and the U.N. Special Commission on Iraq, that are designed to ensure more effective safeguards against the proliferation of nuclear weapons and other weapons of mass destruction. To that end, the provision would authorize DOD to spend up to $40.0 million for these activities, in the form of funds as well as in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.

The conferees are concerned that in this era of declining defense budgets, DOD and DOE should seek to eliminate duplication of effort in research and development programs by improving the coordination and integration of all nonproliferation detection and monitoring research and development programs currently being conducted in DOD and its agencies as well as DOE and the national

laboratories. This includes R&D programs that may have application to arms control compliance research and development activities. Section 1503 would require DOD and DOE to submit a joint report on their nonproliferation activities and the mechanisms for integrating these activities with those of other departments and agencies. Additionally, the conferees encourage DOD and DOE to combine their efforts in joint projects, like the LIDAR (laser imaging detection and ranging) program, an emerging laser technology for remote sensing, detection, and monitoring of the clandestine production of chemical, biological, and nuclear weapons. The conferees note that DOD tasked DARPA to conduct a survey of all existing federal R&D technologies which might have application to nuclear proliferation monitoring. The conferees direct that this report be provided promptly to the congressional defense committees in advance of the final report required under this provision.

The conferees agree that the funding in this act represents a significant step toward the funding levels supported by the President and a substantial initiative in combatting proliferation of mass destruction. In addition, given the expanded demands for training in the area of international safeguards and the handling of nuclear materials, the conferees encourage the President to include in the budget submission for fiscal years 1994/1995 the resources necessary to meet this rapidly growing demand.

TITLE XVI—IRAN-IRAQ ARMS NONPROLIFERATION ACT OF 1992

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Iran-Iraq Arms Nonproliferation Act of 1992 (secs. 1601–1608)

The Senate amendment contained provisions (title XIV) that would establish new sanctions on countries and individuals who supply nuclear, chemical, biological, or advanced conventional weapons and related technology to Iran or Iraq. The provision would extend certain sanctions to Iran, which were imposed on Iraq following the invasion of Kuwait. Specifically, the sanctions would prohibit: (1) arms sales under the Arms Export Control Act; (2) export licenses for controlled items on the U.S. Munitions List; (3) export licenses under the Export Administration Act for arms-related products; and (4) Nuclear Regulatory Commission licenses or distributions of nuclear material under the Atomic Energy Act.

The provision would establish extensive new sanctions against suppliers to Iraq or Iran of nuclear, chemical, or biological weapons and related technology, as well as certain destabilizing advanced conventional weapons (a category of weapons and technology to be determined by the President). The limited-time sanctions (which would be mandatory and discretionary) include: (1) debarment from U.S. government contracting; (2) prohibition on export licenses for suppliers; and (3) suspension of U.S. government assistance to supplier countries. The provision would require the President, in a report to Congress, to identify publicly suppliers of arms to Iraq and Iran. The provision would allow the President to waive sanctions for reasons of national interest.

The House bill contained no similar provision.

The House recedes with an amendment.

The conference agreement would generally mandate sanctions on companies and individuals determined to have knowingly and materially contributed to the efforts of Iran or Iraq to acquire destabilizing numbers and types of advanced conventional weapons or to acquire other weapons of mass destruction.

The conferees would like to clarify one point concerning the timing of determinations that a company or individual has transferred goods or technology to Iran or Iraq contrary to this conference agreement. In rare circumstances, a premature determination that sanctions should be imposed could inhibit the full flow of information about weapons proliferation that might otherwise be acquired. The conferees understand that this legislation does not dictate the timing of sanctions. Accordingly, the President, in rare circumstances, may delay a determination that a company or individual has materially and knowingly made a transfer that is subject to a sanction under this conference agreement if such delay is necessary to protect intelligence sources or methods essential to the acquisition of further intelligence about proliferation. Such a delay would be appropriate, for example, when the United States is using sensitive sources or methods to gather information on other proliferation, or where additional time is needed to develop nonsensitive information that could be used to explain publicly the imposition of sanctions. However, such a delay should not be indefinite, because the ultimate purpose of these provisions is to sanction those persons that are known to be materially and knowingly involved in weapons proliferation. Moreover, the delay should be only for the purpose of furthering the policy of sanctioning proliferators. A delayed determination would not be justified to further any other policy.

TITLE XVII—CUBAN DEMOCRACY ACT OF 1992

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Cuban Democracy Act of 1992 (secs. 1701–1712)

The Senate amendment contained provisions (secs. 1201–1212) that would establish certain policies toward Cuba.

The House amendment contained no similar provisions.

The House recedes with an amendment that would make the following changes to the Senate provisions: (1) delete the statement in section 1203 that it should be U.S. policy to prevent Cuba from evading the U.S. embargo of Cuba through a North American Free Trade Agreement; (2) delete the requirement in section 1208 that the President enter into negotiations for a trade framework agreement with a democratic Cuban government; and (3) make a technical change in section 1206.

TITLE XVIII—FEDERAL CHARTERS FOR PATRIOTIC ORGANIZATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Federal charters for patriotic organizations (secs. 1801–1838)

The Senate amendment contained provisions (secs. 1046 and 1047) that would grant federal charters to two nonprofit service organizations, The Military Order of the World Wars and the Retired Enlisted Association.

The House bill contained no similar provisions.

The House recedes with a technical amendment.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

OVERVIEW

The amended budget request for fiscal year 1993 contained $10,183,492,000 for military construction and family housing.

The House bill would authorize $10,385,653,000 for military construction and family housing.

The Senate amendment would provide $8,933,398,000 for this purpose.

The conferees recommend authorization of $8,798,832,000 for military construction and family housing in fiscal year 1993.

FY 1993 MILITARY CONSTRUCTION
AUTHORIZATION OF APPROPRIATIONS
RECAPITULATION
[In thousands of dollars]

	BUDGET REQUEST	PASSED HOUSE	PASSED SENATE	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT
ARMY	995,548	997,518	516,400	(524,888)	470,660
NAVY	838,848	853,425	354,109	(434,999)	403,849
AIR FORCE	1,150,844	1,080,594	805,530	(299,864)	850,980
DEFENSE AGENCIES	451,468	489,618	252,196	(97,022)	354,446
NATO INFRASTRUCTURE	221,200	121,200	221,200	(161,200)	60,000
BASE REALIGN & CLOSURE, 1988	440,700	440,700	440,700	0	440,700
BASE REALIGN & CLOSURE, 1991	1,743,600	1,743,600	1,743,600	0	1,743,600
ARMY NATIONAL GUARD	46,700	217,711	138,677	161,972	208,672
AIR NATIONAL GUARD	173,270	261,259	229,679	132,489	305,759
ARMY RESERVE	31,500	31,500	36,505	3,350	34,850
NAVY RESERVE	37,772	37,772	15,715	(20,572)	17,200
AIR FORCE RESERVE	52,880	56,380	34,353	(16,300)	36,580
FY 1989 DEAUTHORIZATIONS	0	0	(9,440)	(9,440)	(9,440)
FY 1990 DEAUTHORIZATIONS	0	0	(6,550)	(6,550)	(6,550)
FY 1991 DEAUTHORIZATIONS	0	0	(21,428)	(21,428)	(21,428)
FY 1992 DEAUTHORIZATIONS	0	0	(34,590)	(34,590)	(34,590)
TOTAL MILITARY CONSTRUCTION	6,184,330	6,331,277	4,716,656	(1,329,042)	4,855,288
FAMILY HOUSING CONSTRUCTION, ARMY	175,600	211,400	196,000	(15,560)	160,040
FAMILY HOUSING SUPPORT, ARMY	1,380,390	1,375,390	1,380,390	(16,820)	1,363,570
PORTION APPLIED TO DEBT REDUCTION	127	127	127	0	127
FAMILY HOUSING CONSTRUCTION, NAVY	321,070	339,640	491,750	64,364	385,434
FAMILY HOUSING SUPPORT, NAVY	696,177	696,177	696,177	(34,931)	661,246
FAMILY HOUSING CONSTRUCTION, AIR FORCE	322,110	332,954	348,610	(38,324)	283,786
FAMILY HOUSING SUPPORT, AIR FORCE	942,288	937,288	942,288	(14,347)	927,941
FAMILY HOUSING CONSTRUCTION, DEF AGENCIES	0	0	0	0	0
FAMILY HOUSING SUPPORT, DEF AGENCIES	28,400	28,400	28,400	0	28,400
HOMEOWNERS ASSISTANCE FUND	133,000	133,000	133,000	0	133,000
TOTAL FAMILY HOUSING	3,999,162	4,054,376	4,216,742	(55,618)	3,943,544
TOTAL MILITARY CONSTRUCTION & FAMILY HOUSING	10,183,492	10,385,653	8,933,398	(1,384,660)	8,798,832

TITLE XXI—ARMY

FISCAL YEAR 1993

The House bill would authorize $2,717,435,000 for Army military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $2,221,967,000 for this purpose.

The conferees recommend authorization of $2,127,397,000 for military construction and family housing for the Army for fiscal year 1993.

TITLE XXII—NAVY

Fiscal Year 1993

The House bill would authorize $1,889,242,000 for Navy military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $1,542,036,000 for this purpose.

The conferees recommend authorization of $1,450,529,000 for military construction and family housing for the Navy for fiscal year 1993.

Power plant relocation, Navy Public Works Center, Guam (sec. 2205)

The Senate amendment contained a provision (sec. 2205) that would amend section 2201(b) of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456), which authorized $27.8 million for the construction of a power plant at Naval Station Subic Bay, Philippines. The amendment would provide for the siting of the power plant at Navy Public Works Center, Guam.

The House bill contained no similar provision.

The House recedes.

Revised authorizations for certain Marine Corps projects (sec. 2206)

The Senate amendment contained a provision (sec. 2206) that would repeal an authorization of $8.3 million for a forward training area at Marine Corps Air Station, Cherry Point, North Carolina, and authorize in lieu thereof the following projects:

Installation	Facility	Millions
MCAS Cherry Point	Air control operations facility	$3.0
MCAS Cherry Point	Aviation supply warehouse	1.68
MCAS New River	Physical fitness center	3.6

The House bill contained no similar provision.

The House recedes.

Defense access roads, Naval Station Pascagoula, Mississippi (sec. 2207)

The Senate amendment contained a provision (sec. 2207) that would direct the Secretary of the Navy to expend, from amounts previously authorized for appropriation in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), such amounts as are needed for the planning and design of defense access roads critical to the access of Naval Station Pascagoula, Mississippi.

The House bill contained no similar provision.

The House recedes.

Military family housing, Naval Air Station Whidbey Island, Washington (sec. 2208)

The Senate amendment contained a provision (sec. 2208) that would direct the Secretary of the Navy to initiate design of 300 units of military family housing at Naval Air Station, Whidbey Island, Washington, in fiscal year 1994.

The House bill contained no similar provision.

The House recedes.

Military construction, United States Naval Academy, Annapolis, Maryland

The conferees recommend an authorization of $6.5 million for the construction of a physical fitness center at the United States Naval Academy. The conferees intend that funds to construct this facility shall be obligated only if this facility is designed and operated in support of the entire student body, faculty, and staff populations.

TITLE XXIII—AIR FORCE

Fiscal Year 1993

The House bill would authorize $2,350,836,000 for Air Force military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $2,064,428,000 for this purpose.

The conferees recommend authorization of $2,062,707,000 for military construction and family housing for the Air Force for fiscal year 1993.

Child development center relocation, Buckley Air National Guard Base, Colorado (sec. 2305)

The Senate amendment contained a provision (sec. 2305) that would approve the resiting of a child development center authorized in section 2301(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) from Lowry Air Force Base, Colorado, to Buckley Air National Guard Base, Colorado.

The House bill contained no similar provision.

The House recedes.

Authorized family housing lease projects (sec. 2306)

The Senate amendment contained a provision (sec. 2306) that would authorize certain military family housing build-to-lease projects under the authority of section 2835 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Authorized military housing rental guarantee projects (sec. 2307)

The Senate amendment contained a provision (sec. 2307) that would authorize the Secretary of the Air Force to enter into certain rental guarantee agreements for military family housing under the authority of section 2836 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Termination of authority to carry out certain projects (sec. 2308)

The Senate amendment contained a provision (sec. 2308) that would repeal certain authorizations contained in the National Defense Authorization Acts for Fiscal Years 1991 and 1992/1993 (Public Laws 101-510 and 102-190). These projects are no longer required.

The House bill contained no similar provision.

The House recedes.

Langley Air Force Base, Virginia

The conferees agree to authorize $5.3 million for urgently needed facilities at Langley Air Force Base, Virginia, to effect the consolidation of the former Tactical Air Command and Strategic Air Command into the Air Combat Command. The Secretary of the Air Force is directed to submit a request for reprogramming of funds to the appropriate defense committees as soon as possible in order to address this urgent requirement.

TITLE XXIV—DEFENSE AGENCIES

FISCAL YEAR 1993

The House bill would authorize $2,702,318,000 for Defense Agencies military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $2,496,896,000 for this purpose.

The conferees recommend authorization of $2,567,146,000 for military construction and family housing for Defense Agencies for fiscal year 1993.

Energy conservation projects (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects under section 2865 of title 10, United States Code, using amounts authorized for appropriation in fiscal year 1993.

The Senate amendment contained no similar provision.

The Senate recedes.

Army Institute of Research, Walter Reed Army Medical Center, District of Columbia

The conferees agree to the administration request for authorization of $147.3 million for the construction of a replacement facility for the Army Institute of Research at Walter Reed Army Medical Center. The first phase of construction, $13.3 million, is authorized for appropriation in fiscal year 1993. The remaining construction will be phased over fiscal years 1994 and 1995.

None of the funds authorized for this purpose may be obligated until 60 days after the Department of Defense provides the congressional defense committees a long-range plan for adjusting the military medical infrastructure to bring it in line with the reduced military force structure and the rising cost of medical care.

The conferees recognize that the facilities occupied by the Army Institute of Research are clearly substandard and need replacement. For this reason, the conferees support the substantial capital commitment to provide a replacement facility. However, the conferees also believe that the Department must have a clear, long-term facility plan within which to justify decisions to spend very substantial sums to capitalize facilities to support medical research and education. Consequently, obligation of funds to proceed with the new facility for the Army Institute of Research shall not be made until the congressional defense committees have an opportunity to assess such plans.

TITLE XXV—NATO

FISCAL YEAR 1993

The House bill would authorize $121,200,000 for the U.S. contribution to the NATO Infrastructure program for fiscal year 1993.

The Senate amendment would authorize $221,200,000 for this purpose.

The conferees recommend authorization of $60,000,000 for this purpose.

NATO infrastructure

The House bill contained an authorization of $121.2 million for the NATO Infrastructure account, while the Senate amendment contained an authorization of $221.2 million for this purpose.

In recognition of the level of funding provided by the conferees to the Military Construction Appropriation Act for Fiscal Year 1993, the conferees agree to an authorization of $60 million.

The conferees appreciate the funding constraints that faced the Appropriations Committees, and also recognize the substantial levels of unobligated balances that the NATO Infrastructure account currently en-

joys. However, the conferees are concerned that the reduced level of funding may suggest a lack of congressional support for this important burdensharing mechanism.

While the conferees support the use of the NATO Infrastructure program to capitalize and maintain essential alliance facilities, they encourage the NATO leadership to expeditiously develop a revised infrastructure investment program that supports the alliance's revised strategic goals and recognizes the reduced funding available to member nations. In this regard, the conferees are encouraged by recent negotiations which may provide for additional alliance support for the operating costs of forward deployed U.S. forces in Europe.

TITLE XXVI—GUARD AND RESERVE

FISCAL YEAR 1993

The House bill would authorize $604,622,000 for military construction for fiscal year 1993 for the Guard and Reserve components.

The Senate amendment would authorize $458,879,000 for this purpose.

The conferees recommend authorization of $603,061,000 for military construction for fiscal year 1993. This authorization would be distributed as follows:

Army National Guard	$208,672,000
Army Reserve	34,850,000
Naval/Marine Corps Reserve	17,200,000
Air National Guard	305,759,000
Air Force Reserve	36,580,000

Reductions in certain prior year authorizations of appropriations for Air Force Reserve military construction projects (sec. 2604)

The Senate amendment contained a provision (sec. 2602) that would reduce the Air Force Reserve authorization for fiscal years 1989, 1990, and 1991 to adjust for projects requested for those years that are no longer required.

The House bill contained no similar provision.

The House recedes.

Unauthorized appropriations

The committee recommends authorization of the following Army National Guard projects for which funds were appropriated in fiscal year 1992:

[In thousands of dollars]

Add/alter CSMS, Stockton, California	$1,613
Indoor range conversion, California	2,172
Physical training facility, Camp Dodge, Iowa	960
Hawk training site, New Mexico	1,546
Armory, McConnelsville, Ohio	4,669
Training facility, Camp Swift, Texas	5,138
Armory renovation, Victoria, Texas	399

Reserve component facilities requirements

The conferees note that the Department of Defense Inspector General and the Service audit agencies have issued a series of reports over the last year concerning military construction projects for the reserve components. Many of these reports have criticized the methodology used to determine the size and scope of these projects, concluding that they were substantially oversized for the actual needs of the units supported. Similarly, the audits cited a lack of coordination among the reserve components to maximize the use of existing facilities in an area, and the absence of a rigorous economic analysis of proposals for new construction compared to addition and/or alteration of existing facilities.

Management replies to the conclusions and recommendations of these reports have been less than responsive. One report summarizes management's response to five years of audits by noting that while management generally agreed with recommendations to improve the justification process and strengthen internal controls, it did not agree to cancel, downscope, or consolidate construction projects. During that period, the Army Audit Agency had questioned a total of $297 million in construction projects. Similar reactions were noted within the other Services.

The conferees, while not always agreeing with specific audit findings, believe that the DOD Inspector General and the audit agencies' reports provide the military Services valuable opportunities to maximize the use of increasingly scarce construction resources. While the conferees did not agree to the general reductions in reserve component construction recommended by the Senate amendment, they agree that the issue of inadequate justification warrants additional attention by the Department of Defense.

In the coming year, the conferees intend to make the issue of reserve component facility requirements a matter of special interest.

Army Reserve Center, Red Bud, Illinois

The conferees are aware of the interest of the city of Red Bud, Illinois, in hosting a center to support Army Reserve units in southern Illinois. The Secretary of the Army is directed to explore the city's willingness to jointly fund such a center and evaluate whether the needs of the Army Reserve or other reserve components would justify such an initiative.

Should such a center be justified, the conferees believe that design should be initiated in fiscal year 1994, so that the construction can be included in the amended fiscal year 1995 budget request.

TITLE XXVIII—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Authority to carry out energy conservation construction projects (sec. 2801)

The House bill contained a provision (sec. 2805) that would amend section 2865 of title 10, United States Code, to allow the Secretary to carry out energy conservation construction projects not previously authorized as specific projects. It included an annual report requirement regarding the use of this authority.

The Senate amendment contained a similar provision (sec. 2801).

The Senate recedes with an amendment that would provide a technical conforming change to section 2865 of title 10, United States Code, to allow defense installations to develop demand reduction and energy conservation programs with utility companies where the needs and conservation potential of such programs would result in significant benefits. The provision would further clarify the authority of the Department to participate in such programs and limit the government's exposure to the cost of utility financing.

The conferees recognize that the energy efficiency improvement projects accomplished under these programs could be of such a scope as might otherwise require the use of military construction funds. However, in light of the mutual benefit of these programs to the Defense Department, utility companies and other rate payers, the conferees support participation in these important energy savings programs.

Authority to construct replacement family housing units (sec. 2802)

The Senate amendment contained a provision (sec. 2805) that would amend sections 2822 and 2825 of title 10, United States Code, to provide the military Services and defense agencies with additional flexibility in making determinations whether to proceed with previously authorized renovations to military family housing or, if unforeseen circumstances suggested that such an approach was uneconomical, permit the use of that authority to construct replacement housing up to the authorized funding level.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the intent of the Senate provision.

Use of proceeds from the transfer or disposal of commissary stores and other facilities and property (sec. 2821)

The Senate amendment contained a provision (sec. 2822) that would amend the Base Closure and Realignment Acts of 1988 and 1990 by altering the formula by which the Defense Commissary Service and nonappropriated fund instrumentalities are reimbursed for investments made in facilities on closing bases. The provision would authorize reimbursement of an amount no greater than the depreciated value of such facilities or improvements.

The House bill contained no similar provision.

The House recedes with an amendment that would extend this policy to similar reimbursements associated with the closure of overseas military bases.

Demonstration project for the use of a national relocation contractor to assist the Department of Defense (sec. 2822)

The House bill contained a provision (sec. 2821) that would direct the Secretary of Defense to contract with a nationwide relocation firm to provide a one-year demonstration project for the management and disposal functions required to administer the homeowners assistance program. The Comptroller General would provide to the Committees on Armed Services of the Senate and the House of Representatives an evaluation of this contract to help determine whether this approach should be applied more broadly.

The Senate amendment contained a similar provision (sec. 2824).

The House recedes with an amendment that would direct that the contract be awarded no later than 30 days after enactment of this act, and that the Comptroller General evaluate it after it has run for one year.

Clarification on availability of excess and surplus federal property to assist the homeless (sec. 2824)

The House bill contained a provision (sec. 2823) that would streamline the reporting of surplus federal buildings and other properties for reuse under the Stewart B. McKinney Homeless Assistance Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide technical changes to the Act regarding the screening of federal property for use in support of sheltering the homeless.

Property shall be considered to remain available for application for use to assist the homeless after the 60 day hold period provided under subsection (d) of the statute unless:

(1) an application for or written expression of interest is made under any law for use of the property for any purpose authorized by that law; or

(2) the Administrator of General Services has received a bona fide offer to purchase the property or has advertised the sale of the property by public auction.

The conferees intend that providers of shelter to the homeless may continue to apply for unused, underused, or surplus federal property after the initial 60 day holding period currently provided by law. The statute continues to provide this period exclusively for consideration of applications for homeless uses. Nothing in this provision is meant to preclude homeless providers from applying for any such property after the 60 day hold period has expired.

Revision of requirements relating to budget data on base closures (sec. 2825)

The Senate amendment contained a provision (sec. 2825) that would amend section 2822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) by refocusing the analysis of the construction costs of closing military bases by the Defense Inspector General from specific construction projects to the overall costs of construction associated with such closures.

The House bill contained no similar provision.

The House recedes.

Treatment of Proposals relating to the Defense Finance and Accounting Service under base closure laws (sec. 2826)

The House bill contained a provision (sec. 373) that would direct the Secretary of Defense, in making siting decisions for new functions of the Defense Finance and Accounting Service (DFAS), to consider the ability of States and communities to compete for such functions, and to provide a report on this issue to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees are skeptical of the appropriateness of the Defense Department's solicitation of local communities to capitalize facilities and subsidize operations of new DFAS centers. While this practice may be narrowly beneficial to DFAS, it flies in the face of the larger pattern of closing military bases and, in many cases, transferring federally financed assets to communities at little or no cost. The conferees believe that the Secretary of Defense, in recommending sites for DFAS consolidated activities, ought to take account of a broader set of considerations than simply the relative economics of proposals made by communities in response to the Department's solicitation. The conferees also hope that the Defense Base Closure and Realignment Commission, in reviewing the Secretary's recommendations, will also take a broader perspective.

Annual report relating to overseas military facility investment recovery account (sec. 2827)

The Senate amendment contained a provision (sec. 2828) that would amend section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) by expanding the annual report provided to the Committees on Armed Services of the Senate and House of Representatives concerning deposits into the overseas military facility investment recovery account. The additional data would provide the Committees with an indication of whether the United States was recovering an equitable proportion of its past investment in overseas military bases which it was vacating.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees remain concerned that the United States receive an equitable return of its past investment in overseas bases which are being vacated by U.S. military forces. While the current law envisions that cash payments for residual value by host governments would be used for maintenance and repair or environmental restoration of military facilities in the United States, the conferees are aware of facility needs of overseas bases where United States forces will remain over the long term. For this reason, the current law is amended to permit the use of the proceeds of residual value negotiations to be used for the maintenance and repair of facilities at overseas bases where U.S. forces will remain for the long term, as well as for expenses associated with environmental compliance, but not environmental restoration.

In addition, the amendment would provide a process by which the Secretary of Defense would notify the Congress of those unusual circumstances in which negotiations over residual value might result in non-monetary compensation to the United States. In these cases, Congress would be notified of the reason for such a payment regime, and the options for in-kind payment which the United States would be pursuing.

Modification of land exchange, San Diego, California (sec. 2831)

The House bill contained a provision (sec. 2832) that would amend section 837 of the Military Construction Authorization Act of 1985 (Public Law 98-407) to modify the authority of the Secretary of the Navy to enter into an exchange of land and/or other real property with the City of San Diego. Any acquisition of land or improvements using the proceeds from such an exchange would be subject to appropriation.

The Senate amendment contained a similar provision (sec. 2831).

The Senate recedes.

Land acquisition and exchange, Myrtle Beach Air Force Base and Poinsett Weapons Range, South Carolina (Sec. 2832)

The House bill contained a provision (sec. 2833) that would authorize the Secretary of Defense to enter into a value for value exchange of real estate and improvements at Myrtle Beach Air Force Base, South Carolina, which is closing, for land which is currently being leased for use as Poinsett Weapons Range, South Carolina. The authority would also permit the acquisition of additional land around the range needed to meet current operational and safety needs.

The Senate amendment contained a similar provision (sec. 2832).

The House recedes.

Land conveyance, Pittsburgh, Pennsylvania (sec. 2833)

The House bill contained a provision (sec. 2834) that would authorize the Secretary of the Army to convey, without reimbursement, to the Urban Redevelopment Authority of Pittsburgh, Pennsylvania, approximately 12 acres constituting the former Hays Army Ammunition Plant.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees believe that the Secretary of the Army should proceed with the conveyance of this unused facility as quickly as possible. While authorized to convey this property at no cost, the conferees believe that the Secretary should negotiate the payment of whatever is determined by the Secretary to be the fair market value of the site, taking into account the previous lack of interest on the part of any prospective buyer. The conferees believe that expedited redevelopment of this land is in the best interest of both the Army and the community.

Leases of property at the Naval Supply Center, Oakland, California (sec. 2834)

The House bill contained a provision (sec. 2835) that would authorize the Secretary of the Navy to lease to the Union Pacific Railroad Company approximately 15 acres of land located at the Naval Supply Center, Oakland, California.

The Senate amendment contained a similar provision (sec. 2834) that would clarify the Secretary's authority to negotiate equitable relocation and facility replacement costs, in addition to the fair market value of the long-term lease. It would also direct that the proceeds of the lease be deposited in a special fund established under section 2667 of title 10, United States Code, for this purpose, and used equally by the base and military Service for real property maintenance and environmental restoration.

The Senate amendment contained a second provision (sec. 2835) that would repeal authority to lease certain property at the Naval Supply Center, Oakland, California, which is contained in section 2338 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180), and replace it with an expanded authority which would include as potential lessees both the City and Port of Oakland, California.

The House recedes on the provision related to the Union Pacific Railroad, and recedes with an amendment regarding the repeal and reauthorization of the authority to lease property to either the City or Port of Oakland. The amendment would permit proceeds of the latter lease to be used for facility improvements at the Supply Center.

The conferees note that the retention of lease proceeds by an installation runs contrary to current policy, which was included in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). However, an exception would be approved in this instance inasmuch as tentative agreements among the parties were reached based upon a lease authority that predated the current policy.

While the conferees encourage the multiple use of military installations when such use is compatible with the primary military mission, they intend to adhere to the codified policy regarding the use of the proceeds of such agreements.

Land conveyance, Naval Reserve Center, Santa Barbara, California (sec. 2836)

The House bill contained a provision (sec. 2837) that would authorize the Secretary of the Navy to convey to the City of Santa Barbara, California, approximately one acre of land with improvements which supports a Naval Reserve Center, as well as United States Coast Guard and National Oceanic and Atmospheric Administration activities. In exchange, the City would pay the United States the lesser of $2.4 million or the cost of constructing a Naval Reserve Center at Naval Construction Battalion Center, Port Hueneme, California. In addition, the City would provide other favorable considerations to the other federal tenants of the Santa Barbara site.

The Senate amendment contained a similar provision (sec. 2837).

The House recedes with an amendment regarding the tenure of the National Oceanic and Atmospheric Administration activities at their current site.

The conferees expect the Department of the Navy to receive from this exchange, on behalf of all federal activities impacted by it, at least fair market value for the property it conveys. Such a determination shall be made by the Secretary of the Navy. In making this determination, the Secretary should take into account the circumstances and terms under which the real property and improvements were originally acquired by the Department of Defense.

Land conveyance, Forest Glen Annex, Walter Reed Army Medical Center, Maryland (sec. 2837)

The House bill contained a provision (sec. 2838) that would direct the Secretary of the Army to convey at no cost approximately 10 acres at the Forest Glen Annex of the Walter Reed Army Medical Center, to the Maryland-National Capital Park and Planning Commission for the purpose of retaining this property as a public recreational site.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Williams Air Force Base, Arizona (sec. 2838)

The House bill contained a provision (sec. 2839) that would authorize the Secretary of the Air Force to pursue a value for value exchange of land and related interests at Williams Air Force Base, with the State of Arizona for other land and interests within the State.

The Senate amendment contained a similar provision (sec. 2840).

The House recedes.

Modification of land exchange, Burlington, Vermont (sec. 2839)

The Senate amendment contained a provision (sec. 2833) that would amend authority of the Secretary of the Navy to enter into a land exchange with the City of Burlington, Vermont, by extending the expiration date until June 1, 1995.

The House bill contained no similar provision.

The House recedes.

Conveyance of waste water treatment plant, Fort Ritchie, Maryland (sec. 2840)

The Senate amendment contained a provision (sec. 2838) that would authorize the Secretary of the Army to convey on the basis of fair market value, the waste water treatment plant at Fort Ritchie, Maryland, to the Washington County (Maryland) Sanitary District.

The House bill contained no similar provision.

The House recedes.

Acquisition of interests in land, Naval Radio Station, Jim Creek, Washington (sec. 2841)

The Senate amendment contained a provision (sec. 2839) that would authorize the Secretary of the Navy to acquire timber rights on approximately 225 acres, a portion of Naval Radio Station, Jim Creek, Washington. Acquisition of these rights will preserve a unique stand of old growth timber and thereby protect the lakes and creeks in the area that provide a mission essential water supply to the installation.

The House bill contained no similar provision.

The House recedes with a technical amendment that would permit the use of unobligated prior year funds for this purpose.

Real Property Conveyance, Naval Station Puget Sound, Everett, Washington (sec. 2842)

The Senate amendment contained a provision (sec. 2841) that would authorize the Secretary of the Navy to convey three parcels of land in the Puget Sound, Washington, area which are currently underutilized by the Defense Department for family housing. The provision would limit the use of the proceeds of such a conveyance, which would be at no less than fair market value, to the construction of up to 350 units of military family housing to support Naval Station Puget Sound, together with associated survey costs.

The House bill contained no similar provision.

The House recedes with an amendment that would limit this authority to one parcel of land.

Conveyance of Hastings Radar Bomb Scoring Site, Nebraska (sec. 2843)

The Senate amendment contained a provision (sec. 2842) that would authorize the Secretary of the Air Force to convey to Central Community College, Hastings, Nebraska, the Defense Department's remaining interest in the former Naval Ammunition Depot, Hastings, Nebraska, which served as the support site for a radar bomb scoring unit that has been inactivated. The college would be required to pay no less than fair market value.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Abbeville, Alabama (sec. 2844)

The Senate amendment contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey, without consideration, approximately four acres of land located at Abbeville, Alabama. The land was originally donated by the City as the future site of an Army Reserve center. However, the center was not built and none is planned for the foreseeable future.

The House bill contained no similar provision.

The House recedes.

Lease of Hunters Point Naval Shipyard (sec. 2845)

The conferees understand that the Navy and the City of San Francisco, California, are continuing their efforts to consummate a long-term lease of Hunters Point Naval Shipyard, California. The authority for these negotiations was included in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-501).

The deadline for reaching a final agreement was extended until November 5, 1992, in the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102-190). Although the lease will not be finalized by this date, the conferees recognize that the Navy and City are proceeding with steps to effect a memorandum of understanding, to solicit public comments, and to complete a final lease by early 1993.

The conferees therefore recommend a provision that would extend the current deadline for executing the lease to May 30, 1993.

Termination of lease and sale of facilities, Naval Reserve Center, Atlanta, Georgia (sec. 2846)

The Senate amendment contained a provision (sec. 2844) that would authorize the Secretary of the Navy to negotiate with the Georgia Institute of Technology regarding the termination of the remaining lease by the Navy of approximately two acres of land, and the sale of a government owned Navy Reserve center on that site. The proceeds resulting from such a negotiation, to be no less than fair market value, would be used to the extent needed, to construct a new Naval Reserve center at Dobbins Air Force Base, Georgia. This center would be designed to be collocated with a Marine Corps Reserve Center which is authorized elsewhere in the Senate amendment. Should such a consolidated Marine Corps and Navy Reserve Center result from this provision, it would be under the jurisdiction of the Marine Corps Reserve.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Fort Chaffee, Arkansas (sec. 2847)

The Senate amendment contained a provision (Sec. 2845) that would authorize the Secretary of the Army to convey to the City of Fort Smith, Arkansas, approximately 400 acres of land on Fort Chaffee, Arkansas. In consideration for such a conveyance, the Army would receive in cash or in kind services, no less than fair market value.

The House bill contained no similar provision.

The House recedes.

Technical amendments regarding a land conveyance, Fort A.P. Hill, Virginia (sec. 2848)

The Senate amendment contained a provision (sec. 1078) that would make technical changes to section 603 of the Persian Gulf Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25). These changes would provide needed flexibility in time and contracting arrangements to permit the construction and operation of a regional prison facility at Fort A.P. Hill, Virginia.

The House bill contained no similar provision.

The House recedes.

Storage of hazardous materials on arsenal property in conjunction with third-party contracts (sec. 2852)

The House bill contained a provision (sec. 2843) that would amend section 2692(b) of title 10, United States Code, to provide the Secretaries of the military Services with the authority to waive the existing prohibition on the storage and disposal of toxic and hazardous materials on military installations if such material is required or generated by a private party in connection with the authorized and compatible use of an industrial facility of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit this authority to the storage of hazardous materials.

Report on continued military need for Bellows Air Force Station, Hawaii (sec. 2853)

The House bill contained a provision (sec. 2845) that would direct the Secretary of Defense to provide Congress with a report regarding the continuing military need for Bellows Air Force Station, Hawaii, and the costs and other considerations bearing on alternative sites for the activities at the station.

The Senate amendment contained no similar provision.

The Senate recedes.

Calverton, New York, Pine Barrens Preservation Act (sec. 2854)

The Senate amendment contained a provision (title XXIX) that would direct the Secretary of the Navy, should he declare any portion of the Calverton Pine Barrens as excess to the needs of the Department of the Navy, to designate this tract of approxi-

mately 3,234 acres as a nature preserve which would be restricted in any conveyance document from future commercial development.

The House bill contained no similar provision.

The House recedes.

Coastal barrier (sec. 2855)

The conferees recommend a provision that would correct the misclassification of privately owned properties made by the United States Fish and Wildlife Service during the mapping of areas suitable for addition to the coastal barrier resources system in 1990.

These privately owned parcels were incorrectly identified as "otherwise protected areas" (OPA). The designation as an OPA under the Coastal Barrier Improvement Act of 1990 is reserved for property owned by a State or local government, or properties owned by a private organization primarily for conservation purposes.

Homeowners assistance for Homestead Air Force Base personnel (sec. 2856)

The conferees recommend a provision that would provide financial assistance to Defense Department personnel who owned homes and were stationed at Homestead Air Force Base, Florida, prior to the destruction by Hurricane Andrew.

The provision would extend government assistance similar to that provided under the homeowners assistance program to individual homeowners adversely impacted by decisions to close military installations. While there has been no decision by the Defense Department to close Homestead Air Force Base, the installation has been de facto closed by the storm and its personnel have been permanently reassigned to other installations. Those personnel who own homes in the Homestead area are financially liable for their mortgages, but have been assigned elsewhere.

The provision would allow the Secretary of the Air Force to treat these homeowners in a manner similar to that provided to homeowners at installations undergoing normal base closure proceedings.

LEGISLATIVE PROVISIONS NOT ADOPTED

Transfer of maintenance and repair funding from the operation and maintenance account to the military construction account

The House bill contained three provisions (secs. 2801, 2802 and 2803) that would transfer funding of facility repair, maintenance, alteration, and minor construction in excess of $15,000 from the operation and maintenance account to the military construction account.

The Senate amendment contained no similar provisions.

The House recedes.

The Senate amendment contained a provision (sec. 2803) that would raise the threshold of minor construction projects from $300,000 to $1,000,000.

The House bill contained no similar provision.

The Senate recedes.

Currently, all repair and maintenance, and certain minor construction, are funded from within the operation and maintenance account. The Defense Department proposed that all minor construction and major repair projects valued at over $15,000 be funded within the military construction title of the bill.

The conferees agree that the Department's proposal represents a positive step towards creating a more stable, dedicated funding source for the preservation of its facility inventory. The proposal would insure that funds authorized and appropriated to support the facility infrastructure are actually used for that purpose, and not redirected to other expenses which are also funded within the operation and maintenance account. However, it would preclude the positive influx of funding into the facilities area which has occurred within some of the military Services during the last few years. The proposal would also make maintenance and repair funds available for five years, versus one year for operation and maintenance funds. This flexibility should reduce the incentive to expend funds without due diligence at the end of the fiscal year.

Given the merits of this proposal, the conferees recommend that the Department review the comments of the congressional defense committees on this matter, consider raising the threshold for repair projects funded through the military construction account to a level between $200,000 and $300,000, and resubmit this proposal with the fiscal years 1994/1995 budget submission for further consideration.

Notice and wait requirements for emergency construction

The House bill contained a provision (sec. 2804) that would amend section 2803 of title 10, United States Code, by reducing the current 21 day congressional review period to 5 days for emergency construction in cases vital to national security. The review period for emergency construction for other purposes under this authority would not be altered, nor would the $30 million annual limit for each military Service.

The Senate bill contained no similar provision.

The House recedes.

Exchange of certain real property at Marine Corps Air Station, Tustin, California, for replacement facilities

The House bill contained a provision (sec. 2831) that would authorize the Secretary of the Navy to enter into agreements to exchange approximately 1,250 acres of Marine Corps Air Station, Tustin, California, for suitable replacement facilities at Camp Pendleton and/or Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, California.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the current mechanism for funding the costs of closing bases and realigning forces, as well as for recovering the proceeds from surplus property sales through the base closure account, represents the quickest and most effective procedure to effect base closures, including MCAS Tustin. Therefore, the conferees direct the Department of Defense to program funds in the base closure account for fiscal year 1994 to begin construction of facilities at Camp Pendleton and MCAGCC Twentynine Palms to receive the forces relocating from MCAS Tustin.

The proposed process of exchanging new facilities at the gaining locations for surplus land at the closing installation is cumbersome and would likely delay the ultimate closure of MCAS Tustin, particularly in light of the requirements for environmental restoration. Further, the inference that proceeds of the sale of a Service's base should be devoted exclusively to other facility needs of that Service runs contrary to the basic intent of the base closure accounts which by design mix the assets and liabilities of all of the military services. For these reasons, the conferees believe that the special property disposal procedure proposed for MCAS Tustin would be counterproductive to the timely closure of the base, an action which both the President and the Congress have approved.

The conferees are aware of concerns that replacement facilities at Camp Pendleton and MCAGCC Twentynine Palms meet the operational and quality-of-life needs of military personnel who will be transferred to these locations from MCAS Tustin. The conferees intend that the Department of the Navy provide the Marine forces that relocate from MCAS Tustin at least the same level of facility support that they currently enjoy.

In order to meet this goal, the conferees direct the Department of Defense to establish a special monitoring system to ensure that the standards and relative capacity of facilities constructed to support this closure be at least that currently provided at MCAS Tustin.

The conferees direct the Comptroller General to perform an audit of the budget request for fiscal years 1994/1995 for the base closure account with regard to supporting the closure of MCAS Tustin. This audit shall compare the facilities proposed in this request for construction at the gaining installations to a baseline of facilities being vacated at MCAS Tustin. A report of this audit shall be provided to the Committees on Armed Services of the Senate and House of Representatives no later than 60 days after the budget request for fiscal years 1994/1995 has been submitted to Congress.

Real property transactions: reports to the Armed Services Committees

The House bill contained a provision (sec. 2841) that would amend section 2662 to title 10, United States Code, to waive the reporting requirements of certain real property transactions in the event of a declaration of war or a declaration of a national emergency by the President.

The Senate amendment contained no similar provision.

The House recedes.

Moratorium on obligation of funds for construction or acquisition of military family housing

The Senate amendment contained a provision (sec. 2804) that would prohibit the obligation of funds authorized in fiscal year 1993, as well as unobligated funds that were previously authorized, for the expansion of the family housing stock at military installations. This moratorium would remain in effect until the Department of Defense has solicited bids or proposals for the long-term lease and guaranteed rental initiatives authorized in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190).

The House bill contained no similar provision.

The Senate recedes. The conferees support the continued use of the long-term lease and guaranteed rental programs for military family housing where validated needs can be more economically met through these programs than through military construction. Last year, the authorities for these programs were codified after several years of experimentation and legislative modification. While the Budget Act of 1990 required certain changes to these authorities that may make these programs less attractive to entrepreneurs, the Department has failed to even solicit bids for the badly needed housing projects that were authorized in the National Defense Authorization Act for Fiscal Years 1992 and 1993. Without such solicitations, it is unclear whether the housing in-

dustry will favorably respond to pressing needs for military family housing within these authorities.

The conferees note that there has apparently been progress in developing guidance to proceed with solicitations under the 802 guaranteed lease program, as well as the long-term lease authority under section 2809 of title 10, United States Code. The conferees encourage the Secretary of Defense to proceed expeditiously with the solicitation of projects previously authorized under these authorities, as well as projects previously authorized under the build-to-lease authority. Several additional projects under these authorities are authorized in this act for fiscal year 1993.

Base closure account management flexibility

The Senate amendment contained a provision (sec. 2821) that would modify the two base closure accounts which were established in the Base Closure and Realignment Acts of 1988 and 1990. The provision would authorize the transfer of funds between these two accounts in order to permit proceeds accruing from earlier closures to be applied to the costs of later closures. By extending the expiration dates of both accounts, the provision would permit these funding mechanisms to be used to finance ongoing environmental restoration, community impact assistance, and property disposal expenses.

The House bill contained no similar provision.

The Senate recedes. The conferees believe that the Senate provision has merit but is not needed prior to fiscal year 1995. The Secretary of Defense is therefore encouraged to resubmit this proposal in the fiscal years 1994/1995 budget request.

Authority to transfer funds to homeowners assistance program

The Senate amendment contained a provision (sec. 2823) that would allow the Secretary of Defense to use limited, one-way transfer authority to provide funds from other available appropriations to the Homeowners Assistance Fund, Defense, to cover the expenses to the fund associated with personnel dislocations resulting from base closures and realignments.

The House bill contained no similar provision.

The Senate recedes.

Prohibition on expansion of certain military operations areas

The Senate amendment contained a provision (sec. 2863) that would direct the Secretary of the Air Force to limit expansion of military operations areas for reserve component tactical training to within the geographic boundaries of areas already approved for such training.

The House bill contained no similar provision; however similar concerns are expressed in the House report (H. Rept. 102–527).

The Senate recedes. The conferees agree with many of the concerns raised in the Senate and House reports regarding the potential environmental impact of modernizing reserve component units with high performance aircraft such as F–15 and F–16 aircraft, and the apparent lack of sensitivity to these issues in making basing decisions and training airspace modification proposals.

The conferees recognize that there are existing statutory authorities such as the National Environmental Policy Act and the Clean Air Act through which adverse environmental impacts must be identified and mitigation measures assessed. However, these statutes do not directly focus on the requirements behind proposed federal actions and often do not provide a forum to fully explore alternatives. Thus, in the case of proposals to expand military training areas to support reserve component fighter units that are receiving F–15 and F–16 aircraft, the baseline for discussion is generally the aircraft modernization action proposed by the military Service, and the training airspace modifications which then are needed.

Alternative mission locations and revised training requirements tend to become subordinated to concerns about preserving reserve component units within an era of reduced force structure, and a desire to secure training areas which will permit the highest state of readiness, even if the foreseeable threat and the training resources of such units do not currently support such high levels of training.

In the post-Cold War period of diminished threats and reduced reserve component forces, the conferees believe that decisions to introduce more capable, but environmentally intrusive weapons systems must receive substantially greater scrutiny at the beginning of the base selection process, rather than afterwards.

Finally, the conferees note that in negotiations regarding the introduction of F–16 aircraft in the northeastern United States and the associated alterations to supporting military operations areas, the Air National Guard has developed a number of mechanisms that may serve as models in designing mitigation strategies elsewhere. These initiatives include: limiting the number of military flights within a training area; dispersing flight operations in both time and location; limiting low level flying to the maximum extent possible; creating a two-tiered system of low level airspace so that the lowest altitudes authorized would only be used in times of national emergency or special exercises; and establishing a process for public input and monitoring of military operations through the use of hotlines and regular, public regional airspace committee meetings to review public concerns and airspace problems.

The conferees recommend that the Secretary of Defense make this matter an item of special consideration as the Department develops long-range basing plans. The conferees intend to also make the issue of the environmental impact of military air operations, particularly those of the reserve components, a matter of continuing oversight.

In this regard, the conferees direct the Chief of the Air National Guard to provide to the congressional defense committees a report on the effectiveness of mitigations agreed to by the Air National Guard regarding revisions in the dimensions and use of training airspace in the northeastern United States. This report shall be provided within 60 days after the first full year of operations under these altered procedures, but in no case later than June 1, 1996. This report shall include, at a minimum: the number of low-level operations in each military operations area in this region; documentation of complaints and airspace violations; measures taken by the National Guard Bureau in response to such complaints and violations; and the state of readiness of the fighter units that use the Northeastern United States as their primary training area.

Transfer of Jurisdiction of Rocky Mountain Arsenal

The Senate amendment contained provisions (secs. 2901–2905) that would direct the Secretary of the Army to transfer management responsibilities and jurisdiction of the Rocky Mountain Arsenal to the Department of Interior for the creation of a national wildlife refuge.

The House bill contained no similar provision.

The Senate recedes.

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
0	I	ALABAMA	ARMY	ANNISTON ARMY DEPOT	AMMUNITION DEMILITARIZATION FAC PHASE III....	105,300	99,300	105,300	(95,300)	10,000	
1	I	ALABAMA	ARMY	FORT MCCLELLAN	AMMO STORAGE FACILITY.....	0	2,500	0	2,500	2,500	
2	I	ALABAMA	ARMY	FORT MCCLELLAN	GENERAL INSTRUCTION BUILDING.....	0	2,050	0	2,050	2,050	
3	I	ALABAMA	ARMY	FORT MCCLELLAN	VEHICLE MAINTENANCE SHOP.....	0	1,350	0	1,350	1,350	
4	I	ALABAMA	ARMY	FORT MCCLELLAN	WASTEWATER TREATMENT PLANT.....	4,200	4,200	4,200	0	4,200	
5	I	ALABAMA	AIR FORCE	GUNTER AFB	UNDERGROUND FUEL STORAGE TANKS.....	960	960	960	0	960	
6	I	ALABAMA	AIR FORCE	MAXWELL AFB	EXTENSION OF RUNWAY.....	0	10,700	0	10,700	10,700	
7	I	ALABAMA	AIR FORCE	MAXWELL AFB	PHYSICAL FITNESS CENTER.....	0	0	9,900	9,900	9,900	
8	I	ALABAMA	ARMY NAT GRD	CULLMAN	PURCHASE BLDG FOR DAS-3 CLASS IX SUP.....	0	400	0	400	400	
9	I	ALABAMA	ARMY NAT GRD	FT. RUCKER	UTE SITE ADD.....	0	1,090	0	1,090	1,090	
10	I	ALABAMA	ARMY NAT GRD	MONTGOMERY	AVN POL JOINT USE, ANG DESIGN.....	400	400	400	0	400	
11	I	ALABAMA	ARMY NAT GRD	ONEONTA	ORGANIZATIONAL MAINTENANCE SHOP.....	0	461	0	461	461	
12	I	ALABAMA	ARMY NAT GRD	TUSCALOOSA	ARMORY.....	0	2,273	2,273	2,273	2,273	
13	I	ALABAMA	ARMY NAT GRD	UNION SPRINGS	ARMORY.....	0	813	0	813	813	
14	I	ALABAMA	AIR NAT GRD	BIRMINGHAM	FIRE STATION.....	0	2,100	0	2,100	2,100	
15	I	ALABAMA	AIR NAT GRD	BIRMINGHAM MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS.....	500	500	500	0	500	
16	I	ALABAMA	AIR NAT GRD	BIRMINGHAM	ROAD RELOCATION.....	0	0	6,200	6,200	6,200	
17	I	ALABAMA	AIR NAT GRD	BIRMINGHAM	VEHICLE MAINTENANCE SHOP.....	0	2,300	0	2,300	2,300	
18	I	ALASKA	ARMY	FORT WAINWRIGHT	FIRE SUPPRESSION SYSTEM.....	0	0	3,950	3,950	3,950	
19	I	ALASKA	NAVY	ADAK NAVAL AIR STATION	BACHELOR ENLISTED QUARTERS.....	8,750	0	8,750	(8,750)	0	1/
20	I	ALASKA	AIR FORCE	CLEAR AFS	UNDERGROUND FUEL STORAGE TANKS.....	2,250	2,250	2,250	0	2,250	
21	I	ALASKA	AIR FORCE	ELMENDORF AFB	UNDERGROUND FUEL STORAGE TANKS.....	4,600	4,600	4,600	0	4,600	
22	I	ALASKA	AIR FORCE	KING SALMON AIRPORT	UNDERGROUND FUEL STORAGE TANKS.....	6,400	6,400	6,400	0	6,400	
23	I	ALASKA	AIR FORCE	EIELSON AFB	AIRCRAFT SHELTERS.....	0	0	27,000	27,000	27,000	
24	I	ALASKA	AIR FORCE	EIELSON AFB	HYDRANT FUEL SYSTEM.....	11,400	0	11,400	0	11,400	
25	I	ALASKA	AIR FORCE	EIELSON AFB	UNDERGROUND FUEL STORAGE TANKS.....	2,550	2,550	2,550	0	2,550	
26	I	ALASKA	AIR FORCE	ELMENDORF AFB	AIRCRAFT SHELTERS.....	0	0	16,000	16,000	16,000	
27	I	ALASKA	AIR FORCE	ELMENDORF AFB	FIRE TRAINING FACILITY.....	1,950	1,950	1,950	0	1,950	
28	I	ALASKA	AIR FORCE	GALENA AIRPORT	UNDERGROUND FUEL STORAGE TANKS.....	4,850	4,850	4,850	0	4,850	
29	I	ALASKA	AIR FORCE	SHEMYA AFB	WASTE MANAGEMENT FACILITY.....	3,350	3,350	3,350	0	3,350	
30	I	ALASKA	DEFENSE AGENCIES	ELMENDORF AFB	HOSPITAL REPLACEMENT PHASE I.....	0	0	25,000	15,000	15,000	
31	I	ALASKA	AIR NAT GRD	EIELSON AFB	VEHICLE MAINTENANCE FACILITY.....	0	0	4,500	4,500	4,500	
32	I	ALASKA	AIR NAT GRD	KULIS ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS.....	310	310	310	0	310	
33	I	ARIZONA	ARMY	FORT HUACHUCA	INTELLIGENCE FACILITY.....	0	0	5,300	0	0	1/
34	I	ARIZONA	ARMY	FORT HUACHUCA	ROAD IMPROVEMENTS.....	0	3,350	0	0	0	1/
35	I	ARIZONA	AIR FORCE	DAVIS MONTHAN AFB	DORMITORY.....	0	3,500	3,500	3,500	3,500	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
36	I	ARIZONA	AIR FORCE	LIBBY ARMY AIR FIELD	UPGRADE AIRFIELD PAVEMENTS	15,300	15,300	15,300	0	15,300	
37	I	ARIZONA	AIR FORCE	LUKE AFB	BOQ	0	0	2,950	2,950	2,950	
38	I	ARIZONA	AIR FORCE	NAVAJO ARMY DEPOT	MINUTEMAN-VARIOUS FACILITIES	3,900	3,900	3,900	0	3,900	
39	I	ARIZONA	ARMY NAT GRD	W. ARNG AVIATION TRNG SITE, MARANA	DORMITORY/DINING FACILITY	0	2,900	0	0	0	1/
40	I	ARIZONA	ARMY NAT GRD	W. ARNG AVIATION TRNG SITE, MARANA	PICACHO PEAK STAGEFIELD	0	3,041	0	3,041	3,041	
41	I	ARIZONA	AIR NAT GRD	TUCSON INTERNATIONAL AIRPORT	JET FUEL STORAGE COMPLEX	0	7,200	0	7,200	7,200	
42	I	ARIZONA	AIR FORCE RESERVE	DAVIS-MONTHAN AFB	ADAL AIRCRAFT MAINTENANCE FACILITY	0	0	1,500	1,500	1,500	
43	I	ARIZONA	AIR FORCE RESERVE	DAVIS-MONTHAN AFB	MUNITIONS MAINTENANCE & STORAGE	0	0	930	930	930	
44	I	ARKANSAS	ARMY	PINE BLUFF ARSENAL	AMMUNITION DEMILITARIZATION SUPPORT FAC	15,000	15,000	15,000	0	15,000	
45	I	ARKANSAS	ARMY	PINE BLUFF ARSENAL	HAZARDOUS WASTE LANDFILL EXPANSION	11,800	11,800	11,800	0	11,800	
46	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	FIRE TRAINING FACILITY	710	710	710	0	710	
47	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	AEROMEDICAL STAGING FACILITY	1,250	0	1,250	0	1,250	
48	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	SPECIAL OPERATIONS FACILITY	950	0	950	0	950	
49	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	SPECIAL OPERATIONS FACILITY	950	0	950	0	950	
50	I	CALIFORNIA	ARMY	SIERRA ARMY DEPOT	AMMUNITION SURVEILLANCE FACILITY	2,450	2,450	2,450	0	2,450	
51	I	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	ELECTRICAL DISTRIBUTION SYSTEM UPGRADE	3,800	3,800	3,800	0	3,800	
52	I	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	MESS HALL EXPANSION	1,960	1,960	1,960	0	1,960	
53	I	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	SEWAGE TREATMENT PLANT MODIFICATIONS	19,740	19,740	19,740	0	19,740	
54	I	CALIFORNIA	NAVY	LEMOORE NAVAL AIR STATION	BATTERY SHOP	680	680	680	0	680	
55	I	CALIFORNIA	NAVY	MARE ISLAND NAVAL SHIPYARD	HAZARDOUS MATERIAL STORAGE FACILITY	0	8,000	0	8,000	8,000	
56	I	CALIFORNIA	NAVY	MIRAMAR NAVAL AIR STATION	FIXED POINT UTILITY SYSTEM	0	9,700	0	9,700	9,700	
57	I	CALIFORNIA	NAVY	PORT HUENEME NAVAL CONSTR BATTALION	BACHELOR ENLISTED QUARTERS	9,000	9,000	9,000	0	9,000	
58	I	CALIFORNIA	NAVY	PORT HUENEME NAVAL CONSTR BATTALION	HAZARDOUS AND FLAMMABLE STOREHOUSE	5,300	5,300	5,300	0	5,300	
59	I	CALIFORNIA	NAVY	SEAL BEACH NAVAL WEAPONS STATION	ORDNANCE TRANSFER FACILITY	2,150	2,150	2,150	0	2,150	
60	I	CALIFORNIA	NAVY	TWENTYNINE PALMS MARCORP AIR-GRND	CNON-POTABLE WATER SYSTEM IMPROVEMENTS	4,600	4,600	4,600	0	4,600	
61	I	CALIFORNIA	AIR FORCE	BEALE AFB	FIRE TRAINING FACILITY	1,250	1,250	1,250	0	1,250	
62	I	CALIFORNIA	AIR FORCE	BEALE AFB	SECURITY POLICE OPS FACILITY	0	4,350	0	4,350	4,350	
63	I	CALIFORNIA	AIR FORCE	EDWARDS AFB	WASTEWATER TREATMENT PLANT	19,500	19,500	19,500	0	19,500	
64	I	CALIFORNIA	AIR FORCE	EDWARDS AFB	UNDERGROUND FUEL STORAGE TANKS	5,000	0	5,000	0	5,000	
65	I	CALIFORNIA	AIR FORCE	MARCH AFB	UNDERGROUND FUEL STORAGE TANKS	2,250	2,250	2,250	0	2,250	
66	I	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	PLATING SHOP	0	7,000	0	7,000	7,000	
67	I	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	UNDERGROUND FUEL STORAGE TANKS	1,150	1,150	1,150	0	1,150	
68	I	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	UPGRADE INDUST WASTEWATER COLLECTION SYS	1,750	1,750	1,750	0	1,750	
69	I	CALIFORNIA	AIR FORCE	TRAVIS AFB	DORM RENOVATION	0	10,800	0	10,800	10,800	
70	I	CALIFORNIA	AIR FORCE	TRAVIS AFB	UPGRADE SANITARY SEWER MAINS	880	880	880	0	880	
71	I	CALIFORNIA	AIR FORCE	VANDENBERG AFB	UPGRADE ELECTRICAL POWER UTILITY SYSTEM	6,100	6,100	6,100	0	6,100	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
72	I	CALIFORNIA	AIR FORCE	VANDENBERG AFB	UPGRADE FIRE PROTECTION SYSTEM	4,150	4,150	4,150	0	4,150	
73	I	CALIFORNIA	AIR FORCE	VANDENBERG AFB	WATER SUPPLY (STATE TIE-IN)	16,000	16,000	16,000	0	16,000	
74	I	CALIFORNIA	DEFENSE AGENCIES	BEALE AFB	HOSPITAL LIFE SAFETY UPGRADE	0	3,500	0	3,500	3,500	
75	I	CALIFORNIA	DEFENSE AGENCIES	MARCH AFB	CMF ADD/ALT LSU/UTILITIES	18,000	18,000	18,000	0	18,000	
76	I	CALIFORNIA	ARMY NAT GRD	FRESNO AVIATION DEPOT	REPAIR & CONSTRUCTION OF HELICOPTER PADS	0	901	901	901	901	
77	I	CALIFORNIA	ARMY NAT GRD	LAKEPORT	ARMORY	0	1,580	0	1,580	1,580	
78	I	CALIFORNIA	ARMY NAT GRD	LOS ALAMITOS AFRC	JP-4 FUEL TANK REPLACEMENTS	0	1,553	1,553	1,553	1,553	
79	I	CALIFORNIA	ARMY NAT GRD	STOCKTON	ADD/ALTER CSMS	0	1,613	0	0	0	10/
80	I	COLORADO	ARMY	FITZSIMONS AMC	CENTRAL ENERGY PLANT	0	19,400	0	19,400	19,400	
81	I	COLORADO	ARMY	FITZSIMONS AMC	ENGINEER FACILITY	0	6,000	0	6,000	6,000	
82	I	COLORADO	AIR FORCE	PETERSON AFB	ADD TO AND ALTER DORMITORY	3,500	3,500	3,500	0	3,500	
83	I	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	BASE OPERATIONS FACILITY	1,650	1,650	0	0	1,650	
84	I	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	UNDERGROUND FUEL STORAGE TANKS	960	960	960	0	960	
85	I	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	UPGRADE ENERGY MANAGEMENT & CONTROL SYS	1,650	1,650	1,650	0	1,650	
86	I	COLORADO	DEFENSE AGENCIES	FITZSIMONS AMC	SITE WORK	0	2,000	0	2,000	2,000	
87	I	COLORADO	AIR NAT GRD	BUCKLEY ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS	800	800	800	0	800	
88	I	COLORADO	AIR NAT GRD	BUCKLEY ANGB	UGRADE UTILITIES/INFRASTRUCTURE	0	12,000	0	12,000	12,000	
89	I	COLORADO	AIR FORCE RESERVE	PETERSON AFB	AVIONICS FACILITY	0	0	1,300	1,300	1,300	
90	I	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	SUBMARINE DRYDOCK PIER	12,500	12,500	12,500	0	12,500	
91	I	CONNECTICUT	AIR NAT GRD	BRADLEY FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,200	1,200	1,200	0	1,200	
92	I	CONNECTICUT	AIR NAT GRD	ORANGE ANGS	REPLACE UNDERGROUND FUEL STORAGE TANKS	800	800	800	0	800	
93	I	DELAWARE	AIR FORCE	DOVER AFB	DORMITORY	3,900	3,900	7,800	0	3,900	
94	I	DELAWARE	AIR FORCE	DOVER AFB	FIRE TRAINING FACILITY	910	910	910	0	910	
95	I	DELAWARE	AIR FORCE	DOVER AFB	HYDRANT FUELING SYSTEM	14,600	14,600	14,600	0	14,600	
96	I	DELAWARE	AIR FORCE	DOVER AFB	UNDERGROUND FUEL STORAGE TANKS	1,850	1,850	1,850	0	1,850	
97	I	DISTRICT OF COLUMBIA	AIR FORCE	BOLLING AFB	CIVIL ENGINEER COMPLEX	0	9,400	0	9,400	9,400	
98	I	DISTRICT OF COLUMBIA	DEFENSE AGENCIES	WALTER REED ARMY MEDICAL CENTER	ARMY INSTITUTE OF RESEARCH PHASE I	13,300	13,300	0	0	13,300	
99	I	FLORIDA	NAVY	CECIL FIELD NAVAL AIR STATION	JET ENGINE TEST CELL	5,850	5,850	5,850	0	5,850	
100	I	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	WASTEWATER TREATMENT SYSTEM	5,300	5,300	5,300	0	5,300	
101	I	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	REPLACE CHILLER PLANT	2,500	2,500	2,500	0	2,500	
102	I	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	CENTAUR PROCESSING BUILDING	33,000	33,000	33,000	0	33,000	
103	I	FLORIDA	AIR FORCE	EGLIN AFB	CLIMATIC TEST CHAMBER PHASE I	32,000	32,000	32,000	(27,000)	5,000	
104	I	FLORIDA	AIR FORCE	EGLIN AFB	FIRE TRAINING FACILITY	770	770	770	0	770	
105	I	FLORIDA	AIR FORCE	EGLIN AFB	UPGRADE WASTEWATER TREATMENT PLANT	910	910	910	0	910	
106	I	FLORIDA	AIR FORCE	HOMESTEAD AFB	FIRE TRAINING FACILITY	1,200	1,200	1,200	(1,200)	0	2/
107	I	FLORIDA	AIR FORCE	PATRICK AFB	REGIONAL SEWER CONNECTION	7,700	7,700	7,700	0	7,700	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
108	I	FLORIDA	DEFENSE AGENCIES	HOMESTEAD AFB	PHASE II HOSPITAL CONSTRUCTION	0	10,000	0	0	0	2/
109	I	FLORIDA	ARMY NAT GRD	CAMP BLANDING	MOUT RANGE	0	2,400	2,452	2,452	2,452	
110	I	FLORIDA	ARMY NAT GRD	CAMP BLANDING	BACHELOR OFFICER/ENLISTED QUARTERS	0	958	958	958	958	
111	I	FLORIDA	ARMY NAT GRD	CEDAR HILLS, JACKSONVILLE	ARMORY EXPANSION	0	1,457	0	1,457	1,457	
112	I	FLORIDA	ARMY NAT GRD	CRAIG FIELD, JACKSONVILLE	ARMORY EXPANSION	0	1,682	0	1,682	1,682	
113	I	FLORIDA	ARMY NAT GRD	CRAIG FIELD, JACKSONVILLE	ORGANIZATIONAL MAINTENANCE SHOP EXPANSION	0	368	0	368	368	
114	I	FLORIDA	AIR FORCE RESERVE	HOMESTEAD AFB	SQUADRON OPERATIONS FACILITY	1,300	1,300	1,300	(1,300)	0	2/
115	I	FLORIDA	AIR FORCE RESERVE	HOMESTEAD AFB	CONSTRUCT HANGAR	3,180	3,180	3,180	(3,180)	0	2/
116	I	GEORGIA	ARMY	FT. GILLEM	WATER IMPROVEMENTS	0	2,700	2,700	2,700	2,700	
117	I	GEORGIA	ARMY	FORT GORDON	CONSOLIDATED MAINTENANCE FACILITY PHASE I	0	0	23,000	23,000	23,000	
118	I	GEORGIA	ARMY	FORT MCPHERSON	BARRACKS AND DINING HALL	0	0	10,200	10,200	10,200	
119	I	GEORGIA	ARMY	HUNTER ARMY AIRFIELD	TACTICAL EQUIPMENT SHOP	0	5,400	5,400	5,400	5,400	
120	I	GEORGIA	NAVY	ALBANY MARINE CORPS LOGISTICS BASE	ABRASIVE BLAST FACILITY	4,100	4,100	4,100	0	4,100	
121	I	GEORGIA	NAVY	ALBANY MARINE CORPS LOGISTICS BASE	UPGRADE HAZARDOUS STORAGE WAREHOUSE	0	0	2,700	2,700	2,700	
122	I	GEORGIA	AIR FORCE	MOODY AFB	FIRE TRAINING FACILITY	780	780	780	0	780	
123	I	GEORGIA	AIR FORCE	MOODY AFB	FUEL CELL/NOSE DOCK (C-130)	0	0	3,600	3,600	3,600	
124	I	GEORGIA	AIR FORCE	ROBBINS AFB	JSTARS RAMP & HYDRANT SYSTEM	0	0	9,700	9,700	9,700	
125	I	GEORGIA	AIR FORCE	ROBBINS AFB	JSTARS SECURITY IMPROVEMENT	0	0	1,800	1,800	1,800	
126	I	GEORGIA	ARMY NAT GRD	BARNESVILLE	ARMORY ACQUISITION	0	0	350	350	350	
127	I	GEORGIA	AIR NAT GRD	SAVANNAH MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	740	740	740	0	740	
128	I	GEORGIA	NAVY RESERVE	DOBBINS AFB	MARINE CORPS/ NAVY RESERVE CENTER	0	0	5,500	5,500	5,500	
129	I	HAWAII	ARMY	SCHOFIELD BARRACKS	ADAL SEWAGE TREATMENT PLANT	0	0	17,500	17,500	17,500	
130	I	HAWAII	ARMY	SCHOFIELD BARRACKS	CHILD DEVELOPMENT CENTER	5,800	5,800	5,800	0	5,800	
131	I	HAWAII	NAVY	BARKING SANDS PACIFIC MISSILE RANGE	AIRCRAFT PARKING APRON	4,580	4,580	4,580	0	4,580	
132	I	HAWAII	NAVY	HONOLULU NAVAL COM AREA MASTER STA	ANTENNA SAFETY IMPROVEMENTS	1,400	1,400	1,400	0	1,400	
133	I	HAWAII	NAVY	PEARL HARBOR NAVAL SUPPLY CENTER	HAZARDOUS AND FLAMMABLE STOREHOUSE	1,300	1,300	1,300	0	1,300	
134	I	HAWAII	NAVY	PEARL HARBOR NAVAL SUPPLY CENTER	OIL SPILL PREVENTION	6,400	6,400	5,400	(1,000)	5,400	
135	I	HAWAII	NAVY	PEARL HARBOR NAVY PUBLIC WORKS CENT	WASTEWATER TREATMENT PLANT IMPVS	24,900	24,900	24,900	0	24,900	
136	I	HAWAII	DEFENSE AGENCIES	BARKING SANDS	LAND EASEMENT	5,400	5,400	2,500	(2,900)	2,500	
137	I	IDAHO	AIR NAT GRD	BOISE AIRPORT	ARM/DISARM PADS	0	0	1,550	1,550	1,550	
138	I	IDAHO	AIR NAT GRD	BOISE AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	900	900	900	0	900	
139	I	ILLINOIS	AIR FORCE	SCOTT AFB	FIRE TRAINING FACILITY	960	960	960	0	960	
140	I	ILLINOIS	AIR NAT GRD	CAPITAL MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	750	750	750	0	750	
141	I	ILLINOIS	AIR NAT GRD	GREATER PEORIA	VEHICLE MAINTENANCE FACILITY	0	2,200	0	2,200	2,200	
142	I	ILLINOIS	AIR NAT GRD	GREATER PEORIA	CIVIL ENGINEERING SHOP	0	2,200	0	2,200	2,200	
143	I	ILLINOIS	AIR NAT GRD	GREATER PEORIA	SITE PREPARATION	0	1,550	0	1,550	1,550	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT
144	I	ILLINOIS	AIR NAT GRD	O'HARE AIRPORT	REPAIR AIRCRAFT RAMP	0	0	5,200	5,200	5,200
145	I	ILLINOIS	NAVY RESERVE	NAS GLENVIEW	CHILD DEVELOPMENT CENTER	0	0	1,800	1,800	1,800
146	I	ILLINOIS	NAVY RESERVE	NAS GLENVIEW	FUEL FARM MODS	6,500	6,500	6,500	0	6,500
147	I	ILLINOIS	AIR FORCE RESERVE	O'HARE AIRPORT	AIRCRAFT GROUND EQUIPMENT SHOP	0	0	1,700	1,700	1,700
148	I	INDIANA	NAVY	NSWC, CRANE	MICROWAVE COMPONENT CENTER	0	6,000	0	6,000	6,000
149	I	INDIANA	ARMY NAT GRD	FORT WAYNE	ARMORY	0	3,393	3,393	3,393	3,393
150	I	INDIANA	ARMY NAT GRD	FORT WAYNE	OMS	0	862	892	862	862
151	I	INDIANA	AIR NAT GRD	FORT WAYNE	RUNWAY IMPROVEMENTS	0	6,039	0	6,039	6,039
152	I	IOWA	ARMY NAT GRD	CAMP DODGE	EQUIPMENT MAINTENANCE SHOP	0	2,687	0	2,687	2,687
153	I	IOWA	ARMY NAT GRD	CAMP DODGE	BU COMPLEX I	0	4,600	0	4,600	4,600
154	I	IOWA	AIR NAT GRD	DES MOINES	ADD/ALTER OPS FACILITY	0	5,150	0	5,150	5,150
155	I	IOWA	AIR NAT GRD	SIOUX CITY MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,200	1,200	1,200	0	1,200
156	I	IOWA	AIR NAT GRD	SIOUX GATEWAY AIRPORT	ADD/ALT FUEL CELL/CORROSION HANGAR BAY	0	1,850	1,850	1,850	1,850
157	I	IOWA	AIR NAT GRD	SIOUX GATEWAY AIRPORT	ADD/ALT SQUADRON OPERATIONS FACILITY	0	920	920	920	920
158	I	IOWA	AIR NAT GRD	SIOUX GATEWAY AIRPORT	ALT COMPOSITE DINING HALL/MEDICAL TRNG FAC	0	1,200	0	1,200	1,200
159	I	KANSAS	ARMY	FORT RILEY	RAIL HEAD	0	0	13,200	13,200	13,200
160	I	KANSAS	AIR FORCE	MCCONNELL AFB	FIRE TRAINING FACILITY	960	960	960	0	960
161	I	KANSAS	ARMY NAT GRD	GREAT BEND	ARMORY	0	0	1,570	1,570	1,570
162	I	KANSAS	ARMY NAT GRD	OTTAWA	ARMORY	0	0	397	397	397
163	I	KANSAS	AIR NAT GRD	FORBES FIELD	JET FUEL STORAGE COMPLEX	4,500	4,500	4,500	0	4,500
164	I	KENTUCKY	ARMY	FORT KNOX	WATER STORAGE TANKS	0	4,350	4,350	4,350	4,350
165	I	KENTUCKY	ARMY	FORT KNOX	AIRFIELD REVITALIZATION	0	7,100	7,100	7,100	7,100
166	I	KENTUCKY	ARMY	FORT KNOX	ELECTRICAL DISTRIBUTION IMPROVEMENT PROJECT	0	4,150	4,150	4,150	4,150
167	I	KENTUCKY	AIR NAT GRD	STANDIFORD AIRPORT	RELOCATION, PHASE III	0	0	5,000	5,000	5,000
168	I	LOUISIANA	ARMY	FORT POLK	AIRFIELD SAFETY UPGRADE	7,400	7,400	7,400	0	7,400
169	I	LOUISIANA	AIR FORCE	BARKSDALE AFB	REPLACE APRON & HYDRANT SYSTEM PHASE I	0	0	25,800	14,000	14,000
170	I	LOUISIANA	AIR FORCE	BARKSDALE AFB	FIRE TRAINING FACILITY	820	820	820	0	820
171	I	LOUISIANA	AIR FORCE	BARKSDALE AFB	UNDERGROUND FUEL STORAGE TANKS	2,500	2,500	2,500	0	2,500
172	I	LOUISIANA	ARMY NAT GRD	INDEPENDENCE	ARMORY	0	0	1,300	1,300	1,300
173	I	LOUISIANA	ARMY NAT GRD	LAFAYETTE	OMS	0	0	1,000	1,000	1,000
174	I	LOUISIANA	ARMY NAT GRD	BALL	RENOVATE BARRACKS	0	0	400	400	400
175	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	ADD/ALTER FACILITIES FOR CONVERSION	2,300	2,300	2,300	0	2,300
176	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	AIRCRAFT ENGINE & INSPECTION SHOP	2,600	2,600	2,600	0	2,600
177	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	AIRCRAFT HANGAR FIRE PROTECTION	1,000	1,000	1,000	0	1,000
178	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	AVIONICS FACILITY	0	0	2,300	2,300	2,300
179	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	SOUND SUPPRESSOR	1,100	1,100	1,100	0	1,100

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
180	I	MAINE	AIR NAT GRD	BANGOR INTERNATIONAL AIRPORT	AIRFIELD IMPROVEMENTS	0	17,300	17,300	17,300	17,300	
181	I	MARYLAND	ARMY	ABERDEEN PROVING GROUND	FIRE/SECURITY STATION	0	0	3,400	3,400	3,400	
182	I	MARYLAND	NAVY	BETHESDA NAVAL MEDICAL RESEARCH INS	APPLICATIONS LABORATORY	5,600	0	0	(5,600)	0	1/
183	I	MARYLAND	NAVY	NOS, INDIANHEAD	IMPROVE CAD/PAD FACILITY	0	5,300	5,600	5,600	5,600	
184	I	MARYLAND	NAVY	NOS, INDIANHEAD	CHILD CARE FACILITY	0	2,290	0	2,290	2,290	
185	I	MARYLAND	NAVY	PATUXENT NAVAL AIR STATION	LARGE ANECHOIC CHAMBER - PHASE I	0	10,000	0	10,000	10,000	
186	I	MARYLAND	NAVY	U. S. NAVAL ACADEMY	VISITOR'S CENTER	0	4,500	0	4,500	4,500	
187	I	MARYLAND	NAVY	U. S. NAVAL ACADEMY	FITNESS CENTER	0	6,500	0	6,500	6,500	
188	I	MARYLAND	AIR FORCE	ANDREWS AFB	WASTEWTR SYS REGIONAL CONNECTN-BRANDYWINE	400	400	400	0	400	
189	I	MARYLAND	AIR FORCE	ANDREWS AFB	WASTEWTR TREATMT/DISP PLANT-DAVIDSONVILLE	420	420	420	0	420	
190	I	MARYLAND	DEFENSE AGENCIES	FORT MEADE	HEADQUARTERS FIRE EVACUATION ALARM SYSTEM	400	400	400	0	400	
191	I	MARYLAND	DEFENSE AGENCIES	FORT MEADE	OPSI UTILITY DISTRIBUTION UPGRADE	6,300	6,300	6,300	0	6,300	
192	I	MASSACHUSETTS	AIR FORCE	HANCSCOM AFB	CHILD DEVELOPMENT CENTER	0	0	4,200	4,200	4,200	
193	I	MASSACHUSETTS	ARMY NAT GRD	CAMP EDWARDS	TRNG SITE FUEL DISP FACIL	500	500	500	0	500	
194	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	ADAL FUEL CELL/CORROSION CONTROL	0	0	1,400	1,400	1,400	
195	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	AVIONICS/WEAPONS SHOP	0	0	1,500	1,500	1,500	
196	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	ENGINE SHOP	0	0	800	800	800	
197	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,100	1,100	1,100	0	1,100	
198	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	SQUADRON OPERATIONS	0	0	900	900	900	
199	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	MUNITIONS STORAGE/MAINTENANCE	0	0	3,650	3,650	3,650	
200	I	MASSACHUSETTS	AIR NAT GRD	OTIS ANGB	ALTER WASTE WATER TREATMENT PLANT	15,000	15,000	15,000	0	15,000	
201	I	MASSACHUSETTS	AIR NAT GRD	OTIS ANGB	CLINIC	0	0	1,600	1,600	1,600	
202	I	MASSACHUSETTS	AIR NAT GRD	WORCESTER ANGS	REPLACE UNDERGROUND FUEL STORAGE TANKS	350	350	350	0	350	
203	I	MICHIGAN	AIR NAT GRD	PHELPS COLLINS APT	ALTER BARRACKS	0	0	3,800	3,800	3,800	
204	I	MICHIGAN	AIR NAT GRD	SELFRIDGE ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS	800	800	800	0	800	
205	I	MICHIGAN	AIR NAT GRD	SELFRIDGE ANGB	UPGRADE STORM DRAINAGE SYSTEM	600	600	600	0	600	
206	I	MICHIGAN	AIR NAT GRD	WK KELLOGG REGIONAL AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,150	1,150	1,150	0	1,150	
207	I	MICHIGAN	AIR FORCE RESERVE	SELFRIDGE ANGB	ADAL FACILITIES FOR CONVERSION	0	0	2,400	2,400	2,400	
208	I	MICHIGAN	AIR FORCE RESERVE	SELFRIDGE ANGB	ADAL FUEL SYSTEMS MAINTENANCE HANGAR	0	0	1,500	1,050	1,050	
209	I	MICHIGAN	AIR FORCE RESERVE	SELFRIDGE ANGB	HYDRANT FUEL SYSTEM	2,500	2,500	2,500	0	2,500	
210	I	MINNESOTA	ARMY NAT GRD	CAMP RIPLEY	COMBINED SUPPORT MAINTENANCE SHOP	0	7,100	0	7,100	7,100	
211	I	MINNESOTA	ARMY NAT GRD	CAMP RIPLEY	UTILITY SYSTEMS REPAIR	0	5,800	0	5,400	5,400	
212	I	MINNESOTA	ARMY NAT GRD	ROSEMONT	OMS	0	0	2,800	1,200	1,200	
213	I	MINNESOTA	AIR NAT GRD	MINN-ST PAUL IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	850	850	850	0	850	
214	I	MISSISSIPPI	NAVY	GULFPORT	APPLIED INSTRUCTION BUILDING	0	0	4,650	4,650	4,650	
215	I	MISSISSIPPI	NAVY	NAS MERIDIAN	CHILD DEVELOPMENT CENTER	0	1,100	0	1,100	1,100	

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#	I/O	LOCATION	SERVICE	INSTALLATION
216	I	MISSISSIPPI	AIR FORCE	KEESLER AFB
217	I	MISSISSIPPI	AIR FORCE	KEESLER AFB
218	I	MISSISSIPPI	AIR FORCE	KEESLER AFB
219	I	MISSISSIPPI	AIR FORCE	KEESLER AFB
220	I	MISSISSIPPI	ARMY NAT GRD	CAMP MCCAIN
221	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY
222	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY
223	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY
224	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY
225	I	MISSISSIPPI	ARMY NAT GRD	MERIDIAN
226	I	MISSISSIPPI	AIR NAT GRD	GULFPORT
227	I	MISSISSIPPI	AIR NAT GRD	KEY FIELD
228	I	MISSISSIPPI	AIR NAT GRD	KEY FIELD
229	I	MISSISSIPPI	AIR NAT GRD	THOMPSON FIELD
230	I	MISSOURI	AIR FORCE	WHITEMAN AFB
231	I	MISSOURI	AIR FORCE	WHITEMAN AFB
232	I	MISSOURI	AIR FORCE	WHITEMAN AFB
233	I	MISSOURI	AIR FORCE	WHITEMAN AFB
234	I	MISSOURI	AIR FORCE	WHITEMAN AFB
235	I	MISSOURI	AIR FORCE	WHITEMAN AFB
236	I	MISSOURI	AIR FORCE	WHITEMAN AFB
237	I	MISSOURI	AIR FORCE	WHITEMAN AFB
238	I	MISSOURI	AIR FORCE	WHITEMAN AFB
239	I	MISSOURI	AIR FORCE	WHITEMAN AFB
240	I	MISSOURI	AIR FORCE	WHITEMAN AFB
241	I	MISSOURI	DEFENSE AGENCIES	FORT LEONARD WOOD
242	I	MISSOURI	ARMY NAT GRD	CAMP CROWDER
243	I	MISSOURI	ARMY NAT GRD	WHITEMAN AFB
244	I	MONTANA	AIR FORCE	MALMSTROM AFB
245	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP
246	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP
247	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP
248	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP
249	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP
250	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP
251	I	NEBRASKA	AIR FORCE	OFFUTT AFB

PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
ADD/ALTER CHILDCARE CENTER	0	2,650	0	2,650	2,650	
ALTER STUDENT DORMITORY	3,900	3,900	3,900	0	3,900	
TV SYSTEM TRAINING FACILITY	0	0	290	290	290	
VISUAL INFORMATION TRAINING FACILITY	0	0	6,400	6,400	6,400	
DEFENSE ACCESS ROAD	0	18,300	19,000	19,000	19,000	
MULTIPURPOSE RANGE	0	0	4,000	4,000	4,000	
MODIFY RANGE #1	0	0	675	675	675	
MODIFY RANGE #2	0	0	675	675	675	
COMBINED SUPPORT FACILITY	0	0	5,400	5,400	5,400	
ADD/ALTER AVIATION SUPPORT FACILITY	0	1,900	0	1,900	1,900	
RAMP UPGRADE	0	0	10,800	10,800	10,800	
ADD TO AND ALTER SQUADRON OPERATIONS FAC	930	930	930	0	930	
FIRE STATION	1,250	1,250	1,250	0	1,250	
ADD/ALTER VEHICLE MAINTENANCE SHOP	0	1,300	0	1,300	1,300	
B-2 ADD/ALTER COMMUNICATIONS CENTER	2,700	0	2,700	0	2,700	
B-2 HYDRANT FUELING SYSTEM	14,200	14,200	14,200	0	14,200	
B-2 ADD TO AND ALTER CHILD DEVELOPMENT CTR	970	970	970	0	970	
B-2 ADD TO AND ALTER UTILITY SYSTEMS	6,800	6,800	6,800	0	6,800	
B-2 AIRCRAFT APRON, TAXIWAY, & CONVOY RDS	11,400	11,400	11,400	0	11,400	
B-2 AIRCRAFT MAINTENANCE DOCKS	14,000	0	14,000	0	14,000	
B-2 AIRCRAFT MAINTENANCE DOCKS	14,000	14,000	14,000	0	14,000	
B-2 GENERAL REDUCTION	0	0	(20,000)	(20,000)	(20,000)	
B-2 HYDRANT FUELING HARDSTANDS/PITS	9,700	9,700	9,700	0	9,700	
B-2 WEAPONS STORAGE FACILITIES	6,400	6,400	6,400	0	6,400	
UNDERGROUND FUEL STORAGE TANKS	2,100	2,100	2,100	0	2,100	
TROOP MEDICAL CLINIC	3,000	3,000	3,000	0	3,000	
ADMINISTRATION/CLASSROOM	0	0	421	421	421	
ARMORY	0	2,900	2,879	2,400	2,400	
FIRE TRAINING FACILITY	1,100	1,100	1,100	0	1,100	
ADAL WEAPONS RELEASE	0	0	800	800	800	
ADD/ALTER AIRCRAFT SUPPORT EQUIP SHOP	600	600	600	0	600	
ADD TO AND ALTER MAINTENANCE HANGAR SHOP	2,800	2,800	0	(2,800)	0	3/
ARM/DISARM PADS	0	0	1,000	1,000	1,000	
FIRE SUPPRESSION SYSTEM	0	0	1,000	1,000	1,000	
UPGRADE FIRE STATION	700	700	700	0	700	
FIRE TRAINING FACILITY	840	840	840	0	840	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
252	I	NEBRASKA	AIR FORCE	OFFUTT AFB	HAZARDOUS MATERIALS STORAGE FACILITY	1,350	1,350	1,350	0	1,350	
253	I	NEBRASKA	AIR FORCE	OFFUTT AFB	UNDERGROUND FUEL STORAGE TANKS	2,050	2,050	2,050	0	2,050	
254	I	NEBRASKA	AIR FORCE	OFFUTT AFB	UPGRADE SANITARY/STORM SEWER SYSTEMS	1,950	1,950	1,950	0	1,950	
255	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	ALTER SUPPLY & COMMUNICATIONS	0	0	2,400	2,400	2,400	
256	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	DINING HALL	1,500	1,500	1,500	0	1,500	
257	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	FUEL SYSTEMS MAINTENANCE DOCK	0	0	4,675	4,675	4,675	
258	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	SQUADRON OPERATIONS	0	0	3,100	3,100	3,100	
259	I	NEVADA	AIR FORCE	NELLIS AFB	AIRCRAFT LOADING APRON PHASES II & III	0	7,950	4,000	7,950	7,950	
260	I	NEVADA	AIR FORCE	NELLIS AFB	FIRE TRAINING FACILITY	780	780	780	0	780	
261	I	NEVADA	AIR FORCE	NELLIS AFB	WASTEWATER SEWER EFFLUENT SYSTEM	2,200	2,200	2,200	0	2,200	
262	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	ARMORY	0	5,530	5,530	4,100	4,100	
263	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	ORGANIZATIONAL MAINTENANCE SHOP	0	1,358	1,358	1,358	1,358	
264	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	COMBINED SUPPORT MAINTENANCE SHOP	0	1,854	1,854	1,854	1,854	
265	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	USPFO WAREHOUSE	0	178	0	178	178	
266	I	NEW JERSEY	ARMY	FORT DIX	RANGE 65 MODS	0	2,000	0	0	0	1/
267	I	NEW JERSEY	ARMY	FT. MONMOUTH	CHILD CARE CENTER	0	3,550	3,550	3,550	3,550	
268	I	NEW JERSEY	ARMY	PICATINNY ARSENAL	ELECTRICAL DIST. SYSTEM	0	0	3,800	3,800	3,800	
269	I	NEW JERSEY	ARMY	PICATINNY ARSENAL	PROPELLANT SURVEILLANCE LAB	0	0	2,250	2,250	2,250	
270	I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	UNDERGROUND FUEL STORAGE TANKS	5,600	5,600	5,600	0	5,600	
271	I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	UPGRADE SANITARY SEWER SYSTEM	2,400	2,400	2,400	0	2,400	
272	I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	UPGRADE STORM SEWER SYSTEM	970	970	970	0	970	
273	I	NEW JERSEY	ARMY NAT GRD	FORT DIX	STATE HEADQUARTERS	0	0	4,750	4,750	4,750	
274	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	AIRCRAFT PARKING APRON	8,700	8,700	8,700	0	8,700	
275	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	COMPOSITE MAINTENANCE HANGAR	9,700	9,700	9,700	0	9,700	
276	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	FUEL SYSTEMS MAINTENANCE DOCK	4,400	4,400	4,400	0	4,400	
277	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	JET FUEL OPERATING STORAGE AND DISTRIB SYS	4,600	4,600	4,600	0	4,600	
278	I	NEW MEXICO	ARMY	WHITE SANDS	BARRACKS UPGRADE	0	0	6,000	6,000	6,000	
279	I	NEW MEXICO	AIR FORCE	CANNON AFB	DORMITORY	0	2,800	0	2,800	2,800	
280	I	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	FIRE TRAINING FACILITY	820	820	820	0	820	
281	I	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	WASTEWATER TREATMENT FACILITY	10,600	10,600	10,600	0	10,600	
282	I	NEW MEXICO	ARMY NAT GRD	CLAYTON	ARMORY	0	1,400	1,400	1,400	1,400	
283	I	NEW MEXICO	ARMY NAT GRD	ROSWELL	TRAINING FACILITY	0	0	3,000	3,000	3,000	
284	I	NEW MEXICO	ARMY NAT GRD	SPRINGER	ARMORY	0	1,209	1,209	1,209	1,209	
285	I	NEW YORK	ARMY	FORT DRUM	MOUT	0	5,900	0	5,900	5,900	
286	I	NEW YORK	ARMY	FORT DRUM	GENERAL PURPOSE WAREHOUSE	0	8,900	0	8,900	8,900	
287	I	NEW YORK	ARMY	FORT DRUM	LIBRARY/EDUC. CENTER	0	6,700	0	6,700	6,700	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
288	I	NEW YORK	ARMY	U S MILITARY ACADEMY	WATER TREATMENT PLANT	1,600	1,600	1,600	0	1,600	
289	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	AIRCRAFT PARKING APRON	7,000	7,000	7,000	0	7,000	
290	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	ALTER AIRCRAFT MAINTENANCE SHOPS	3,000	3,000	3,000	0	3,000	
291	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	FUEL SYSTEM MAINTENANCE DOCK	3,700	3,700	3,700	0	3,700	
292	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	JET FUEL STORAGE COMPLEX	5,100	5,100	5,100	0	5,100	
293	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	MAINTENANCE HANGAR	4,750	4,750	4,750	0	4,750	
294	I	NEW YORK	AIR NAT GRD	ROSYLN AIR GUARD STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	450	450	450	0	450	
295	I	NEW YORK	AIR NAT GRD	SUFFOLK COUNTY AIRPORT	JET FUEL STORAGE COMPLEX	3,700	3,700	3,700	0	3,700	
296	I	NEW YORK	AIR NAT GRD	SUFFOLK COUNTY AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,750	1,750	1,750	0	1,750	
297	I	NORTH CAROLINA	ARMY	FORT BRAGG	HIGHWAY EXTENSION	0	8,200	0	8,700	8,700	
298	I	NORTH CAROLINA	NAVY	NEW RIVER	PHYSICAL FITNESS CENTER	0	0	3,600	3,600	3,600	
299	I	NORTH CAROLINA	NAVY	MCAS CHERRY POINT	OPERATIONS FACILITY	0	0	3,000	3,000	3,000	
300	I	NORTH CAROLINA	NAVY	MCAS CHERRY POINT	WAREHOUSE	0	0	1,680	1,680	1,680	
301	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ADD TO AND ALTER AERIAL PORT	1,950	1,950	1,950	0	1,950	
302	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ADD/ALTER AIRCRAFT OPS AND LOGISTICS COMP	1,800	1,800	2,300	500	2,300	
303	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ADD/ALTER AIRCRAFT OPS & LOGISTICS COMP	1,800	1,800	2,500	700	2,500	
304	I	NORTH CAROLINA	AIR FORCE	POPE AFB	AIRCRAFT CORROSION CONTROL FAC	5,500	5,500	0	(5,500)	0	3/
305	I	NORTH CAROLINA	AIR FORCE	POPE AFB	AIRCRAFT PARTS WAREHOUSES	1,550	1,550	2,450	900	2,450	
306	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ALTER ECM SHOP AND POD STORAGE FACILITY	620	620	0	(620)	0	3/
307	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ALTER LIFE SUPPORT FACILITY	510	510	510	0	510	
308	I	NORTH CAROLINA	AIR FORCE	POPE AFB	BRIDGE/ROAD/UTILITIES	0	0	4,000	4,000	4,000	
309	I	NORTH CAROLINA	AIR FORCE	POPE AFB	FLEET SERVICE OPERATIONS	950	950	950	0	950	
310	I	NORTH CAROLINA	AIR FORCE	POPE AFB	MUNITIONS STORAGE COMPLEX	4,300	4,300	4,300	0	4,300	
311	I	NORTH CAROLINA	AIR FORCE	POPE AFB	REPAIR APRON AND WIDEN R/W PAVEMENT	2,350	2,350	2,350	50	2,400	
312	I	NORTH CAROLINA	AIR FORCE	POPE AFB	SOUND SUPPRESSOR SUPPORT	820	820	820	0	820	
313	I	NORTH CAROLINA	AIR FORCE	SEYMOUR JOHNSON AFB	ALTER DORMITORIES	4,450	4,450	4,450	0	4,450	
314	I	NORTH CAROLINA	AIR FORCE	SEYMOUR JOHNSON AFB	FIRE TRAINING FACILITY	780	780	780	0	780	
315	I	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	ADD/ALTER SEC. 6 SCHOOLS	0	3,950	0	3,950	3,950	
316	I	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	HOSPITAL ADD/ALT PHASE I	10,000	10,000	10,000	0	10,000	
317	I	NORTH CAROLINA	ARMY NAT GRD	FAYETTEVILLE	ARMORY	0	0	1,284	1,284	1,284	
318	I	NORTH CAROLINA	AIR NAT GRD	BADIN	COMMUNICATION ELECTRONICS TRAINING FACILITY	0	3,000	0	3,000	3,000	
319	I	NORTH DAKOTA	AIR FORCE	CAVALIER	UNDERGROUND FUEL STORAGE TANKS	1,450	1,450	0	0	1,450	
320	I	NORTH DAKOTA	AIR FORCE	GRAND FORKS AFB	ADD/ALTER SEWAGE TREATMENT/DISPOSAL SYSTEM	3,200	3,200	3,200	0	3,200	
321	I	NORTH DAKOTA	AIR FORCE	GRAND FORKS AFB	UNDERGROUND FUEL STORAGE TANKS	3,300	3,300	3,300	0	3,300	
322	I	NORTH DAKOTA	AIR FORCE	MINOT AFB	ADD TO AND ALTER SEWAGE LAGOON	5,400	5,400	5,400	0	5,400	
323	I	NORTH DAKOTA	AIR FORCE	MINOT AFB	FIRE TRAINING FACILITY	1,200	1,200	1,200	0	1,200	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
324	I	NORTH DAKOTA	AIR FORCE	MINOT AFB	WATER SYSTEM	0	0	2,050	2,050	2,050	
325	I	NORTH DAKOTA	DEFENSE AGENCIES	GRAND FORKS ABM SITE	BARRACKS & DINNING FACILITY	12,800	0	0	(12,800)	0	4/
326	I	NORTH DAKOTA	ARMY NAT GRD	BISMARK	ADAL ARMORY/AVIATION FACILITY	0	0	5,450	0	0	1/
327	I	NORTH DAKOTA	AIR NAT GRD	FARGO	VEHICLE MAINTENANCE FACILITY	0	0	2,600	2,600	2,600	
328	I	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	FIRE TRAINING FACILITY	870	870	870	0	870	
329	I	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	HAZARDOUS MATERIALS STORAGE FACILITY	5,800	5,800	5,800	0	5,800	
330	I	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	UNDERGROUND FUEL STORAGE TANKS	5,500	5,500	5,500	0	5,500	
331	I	OHIO	ARMY NAT GRD	MEDINA	ARMORY RENOVATION	0	400	400	400	400	
332	I	OHIO	ARMY NAT GRD	RAVENNA ARSENAL	TANK RANGE	0	1,000	1,000	1,000	1,000	
333	I	OHIO	AIR NAT GRD	MANSFIELD LAHM AIRPORT	JET FUEL STORAGE COMPLEX	3,750	3,750	3,750	0	3,750	
334	I	OHIO	AIR NAT GRD	SPRINGFIELD	ADAL ENGINE SHOP	0	0	1,700	1,700	1,700	
335	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	ADD/ALTER AVIONICS SHOP/ECM WEAPONS RELEASE	0	880	880	880	880	
336	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	ADD/ALTER FUEL SYSTEMS & CORROSION CNTRL DOCK	0	1,300	1,300	1,300	1,300	
337	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	ADD/ALTER SQUADRON OPERATIONS FACILITY	0	1,300	1,300	1,300	1,300	
338	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	AIRCRAFT ENGINE SHOP	0	1,700	1,700	1,700	1,700	
339	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	CONSTRUCT BASE WATER MAIN	740	740	740	0	740	
340	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	SANITARY LIFT STATION	600	600	600	0	600	
341	I	OHIO	AIR FORCE RESERVE	YOUNGSTOWN AIRPORT	AERIAL SPRAY MAINTENANCE FACILITY	0	0	2,000	2,000	2,000	
342	I	OKLAHOMA	ARMY	FORT SILL	FIRE STATION	0	1,500	1,500	1,500	1,500	
343	I	OKLAHOMA	AIR FORCE	ALTUS AFB	CONSOLIDATED SUPPORT FACILITY	0	7,300	0	7,300	7,300	
344	I	OKLAHOMA	AIR FORCE	VANCE AFB	AIRFIELD REPAIR	0	2,350	2,350	2,350	2,350	
345	I	OKLAHOMA	AIR FORCE	TINKER AFB	ADD TO AND ALTER DEPOT METAL PLATING SHOP	10,200	10,200	10,200	0	10,200	
346	I	OKLAHOMA	AIR FORCE	TINKER AFB	ADD TO AND ALTER DORMITORIES	4,050	4,050	4,050	0	4,050	
347	I	OKLAHOMA	AIR FORCE	TINKER AFB	DEPOT HAZARDOUS WASTE PROC FAC	2,300	2,300	2,300	0	2,300	
348	I	OKLAHOMA	AIR FORCE	TINKER AFB	FIRE TRAINING FACILITY	780	780	780	0	780	
349	I	OKLAHOMA	AIR FORCE	TINKER AFB	UPGRADE INDUST WSTWTR TRTMNT PLANT	3,950	3,950	3,950	0	3,950	
350	I	OKLAHOMA	ARMY NAT GRD	CAMP GRUBER	MOUT FACILITIES	0	1,954	0	1,954	1,954	
351	I	OKLAHOMA	ARMY NAT GRD	NORMAN	VEHICLE MAINTENANCE COMPLEX PHASE I	0	8,629	0	7,629	7,629	
352	I	OKLAHOMA	AIR NAT GRD	TULSA AIRPORT	ADAL ENGINE SHOP	0	0	400	400	400	
353	I	OKLAHOMA	AIR NAT GRD	TULSA AIRPORT	ADAL OMS	0	0	430	430	430	
354	I	OKLAHOMA	AIR NAT GRD	TULSA AIRPORT	ADAL SQUADRON OPS	0	0	1,350	1,350	1,350	
355	I	OREGON	ARMY NAT GRD	CLACKMAS	RANGE	0	0	1,510	1,500	1,500	
356	I	OREGON	ARMY NAT GRD	LAGRANDE	ARMORY	0	0	3,049	3,049	3,049	
357	I	OREGON	ARMY NAT GRD	LAGRANDE	OMS	0	0	1,220	1,220	1,220	
358	I	OREGON	AIR NAT GRD	KINGSLEY FIELD, KLAMMATH FALLS	FIRE STATION	0	0	1,230	1,230	1,230	
359	I	OREGON	AIR NAT GRD	KINGSLEY FIELD, KLAMMATH FALLS	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	0	1,000	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
360	I	OREGON	AIR NAT GRD	KINGSLEY FIELD, KLAMMATH FALLS	SUPPLY WAREHOUSE	0	0	2,575	2,575	2,575	
361	I	OREGON	AIR NAT GRD	PORTLAND IAP	CIVIL ENG. FACILITY	0	0	1,389	1,389	1,389	
362	I	OREGON	AIR NAT GRD	PORTLAND IAP	HANGAR UPDATE	0	0	5,051	5,051	5,051	
363	I	OREGON	AIR NAT GRD	PORTLAND IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	700	700	700	0	700	
364	I	OREGON	AIR NAT GRD	PORTLAND IAP	SITE IMPROVMENTS	0	0	1,100	1,100	1,100	
365	I	PENNSYLVANIA	ARMY	LETTERKENNY ARMY DEPOT	HAZARDOUS MATERIAL WAREHOUSE	5,400	5,400	5,400	0	5,400	
366	I	PENNSYLVANIA	ARMY NAT GRD	FORT INDIANTOWN GAP	AVIATION BRIGADE ARMORY (800 PN)	0	7,500	0	7,500	7,500	
367	I	PENNSYLVANIA	ARMY NAT GRD	FORT INDIANTOWN GAP	ACADEMIC TRAINING CENTER	0	9,100	0	0	0	1/
368	I	PENNSYLVANIA	ARMY NAT GRD	INDIANA	ARMORY	0	1,700	0	1,700	1,700	
369	I	PENNSYLVANIA	AIR NAT GRD	STATE COLLEGE	COMMUNICATIONS TRAINING FACILITY	0	9,700	0	0	0	1/
370	I	PENNSYLVANIA	AIR FORCE RESERVE	WILLOW GROVE ARF	ALTER AGE/AVIONICS FACILITY	1,700	1,700	1,700	0	1,700	
371	I	PENNSYLVANIA	AIR FORCE RESERVE	WILLOW GROVE ARF	ENGINE INSPECTION & REPAIR FACILITY	1,800	1,800	1,800	0	1,800	
372	I	RHODE ISLAND	NAVY	NAVAL UNDERSEA WARFARE CENTER	UNDERWATER WEAPONS TECHNOLOGY R&D FACILITY	0	14,000	0	0	0	6/
373	I	RHODE ISLAND	NAVY	NEWPORT NAVAL EDUCATION & TRAINING	HAZARDOUS AND FLAMMABLE STOREHOUSE	540	540	540	0	540	
374	I	RHODE ISLAND	ARMY NAT GRD	N. KINGSTON	ADAL ARMORY/AVIATION	0	0	4,200	3,300	3,300	
375	I	SOUTH CAROLINA	NAVY	CHARLESTON NAVAL WEAPONS STATION	HAZARD WASTE STORAGE & TRANSFER FAC	600	600	600	0	600	
376	I	SOUTH CAROLINA	NAVY	CHARLESTON NAVAL WEAPONS STATION	WATER DISIRIBUTION SYSTEM	510	510	510	0	510	
377	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	ADD/ALTER PHYSICAL FITNESS CENTER	0	3,300	3,300	3,300	3,300	
378	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	C-17 ADAL APRON/HYDRANT FUELING SYS PH II	15,500	15,500	15,500	0	15,500	
379	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	C-17 ADD/ALTER REGIONAL MAINT COMPLEX	7,200	7,200	7,200	0	7,200	
380	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	C-17 AIRCRAFT MAINTENANCE FACILITY	4,000	4,000	4,000	0	4,000	
381	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	COMBAT CONTROL SQUADRON FACILITY	2,150	0	2,150	0	2,150	
382	I	SOUTH CAROLINA	AIR FORCE	SHAW AFB	FIRE TRAINING FACILITY	680	680	680	0	680	
383	I	SOUTH CAROLINA	AIR FORCE	SHAW AFB	UNDERGROUND FUEL STORAGE TANKS	1,700	1,700	1,700	0	1,700	
384	I	SOUTH CAROLINA	ARMY NAT GRD	FOUNTAIN INN	HAWK TRAINING PARK	0	748	748	748	748	
385	I	SOUTH CAROLINA	ARMY NAT GRD	GAFFNEY	ARMORY	0	0	1,510	1,200	1,200	
386	I	SOUTH CAROLINA	ARMY NAT GRD	PICKENS	HAWK TRAINING PARK	0	775	775	775	775	
387	I	SOUTH CAROLINA	ARMY NAT GRD	WARE SHOALS	HAWK TRAINING PARK	0	578	578	578	578	
388	I	SOUTH CAROLINA	AIR NAT GRD	MCENTIRE AIR NAT GRD BASE	JET FUEL STORAGE COMPLEX	3,300	3,300	3,300	0	3,300	
389	I	SOUTH DAKOTA	AIR FORCE	ELLSWORTH AFB	UNDERGROUND FUEL STORAGE TANKS	3,050	3,050	3,050	0	3,050	
390	I	SOUTH DAKOTA	AIR FORCE	ELLSWORTH AFB	UPGRADE WASTEWATER TREATMENT PLANT	830	830	830	0	830	
391	I	SOUTH DAKOTA	ARMY NAT GRD	CAMP RAPID	CSMS MAINTENANCE SHOP	2,800	2,800	2,800	0	2,800	
392	I	SOUTH DAKOTA	ARMY NAT GRD	FORT MEADE	RENOVATE ADMIN. FAC	0	805	805	805	805	
393	I	SOUTH DAKOTA	AIR NAT GRD	FOSS FIELD, SIOUX FALLS	MUNITIONS MAINTENANCE COMPLEX	0	3,000	3,000	3,000	3,000	
394	I	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	AIRCRAFT FIRE & RESCUE TRAINING FACILITY	9,060	9,060	9,060	0	9,060	
395	I	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	FIRE AND CRASH RESCUE STATION	1,750	1,750	1,750	0	1,750	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT
396	I	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	FIRE FIGHTING TRAINING MOCK-UP	3,300	3,300	3,300	0	3,300
397	I	TENNESSEE	DEFENSE AGENCIES	MILLINGTON NAVAL AIR STATION	HOSPITAL LIFE SAFETY/SEISMIC UPGRADE PHASE I.	15,000	15,000	15,000	(5,000)	10,000
398	I	TENNESSEE	ARMY NAT GRD	DUNLAP	ARMORY	0	0	818	790	790
399	I	TENNESSEE	ARMY NAT GRD	ERIN	ARMORY	0	0	1,088	850	850
400	I	TENNESSEE	ARMY NAT GRD	MONTEAGLE	ARMORY	0	950	0	790	790
401	I	TENNESSEE	ARMY NAT GRD	SMYRNA	ADD/ALTER OPS. FAC	0	3,500	3,500	2,600	2,600
402	I	TENNESSEE	ARMY NAT GRD	SMYRNA	CSM SHOP	0	5,500	5,500	5,500	5,500
403	I	TENNESSEE	AIR NAT GRD	MEMPHIS IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,100	1,100	1,100	0	1,100
404	I	TEXAS	ARMY	CORPUS CHRISTI ARMY DEPOT	CONTROLLED-HUMIDITY WAREHOUSE	0	9,600	0	9,600	9,600
405	I	TEXAS	ARMY	CORPUS CHRISTI ARMY DEPOT	METAL FINISHING & ELECTROPLATING FACILITY	0	11,600	0	11,600	11,600
406	I	TEXAS	ARMY	FT. BLISS	BARRACKS MODERNIZATION	0	13,800	0	13,800	13,800
407	I	TEXAS	ARMY	FT. BLISS	BARRACKS MODERNIZATION	0	11,160	0	11,160	11,160
408	I	TEXAS	ARMY	FORT HOOD	BARRACKS WITH DINING FACILITY	33,000	33,000	33,000	0	33,000
409	I	TEXAS	ARMY	RED RIVER ARMY DEPOT	HAZARDOUS MATERIAL STORAGE FAC	3,600	3,600	3,600	0	3,600
410	I	TEXAS	NAVY	CORPUS CHRISTI NAVAL AIR STATION	AIRFIELD LIGHTING SYSTEM	4,900	4,900	4,900	0	4,900
411	I	TEXAS	NAVY	KINGSVILLE NAVAL AIR STATION	CORROSION CONTROL HANGAR	10,120	10,120	10,120	0	10,120
412	I	TEXAS	NAVY	KINGSVILLE NAVAL AIR STATION	ROTHR SITE PREPARATION	0	10,000	10,000	10,000	10,000
413	I	TEXAS	AIR FORCE	BROOKS AFB	ACADEMIC COMPLEX	0	0	9,000	9,000	9,000
414	I	TEXAS	AIR FORCE	DYESS AFB	HYDRANT FUELING SYSTEM PHASE I	7,300	7,300	7,300	0	7,300
415	I	TEXAS	AIR FORCE	GOODFELLOW AFB	PHYSICAL FITNESS CENTER	0	0	3,250	3,250	3,250
416	I	TEXAS	AIR FORCE	KELLY AFB	C-17 ADD/ALTER INTEGRATION SPT FAC	4,850	4,850	4,850	0	4,850
417	I	TEXAS	AIR FORCE	KELLY AFB	CHEMICAL WASTE STAGING FACILITY	970	970	970	0	970
418	I	TEXAS	AIR FORCE	KELLY AFB	FIRE TRAINING FACILITY	740	740	740	0	740
419	I	TEXAS	AIR FORCE	KELLY AFB	INDUSTRIAL WASTE PRETREATMENT FACILITY	2,500	2,500	2,500	0	2,500
420	I	TEXAS	AIR FORCE	KELLY AFB	RENOVATE INDUST WASTEWATER COLLECT SYS	9,300	9,300	9,300	0	9,300
421	I	TEXAS	AIR FORCE	KELLY AFB	UNDERGROUND FUEL STORAGE TANKS	3,000	3,000	3,000	0	3,000
422	I	TEXAS	AIR FORCE	LACKLAND AFB	HIGH SCHOOL/GRADE SCHOOL FACILITIES	0	8,000	0	8,000	8,000
423	I	TEXAS	AIR FORCE	LACKLAND AFB	UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	0	1,000
424	I	TEXAS	AIR FORCE	LAUGHLIN AFB	T-1 SPECIALIZED UPT MAINTENANCE SUPPORT	5,200	5,200	5,200	0	5,200
425	I	TEXAS	AIR FORCE	LAUGHLIN AFB	UNDERGROUND FUEL STORAGE TANKS	800	800	800	0	800
426	I	TEXAS	AIR FORCE	RANDOLPH AFB	UNDERGROUND FUEL STORAGE TANKS	1,250	1,250	1,250	0	1,250
427	I	TEXAS	AIR FORCE	SHEPPARD AFB	ENJJPT AIRCRFT SPT EQUIP MAINT FAC	490	490	490	0	490
428	I	TEXAS	AIR FORCE	SHEPPARD AFB	ENJJPT STUDENT OFFICER HOUSING	4,750	4,750	4,750	0	4,750
429	I	TEXAS	AIR FORCE	SHEPPARD AFB	UNDERGROUND FUEL STORAGE TANKS	1,750	1,750	1,750	0	1,750
430	I	TEXAS	DEFENSE AGENCIES	FORT SAM HOUSTON	HOSPITAL REPLACEMENT PHASE VI	27,000	27,000	27,000	0	27,000
431	I	TEXAS	ARMY NAT GRD	CAMP BOWIE, BROWNWOOD	UNIT TRAINING AND EQUIPMENT SITE	0	1,319	0	1,319	1,319

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
432	I	TEXAS	ARMY NAT GRD	GREENVILLE	ARMORY	0	1,339	0	1,200	1,200	
433	I	TEXAS	ARMY NAT GRD	KILGORE	ARMORY	0	615	0	615	615	
434	I	TEXAS	ARMY NAT GRD	LUBBOCK	JOINT ARMED FORCES RESERVE CENTER	0	7,937	0	7,937	7,937	
435	I	TEXAS	ARMY NAT GRD	LUBBOCK	ORGANIZATIONAL MAINTENANCE FACILITY	0	696	0	696	696	
436	I	TEXAS	ARMY NAT GRD	MEXIA	ARMORY RENOVATION	0	566	0	566	566	
437	I	TEXAS	ARMY NAT GRD	SAN ANGELO	ARMORY	0	1,767	0	1,767	1,767	
438	I	TEXAS	ARMY NAT GRD	STEPHENVILLE	ADD/ALTER ARMORY	0	591	0	591	591	
439	I	TEXAS	AIR NAT GRD	ELLINGTON ANGB	HANGAR MODIFICATION	0	0	1,700	1,700	1,700	
440	I	TEXAS	AIR NAT GRD	HENSLEY	WAREHOUSE	0	0	4,250	4,250	4,250	
441	I	TEXAS	AIR NAT GRD	KELLY AFB	CIVIL ENGINEERING FACILITY	0	0	2,050	2,050	2,050	
442	I	TEXAS	AIR NAT GRD	NEDERLAND	VEHICLE MAINTENANCE SHOP	0	1,200	0	1,200	1,200	
443	I	UTAH	ARMY	TOOELE ARMY DEPOT	HAZARDOUS MATERIAL STORAGE FAC	9,200	9,200	9,200	0	9,200	
444	I	UTAH	AIR FORCE	HILL AFB	ACM ADD/ALTER NDI FACILITY	1,450	1,450	0	0	1,450	
445	I	UTAH	AIR FORCE	HILL AFB	ENGINE TEST CELL SUPPORT FAC	0	850	0	850	850	
446	I	UTAH	AIR FORCE	HILL AFB	POWER UPGRADE	0	4,300	0	2,300	2,300	
447	I	UTAH	AIR FORCE	HILL AFB	UNDERGROUND FUEL STORAGE TANKS	1,500	1,500	1,500	0	1,500	
448	I	UTAH	ARMY NAT GRD	BLANDING	ARMORY	0	0	1,290	1,150	1,150	
449	I	UTAH	ARMY NAT GRD	ST. GEORGE	ARMORY	0	2,898	2,898	2,898	2,898	
450	I	UTAH	ARMY NAT GRD	ST. GEORGE	ORGANIZATIONAL MAINTENANCE SHOP/SUBSHOP	0	701	701	562	562	
451	I	UTAH	AIR NAT GRD	SALT LAKE CITY	CIVIL ENG. FACILITY	0	0	1,850	1,850	1,850	
452	I	UTAH	AIR FORCE RESERVE	HILL AFB	AIRCRAFT CORROS CNTROL & FUEL SYS MAINT FAC	0	1,000	0	1,000	1,000	
453	I	VERMONT	AIR NAT GRD	BURLINGTON IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	800	800	800	0	800	
454	I	VIRGINIA	ARMY	FORT BELVOIR	RAIL EXTENSION	0	0	1,200	1,200	1,200	
455	I	VIRGINIA	ARMY	FT PICKETT	SEWAGE TREATMENT PLANT	5,800	5,800	5,800	0	5,800	
456	I	VIRGINIA	NAVY	DAM NECK	APPLIED INSTRUCTION BLDG EXPANSION	0	13,727	13,727	13,727	13,727	
457	I	VIRGINIA	NAVY	DAM NECK	UPGRADE WATER SYSTEM	0	1,200	1,200	1,200	1,200	
458	I	VIRGINIA	NAVY	DAM NECK	LAND ACQUISITION - 181 ACRES	0	4,500	4,500	4,500	4,500	
459	I	VIRGINIA	NAVY	FT. STORY	NAVY BOMB DISPOSAL TRAINING & EVALUATION FAC.	0	5,650	5,650	5,650	5,650	
460	I	VIRGINIA	NAVY	LITTLE CREEK	BACHELOR ENLISTED QUARTERS FACILITY	0	8,000	8,000	8,000	8,000	
461	I	VIRGINIA	NAVY	LITTLE CREEK	BLAST/PAINT FACILITY	0	5,300	5,300	0	0	3/
462	I	VIRGINIA	NAVY	NAS NORFOLK	MAGAZINE AREA PHYSICAL SECURITY	0	1,450	1,450	1,100	1,100	
463	I	VIRGINIA	NAVY	NAS NORFOLK	RELOCATION OF ORDNANCE PAD	0	2,000	2,000	2,000	2,000	
464	I	VIRGINIA	NAVY	NORFOLK NAVAL STATION	DREDGING	880	880	880	0	880	
465	I	VIRGINIA	NAVY	NORFOLK NAVAL SUPPLY CENTER	COLD STORAGE WAREHOUSE	12,400	12,400	12,400	0	12,400	
466	I	VIRGINIA	NAVY	OCEANA NAVAL AIR STATION	AVIONICS SHOP ADDITION	2,360	2,360	2,360	0	2,360	
467	I	VIRGINIA	NAVY	OCEANA NAVAL AIR STATION	REFUEL VEHICLE SHOP	830	830	830	0	830	

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468	I	VIRGINIA	NAVY	QUANTICO	COMMAND & STAFF COLLEGE FACILITY	0	0	5,000	5,000	5,000
469	I	VIRGINIA	NAVY	YORKTOWN NAVAL WEAPONS STATION	HAZARDOUS WASTE STORAGE FACILITY	1,100	1,100	1,100	0	1,100
470	I	VIRGINIA	AIR FORCE	LANGLEY AFB	BASE ENGINEER COMPLEX	0	5,300	5,300	5,300	5,300
471	I	VIRGINIA	AIR FORCE	LANGLEY AFB	FIRE TRAINING FACILITY	780	780	780	0	780
472	I	VIRGINIA	AIR FORCE	LANGLEY AFB	POL/HYDRANT FUELING SYSTEM	970	970	970	0	970
473	I	VIRGINIA	DEFENSE AGENCIES	PORTSMOUTH NAVAL HOSPITAL	HOSPITAL REPLACEMENT PHASE IV	16,000	16,000	16,000	0	16,000
474	I	VIRGINIA	ARMY NAT GRD	SW COMMUNITY COLLEGE, RICHLANDS	ARMORY CONSTRUCTION	0	2,137	2,137	2,137	2,137
475	I	WASHINGTON	NAVY	BANGOR TRIDENT REFIT FACILITY	CAISSON MOORING PLATFORM	1,550	1,550	1,550	0	1,550
476	I	WASHINGTON	NAVY	BREMERTON NAV INACTIVE SHIP MAINT F	MOORING BUOY ELECTRICAL POWER	1,200	1,200	1,200	0	1,200
477	I	WASHINGTON	NAVY	BREMERTON PUGET SOUND NAVAL SHIPYAR	ABRASIVE BLAST MATERIAL HANDLING FAC	1,500	1,500	1,500	0	1,500
478	I	WASHINGTON	NAVY	BREMERTON PUGET SOUND NAVAL SHIPYAR	BACHELOR ENLISTED QUARTERS	13,300	13,300	13,300	0	13,300
479	I	WASHINGTON	NAVY	EVERETT NAVAL STATION	OIL/WATER SEPARATOR SYSTEM	5,600	5,600	5,600	0	5,600
480	I	WASHINGTON	NAVY	PUGET SOUND NAVAL STAT., BREMENTON	BACHELOR ENLISTED QUARTERS	0	13,300	0	13,300	13,300
481	I	WASHINGTON	AIR FORCE	FAIRCHILD AFB	FIRE TRAINING FACILITY	960	960	960	0	960
482	I	WASHINGTON	AIR FORCE	FAIRCHILD AFB	UNDERGROUND FUEL STORAGE TANKS	1,550	1,550	1,550	0	1,550
483	I	WASHINGTON	AIR FORCE	MCCHORD AFB	C-141 ADD/ALTER FLIGHT SIMULATOR FAC	1,650	1,650	1,650	0	1,650
484	I	WASHINGTON	AIR FORCE	MCCHORD AFB	FIRE TRAINING FACILITY	890	890	890	0	890
485	I	WASHINGTON	ARMY NAT GRD	GRANDVIEW	ARMORY	0	1,602	1,602	1,500	1,500
486	I	WASHINGTON	ARMY NAT GRD	BUCKLEY	ARMORY	0	1,728	1,728	1,575	1,575
487	I	WASHINGTON	ARMY NAT GRD	MOSES LAKE	ARMORY	0	1,804	1,804	1,675	1,675
488	I	WEST VIRGINIA	ARMY NAT GRD	CLARKSBURG	HANGAR	0	0	5,500	5,500	5,500
489	I	WEST VIRGINIA	ARMY RESERVE	BLUEFIELD	ARMY RESERVE CENTER	0	0	1,921	1,921	1,921
490	I	WEST VIRGINIA	ARMY RESERVE	CLARKSBURG	ARMY RESERVE CENTER	0	0	5,358	5,358	5,358
491	I	WEST VIRGINIA	ARMY RESERVE	GRANTSVILLE	ARMY RESERVE CENTER	0	0	2,785	2,785	2,785
492	I	WEST VIRGINIA	ARMY RESERVE	JANE LEW	ARMY RESERVE CENTER	0	0	1,566	1,566	1,566
493	I	WEST VIRGINIA	ARMY RESERVE	LEWISBURG	ARMY RESERVE CENTER	0	0	1,631	1,631	1,631
494	I	WEST VIRGINIA	ARMY RESERVE	WEIRTON	ARMY RESERVE CENTER	0	0	3,481	3,481	3,481
495	I	WEST VIRGINIA	ARMY RESERVE	WHEELING	ARMY RESERVE CENTER	0	0	6,808	6,808	6,808
496	I	WISCONSIN	ARMY NAT GRD	MARSHFIELD	ARMORY	0	2,030	0	2,030	2,030
497	I	WISCONSIN	ARMY NAT GRD	MARSHFIELD	VEHICLE STORAGE FACILITY	0	226	0	226	226
498	I	WISCONSIN	ARMY NAT GRD	FORT MCCOY	TRAINING/EDUCATION FACILITY	0	15,000	0	10,712	10,712
499	I	WISCONSIN	AIR NAT GRD	TRUAX FIELD	ALT FUEL CELL MAINTENANCE DOCK	0	2,000	2,000	2,000	2,000
500	I	WISCONSIN	AIR NAT GRD	TRUAX FIELD	ALT HANGER	0	2,250	2,250	2,250	2,250
501	I	WISCONSIN	AIR NAT GRD	VOLK FIELD	COMPOSITE RAPCON CENTER/COMMUNICATIONS FAC	0	2,600	0	2,600	2,600
502	I	WISCONSIN	AIR NAT GRD	VOLK FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	0	1,000
503	I	WISCONSIN	AIR FORCE RESERVE	MITCHELL FIELD	HANGAR ACQ	0	2,500	0	2,500	2,500

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504	I	WYOMING	ARMY NAT GRD	CAMP GUERNSEY	BARRACKS UPDATE	0	0	4,447	1,109	1,109	
505	I	WYOMING	AIR FORCE	FE WARREN AFB	UNDERGROUND FUEL STORAGE TANKS	1,050	1,050	1,050	0	1,050	
506	I	CONUS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	AIRCRAFT MAINT DOCK	4,050	0	0	(4,050)	0	3/
507	I	CONUS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	HYDRANT FUELING DISIRIBUTION SYSTEM	10,400	0	0	(10,400)	0	3/
508	I	CONUS UNSPECIFIED	BASE CLOSURE 1	BASE REALIGNMENT & CLOSURE ACCT PAR	BASE REALIGNMENT & CLOSURE ACCT PART I	440,700	440,700	440,700	0	440,700	
509	I	CONUS UNSPECIFIED	BASE CLOSURE 2	BASE REALIGNMENT & CLOSURE ACCT PAR	BASE REALIGNMENT & CLOSURE ACCT PART II	1,743,600	1,743,600	1,743,600	0	1,743,600	
510	I	CONUS VARIOUS	AIR FORCE	CONUS VARIOUS	UNDERGROUND FUEL STORAGE TANKS	3,300	0	3,300	(500)	2,800	
511	I	CONUS VARIOUS	ARMY	VARIOUS CONUS LOCATIONS	CLASSIFIED PROJECT	3,000	2,710	2,700	(300)	2,700	
512	I	CONUS VARIOUS	ARMY	VARIOUS CONUS LOCATIONS	DEFENSE ACCESS ROADS	0	0	2,400	2,400	2,400	
513	I	CONUS VARIOUS	AIR FORCE	VARIOUS LOCATIONS	GENERAL REDUCTION	0	0	(6,690)	(6,690)	(6,690)	
514	O	ASCENSION ISLAND	AIR FORCE	ASCENSION ISLAND	POWER/DESALINIZATION PLANT	0	0	22,000	22,000	22,000	
515	O	CANADA	AIR FORCE	VARIOUS LOCATIONS-CANADA	FWD OPERATING LOC/DISPRSD OPERATING BASES	19,500	0	0	(19,500)	0	1/
516	O	GERMANY	ARMY	GRAFENWOEHR	SANITARY LANDFILL EXPANSION	11,600	11,600	11,600	0	11,600	
517	O	GERMANY	DEFENSE AGENCIES	HOHENFELS	ADD/ALTER ELEM SCHOOL	13,500	0	0	0	13,500	
518	O	GERMANY	AIR FORCE	RHEIN-MAIN AB	UPGRADE WASTEWATER TREATMENT PLANT	3,100	3,100	3,100	0	3,100	
519	O	GERMANY	DEFENSE AGENCIES	GRAFENWOEHR	ADD/ALTER ELEM SCHOOL	7,400	0	0	(7,400)	0	1/
520	O	GREECE	NAVY	SOUDA BAY CRETE NAVAL SUPPORT ACTIV	BACHELOR ENLISTED QUARTERS	7,600	7,600	7,600	0	7,600	
521	O	GREENLAND	AIR FORCE	THULE AB	ALTER DORMITORY	5,000	5,000	5,000	0	5,000	
522	O	GREENLAND	AIR FORCE	THULE AB	DORMITORY	11,000	11,000	11,000	0	11,000	
523	O	GREENLAND	AIR FORCE	THULE AB	UPGRADE AIRFIELD PAVEMENT PH III	8,900	8,900	8,900	0	8,900	
524	O	GUAM	AIR FORCE	ANDERSEN AFB	FIRE TRAINING FACILITY	2,300	2,300	2,300	0	2,300	
525	O	GUAM	AIR FORCE	ANDERSEN AFB	HAZARDOUS WASTE MANAGEMENT FACILITY	790	790	790	0	790	
526	O	GUAM	AIR FORCE	ANDERSEN AFB	UNDERGROUND FUEL STORAGE TANKS	0	4,550	0	4,550	4,550	
527	O	GUAM	AIR FORCE	ANDERSEN AFB	LANDFILL	0	10,000	0	10,000	10,000	
528	O	GUAM	AIR FORCE	ANDERSEN AFB	HAZARDOUS WASTE FACILITY	0	1,500	0	1,500	1,500	
529	O	GUAM	AIR FORCE	ANDERSEN AFB	UNDERGROUND FUEL STORAGE TANK	0	4,100	0	4,100	4,100	
530	O	GUAM	ARMY NAT GRD	BARRIGADA	U.S. PROPERY & FISCAL OFFICE & WAREHOUSE	0	1,927	0	1,927	1,927	
531	O	ICELAND	NAVY	KEFLAVIK NAVAL AIR STATION	FUEL FACILITIES (PHASE VIII)	4,940	0	0	(4,940)	0	1/
532	O	JOHNSTON ISLAND	DEFENSE AGENCIES	ON-SITE INSPECTION AGENCY	CHEMICAL DEMILITARIZATION HOUSING	4,600	0	0	(4,600)	0	3/
533	O	JOHNSTON ISLAND	DEFENSE AGENCIES	DNA HDQTRS FIELD COMMAND	GARBAGE AND REFUSE INCENERATOR JA	1,500	1,500	1,500	0	1,500	
534	O	KWAJALEIN	ARMY	KWAJALEIN	POWER PLANT -ROI NAMUR ISLAND	33,000	0	33,000	(33,000)	0	1/
535	O	KWAJALEIN	ARMY	KWAJALEIN	FUEL CONTAINMENT FACILITY UPGRADE	1,200	1,200	1,200	(1,200)	0	1/
536	O	KWAJALEIN	ARMY	KWAJALEIN	HAZARDOUS MATERIAL FACILITIES	8,600	8,600	8,600	(8,600)	0	1/
537	O	KWAJALEIN	ARMY	KWAJALEIN	UNACCOMPANIED PERSONNEL HOUSING	10,000	10,000	10,000	(10,000)	0	1/
538	O	KWAJALEIN	DEFENSE AGENCIES	MISSILE RANGE	GROUND SURVEIL & TRACKING SYSTEM COMPLEX	22,000	0	22,000	0	22,000	
539	O	PORTUGAL	AIR FORCE	LAJES FIELD	FIRE TRAINING FACILITY	950	950	950	0	950	

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540	O	PORTUGAL	AIR FORCE	LAJES FIELD	WASTEWATER TREATMENT AND DISPOSAL SYSTEM.....	7,500	7,500	7,500	0	7,500	
541	O	PUERTO RICO	AIR NAT GRD	PUERTO RICO IAP	ADD TO AIRCRAFT PARKING APRON.....	3,800	3,800	3,800	0	3,800	
542	O	PUERTO RICO	AIR NAT GRD	PUERTO RICO IAP	COMPOSITE SQUADRON OPERATIONS FACILITY.....	2,800	2,800	2,800	0	2,800	
543	O	UNITED KINGDOM	DEFENSE AGENCIES	CLASSIFIED LOCATION	OPS SYSTEM UNINTERRUPTIBLE POWER SOURCE.....	6,000	6,000	6,000	0	6,000	
544	O	OVERSEAS CLASSIFIED	DEFENSE AGENCIES	CLASSIFIED LOCATION	SOUTHWESTER/NSA.....	0	0	3,590	3,590	3,590	
545	O	OVERSEAS CLASSIFIED	DEFENSE AGENCIES	CLASSIFIED LOCATION	STRATEGIC MEDICAL STORAGE FACILITY.....	8,000	8,000	8,000	(8,000)	0	1/
546	O	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	64,803	54,803	3,800	(61,003)	3,800	
547	O	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	538,795	448,795	0	(538,795)	0	5/
548	O	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	112,300	112,300	112,300	0	112,300	
549	O	WORLDWIDE VARIOUS	ARMY	VARIOUS WORLDWIDE LOCATIONS	CLASSIFIED PROJECT.....	1,700	1,700	1,700	0	1,700	
550	O	WORLDWIDE VARIOUS	NAVY	VARIOUS LOCATIONS	HOST NATION INFRASTRUCTURE SUPPORT.....	3,000	3,000	3,000	0	3,000	
551	O	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	72,942	74,292	72,942	2,750	75,692	6/
552	O	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	82,123	67,123	5,000	(77,123)	5,000	5/
553	O	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	474,133	389,133	0	(474,133)	0	5/
554	O	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	95,000	95,000	95,000	0	95,000	
555	O	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	90,948	82,000	12,000	(83,948)	7,000	5/
556	O	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	367,446	271,094	0	(367,446)	0	5/
557	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED	ENERGY CONSERVATION.....	0	60,000	0	60,000	60,000	
558	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (OSIS).....	1,000	0	0	(1,000)	0	5/
559	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DMA).....	2,400	2,400	0	(2,400)	0	5/
560	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (DMA).....	6,100	6,100	0	(6,100)	0	5/
561	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	UNSPECIFIED MINOR CONSTRUCTION (DISA).....	1,261	1,261	0	(1,261)	0	5/
562	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	REPAIR OF REAL PROPERTY (DISA).....	1,539	1,539	0	(1,539)	0	5/
563	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	VARIOUS LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DNA).....	800	800	0	(800)	0	5/
564	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	VARIOUS LOCATIONS	REPAIR OF REAL PROPERTY (DNA).....	3,500	3,500	0	(3,500)	0	5/
565	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (NSA).....	3,307	3,307	0	(3,307)	0	5/
566	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (NSA).....	14,118	14,118	0	(14,118)	0	5/
567	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (OSD).....	21,168	21,168	21,168	0	21,168	
568	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	CONTINGENCY CONSTRUCTION (OSD).....	10,000	10,000	10,000	0	10,000	
569	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (SDIO).....	10,000	0	5,000	(5,000)	5,000	
570	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	OSD MILCON	UNSPECIFIED MINOR CONSTRUCTION (SOC).....	4,500	4,500	700	(3,800)	700	5/
571	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DODDS).....	14,656	14,656	3,000	(11,656)	3,000	5/
572	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (DODDS).....	25,400	25,400	0	(25,400)	0	5/
573	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DMSA).....	6,398	6,398	2,908	(3,490)	2,908	5/
574	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (DMSA).....	88,761	88,761	0	(88,761)	0	5/
575	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (DMSA).....	34,650	64,650	35,650	30,000	64,650	7/

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
576	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	UNSPECIFIED MINOR CONSTRUCTION (DIA).....	892	892	0	(892)	0	5/
577	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	REPAIR OF REAL PROPERTY (DIA).....	1,338	1,338	0	(1,338)	0	5/
578	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (JCS).....	5,900	5,900	5,900	0	5,900	
579	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	VARIOUS LOCATIONS WORLDWIDE	CONFORMING STORAGE FACILITIES.....	3,580	3,580	3,580	0	3,580	
580	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	3,100	4,465	3,390	1,900	5,000	8/
581	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	10,600	10,600	5,500	(5,100)	5,500	5/
582	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	29,300	28,363	0	(29,300)	0	5/
583	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION.....	0	0	(1,845)	0	0	
584	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	21,800	21,800	3,800	(16,800)	5,000	
585	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	23,000	18,750	0	(23,000)	0	
586	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	12,700	12,700	12,700	5,000	17,700	
587	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION.....	0	0	(19,841)	0	0	
588	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	5,900	5,900	6,500	3,000	8,900	
589	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PRIOR YEAR COST INCREASES.....	0	0	5,300	0	0	
590	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	5,700	5,700	2,400	(3,300)	2,400	5/
591	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	19,900	19,900	0	(19,900)	0	5/
592	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION.....	0	0	(1,245)	0	0	
593	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	2,900	2,900	2,900	0	2,900	
594	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	2,300	2,300	500	(1,800)	500	5/
595	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	REAL PROPERTY REPAIR.....	26,072	26,072	0	(26,072)	0	5/
596	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION.....	0	0	(1,485)	0	0	
597	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN.....	2,500	2,500	2,500	0	2,500	
598	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION.....	8,400	8,400	4,400	(4,000)	4,400	5/
599	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY.....	24,500	24,500	0	(24,500)	0	5/
600	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION.....	0	0	(3,657)	0	0	
601	O	WORLDWIDE UNSPECIFIED	NATO	OSD MILCON	NATO INFRASTRUCTURE.....	221,200	121,200	221,200	(161,200)	60,000	
602	I	HAWAII	FHC ARMY	VARIOUS OAHU	NEW CONSTRUCTION (200).....	23,000	23,000	23,000	0	23,000	
603	I	KENTUCKY	FHC ARMY	FORT CAMPBELL	NEW CONSTRUCTION (96).....	0	0	8,200	8,200	8,200	
604	I	TEXAS	FHC ARMY	FT. HOOD	FAMILY HOUSING (227 UNITS).....	0	28,000	0	25,000	25,000	
605	I	VIRGINIA	FHC ARMY	FT. PICKETT	FAMILY HOUSING (26 UNITS).....	0	2,300	0	2,300	2,300	
606	O	WORLDWIDE UNSPECIFIED	FHC ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS.....	143,660	149,160	155,860	(51,060)	92,600	9/
607	O	WORLDWIDE UNSPECIFIED	FHC ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING.....	8,940	8,940	8,940	0	8,940	
608	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	INTEREST PAYMENTS.....	50	50	50	0	50	
609	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT.....	64,840	64,840	64,840	0	64,840	
610	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT.....	52,036	47,036	52,036	(5,000)	47,036	
611	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING.....	358,241	358,241	358,241	0	358,241	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
612	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	313,736	313,736	313,736	0	313,736	
613	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,973	1,973	1,973	0	1,973	
614	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	93,678	93,678	93,678	0	93,678	
615	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	495,836	495,836	495,836	(11,820)	484,016	
616	I	ALASKA	FHC NAVY	ADAK NAVAL AIR STATION	NEW CONSTRUCTION (46)	11,820	0	0	(11,820)	0	3/
617	I	CALIFORNIA	FHC NAVY	MARINE CORPS BASE CAMP PENDLETON	NEW CONSTRUCTION (300)	30,600	30,600	30,600	0	30,600	
618	I	CALIFORNIA	FHC NAVY	NAVAL COMPLEX SAN DIEGO	NEW CONSTRUCTION (300)	30,400	30,400	30,400	0	30,400	
619	I	CONNECTICUT	FHC NAVY	NSB NEW LONDON	NEW CONSTRUCTION (100)	11,850	11,850	11,850	0	11,850	
620	I	HAWAII	FHC NAVY	BARKING SANDS PACIFIC MISSILE RANGE	NEW CONSTRUCTION (13)	2,330	2,330	2,330	0	2,330	
621	I	HAWAII	FHC NAVY	VARIOUS OAHU	FAMILY HOUSING (758)	0	11,820	182,500	117,180	117,180	
622	I	NEW JERSEY	FHC NAVY	NAVAL WEAPONS STATION EARLE	NEW CONSTRUCTION (COMMUNITY CENTER)	1,100	1,100	1,100	0	1,100	
623	I	VIRGINIA	FHC NAVY	NORFOLK NAVAL STATION	DEMOLITION & SITE PREPARATION	0	0	0	7,000	7,000	
624	I	WASHINGTON	FHC NAVY	NAVY SUBMARINE BASE BANGOR	FAMILY HOUSING UNITS (200)	0	19,500	0	19,500	19,500	
625	I	WASHINGTON	FHC NAVY	NAVAL SUBMARINE BASE BANGOR	NEW CONSTRUCTION (200)	19,500	19,500	19,500	0	19,500	
626	I	WEST VIRGINIA	FHC NAVY	SUGAR GROVE NAVAL RADIO STATION	NEW CONSTRUCTION (8)	930	0	930	0	930	
627	O	WORLDWIDE UNSPECIFIED	FHC NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	198,340	198,340	198,340	(67,496)	130,844	
628	O	WORLDWIDE UNSPECIFIED	FHC NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	14,200	14,200	14,200	0	14,200	
629	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	104,470	104,470	104,470	0	104,470	
630	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	262,840	262,840	262,840	(34,931)	227,909	
631	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	23,766	23,766	23,766	0	23,766	
632	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	68,284	68,284	68,284	0	68,284	
633	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,068	1,068	1,068	0	1,068	
634	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	90	90	90	0	90	
635	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	41,549	41,549	41,549	0	41,549	
636	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	194,110	194,110	194,110	0	194,110	
637	I	CALIFORNIA	FHC AIR FORCE	BEALE AFB	HOUSING OFFICE	306	0	306	0	306	
638	I	CALIFORNIA	FHC AIR FORCE	MARCH AFB	ADDITONAL FUNDS FOR 320 HOUSING UNITS	0	13,000	0	0	0	
639	I	CALIFORNIA	FHC AIR FORCE	MARCH AFB	FAMILY HOUSING (320 UNITS)	25,351	25,351	25,351	13,000	38,351	
640	I	FLORIDA	FHC AIR FORCE	PATRICK AFB	FAMILY HOUSING (250 UNITS)	16,000	16,000	22,500	6,500	22,500	
641	I	GEORGIA	FHC AIR FORCE	MOODY AFB	HOUSING MAINTENANCE FACILITY	290	0	290	0	290	
642	I	GEORGIA	FHC AIR FORCE	ROBINS AFB	FAMILY HOUSING (55 UNITS)	3,153	3,153	3,153	0	3,153	
643	I	ILLINOIS	FHC AIR FORCE	SCOTT AFB	FAMILY HOUSING PHASE I (300)	0	0	20,000	20,000	20,000	
644	I	LOUISIANA	FHC AIR FORCE	BARKSDALE AFB	HOUSING MAINTENANCE & STORAGE FACILITY	443	0	443	0	443	
645	I	NEW MEXICO	FHC AIR FORCE	CANNON AFB	FAMILY HOUSING (361 UNITS)	32,951	32,951	32,951	0	32,951	
646	I	NEW MEXICO	FHC AIR FORCE	CANNON AFB	HOUSING OFFICE	480	0	480	0	480	
647	I	NORTH DAKOTA	FHC AIR FORCE	MINOT AFB	HOUSING MAINTENANCE & STORAGE FACILITY	286	0	286	0	286	

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT
648	I	SOUTH CAROLINA	FHC AIR FORCE	SHAW AFB	HOUSING OFFICE	351	0	351	0	351
649	I	UTAH	FHC AIR FORCE	HILL AFB	FAMILY HOUSING (82 UNITS)	6,353	6,353	6,353	0	6,353
650	O	PORTUGAL	FHC AIR FORCE	LAJES FIELD	WATER WELLS	865	865	865	0	865
651	O	WORLDWIDE UNSPECIFIED	FHC AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	7,457	7,457	7,457	0	7,457
652	O	WORLDWIDE UNSPECIFIED	FHC AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	227,824	227,824	227,824	(77,824)	150,000
653	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	26,633	26,633	26,633	0	26,633
654	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	261,052	261,052	261,052	0	261,052
655	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	150,800	150,800	150,800	0	150,800
656	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	396,943	396,943	396,943	(9,347)	387,596
657	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	46,354	46,354	46,354	0	46,354
658	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	9,755	9,755	9,755	0	9,755
659	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	70	70	70	0	70
660	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	50,681	45,681	50,681	(5,000)	45,681
661	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	148	148	148	0	148
662	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	10,374	10,374	10,374	0	10,374
663	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	521	521	521	0	521
664	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	44	44	44	0	44
665	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	8	8	8	0	8
666	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	321	321	321	0	321
667	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	1,702	1,702	1,702	0	1,702
668	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	13,185	13,185	13,185	0	13,185
669	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	424	424	424	0	424
670	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	43	43	43	0	43
671	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	991	991	991	0	991
672	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	150	150	150	0	150
673	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	54	54	54	0	54
674	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	435	435	435	0	435
675	O	CONUS UNSPECIFIED	FH-HOMEOWNERS	UNSPECIFIED WORLDWIDE LOCATIONS	PAYMENT TO HOMEOWNERS	7,334	7,334	7,334	0	7,334
676	O	CONUS UNSPECIFIED	FH-HOMEOWNERS	UNSPECIFIED WORLDWIDE LOCATIONS	OTHER OPERATING COSTS	29,596	29,596	29,596	0	29,596
677	O	CONUS UNSPECIFIED	FH-HOMEOWNERS	UNSPECIFIED WORLDWIDE LOCATIONS	ACQUISITION OF REAL PROPERTY	96,070	96,070	96,070	0	96,070
678	O	WORLDWIDE UNSPECIFIED	DEBT	UNSPECIFIED WORLDWIDE LOCATIONS	DEBT REDUCTION	127	127	127	0	127
679	I	ALASKA	DEAUTH 1992	SHEMYA	VARIOUS PROJECTS	0	0	(28,100)	(28,100)	(28,100)
680	I	ARIZONA	DEAUTH 1992	LUKE AFB	CONSTRUCT COURSE TRAIN FAC	0	0	(2,800)	(2,800)	(2,800)
681	I	GEORGIA	DEAUTH 1991	ROBINS AFB	VARIOUS PROJECTS	0	0	(12,500)	(12,500)	(12,500)
682	I	MICHIGAN	DEAUTH 1991	KI SAWYER	ALTER TAXIWAY BARRIER	0	0	(1,300)	(1,300)	(1,300)
683	I	MONTANA	DEAUTH 1992	VARIOUS LOCATIONS	VARIOUS PROJECTS	0	0	(1,400)	(1,400)	(1,400)

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT
684	I	NEW YORK	DEAUTH 1992	GRIFFISS AFB	ALERT TAXIWAY BARRIER.....	0	0	(1,200)	(1,200)	(1,200)
685	I	NORTH CAROLINA	DEAUTH 1989	MCAS CHERRY POINT	FORWARD TRAIN AREA.....	0	0	(8,280)	(8,280)	(8,280)
686	I	OKLAHOMA	DEAUTH 1991	TINKER AFB	B2-ADD HANGAR FIRE PROT SYS.....	0	0	(3,600)	(3,600)	(3,600)
687	I	SOUTH CAROLINA	DEAUTH 1991	MYRTLE BEACH AFB	MIL FAMILY HOUSING OFF.....	0	0	(258)	(258)	(258)
688	I	SOUTH DAKOTA	DEAUTH 1992	ELLSWORTH AFB	ALERT TAXIWAY BARRIER.....	0	0	(670)	(670)	(670)
689	I	TEXAS	DEAUTH 1992	SHEPPARD AFB	ALTER FLIGHT TRAIN FAC.....	0	0	(420)	(420)	(420)
690	I	WORLDWIDE UNSPECIFIED	DEAUTH 1989	UNSPECIFIED WORLDWIDE LOCATIONS	VARIOUS PROJECTS.....	0	0	(1,160)	(1,160)	(1,160)
691	I	WORLDWIDE UNSPECIFIED	DEAUTH 1990	UNSPECIFIED WORLDWIDE LOCATIONS	VARIOUS PROJECTS.....	0	0	(6,550)	(6,550)	(6,550)
692	I	WORLDWIDE UNSPECIFIED	DEAUTH 1991	UNSPECIFIED WORLDWIDE LOCATIONS	VARIOUS PROJECTS.....	0	0	(3,770)	(3,770)	(3,770)

1/ NO APPROPRIATION
2/ QUESTION FUTURE OF HOMESTEADAFB
3/ NO LONGER REQUIRED
4/ PROGRAM DELAY
5/ TRANSFER TO O&M ACCOUNT
6/ INCLUDES $1.4 MILLION TO INITIATE DESIGN ON UNDERWATER WEAPONS TECHNOLOGY R&D FACILITY AT NAVAL UNDERSEA WARFARE CENTER, RHODE ISLAND; AND $1.35 MILLION FOR DESIGN OF IMPROVEMENTS AT NAVAL STATION MAYPORT, FLORIDA
7/ INCLUDES $30 MILLION TO COMPLETE DESIGN OF FITZSIMONS ARMY MEDICAL CENTER, AURORA, COLORADO
8/ INCLUDES $95,000.00 FOR DESIGN OF DANVILLE, VA ARMORY; $98,000.00 FOR FACILITIES AT JOHNSTOWN, PA; AND $290,000.00 FOR A MASTER PLAN FOR SMYRNA, TN
9/ INCLUDES CONSTRUCTION IMPROVEMENTS AT THE FOLLOWING LOCATIONS: $5.5 MILLION FOR FORT MCCLELLAN, AL; $6.5 MILLION FOR FORT WAINWRIGHT; AND $5.7 MILLION
10/ PRIOR YEAR APPROPRIATION

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A of Title XXXI of Division C of the House bill would authorize appropriations for the national security programs of the Department of Energy, in the amount of $11.9 billion.

Subtitle A of Title XXXI of Division C of the Senate amendment would authorize $11.8 billion for these purposes.

The conferees recommend an authorization of $11.9 billion.

The budget request, the authorizations contained in the House bill and the Senate amendment, and the conference agreement are presented in the following tables.

Fiscal Year 1993 Atomic Energy Defense Activities
Summary
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Weapons Activities	4,623.428	4,622.089	4,548.749	4,415.089	4,502.249	-119.840
Operating Expenses	(4,075.800)	(4,146.909)	(4,103.909)	(4,016.909)	(4,058.409)	(-88.500)
Construction	(295.578)	(343.195)	(343.195)	(339.195)	(341.195)	(-2.000)
Capital Equipment	(252.050)	(219.535)	(229.845)	(219.535)	(230.845)	(11.310)
Adjustments		(-87.550)	(-128.200)	(-160.550)	(-128.200)	(-40.650)
New Production Reactors	515.500	4.028	171.800	34.028	34.028	30.000
Operating Expenses	(142.835)	(130.800)	(141.510)	(184.028)	(184.028)	(53.228)
Construction	(361.465)		(149.290)			
Capital Equipment	(11.200)		(6.000)			
Adjustments		(-126.772)	(-125.000)	(-150.000)	(-150.000)	(-23.228)
Defense Environmental Restoration & Waste Mgmt.	3,680.672	4,825.492	4,663.009	4,852.772	4,831.547	6.055
Operating Expenses	(3,177.142)	(4,078.452)	(3,952.918)	(4,108.452)	(4,098.452)	(20.000)
Construction	(449.926)	(606.579)	(560.893)	(603.859)	(603.859)	(-2.720)
Capital Equipment	(121.832)	(153.198)	(149.198)	(153.198)	(153.198)	
Adjustments	(-68.228)	(-12.737)		(-12.737)	(-23.962)	(-11.225)
Materials Production & Other Defense Programs	3,148.400	2,687.020	2,559.361	2,487.510	2,554.301	-132.719
Operating Expenses	(2,563.943)	(2,708.366)	(2,547.366)	(2,573.856)	(2,617.256)	(-91.110)
Construction	(368.590)	(227.550)	(242.550)	(227.550)	(227.550)	
Capital Equipment	(165.967)	(158.127)	(158.127)	(163.127)	(163.177)	(5.050)
Adjustments	(49.900)	(-407.023)	(-388.682)	(-477.023)	(-453.682)	(-46.659)
Total, DOE Defense Activities	11,968.000	12,138.629	11,942.919	11,789.399	11,922.125	-216.504
Operating Expenses	(9,959.720)	(11,064.527)	(10,745.703)	(10,883.245)	(10,958.145)	(-106.382)
Construction	(1,475.559)	(1,177.324)	(1,295.928)	(1,170.604)	(1,172.604)	(-4.720)
Capital Equipment	(551.049)	(530.860)	(543.170)	(535.860)	(547.220)	(16.360)
Adjustments	(-18.328)	(-634.082)	(-641.882)	(-800.310)	(-755.844)	(-121.762)
Defense Nuclear Facilities Safety Board	12.000	13.000	13.000	13.000	13.000	
Total, Atomic Energy Defense Activities	11,980.000	12,151.629	11,955.919	11,802.399	11,935.125	-216.504

Fiscal Year 1993 Atomic Energy Defense Activities
Weapons Activities
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses						
Research and development	1,182.600	1,218.900	1,175.900	1,283.900	1,214.900	-4.000
Inertial confinement fusion	(166.300)	(174.300)	(181.300)	(189.300)	(181.300)	(7.000)
Accelerator transmutation of waste					(5.000)	(5.000)
Testing	457.500	429.500	429.500	309.500	375.000	-54.500
Production and surveillance	2,273.950	2,172.600	2,172.600	2,122.600	2,142.600	-30.000
Program direction	161.750	325.909	325.909	300.909	325.909	
Total, Operating Expenses	4,075.800	4,146.909	4,103.909	4,016.909	4,058.409	-88.500
Construction						
Research and Development						
GPD-101, general plant projects, various locations	28.800	21.000	21.000	20.000	21.000	
92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations	6.600	35.000	35.000	35.000	35.000	
90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations	34.100	50.120	50.120	50.120	50.120	
88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico	1.515	1.000	1.000	1.000	1.000	

Fiscal Year 1993 Atomic Energy Defense Activities
Weapons Activities
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations	53.608	34.400	34.400	34.400	34.400	
87-D-104, safeguards and security enhancement II, Lawrence Livermore National Laboratory, Livermore, California	5.300					
Total, Research and Development	129.923	141.520	141.520	140.520	141.520	
Testing						
GPD-101, general plant projects, various locations		7.650	7.650	7.650	7.650	
93-D-102, Nevada support facility, North Las Vegas, Nevada		2.000	2.000			-2.000
85-D-105, combined device assembly facility, Nevada Test Site, Nevada	12.027	3.610	3.610	3.610	3.610	
Total, Testing	12.027	13.260	13.260	11.260	11.260	-2.000

Fiscal Year 1993 Atomic Energy Defense Activities
Weapons Activities
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Production and Surveillance						
GPD-121, general plant projects, various locations	34.700	27.350	27.350	26.350	27.350	
93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee		2.700	2.700	2.700	2.700	
92-D-122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado	7.200	5.300	5.300	5.300	5.300	
92-D-123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado	5.200	8.700	8.700	8.700	8.700	
92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado	3.500					
92-D-126, replace emergency notification systems, various locations	4.200	10.900	10.900	10.900	10.900	
91-D-126, health physics calibration facility, Mound Plant, Miamisburg, Ohio	4.000					
91-D-127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado		6.300	6.300	6.300	6.300	
90-D-124, high explosives (HE) synthesis facility, Pantex Plant, Amarillo, Texas	12.927					

Fiscal Year 1993 Atomic Energy Defense Activities
Weapons Activities
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
90-D-126, environmental, safety, and health enhancements, various locations	1.428	9.200	9.200	9.200	9.200	
88-D-122, facilities capability assurance program, various locations	47.473	87.100	87.100	87.100	87.100	
88-D-123, security enhancements, Pantex Plant, Amarillo, Texas	30.000					
88-D-124, fire protection upgrade, various locations						
86-D-130, tritium loading facility replacement, Savannah River Site, Aiken, South Carolina		4.865	4.865	4.865	4.865	
85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee	3.000					
Total, Production and Surveillance	153.628	162.415	162.415	161.415	162.415	
Program Direction						
93-D-123, Complex-21, various locations		26.000	26.000	26.000	26.000	
Total, Construction	295.578	343.195	343.195	339.195	341.195	-2.000

Fiscal Year 1993 Atomic Energy Defense Activities

Weapons Activities

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Capital Equipment						
Research and Development	252.050	103.820	114.130	103.820	115.130	11.310
Inertial confinement fusion	(30.700)	(31.010)	(41.320)	(31.000)	(31.010)	
Testing		31.100	31.100	31.100	31.100	
Production and Surveillance		80.685	80.685	80.685	80.685	
Program Direction		3.930	3.930	3.930	3.930	
Total, Capital Equipment	252.050	219.535	229.845	219.535	230.845	11.310
Adjustments						
Anticipated Savings				-73.000		
Departmental Administration		-9.350		-9.350		9.350
Use of prior year balances		-78.200	-128.200	-78.200	-128.200	-50.000
Total, Adjustments		-87.550	-128.200	-160.550	-128.200	-40.650
Total, Weapons Activities	4,623.428	4,622.089	4,548.749	4,415.089	4,502.249	-119.840

Fiscal Year 1993 Atomic Energy Defense Activities
New Production Reactors
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses	142.835	130.800	141.510	184.028	184.028	53.228
Construction						
92-D-300, new production reactor capacity, various locations	359.465					
92-D-301, new production reactor (NPR) safety center, Los Alamos National Laboratory, Los Alamos, New Mexico	2.000					
88-D-154, new production reactor capacity, various locations (design only)			149.290			
Total, Construction	361.465		149.290			
Capital Equipment	11.200		6.000			
Adjustments						
Use of prior year balances		-125.000	-125.000	-150.000	-150.000	
Departmental Administration		-1.772				1.772
Total, New Production Reactors	515.500	4.028	171.800	34.028	34.028	30.000

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses						
Corrective Activities - Environment	27.689	2.431	2.431	2.431	2.431	
Corrective Activities - Defense Programs	33.518	7.386	7.386	7.386	7.386	
Environmental Restoration	1,074.392	1,448.427	1,380.670	1,448.427	1,448.427	
Worker protection training	(10.000)		(10.000)		(10.000)	(10.000)
Water management programs				(40.000)	(40.000)	(40.000)
Waste Management	1,723.796	2,252.037	2,186.260	2,252.037	2,252.037	
Technology Development	274.778	300.700	330.700	330.700	320.700	20.000
Continuous emissions monitoring	(0.400)		(0.400)		(0.400)	(0.400)
Accelerator transmutation of waste	(10.000)		(15.000)		(10.000)	(10.000)
Scholarship and fellowship programs	(1.000)		(1.000)		(1.000)	(1.000)
Transportation Management	18.220	19.335	19.335	19.335	19.335	
Program Direction	24.749	48.136	26.136	48.136	48.136	
Total, Operating Expenses	3,177.142	4,078.452	3,952.918	4,108.452	4,098.452	20.000
Construction						
Corrective Activities - Environment						
GPD-171, general plant projects, various locations	88.027	0.528	0.528	0.528	0.528	
89-D-172, Hanford environmental compliance, Richland, Washington	27.700					
Total, Corrective Activities - Environment	115.727	0.528	0.528	0.528	0.528	
Corrective Activities - Defense						
GPD-171, general plant projects, various locations		1.720	1.720	1.720	1.720	
92-D-402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, Livermore, California	3.000	5.500	5.500	5.500	5.500	

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-403, tank upgrades project, Lawrence Livermore National Laboratory, Livermore, California	3.500	10.100	10.100	10.100	10.100	
90-D-103, environment, safety and health improvements, weapons research and development complex, Los Alamos National Laboratory, Los Alamos, New Mexico		6.315	6.315	6.315	6.315	
90-D-125, steam ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee	8.122					
89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio	0.041					
88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico	1.546					
Total, Corrective Activities - Defense	16.209	23.635	23.635	23.635	23.635	
Waste Management						
GPD-171, general plant projects, various locations		81.037	81.037	81.037	81.037	
93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho Falls, Idaho		1.000	1.000	1.000	1.000	
93-D-173, long-term storage TMI fuel, Idaho National Engineering Laboratory, Idaho Falls, Idaho		2.720				-2.720

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee		1.800	1.800	1.800	1.800	
93-D-175, industrial waste compacting facility, Y-12 Plant, Oak Ridge, Tennessee		2.200	2.200	2.200	2.200	
93-D-176, Oak Ridge reservation storage facility, Oak Ridge, Tennessee		4.000	4.000	4.000	4.000	
93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-25 Plant, Oak Ridge, Tennessee		1.500	1.500	1.500	1.500	
93-D-178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado		2.700	2.700	2.700	2.700	
93-D-180, environmental monitoring-RCRA groundwater monitoring installation, Richland, Washington		8.700	8.700	8.700	8.700	
93-D-181, radioactive waste line replacement, Richland, Washington		0.350	0.350	0.350	0.350	
93-D-182, replacement of cross-site trans. system, Richland, Washington		4.495	4.495	4.495	4.495	
93-D-183, multi-tank waste storage facility, Richland, Washington		10.300	10.300	10.300	10.300	

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
93-D-184, 325 facility compliance/renovation, Richland, Washington		1.500	1.500	1.500	1.500	
93-D-185, landlord program safety compliance, phase II, Richland, Washington		0.849	0.849	0.849	0.849	
93-D-186, 200 area unsecured core area fabrication shop, Richland, Washington		1.000	1.000	1.000	1.000	
93-D-187, high level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina		2.000	2.000	2.000	2.000	
93-D-188, new sanitary landfill, Savannah River Site, Aiken, South Carolina		2.000	2.000	2.000	2.000	
92-D-171, mixed waste receiving and storage, Los Alamos National Laboratory, Los Alamos, New Mexico	6.640	3.000	3.000	3.000	3.000	
92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas	2.400	1.900	1.900	1.900	1.900	
92-D-173, NOx abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho Falls, Idaho	7.000	7.000	7.000	7.000	7.000	
92-D-174, sanitary landfill, Idaho National Engineering Laboratory, Idaho Falls, Idaho	10.000					

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-176, B plant safety class ventilation upgrades, Richland, Washington	4.400					
92-D-177 tank 101-AZ waste retrieval system, Richland, Washington	5.800	3.000	3.000	3.000	3.000	
92-D-180, inter-area line upgrade, Savannah River Site, Aiken, South Carolina	2.100	3.170	5.840	3.170	3.170	
92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho Falls, Idaho	3.000	8.000	8.000	8.000	8.000	
92-D-182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho Falls, Idaho	2.100	3.700	3.700	3.700	3.700	
92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho Falls, Idaho	0.895	5.860	5.860	5.860	5.860	
92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington	0.300	3.700	3.700	3.700	3.700	
92-D-185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington	0.800	6.500	6.500	6.500	6.500	
92-D-186, steam system rehabilitation, Phase II, Richland, Washington	0.400					

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-187, 300 area electrical distribution conversion and safety improvements, Phase II, Richland, Washington	1.100	1.724	1.724	1.724	1.724	
92-D-188, waste management environment, safety and health, and compliance activities, various locations		1.000	1.000	1.000	1.000	
91-D-171, waste receiving and processing facility module 1, Richland, Washington	7.400	21.800	21.800	21.800	21.800	
91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho Falls, Idaho	30.000	57.530	57.530	57.530	57.530	
91-D-173, hazardous low-level waste processing tanks, Savannah River Site, South Carolina	10.100	15.300	15.300	15.300	15.300	
91-D-175, 300 area electrical distribution conversion and safety improvements, Phase I, Richland, Washington	4.419	0.981	0.981	0.981	0.981	
90-D-126, environment, safety, and health improvements, various locations	7.419					
90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington	1.116					
90-D-172, aging waste transfer lines, Richland, Washington	6.000					

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
90-D-173, B plant canyon crane replacement, Richland, Washington	5.800					
90-D-174, decontamination laundry facility, Richland, Washington	3.700	7.442	7.442	7.442	7.442	
90-D-175, landlord program safety compliance-I, Richland, Washington	8.840	4.753	4.753	4.753	4.753	
90-D-176, transuranic (TRU) waste facility, Savannah River Site, South Carolina	5.500	5.000	5.000	5.000	5.000	
90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho	25.000	41.700	41.700	41.700	41.700	
90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho	4.490					
89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee	9.238	4.200	4.200	4.200	4.200	
89-D-141, M-area waste disposal, Savannah River Site, Aiken, South Carolina	4.170					
89-D-172, Hanford environmental compliance, Richland, Washington		49.950	44.950	49.950	49.950	

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
89-D-173, tank farm ventilation upgrade, Richland, Washington	4.231	7.000	7.000	7.000	7.000	
89-D-174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina	14.145	15.795	15.795	15.795	15.795	
89-D-175, hazardous waste/mixed waste disposal facility, Savannah River Site, Aiken, South Carolina	4.330	7.900	7.900	7.900	7.900	
88-D-173, Hanford waste vitrification plant, Richland, Washington	79.200	81.471	81.471	81.471	81.471	
87-D-180, burial ground expansion, Savannah River, South Carolina		8.800		8.800	8.800	
87-D-181, diversion box and pump pit containment buildings, Savannah River Site, Aiken South Carolina	4.697	1.904	3.386	1.904	1.904	
86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California	5.060	2.755	2.755	2.755	2.755	
83-D-148, non-radioactive hazardous waste management, Savannah River Site, Aiken, South Carolina	9.100	10.330	9.612	10.330	10.330	

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
81-T-105, defense waste processing facility, Savannah River Site, Aiken, South Carolina		32.600		32.600	32.600	
Total, Waste Management	300.890	553.916	508.230	551.196	551.196	-2.720
Technology Development						
91-EM-100, environmental and molecular sciences laboratory, Richland, Washington	17.100	28.500	28.500	28.500	28.500	
Total, Construction	449.926	606.579	560.893	603.859	603.859	-2.720
Capital Equipment						
Corrective Activities - Environment	1.249					
Corrective Activities - Defense Programs	6.520	1.120	1.120	1.120	1.120	
Waste Management	95.913	132.749	128.749	132.749	132.749	
Technology Development	17.500	16.200	16.200	16.200	16.200	
Transportation Management	0.650	0.465	0.465	0.465	0.465	
Program direction		2.664	2.664	2.664	2.664	
Total, Capital Equipment	121.832	153.198	149.198	153.198	153.198	
Adjustments						
Departmental Administration		-14.498		-14.498		14.498
Program savings & slippages	-68.228	-16.100		-16.100		16.100
Use of prior year balances					-41.823	-41.823
Facility Transition		17.861		17.861	17.861	
Total, Defense Environmental Restoration & Waste Mgm	3,680.672	4,825.492	4,663.009	4,852.772	4,831.547	6.055

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses						
Materials Production						
Reactor operations	584.418	553.209	553.209	553.209	553.209	
Processing of nuclear materials	531.217	491.992	493.592	466.992	491.992	
Supporting services	305.433	308.736	307.136	288.736	307.136	-1.600
Program direction	43.244	66.538	66.538	66.538	66.538	
Total, Materials Production	1,464.312	1,420.475	1,420.475	1,375.475	1,418.875	-1.600
Verification and Control Technology	209.900	406.215	240.215	301.215	301.215	-105.000
Nuclear Safeguards and Security	88.731	96.837	81.837	96.837	86.837	-10.000
Security Investigations	62.600	58.289	58.289	58.289	58.289	
Office of Security Evaluations	15.000	15.150	15.150	5.150	15.150	
Office of Nuclear Safety			20.000	25.490	25.490	25.490
Naval Reactors						
Plant development	93.000	105.000	105.000	105.000	105.000	
Reactor development	285.997	306.300	306.300	306.300	306.300	
Reactor operation and evaluation	205.600	206.000	206.000	206.000	206.000	
Program direction	15.963	17.100	17.100	17.100	17.100	
Enrichment materials	122.840	77.000	77.000	77.000	77.000	
Total, Naval Reactors	723.400	711.400	711.400	711.400	711.400	
Total, Operating Expenses	2,563.943	2,708.366	2,547.366	2,573.856	2,617.256	-91.110

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Construction						
Materials Production						
Reactor Operations						
92-D-141, reactor seismic improvement, Savannah River Site, Aiken, South Carolina	14.200	5.000	5.000	5.000	5.000	
90-D-150, reactor safety assurance, phases I, II, and III, Savannah River Site, Aiken, South Carolina	14.530	4.210	4.210	4.210	4.210	
89-D-148, improved reactor confinement system, Savannah River Site, Aiken, South Carolina	12.121	4.240	4.240	4.240	4.240	
86-D-152, reactor electrical distribution system, Savannah River Site, Aiken, South Carolina		5.647	5.647	5.647	5.647	
85-D-145, fuel production facility, Savannah River Site, Aiken, South Carolina		17.000	17.000	17.000	17.000	
Total, Reactor Operations	40.851	36.097	36.097	36.097	36.097	

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Processing of Nuclear Materials						
92-D-140, F and H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina	12.000	12.500	12.500	12.500	12.500	
92-D-142, nuclear material processing training center, Savannah River Site, Aiken, South Carolina	2.500	11.700	11.700	11.700	11.700	
90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho Falls, Idaho	12.000	1.553	1.553	1.553	1.553	
Total, Processing of Nuclear Materials	26.500	25.753	25.753	25.753	25.753	
Supporting Services						
GPD-146, general plant projects, various locations	40.000	32.260	32.260	32.260	32.260	
93-D-147, domestic water system upgrade, Savannah River Site, Aiken, South Carolina		1.000	1.000	1.000	1.000	
93-D-148, replace high/low level drain lines, Savannah River Site, Aiken, South Carolina		0.800	0.800	0.800	0.800	
93-D-152, environmental modification for production facilities, Savannah River Site, Aiken, South Carolina		2.000	2.000	2.000	2.000	
93-D-153, uranium recovery hydrogen fluoride upgrade, Y-12 Plant, Oak Ridge, Tennessee		2.400	2.400	2.400	2.400	

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-143, health protection instrument calibration facility, Savannah River Site, Aiken, South Carolina	2.000	8.000	8.000	8.000	8.000	
92-D-150, operations support facilities, Savannah River Site, Aiken, South Carolina	3.000	4.100	4.100	4.100	4.100	
92-D-151, plant maintenance and improvements, Phase I, Savannah River Site, Aiken, South Carolina	4.060					
92-D-153, engineering support facility, Savannah River Site, Aiken, South Carolina	8.017	3.500	3.500	3.500	3.500	
91-D-143, increase 751-A electrical substation capacity, Phase I, Savannah River Site, Aiken, South Carolina	2.614					
90-D-149, plantwide fire protection, Phases I and II, Savannah River Site, Aiken, South Carolina	39.000	39.685	39.685	39.685	39.685	
90-D-151, engineering center, Savannah River Site, Aiken, South Carolina	0.105					
89-D-140, additional separations safeguards, Savannah River Site, Aiken, South Carolina	28.150	13.104	13.104	13.104	13.104	
88-D-153, additional reactor safeguards, Savannah River Site, Aiken, South Carolina	6.528					

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations	36.865	11.651	11.651	11.651	11.651	
85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho	82.700		15.000			
Total, Supporting Services	253.039	118.500	133.500	118.500	118.500	
Total, Materials Production	320.390	180.350	195.350	180.350	180.350	
Verification and control technology						
90-D-186 center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico	10.000	10.000	10.000	10.000	10.000	
Total, Verification and control technology	10.000	10.000	10.000	10.000	10.000	
Nuclear Safeguards and Security						
GPD-186, general plant projects, Central Training Academy, Albuquerque, New Mexico	2.000	2.000	2.000	2.000	2.000	
Total, Nuclear Safeguards and Security	2.000	2.000	2.000	2.000	2.000	
Naval Reactors						
GPN-101, general plant projects, various locations	8.500	8.500	8.500	8.500	8.500	
93-D-200, planning summary		2.200	2.200	2.200	2.200	
92-D-200, laboratories facilities upgrades, various locations	4.900	7.500	7.500	7.500	7.500	
90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho Falls, Idaho	15.000	13.600	13.600	13.600	13.600	

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs
[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho Falls, Idaho	2.800	0.500	0.500	0.500	0.500	
90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York	5.000	2.900	2.900	2.900	2.900	
Total, Naval Reactors	36.200	35.200	35.200	35.200	35.200	
Total, Construction	368.590	227.550	242.550	227.550	227.550	
Capital Equipment						
Materials Production	92.198	80.900	80.900	80.900	80.900	
Verification and control technology	10.100	11.500	11.500	16.500	16.500	5.000
Nuclear Safeguards and Security	5.269	5.327	5.327	5.327	5.327	
Office on Nuclear Safety					0.050	0.050
Naval Reactors	58.400	60.400	60.400	60.400	60.400	
Total, Capital Equipment	165.967	158.127	158.127	163.127	163.177	5.050
Adjustments						
Savannah River Pension Refund		-400.000	-400.000	-400.000	-400.000	
Non-Proliferation Activities			20.000			
Education Programs	49.900	22.400	22.400	22.400	22.400	
Anticipated Savings		-27.082	-27.082	-97.082	-45.000	-17.918
Departmental Administration		-2.341		-2.341		2.341
Use of prior year balances			-4.000		-31.082	-31.082
Total, Adjustments	49.900	-407.023	-388.682	-477.023	-453.682	-46.659
Total, Materials Production & Other Defense Programs	3,148.400	2,687.020	2,559.361	2,487.510	2,554.301	-132.719

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Weapons activities (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize $4.549 billion for operating expenses, plant projects, and capital equipment for weapons activities necessary to carry out the national security programs of the Department of Energy.

The Senate amendment contained a provision (sec. 3101) that would authorize $4.415 billion.

The conferees recommend $4.502 billion for weapons activities.

New production reactor (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize $171.8 million for operating expenses, plant projects, and capital equipment for the new production reactor activities.

The Senate amendment contained a provision (sec. 3102) that would authorize $34.0 million.

The conferees recommend $34.0 million for new production reactor activities.

Environmental restoration and waste management (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize $4.7 billion for operating expenses, plant projects, and capital equipment for environmental restoration and waste management activities.

The Senate amendment contained a provision (sec. 3103) that would authorize $4.9 billion.

The conferees recommend $4.8 billion for environmental restoration and waste management activities.

Use of funds (sec. 3103(e))

The Senate amendment contained a provision (sec. 3103(e)) that would permit the Secretary of Energy to use $40.0 million to reimburse the cities of Westminster, Broomfield, Thornton, and Northglen in the State of Colorado for the cost of implementing water management programs and provide that such reimbursements are not major federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

The House bill contained no similar provision.

The House recedes.

Defense materials production and other defense programs (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize $2.559 billion for operating expenses, plant projects, and capital equipment for materials production and other defense programs.

The Senate amendment contained a provision (sec. 3104) that would authorize $2.487 billion.

The conferees recommend $2.554 billion for defense materials and other defense programs.

Funding uses and limitations (sec. 3105)

The House bill contained a provision (sec. 3105(a)) that would authorize $212.31 million for the inertial confinement fusion program.

The Senate amendment contained a similar provision (sec. 3105(a)) but would authorize $220.3 million for the inertial confinement fusion program.

The conferees agree that $212.31 million shall be available for operating expenses and capital equipment, $7.0 million above the amended budget request. The conferees reaffirm their support for the findings and recommendations of the 1990 report on the inertial confinement fusion program by the National Academy of Sciences. The authorized funding of $212.31 million for the program would provide $181.3 million for operating expenses and $31.01 million for capital equipment. The conferees believe that this amount is sufficient to implement the Academy's recommendations.

This funding would provide $37.9 million for the OMEGA laser and $8.0 million to complete a conceptual design for the upgrade of the NOVA Laser. In directing the Energy Department to proceed with a conceptual design for the NOVA upgrade, the conferees are not making a commitment to the NOVA upgrade. Completion of the conceptual design will provide a greater degree of understanding about the cost, complexity, and timing of the proposed upgrade. An upgrade is conditioned on a number of events, not the least of which is the achievement of the relevant milestones set out in the National Academy's report. Authorization of funds to prepare a conceptual design for the NOVA is not authorization to begin construction.

Funding uses and limitations—fire protection and cooling or refrigeration systems (sec. 3105(b))

The Senate amendment contained a provision (sec. 3105(b)) that would prohibit the Department of Energy from using the funds made available for fiscal year 1993 for the design or acquisition of chlorofluorocarbon (CFC)-based systems for fire protection, cooling, or refrigeration uses if a CFC-free system that meets programmatic requirements is commercially available.

The House bill contained no similar provision.

The House recedes with an amendment that would require a CFC-free system to be cost-effective based on the comparative lifecycle costs of such a system.

Funding uses and limitations—reconfiguration of non-nuclear activities (sec. 3105 (c))

The House bill contained a provision (sec. 3105(c)) that would prohibit the obligation of funds to implement non-nuclear consolidation until 90 days after the Secretary of Energy submits a report to Congress that demonstrates the planned non-nuclear reconfiguration is cost-effective, taking into account all relevant factors, under a discounted cash flow analysis of the costs and benefits of the planned action.

The Senate amendment contained a similar provision (sec. 3105(c)).

The House recedes with an amendment that would direct the Secretary to certify that the non-nuclear reconfiguration, as it pertains to components that had been previously produced in a contractor-owned, contractor-operated facility, and that are proposed to be produced in a government-owned, contractor-operated facility, is cost-effective on a component by component basis.

The conferees are concerned that any non-nuclear consolidation activities be demonstrated to be cost-effective. Recently announced reductions in the nuclear stockpile, made in conjunction with deferral of decisions on the new production reactor program, suggest that further consideration and analysis of non-nuclear consolidation are necessary.

Funding uses and limitations—new production reactor (sec. 3105(d))

The Senate amendment contained a provision (sec. 3105(d)) that would prohibit the Secretary of Energy from terminating contracts on the new production reactor (NPR) program until 30 days after he had submitted a plan to Congress that would address: (1) the possibility of continuing the NPR work with a new goal of a reactor to consume plutonium, produce electricity, and produce tritium when needed; and (2) the technical risks of accelerator production of tritium.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would authorize $136.028 million to close out the NPR program; $30.0 million to evaluate an advanced light water reactor and a modular high temperature gas reactor to determine the feasibility and effectiveness of producing electric power, producing tritium if needed, and disposing of plutonium from dismantled nuclear weapons; and $18.0 million for research on accelerator production of tritium.

The conferees direct that the activities undertaken to close out and terminate the current NPR effort include completion of important test activities now underway, and full documentation of all analytical, engineering, and test activities. The test activities now underway which should be completed include all post-irradiation fuel examination; all tests on steam generator or heat exchanger flow distribution; all tests of fluid dynamic vibration and boiling corrosion; all tests on pump and circulator insulation, oil ingress, seals, and bearings; all high temperature materials tests; all tests of passive containment performance; all tests that materially contribute to the safety of the existing Savannah River reactors.

Authority for emergency planning, design, and construction activities (sec. 3126)

The House bill contained a provision (sec. 3126) that would establish procedures for emergency planning, design, and construction activities.

The Senate amendment contained a similar provision (sec. 3126).

The Senate recedes.

Availability of funds (sec. 3128)

The House bill contained a provision (sec. 3128) that would allow, when specified in an appropriation act, amounts appropriated for operating expenses or for plant and capital equipment to be available until expended.

The Senate amendment contained a similar provision (sec. 3128).

The Senate recedes with technical changes.

Department of Energy citizen advisory groups (sec. 3132)

The Senate amendment contained a provision (sec. 3135) that would direct the Secretary of Energy to establish one citizen advisory group for each Department of Energy defense nuclear facility to provide advice on the environmental restoration and waste management activities at the facilities.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Energy to report to Congress on the role of citizen advisory groups in the Department's environmental restoration process.

In its report Complex Cleanup, the congressional Office of Technology Assesment found that the Department of Energy had not developed "an effective process for public involvement in setting priorities and making important decisions." In the committee report (S. Rept. 102–113) on S. 1507, the Senate Armed Services Committee expressed concern about the lack of effective public involvement in the Department of Energy's environmental restoration and waste management program. The committee directed the Department to review the existing groups, and to "consider adopting a more uniform, more comprehensive, and more or-

ganized system of citizen advisory groups." In addition, the committee urged the Department of Energy to improve the public's participation and identify a method to provide citizen advisory groups with funds to hire technical experts and clerical assistance. The Department of Energy failed to conduct this review.

The conferees are concerned that there be effective public participation in Department of Energy environmental restoration and waste management activities and agree that the Department of Energy should undertake a diligent and careful review of the effectiveness of public participation.

In preparing the report, the Secretary of Energy should consider:

(1) identifying ways to draw upon a broad cross-section of individuals, including members of the local community, local and national environmental groups, individuals with relevant technical expertise, and representatives of state interests, and affected Indian tribes;

(2) a careful delineation of the duties that the group would be asked to perform, including review of the Department's environmental compliance; the adequacy of the regulatory oversight; the nature and scope of the various agreements governing the environmental activities at the Department's facilities (including the availability of technologies applicable to the environmental efforts at the facilities); and review of the health-related activities and the health implications of the environmental efforts; and

(3) the advisability of the group providing updates and recommendations on the environmental programs to the Environmental Protection Agency, and the Governors of the affected states.

Nuclear weapons council membership (sec. 3133)

The Senate amendment contained a provision (sec. 3136) that would amend section 179 of title 10, United States Code, to delete the Director of Defense Research and Engineering from membership on the Nuclear Weapons Council and substitute the Under Secretary of Defense for Acquisition. This change in membership of the Council reflects the restructuring and reassignment of research authorities within the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Reports on the development of new production reactor capacity (sec. 3134)

The Senate amendment contained a provision (sec. 3138) that would direct the Secretary of Energy to maintain a new production reactor program office and to report annually on the status of the tritium supply and when new tritium production capability will be needed. The provision also expressed the sense of Congress that the Secretary choose the lowest cost and lowest risk technology for future tritium production capacity.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would eliminate the requirement to maintain a new production reactor office. The conferees believe that the Energy Department should maintain a high level of technical capability so that if new tritium production is necessary the Department will be able to select a technically viable production option and highly qualified contractors to carry out construction and operation of the selected production technology. In testimony before the Senate Armed Services Committee, the Defense Nuclear Facilities Safety Board stated that it is critically important that the Department of Energy maintain, in-house and not utilizing or relying on contractors, technically competent individuals who can monitor the various options, and review and select a viable tritium production option at the appropriate time in the future.

The conferees note that the Secretary is required to carry out a new production reactor program by virtue of the authorization and appropriation of funds for that purpose.

Technology transfer (sec. 3135)

The Senate amendment contained a provision (sec. 3139) that would amend the Stevenson-Wydler Technology Innovation Act of 1980 to provide small businesses that propose cooperative research and development agreements (CRADAs) with government-owned, contractor-operated (GOCO) laboratories accelerated consideration and would, in certain instances, eliminate the existing requirement that CRADAs by approved by a federal agency.

The provision would also direct the Secretary of Energy to establish a program and issue guidelines to facilitate and encourage the transfer of technology, through CRADAs and any other available mechanisms, to small business.

The House bill contained no similar provision.

The House recedes with an amendment that would provide that CRADAs entered into between a private entity and a GOCO laboratory must be approved by the responsible federal agency. The amendment would also remove the requirement to supply information concerning CRADAs to federally funded technology transfer centers. The conferees believe that information on these agreements should, to the extent consistent with the terms of the specific agreements, and taking into consideration issues of a proprietary nature, be made publicly available through a centralized clearinghouse or other centralized information point. It is premature, however, to direct the Secretaries to provide information to centralized information centers prior to formal establishment of such centers.

The provision would also direct the Secretary to establish a program to increase small business participation in cooperative agreements and to issue guidelines implementing the program.

In order to realize the full potential afforded by cooperative agreements, the conferees request that the Secretary establish a funding goal for cooperative agreements for dual-use technology partnerships in each of the next two years. The conferees believe that the Secretary should consider establishing a goal to allocate not less than 10 percent of the funds appropriated to the Department of Energy for research and development for national security programs for such partnerships.

The conferees agree that of the funds authorized to be appropriated for fiscal year 1993, at least the amount of the administration's request, $141.0 million, be available for joint research and development activities, utilizing CRADAs or other appropriate mechanisms. The conferees note, however, that all of the funds authorized to be appropriated for the atomic energy defense activities, except those specifically for the naval nuclear propulsion program, are available for such joint research and development activities, through CRADAs or other arrangements.

Expansion of authority to loan personnel and facilities (sec. 3136)

The Senate amendment contained a provision (sec. 3140) that would extend the Hanford loaned executive program for two years and establish a similar program for two years at the Idaho National Laboratory.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the extension of the Hanford program to one year only. In addition, the amendment would provide $125,000 for the Hanford program. The Hanford program was originally established in fiscal year 1989 as a two-year program and extended for an additional two years in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510). This program was established to help ease the transition at Hanford from production to cleanup. The conferees believe that the program at the Hanford site has successfully served the purpose for which it was established and should not be extended again.

Study of conversion of the Nevada Test Site for use for solar energy production purposes (sec. 3137)

The Senate amendment contained a provision (sec. 3141) that would direct the Secretary of Energy to conduct a study of the conversion, development, and utilization of the Nevada Test Site, Nevada (NTS), as a commercial facility for the development of solar energy research and production technologies.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would expand the scope of the study, beyond solar energy technologies, to include environmental technologies, research and testing, and emergency management and response technologies. In addition, the amendment would require the Secretary to review existing federal solar research activities to prevent any duplication. In conducting the study, the Secretary shall ensure that any potential future uses of the Nevada Test Site be compatible with the NTS primary national security missions, including nuclear weapons testing.

SUBTITLE D—INTERNATIONAL FISSILE MATERIAL AND WARHEAD CONTROL

Findings

The House bill contained a provision (sec. 3141) that would set forth a series of findings on recent events in the United States and Russia pertaining to nuclear weapons reductions and fissile material production.

The Senate amendment contained no similar provision.

The House recedes.

Negotiations (sec. 3151)

The House bill contained a provision (sec. 3142) that would express the sense of Congress that the President and the member states of the Commonwealth of Independent States should:

(1) achieve mutually verifiable agreements for the dismantlement of nuclear weapons and the safeguard and disposal of nuclear material;

(2) seek to have other nuclear capable nations join in any such agreements;

(3) exchange information on fissile material and nuclear weapons stockpiles, fissile material and nuclear weapons production sites and capacity, tritium production facilities, and nuclear weapons dismantlement schedules; and

(4) establish technical working groups to facilitate achievement and implementation

of such agreements among the United States, the member states of the Commonwealth of Independent States, and other nuclear capable nations.

In addition, the provision would require the President to submit a report on progress toward achieving such agreements and would urge the presidents of the member states of the Commonwealth of Independent States to institute and continue a moratorium on fissile materials production contingent on the United States not resuming fissile materials production.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the progress report to be submitted on March 31, 1993.

Authority to release certain restricted data (sec. 3152)

The House bill contained a provision (sec. 3143) that would allow the President to publicly release restricted data regarding the nuclear weapons stockpile if the United States and the member states of the Commonwealth of Independent States reach reciprocal agreements on the release of such data.

The Senate amendment contained no similar provision.

The Senate recedes.

Development and demonstration program (sec. 3153)

The House bill contained a provision (sec. 3144) that would direct the Secretary of Energy to use $10.0 million of funds authorized for national security programs to carry out a program to develop technologies for the verifiable dismantlement of nuclear weapons, to safeguard and dispose of fissile materials, and to monitor a global ban on weapons grade fissile materials production. In addition, the provision would require the Secretary to report on such a program in the budget justification documents accompanying the fiscal year 1994 budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct that the funds for the program be derived from verification and control technology operating funds.

Production of tritium (sec. 3154)

The House bill contained a provision (sec. 3145) that would clarify that nothing in sections 3141 through 3144 affects tritium production.

The Senate amendment contained no similar provision.

The Senate recedes.

Over the course of the past year, a number of significant milestones in reducing the tensions of the Cold War have been achieved:

(1) The United States, which has not produced highly enriched uranium since 1964 or plutonium since 1989, has announced that it will no longer produce either material. Russia continues to operate reactors for the production of plutonium but has stopped all production of highly enriched uranium.

(2) The United States and Russia, on June 17, 1992, announced an agreement to seek reductions in strategic nuclear weapons significantly below the levels required by the START treaty.

(3) On February 12, 1992, the government of Russia proposed a reciprocal exchange of information between all nuclear powers on inventories of nuclear weapons and fissile materials, and on nuclear weapons production, storage, and elimination facilities.

(4) On May 29, 1991, the President called on the nations of the Middle East to implement a verifiable ban on the production of nuclear weapons material in order to control the proliferation of nuclear weapons.

This historic series of events has led to new opportunities to reduce the number of nuclear weapons and fissile materials in the arsenals and stockpiles of the nuclear weapons states. On the other hand the turmoil associated with the dissolution of the former Soviet Union has increased the possibility of a loss of control of nuclear weapons and materials. As a result, the primary focus of U.S. attention in the former Soviet Union should continue to be the vigorous exploration of new initiatives which could be developed with Russia, Ukraine, Belarus, and Kazakhstan to further reduce the dangers of the proliferation of nuclear weapons, nuclear know-how, and nuclear materials.

Although this conference agreement would urge the President to explore the option of mutually verifiable agreements, the conferees do not believe such agreements are necessarily a prerequisite to further progress toward nuclear weapons and fissile materials reductions and controls. The conferees believe that granting Russia equal access and inspection rights to U.S. nuclear weapons and materials production and assembly activities may not be necessary to achieve additional agreements regarding dismantlement of the nuclear weapons of the former Soviet Union and establishment of adequate safeguards and control over fissile materials. The conferees do believe, however, that the United States should explore the possibility that such reciprocity could further nonproliferation objectives.

The conferees do not believe that there is any question concerning the adequacy of U.S. safeguards on nuclear weapons and fissile material. Over the past 30 years, the United States has dismantled more than 50,000 nuclear weapons without the loss of nuclear material. The conferees, therefore, do not see any near-term need to grant Russia access to sensitive U.S. nuclear production, disassembly, and storage facilities, especially in light of the significant progress already made under the existing programs for the demilitarization of the former Soviet Union. The conferees do not preclude the possibility, however, that exchange of such information could achieve non-proliferation goals in the future.

The conferees believe that there is merit in undertaking research and development activities that could be used in the event that the United States and the member states of the Commonwealth of Independent States agree to pursue, in the future, a course of reciprocal agreements concerning nuclear weapons activities or reciprocal access to nuclear weapons dismantlement facilities.

The conferees recognize that development of such technologies could be complicated and expensive. Application of any technology would present a significant challenge at declared sites. Application of new technologies at undeclared sites would present an even greater challenge. Success in either event is far from ensured.

Nevertheless, the conferees agree that an effort authorized at $10.0 million in fiscal year 1993 is appropriate to ensure that the United States is prepared to verify any fissile material control regime in the event such a regime is determined to be in the interest of U.S. national security. These funds should be drawn only from funds authorized for appropriation for verification and control technologies, an account which has been increased significantly above the fiscal year 1992 level.

Any new technologies could be used to pursue mutually verifiable agreements. The conferees believe that the President and the member states of the Commonwealth of Independent States, together with other nations, could work to achieve mutually verifiable agreements on a variety of aspects related to the dismantlement of nuclear weapons, and control, production, and storage of fissile materials and nuclear weapons. Section 3151 would encourage a good faith effort on the part of the presidents of the United States and Russia to move toward mutually verifiable arrangements to monitor and control weapons and weapons-grade material.

The timing, the exact subject matter, and the verification methods employed are obviously within the exclusive discretion of the parties to any such agreements. The conferees believe, however, that efforts in this regard must maintain a delicate balance between possibly conflicting goals of nuclear nonproliferation and the need to protect U.S. security interests. Moreover, the conferees believe that these types of agreements must not interfere with, or in any way delay, treaty negotiations arising out of the June 17, 1992, announcement by Presidents Bush and Yeltsin reducing nuclear weapons stockpiles.

Defense nuclear workforce restructuring plan (secs. 3161)

The House bill contained a series of provisions (secs. 4314, 3161, and 3162) that would address issues of concern to the Department of Energy and the contractor workforce at Department of Energy defense nuclear facilities in the event that there are changes at Department of Energy defense facilities that affect the workforce, and that would establish a medical monitoring program for those workers who have been exposed to levels of radioactive or hazardous material that pose a significant health risk.

The Senate amendment contained a series of similar provisions (secs. 3151–3153).

Section 4314 of the House bill would require the Secretary of Energy to develop a transition plan for each Department of Energy facility to ease the impact of the transition on the workforce and the community.

The Senate recedes with an amendment that would require the Secretary of Energy to prepare a site-specific plan for each Department of Energy defense nuclear facility that experiences a change in the workforce. This change could be brought about because of a change in the mission of a facility or as a result of a decision to downsize or close a facility. The amendment would require the Secretary to submit the transition plan to Congress 90 days after providing notice to the workforce and the community of the change, and that the plans be updated annually.

Section 3161 of the House bill would direct the Secretary to establish a registry and monitoring program to identify, track, and medically monitor employees who have been exposed to radioactive and hazardous materials that present a significant health risk.

The House recedes with an amendment that would direct the Secretaries of the Department of Health and Human Services and the Department of Labor to determine levels of exposure that present significant health risks, pursuant to federal and state occupational, safety, and health standards. In addition, the amendment would ensure that the privacy of relevant medical records is maintained.

Section 3162 of the House bill would provide definitions for terms used in subtitle E.

The Senate recedes with an amendment that would exclude from the coverage of the

subtitle any facility covered by executive order number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program.

Light water target

The statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) concluded that work on the light-water target should be finished utilizing funds from those authorized to be appropriated for weapons activities and material production. The Department of Energy did not complete the light-water target work at that time. The conferees continue to believe that this program should be completed and could be done with carry-over, prior year funds or funds appropriated pursuant to sections 3101 or 3104 of this act.

Nuclear safeguards and security

The House bill recommended a $15.0 million reduction in operating expenses for nuclear safeguards and security.

The Senate amendment recommended a $10.0 million reduction in the funding for the Office of Security Evaluations.

The conferees recommend a $10.0 million reduction in funding for the Office of Safeguards and Security. The conferees remain concerned that there is overlap and duplication of effort among the Office of Security Evaluations, the Office of Nuclear Safeguards, and the Office of Intelligence. The conferees recommend that the Department of Energy carefully review the interrelationships of these three offices with a goal towards reducing duplication and overlap. In addition, the Department of Energy should ensure that the activities of these three offices do not overlap or duplicate activities of other offices at the Department of Energy or other federal agencies.

Storage of Three Mile Island waste

The amended budget request for Department of Energy national security programs included $4.0 million for the storage of waste from the Three Mile Island civilian nuclear power plant. In addition, the amended budget request for national security programs included $2.7 million for construction of a new storage facility for the fuel. These costs are not appropriate for inclusion in the defense budget and no funds would be authorized for such purposes in this act.

High energetic explosives research program

The conferees recommend that, of the funds authorized to be appropriated pursuant to section 3101 of this act for research and development, $4.0 million be available to establish, in conjunction with the Defense Nuclear Agency, a research, development, and demonstration program to determine the feasibility and desirability of using the underground tunnels at the Nevada Test Site for contained detonation of highly energetic explosives.

When the Department of Energy dismantles a nuclear weapon, conventional high explosive is removed from the weapon. Once removed, the explosive material is not reusable and must be destroyed. The only demonstrated way to dispose of this material is open air detonation and burning. Open air burning, although conducted in conformance with applicable environmental laws and pursuant to permits issued specifically for the purpose, is highly visible and is a cause of concern to the public.

The military Services must also dispose of explosive material through open burning and detonation. As the military Services downsize and retire a variety of weapons, the high explosives, including rocket motors and other pyrophoric and pyrotechnic devices, must be destroyed. The military Services and the Department of Energy will have significantly increased amounts of material that will require destruction over the next several years.

The conferees direct the Secretary of Energy and the Director of the Defense Nuclear Agency to submit a brief update on the progress of this research effort to the Armed Services Committees of the Senate and House of Representatives by April 1, 1993.

Continuous incinerator monitoring

The conferees recommend $400,000 of the funds authorized for technology development be used for the Argonne National Laboratory to continue development of a continuous emission monitor using Fourier transform infrared spectrometry (FTIR), and to demonstrate the technology on an effluent stack at a Department of Energy defense facility, such as the Oak Ridge site in Tennessee.

Hazardous wastes are or will be incinerated or otherwise thermally treated at several sites within the Department's nuclear weapons complex. A need exists at those facilities for continuous monitoring of effluent emissions to ensure regulatory compliance and increase public acceptance of incinerators as a treatment technology for waste streams. At the current time, stack gas from the incinerators is tested annually by trial burns to comply with the Resource Conservation and Recovery Act. During the trial burn, the stack gas is sampled for principal organic hazardous constituents, and the samples are subjected to laboratory analysis.

The conferees understand that if research on FTIR shows promise, the Department will expand this program to include plasma spectrometry for toxic metals.

Accelerator transmutation of waste

The conferees recommend $15.0 million for research on chemical processing and waste stream minimization analyses associated with accelerator transmutation of waste. Funding for this research effort would be provided from defense programs ($5.0 million) for research and analyses on the accelerator, target blanket and associated technologies; and from environmental restoration and waste management ($10.0 million) for chemical processing and mass balance analyses.

Worker training program

Section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) authorizes the Secretary of Energy to award grants to organizations for worker training and education. The conferees recommend that $10.0 million of the funds authorized for environmental restoration be used for training and education of persons who are or may be engaged in hazardous substance response or emergency response actions at Department of Energy facilities.

Scholarship and fellowship programs

Section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) requires the Department of Energy to establish and manage a scholarship and fellowship program for full-time students enrolled in fields relevant to the Department of Energy's Office of Environmental Restoration and Waste Management. The purpose of this scholarship and fellowship program is to enable individuals to qualify for environmental positions in the Department of Energy.

The conferees recommend that $1.0 million of the funds authorized for the environmental restoration and waste management account be used for scholarship and fellowship programs. These funds would provide scholarships, in the 1993/1994 school year, for 20 undergraduate students and 20 graduate students in the fields relevant to environmental restoration and waste management.

Hanford health information network

Of the funds authorized in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), $5.0 million was authorized for the States of Washington, Oregon, and Idaho to develop and implement programs for the benefit of persons who may have been exposed to radiation released from the Department of Energy Hanford Site between the years of 1944 and 1972. The States were directed to evaluate and, if feasible, implement a registry and monitoring program for the exposed individuals.

In May 1991, the States submitted their report containing a plan to implement the Hanford health information network program. The plan anticipated that the program would be fully funded over a three-year period beginning in fiscal year 1992. As a result, the funds authorized for 1991 were not needed for the health information network and were used for other purposes. Pursuant to the plan, fiscal year 1992 was the first year in which funding to implement the plan was provided. The conferees recommend that, of the funds authorized for the Department of Energy, $1.75 million be available for fiscal year 1993, the second year of the three-year program.

Environmental and Molecular Sciences Laboratory

The conferees recommend $28.5 million for construction of the Environmental and Molecular Sciences Laboratory. This laboratory was originally proposed as a non-defense activity. According to justification material submitted by the Department of Energy, the primary purpose of this lab is non-defense in nature. The conferees direct the Department of Energy to submit future budget requests for this project in accordance with the long-standing budgetary practice of funding civilian programs from the funding provided for non-defense activities.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reduced enrichment research test reactor

The House bill contained a provision (sec. 1072) that would direct the Secretary of Energy to conduct a program to develop high-density, low-enriched uranium fuels to be used as a substitute for high enriched fuel in research reactors.

The Senate amendment contained no similar provision.

The House recedes.

Nuclear weapons testing

The House bill contained a provision (sec. 3132) that would prohibit any Department of Defense or Department of Energy funds from being used to conduct explosive tests of nuclear weapons for one year from the date of enactment of the defense authorization bill.

The Senate bill contained a provision (sec. 1071) that would establish a 9-month moratorium on nuclear weapons testing; allow up to 5-safety related tests per 12-month period, one of which could be to determine the reliability of a nuclear weapon; and allow resumption of testing contingent upon receipt of a report setting forth a schedule for resumption of nuclear testing talks, a plan for achieving a comprehensive test ban by 1996, and a plan to improve the safety of existing weapons. The provision would also prohibit any tests from being conducted after 1996 un-

less a foreign state conducts a nuclear weapons test.

The conferees agree to drop both provisions.

Prohibition on entry into certain contracts for environmental restoration and waste management

The Senate amendment contained a provision (sec. 3132) that would prohibit the Department of Energy from entering into an environmental restoration, response action contract, or other contract for removal, disposal, storage, or treatment of any waste with a person who has been convicted of or who has plead guilty to a criminal violation of certain environmental laws arising from activities at a Department of Energy facility.

The House bill contained no similar provision.

The Senate recedes. The conferees agree that the existing federal debarment procedures are adequate to ensure that a contractor will not participate in a Department of Energy environmental restoration contract when the contractor has been convicted or is otherwise liable for criminal violations of environmental laws arising out of his activities at Department of Energy facilities. As a matter of public policy, the conferees believe that a contractor who, through his criminal activities, contributed to the Department of Energy's environmental and waste management problems, should not participate in any contract, directly or indirectly, to remediate those problems.

Requirement of annual authorization of appropriations for funds for certain Department of Energy national security activities

The Senate amendment contained a provision (sec. 3133) that would prohibit funds from being appropriated, used, obligated, or expended for national security programs at the Department of Energy unless specifically authorized by law.

The House bill contained no similar provision.

The Senate recedes.

Revised offset for payments for injuries believed to arise out of atomic weapons testing program

The Senate amendment contained a provision (sec. 3137) that would amend section 6(c)(B) of the Radiation Exposure Compensation Act to delete the requirement that the offsetting payments must be computed at their present value.

The House bill contained no similar provision.

The Senate recedes.

Funds available for oversight

The Senate amendment contained a provision (sec. 3134) that would make $150,000 available only for the purposes of section 1108(g) of title 31, United States Code.

The House bill contained no similar provision.

The Senate recedes.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense Nuclear Facilities Safety Board authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize $13.0 million for operation of the Defense Nuclear Facilities Safety Board.

The Senate amendment contained an identical provision (sec. 3201).

The conferees recommend $13.0 million for operation of the Defense Nuclear Facilities Safety Board.

Nuclear safety in Eastern Europe and the former Soviet Union (sec. 3202)

The House bill contained a provision (sec. 1064) that would direct the President to submit a report on nuclear reactor safety in Eastern Europe and the former Soviet Union, along with a description of measures the administration is taking or plans to take to address this problem.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Disposal of obsolete and excess materials contained in the National Defense Stockpile (sec. 3302)

The House bill contained a provision (sec. 3301) that would direct the President to dispose of obsolete and excess materials currently contained in the National Defense Stockpile. Included in the disposals would be materials previously authorized for disposal by law valued at approximately $340 million.

The Senate amendment contained a provision (sec. 3301) that would authorize disposal of materials from the National Defense Stockpile that have been determined to be excess to the new stockpile requirements recommended by the Department of Defense. This provision would also prohibit disposal of any materials under the authority of this section until the stockpile manager submits a revised annual materials plan for fiscal year 1993 containing the views of the Market Impact Committee on all proposed acquisitions and disposals for fiscal year 1993.

The conferees agree to the disposal of a large number of obsolete and excess materials from the National Defense Stockpile. The disposal authority provided in this section is in addition to any other disposal authority provided in law. The disposal authority provided in this section may not be used until the President submits a revised annual materials plan for fiscal year 1993 to Congress containing the views of the Market Impact Committee on all proposed acquisitions and disposals for fiscal year 1993. This revised plan must also contain a certification by the Secretary of Defense that the disposal of such materials will not adversely affect the capability of the National Defense Stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the U. S. economy, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of the Stock Piling Act (50 U.S.C. 98h-5(b)).

Requirements of modernization program (secs. 3303-3304)

The House bill contained a provision (sec. 3302) that would require the disposal and acquisition of stockpile materials in such a manner as to avoid undue disruption of the usual markets of producers, processors, and consumers of the materials. Barter arrangements would be authorized for disposal or acquisition of materials. Monies received from the sale of materials would be deposited in the National Defense Stockpile Transaction Fund.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees note that section 6 of the Stock Piling Act (50 U.S.C. 98e) already requires that disposals of stockpile materials must be carried out in such a manner as to avoid undue disruption of the usual markets of such materials. The conferees recommend a provision (sec. 3303) that would authorize the President to enter into barter arrangements to dispose of materials under section 3302 in order to acquire strategic and critical materials for, or upgrade strategic and critical materials in, the National Defense Stockpile. The conferees also recommend a provision (sec. 3304) that would require all proceeds from the sale of materials under section 3302 to be deposited in the National Defense Stockpile Transaction Fund.

Authorized uses of stockpile funds (sec. 3305)

The Senate amendment contained a provision (sec. 3302) that would authorize the stockpile manager to obligate $100.0 million from the Stockpile Transaction Fund during fiscal year 1993. Of this amount, $25.0 million may be obligated for materials development and research projects proposed for fiscal year 1993 in the annual materials plan.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the stockpile manager to obligate $66.0 million from the Stockpile Transaction Fund during fiscal year 1993. Of this amount, $25.0 million may be obligated for materials development and research projects proposed for fiscal year 1993 in the annual materials plan.

Advisory committee regarding operation and modernization of the stockpile (sec. 3306)

The House bill contained a provision (sec. 3304) that would require the President, not later than December 1, 1992, to appoint an advisory committee composed of government and industry mineral experts to advise the President regarding disposal of stockpile materials.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree that the President shall appoint an advisory committee under Section 10(a) of the Stock Piling Act (50 U.S.C. 98h-1(a)) to make recommendations concerning the operation and modernization of the National Defense Stockpile not later than March 15, 1993.

Special rule for 1993 report on stockpile requirements (sec. 3307)

The Senate amendment contained a provision (sec. 3311) that would require that the quantities of material for the stockpile should be management sufficient to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States."

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree that in the report on stockpile requirements required to be submitted to Congress by January 15, 1993, pursuant to section 14 of the Stock Piling Act (50 U.S.C. 98h-5), the Secretary of Defense shall include, in addition to the Secretary's recommendations with respect to stockpile requirements based upon the planning assumptions developed under subsection (b) of such section, a list of recommendations with respect to stockpile requirements that is based upon and consistent with the planning assumptions and scenarios that support the defense capabilities and programs specified

in the budget request submitted for fiscal years 1994/1995 and the Future Year Defense Program for fiscal years 1994–1999.

Procedures for changing objectives for stockpile quantities established as of the end of fiscal year 1987 (sec. 3311)

The Senate amendment contained a provision (sec. 3312) that would amend section 3 of the Stock Piling Act (50 U.S.C. 98b) to allow changes in stockpile requirements to take place 30 calendar days after notification of Congress rather than requiring authorizing legislation, or, in the case of a change of less than 10 percent, requiring an effective date after the start of the next fiscal year.

The House bill contained no similar provisions.

The House recedes with an amendment that would allow changes in stockpile requirements to take place 30 legislative days after notification of Congress.

Repeal of limitation on excess balance in fund (sec. 3312)

The House bill contained a provision (sec. 3311) that would repeal the limitation in section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et. seq.) that prohibits sales from the stockpile when the balance in the National Defense Stockpile Transaction Fund exceeds $100 million.

The Senate amendment contained a provision (sec. 3313) that would amend section 5 of the Stock Piling Act (50 U.S.C. 98d) to allow changes in the annual materials plan to become effective 30 calendar days after notification of the appropriate committees of Congress rather than 30 days in which either House is not in session. This provision would also eliminate the prohibition on disposals of stockpile materials when the obligated balance in the National Defense Stockpile Transaction Fund is above $100 million.

The Senate recedes.

Authorized purposes for expenditures from the National Defense Stockpile Transaction Fund (sec. 3313)

The Senate amendment contained a provision (sec. 3314) that would amend section 9 of the Stock Piling Act (50 U.S.C. 98h) to authorize Stockpile Transaction Fund monies to be used for maintenance and disposal activities related to the stockpile.

The House bill contained no similar provision.

The House recedes with an amendment that authorize the following additional activities to be carried out with funds from the Stockpile Transaction Fund: maintenance and disposal of stockpile materials; improvement or rehabilitation of facilities, structures, and infrastructure needed to maintain the integrity of stockpile materials; and disposal of hazardous materials that are stored in the stockpile and authorized for disposal by law. The conferees also agree that funds in the Stockpile Transaction Fund may not be used to pay salaries and expenses of stockpile employees.

Market Impact Committee (sec. 3314)

The Senate amendment contained a provision (sec. 3315) that would codify in statute the current Market Impact Committee to advise the stockpile manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile. This provision would require that the annual materials plan for stockpile acquisitions and disposals, or any revision to such plan, should contain the views of the Market Impact Committee on the effects of each acquisition or disposal provided in the plan. In cases in which the annual materials plan includes an acquisition or disposal of material that is inconsistent with the recommendation of the Committee, the stockpile manager would be required to include in the plan a specific justification for the acquisition or disposal.

The House bill contained no similar provision.

The House recedes with an amendment.

Clarification of the stockpile status of certain materials (sec. 3315)

The conferees agree to a provision that would clarify that all materials purchased under section 303 of the Defense Production Act (50 U.S.C. App. 2093) and held in the Defense Production Act inventory as of June 30, 1992, are transferred to the National Defense Stockpile and shall be managed, controlled, and subject to disposal by the stockpile manager.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on implementation of modernization program

The House bill contained a provision (sec. 3303) that would require the President to submit a report to Congress not later than February 15, 1993 describing the manner in which the disposal program is being implemented.

The Senate amendment contained no similar provision.

The House recedes.

Transfer of stockpile funds to support other defense activities

The House bill contained a provision (sec. 3305) that would authorize during fiscal year 1993, subject to appropriations acts, the transfer of funds not to exceed $612.00 million from the unobligated balance in the National Defense Stockpile Transaction Fund to other defense purposes authorized by law if the President determines that such amount is excess to funding needs of the National Defense Stockpile.

The Senate amendment contained no similar provision.

The House recedes.

Section 306 of this conference agreement would authorize the transfer, to the extent provided in appropriation acts, of $400.0 million from the National Defense Stockpile Transaction Fund to the operation of and maintenance accounts of the Army, Navy, Air Force, and defense agencies.

TITLE XXXIV—CIVIL DEFENSE

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Civil defense (sec. 3401)

The amendment budget request contained $142.6 million for the civil defense program managed by the Federal Emergency Management Agency (FEMA).

The House bill would authorize $132.6 million.

The Senate amendment would authorize $152.6 million.

The conferees agree to authorize $142.6 million for civil defense in fiscal year 1993.

The House report (H. Rept. 102–527) expresses support for the administration's revised civil defense policy, which emphasizes preparing for the consequences of disasters and emergencies, regardless of cause. The House report questions, however, whether the civil defense program should continue to exist in its present form and argues that the civil defense program should be jointly funded by the national security and domestic discretionary budgets. The House report urges the administration to complete its ongoing review of civil defense resources and funding by April 30, 1993.

The Senate report (S. Rept. 102–352) also expresses support for the revised civil defense policy, but doubts that shared funding for civil defense is practical or warranted. The Senate report argues that the civil defense program funded by the defense budget, as a share of total federal, state, and local spending on emergency preparedness and relief, is small and appropriate. The Senate report also would require the administration to complete its ongoing review of civil defense resources and funding by March 1, 1993.

The conferees agree that Congress and the administration should consider fundamental changes in the federal government's organization, management, and funding for emergency response. In light of recent experiences, it seems clear that both state and federal governments must coordinate better to improve their ability to jointly respond more rapidly and decisively to disasters and emergencies. The conferees are concerned that the administrative and organizational structure of FEMA, its position as a small agency without direct cabinet-level representation, and its limited coordinating authorities, make it difficult for FEMA to carry out its mission and to cause government departments to respond immediately. In addition, oversight of FEMA is divided among many committees and subcommittees of Congress.

There appears to be continuing confusion about the procedures for requesting, approving, and funding large-scale federal assistance to the state and local governments. For example, if a state's National Guard units are used for emergency response, the expenses are borne by the state. If those resources are judged inadequate by the federal government and a request for greater assistance is made by the governor of the affected state, the federal government pays most of the expense of providing additional assistance. This concern over resources and liability, however, can lead to an extended assessment and negotiation process, which can cause unnecessary confusion and delays.

There are also potential problems in determining who is in charge of the overall management of emergency response. While there are established procedures and guidelines for managing emergencies, as an emergency response grows in scale from the local to the state and national levels, involving a variety of government departments and National Guard and active military units, determining who is in charge of what aspects of the overall operation during critical initial stages can be a vexing and potentially disastrous problem.

The federal emergency response plan currently assigns only two primary missions (urban search and rescue and public works and engineering) out of a total of twelve to the Department of Defense. Experience demonstrates, however, that, in the critical early stages of major disasters and emergencies, the Department of Defense is the only organization with the manpower, skills, and equipment to provide an adequate response. The Secretary of Defense also has more influence and authority to ensure that decisions are made and implemented rapidly within the federal government. Civil defense, moreover, has always been a national defense mission and therefore funded within the defense function.

The conferees agree that serious consideration should be given to raising the stature of the federal government's emergency management function and enhancing its ability to respond to national emergencies rapidly, including consideration of transferring or associating all or parts of the FEMA mission

and capabilities to or with a major federal department. In cooperation with the state governors, the federal government also should attempt to establish clearer and expedited procedures for the states to seek and gain approval of federal emergency assistance. The question of who pays what expenses for emergency response should not be allowed to inhibit the provision of relief and assistance. Congress and the administration also should review the assignment of emergency response missions and responsibilities to the various executive departments and agencies, or at least make distinctions between initial responses, for which the Department of Defense may be uniquely equipped, and longer-term actions, which logically match the mission of other government departments. Finally, the question of responsibility for on-the-scene operational management of an evolving emergency response should be carefully reexamined to avoid confusion and delay.

The conferees direct the President to evaluate these issues, and include his assessment and recommendations in the report to Congress required by both the Senate and House reports. In developing this report, the President should solicit the views of the National Governors Association and the states' emergency managers.

TITLE XXXV—PANAMA CANAL COMMISSION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 3501)

The Senate amendment contained a provision (sec. 3501) that would establish the short title of title XXXV as the "Panama Canal Commission Authorization Act for Fiscal Year 1993."

The House bill contained a provision (sec. 3501) that would establish the short title of title XXXV as the "Panama Canal Act Amendments of 1992."

The House recedes.

Panama Canal authorization act (secs. 3511–3514)

The Senate amendment contained provisions (secs. 3502–3505) that would authorize expenditures from the Panama Canal Revolving Fund for the operation and maintenance of the canal for fiscal year 1993. The provision would also provide for utilization of health care services at Panamanian medical facilities and would authorize a change in vessel tonnage measurement to allow use of alternative measurement systems in general usage throughout the maritime industry. The provisions of the Senate amendment are similar to H.R. 4715, the Panama Canal Commission Authorization Act for Fiscal Year 1993, as reported to the House of Representatives by the Committee on Merchant Marine and Fisheries on August 6, 1992 (H. Rept. 102–790).

The House bill contained no similar provisions.

The House recedes.

Costs of dissolution (sec. 3521)

The House bill contained a provision (sec. 3502) that would require the Panama Canal Commission to conduct a study of the costs associated with the dissolution of the Commission and to submit a report to Congress not later than September 30, 1996. The provision would also require the Commission to establish an office to close out the affairs of the Commission; establish in the Treasury of the United States a fund for the dissolution of the Commission; and provide procedures and rules for the fund. Finally, the provision would make conforming amendments to existing law, including the authority to provide for dissolution costs in establishing tolls.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Recommendations by the President on changes to Panama Canal Commission structure (sec. 3522)

The House bill contained a provision (sec. 3503) that would require the President to develop and submit to Congress a plan setting forth changes to the Panama Canal Commission that would facilitate and encourage the operation of the canal through an autonomous entity under the Government of Panama after the transfer of the canal at the end of the century. The provision would provide for representatives of the Secretaries of State, Defense, Treasury, Commerce, and Transportation and of the Panama Canal Commission to participate in the preparation of recommendations to the President for purposes of the plan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the President to conduct a study of the structure of the Panama Canal Commission and to submit a plan for changes to the Commission only if such changes are warranted by the study.

Report by Comptroller General on changes to Panama Canal Commission structure (sec. 3523)

The House bill contained a provision (sec. 3504) that would require the Comptroller General to submit to Congress a report analyzing the effectiveness of the fiscal, operational, and management structure of the Panama Canal Commission with recommendations for such changes to that structure as would enable the Commission to operate more efficiently and thus serve as a model for the Government of Panama after the transfer of the canal at the end of the century. The Comptroller General would seek the views of the Secretaries of State, Defense, Treasury, Commerce, and Transportation and of the Panama Canal Commission in developing the report.

The Senate amendment contained no similar provision.

The Senate recedes.

DIVISION D—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

Overview

The House bill contained provisions (Division D) that would establish defense conversion, reinvestment, and transition programs concerning defense technology and industrial support, education and training programs, transition information services, planning and technical assistance, and displaced personnel assistance.

The Senate amendment contained provisions that would address defense economic diversion, conversion, and stabilization (subtitle C of title III); DOD civilian personnel transition initiatives (subtitle D of title III); active forces transition enhancements (subtitle D of title V); Guard and reserve transition initiatives (subtitle E of title V); defense conversion policy for the national defense technology and industrial base (subtitle A of title VIII); and defense conversion and transition assistance (subtitle I of title X).

The collapse of the Warsaw Pact and the dissolution of the Soviet Union mark the most fundamental changes in the international security environment this nation has faced since the end of World War II. Shaping the appropriate role for government in addressing the impact of those changes on our economy and national security is one of the most significant challenges facing the President and the Congress through the balance of this decade.

The conferees agree that it is imperative to establish new policies and programs to ensure that the conversion from a Cold War to a post-Cold War economy is structured in a manner that meets our national security needs through the 1990s and into the 21st Century. The conference agreement would provide $1.5 billion for defense conversion, reinvestment, and transition assistance, and establish the statutory framework for the necessary policies and programs.

The details of the conference agreement are set forth in the following description of title XLI through title XLIV.

TITLE XLI—FINDINGS

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Findings (sec. 4101)

This section sets forth the findings that underscore the importance of the defense conversion, reinvestment, and transition assistance programs that would be authorized by Division D.

Funding for defense conversion, reinvestment, and transition assistance program

The following chart summarizes the amounts and sources of funding for the defense conversion, reinvestment, and transition assistance programs authorized under Division D.

DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE
FUNDING FOR PROGRAMS IN DIVISION D FOR FISCAL YEAR 1993

	$ in millions	Source
Defense Industry & Technology Base Programs:		
Program for analysis of the technology & industrial base	5	R&D
Center for the study of defense economic adjustment	2	R&D
Defense dual-use critical technology partnerships	100	R&D
Commercial-military integration partnerships	50	R&D
Regional technology alliances assistance program	100	R&D
Defense advanced manufacturing technology partnerships	25	R&D
Defense manufacturing extension programs	100	R&D
Defense dual-use assistance extension program	200	R&D
Defense procurement technical assistance program	12	O&M
Defense manufacturing engineering education program	30	R&D
Other defense industry & technology base programs	70	R&D
Subtotal	694	
Community Adjustment and Assistance Programs:		
Office of Economic Adjustment	52	O&M
Economic Development Administration	80	O&M
Subtotal	132	
Personnel Assistance Programs:		
Temporary early retirement authority	254	Personnel
Temporary health transition assistance	76	O&M
Guard & reserve transition initiatives	40	Personnel
Separation pay and civilian health benefits	72	O&M/R&D
Troops to teachers and teacher's aides	65	O&M
DOD environmental scholarship program	10	O&M
Grants to colleges for training in environmental restoration	10	O&M
Job training & employment services	75	O&M
Participation of discharged military personnel in Upward Bound	5	O&M
Job bank program	4	O&M
Servicemembers occupational conversion & training	75	O&M
Subtotal	686	
TOTAL	1,512	

TITLE XLII—DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION

SUBTITLE A—PURPOSES AND ESTABLISHMENT OF NEW CHAPTER IN TITLE 10

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Purpose and establishment of new chapter in title 10 (secs. 4201–4202)

The conference agreement would consolidate and streamline the laws governing defense technology and industrial base policies and programs to reflect the challenges of the post-Cold War environment. The current provisions of title 10, United States Code, concerning the defense industrial base (chapter 148), development of dual-use critical technologies (chapter 149), manufacturing technology (chapter 150), and related provisions of law would be repealed and replaced by a new chapter 148 entitled "National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion."

Definitions (sec. 4203)

The conference agreement would set forth in 10 U.S.C. 2491 the definitions applicable to the new chapter 148.

SUBTITLE B—DEFENSE POLICIES AND PLANNING CONCERNING THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Congressional defense policy concerning the national technology and industrial base (sec. 4211)

The conference agreement would establish in 10 U.S.C. 2501 a new congressional policy setting forth defense policy objectives for the national technology and industrial base, policy objectives relating to defense conversion, and a civil-military integration policy for the national technology and industrial base.

National defense technology and industrial base council (sec. 4212)

The conference agreement would establish in 10 U.S.C. 2502 a National Defense Technology and Industrial Base Council to develop the technology and industrial base assessments and policies that are necessary for development of effective national security plans and programs. The Council would be composed of the Secretary of Defense (who shall serve as Chairman), the Secretary of Energy, the Secretary of Commerce, the Secretary of Labor, and such other officials as may be designated by the President. The conferees note that there are numerous agencies with responsibilities that affect the technology base, but believe that, at least in the initial stage, the Council would work best by minimizing the number of participants and expediting the development of guidance and plans.

The purpose of this provision is not to create a new bureaucracy, but to promote better coordination among the agencies that will play the leading roles in managing government technology and industrial base policies during the defense build-down and into the post-Cold War era.

The conferees intend that the Council serve as a vehicle for communication and coordination, not as a separate administrative organization. The conferees intend that the members of the Council should rely on the resources of their respective agencies, and not establish a separate staff for the Council.

The conference agreement also would provide for the National Defense Technology and Industrial Base Council to serve as the Executive Council of the Economic Adjustment Committee, until October 1, 1997. During that period, the Secretary of Defense would chair the Economic Adjustment Committee. This provision is designed to ensure maximum coordination between economic adjustment activities and technology and industrial base programs.

National defense program for analysis of the technology and industrial base (sec. 4213)

The conference agreement would provide in 10 U.S.C. 2503 for the Secretary of Defense, in consultation with the Council, to establish a program to enhance the capability of the Department of Defense to undertake the technology and industrial base assessments and planning required by the new chapter 148 to meet national security objectives. The conference agreement would authorize $5.0 million for this program for fiscal year 1993.

Center for the study of defense economic adjustment (sec. 4214)

The conference agreement would provide in 10 U.S.C. 2504 for the Secretary of Defense, in consultation with the Council, to establish within the National Defense University a defense economic adjustment center for the study of issues related to the conversion and reutilization of defense personnel, resources, and facilities. The conference agreement would authorize $2.0 million for this program for fiscal year 1993.

National defense technology and industrial base: periodic defense capability assessments (sec. 4215)

The conference agreement would provide in 10 U.S.C. 2505 for the Council to prepare a comprehensive assessment of the capability of the technology and industrial base to meet national security objectives. The assessment would be prepared on an annual basis through fiscal year 1997, and on a biennial basis thereafter.

National defense technology and industrial base plan and major defense program planning (sec. 4216)

Subsection (a) would provide in 10 U.S.C. 2506 for the Council to prepare a plan to ensure that policies and programs of the Department of Defense, the Department of Energy, and other agencies of the federal government are planned, coordinated, funded, and implemented in a manner designed to attain national security objectives. The plan would be prepared on an annual basis for each fiscal year through 1997, and on a biennial basis thereafter.

Subsection (b) would set forth in 10 U.S.C. 2439 a requirement for consideration of the national technology and industrial base in the development and implementation of acquisition plans for major defense programs. This provision would replace the current version of 10 U.S.C. 2502, which is repealed.

Data collection authority (sec. 4217)

The conference agreement would set forth in 10 U.S.C. 2507 authority to obtain data that will facilitate preparation of the technology and industrial base assessment and plan required by the new chapter 148.

Implementation of requirements for assessment, planning, and analysis (sec. 4218)

Subsection (a) would require the Secretary of Defense to take prompt action, including the establishment of milestones for actions, to ensure that the Department has a program in place to provide for the timely and thorough collection of information, completion of assessments, and issuance of plans required by the new chapter 148.

Subsection (b) would provide that the first annual assessment may be presented in a preliminary form to the extent that necessary information cannot be reasonably collected, analyzed, or presented in a timely fashion. The conferees emphasize that this provision has been included out of recognition that the Department has not established the necessary capability to undertake a comprehensive analysis of the industrial and technology base; it is not to be used as an excuse for delay in developing that capability. In particular, this provision may not be used as a basis for failure to undertake assessments required by existing law or that are readily within the capability of current public and private sector organizations.

Subsection (c) would provide a conforming amendment to reflect current law, which contains a reporting requirement through 1995 on the domestic textile and apparel industrial base.

Implementing regulations concerning the national defense technology and industrial base annual assessment and plan (secs. 4219–4220)

The conference agreement would establish requirements for the content of the initial regulations governing the periodic assessments and plans established under the new chapter 148. In developing these provisions, the conferees have consolidated and streamlined various detailed requirements of permanent law. By applying these requirements to the initial regulations, rather than permanent law, the conference agreement provides the Secretary of Defense and the Council with the flexibility to modify the guidance governing preparation of the periodic assessment and periodic plan to reflect the experience that will be gained over time.

SUBTITLE C—DEFENSE PROGRAMS FOR DEVELOPMENT, APPLICATION, AND SUPPORT OF DUAL-USE TECHNOLOGIES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense dual-use critical technology partnerships (sec. 4221)

Subsection (a) would recodify in 10 U.S.C. 2511 the current authority for defense dual-use critical technology partnerships (established in current law under 10 U.S.C. 2523). The conferees encourage active participation by the Department of Defense laboratories in the partnership process, and expect the Secretary of Defense to give particular deference to the recommendations of potential private sector participants as to the laboratory or laboratories that would be most appropriate for a particular partnership. The conferees note that the selection criteria include an evaluation of the extent to which a proposal advances and enhances national security objectives.

Subsection (b) would set forth a list of projects for consideration for establishment of partnerships in fiscal year 1993.

Commercial-military integration partnerships (sec. 4222)

The conference agreement would establish in 10 U.S.C. 2512 authority for the Department of Defense to undertake commercial-military integration partnerships. This new program would complement the critical technology partnership program. Although the critical technology partnership program has considerable dual-use potential, the primary focus of the critical technology partnerships is on defense-specific needs, with the potential for long-term government-industry partnerships. The new commercial-military integration partnership program,

however, is intended to minimize the need for long-term government funding by fostering the development of viable commercial technologies that can also meet future national security reconstitution requirements and other needs of the Department of Defense. Because these partnerships will emphasize potential commercial viability, government participation can be of a limited duration, and subject to strict cost-sharing requirements. The conferees note that the selection criteria include an evaluation of the extent to which a proposal advances and enhances national security objectives.

No partnership agreement would be for a period in excess of five years. The government's share could not exceed 50 percent in the first year, and would decline each year thereafter. If the partnership agreement were for five years, by the third year the government's share could not exceed 30 percent. A partnership could be formed with one or more firms.

Regional technology alliances assistance program (sec. 4223)

The conference agreement would recodify in 10 U.S.C. 2513 the authority for regional technology alliance assistance. This program is based upon, and would replace, the provision in current law, 10 U.S.C. 2524, governing critical technology application centers. The new title more clearly describes the role of the program in promoting cooperative efforts on a regional basis that can facilitate dual-use defense needs that meet national security requirements.

Encouragement of technology transfer (sec. 4224)

The conference agreement would set forth in 10 U.S.C. 2514 the policy of encouraging technology transfer from the federal government to the private sector. This provision reflects and revises the matter currently set forth in 10 U.S.C. 2363, which is repealed.

Office of Technology Transition (sec. 4225)

The conference agreement would provide in 10 U.S.C. 2515 for the establishment of an Office of Technology Transition within the Office of the Secretary of Defense. The conferees intend that that this Office will be established using existing resources and will consist of no more than 6–10 officials working under the Director of Defense Research and Engineering, and operating with points of contact throughout the defense research and development community. The purpose of the Office would be to ensure that technology developed for national security purposes is integrated into the private sector in order to further our national defense technology and industrial base objectives. The conferees urge the Secretary of Defense to design the report required under this section in a manner that provides the general public with information on the transition opportunities in the Department of Defense.

Military-civilian integration and technology transfer advisory board (sec. 4226)

The conference agreement would provide in 10 U.S.C. 2516 for the establishment of a Military-Civilian Integration and Technology Transfer Advisory Board. The Board would provide a means for the Secretary of Defense and the Council to obtain the views of a wide variety of private and public sector officials concerning the effective integration of military and civilian capabilities and resources.

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SUBTITLE D—DEFENSE MANUFACTURING TECHNOLOGY, DUAL-USE ASSISTANCE EXTENSION, AND DEFENSE SUPPLIER BASE ENHANCEMENT AND SUPPORT PROGRAMS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

National defense manufacturing technology program (sec. 4231)

The conference agreement would recodify in 10 U.S.C. 2521 the national defense manufacturing program. This provision would revise and replace the manufacturing technology provisions of current law (chapter 150 of title 10, United States Code).

Defense advanced manufacturing technology partnerships (sec. 4232)

The conference agreement would recodify under 10 U.S.C. 2522 the provision of law governing defense advanced manufacturing technology partnerships (currently in 10 U.S.C. 2518).

Defense manufacturing extension programs (sec. 4233)

The conference agreement would recodify in 10 U.S.C. 2523 the provision of law governing defense manufacturing extension programs (currently in 10 U.S.C. 2517).

Defense dual-use assistance extension program (sec. 4234)

The conference agreement would establish in 10 U.S.C. 2524 a defense dual-use assistance extension program. This provision would require the Secretary of Defense, in consultation and coordination with the Secretary of Energy and the Secretary of Commerce, to establish a program to further our national security objectives for the industrial and technology base by providing support to those federal, regional, state, local, non-profit, and private sector programs, including programs involving industry associations, that can assist companies in developing dual-use capabilities.

The types of services provided by programs receiving support under section 2291 could include assistance in converting from government-oriented management, production, training, and marketing practices to commercial practices. In addition, programs receiving support could provide assistance in acquiring and using public and private sector resources, literature, and other information concerning: (1) research, development, and production processes and practices; (2) identification of technologies and products for potential dual-use applications; (3) marketing practices and opportunities; (4) identification of potential suppliers, partners, and subcontractors; (5) identification of government support opportunities, including grants, contracts, partnerships, and consortia; and (6) trade and export assistance, including foreign technology assessment.

The selection criteria for support would include: (1) the extent to which a program advances and enhances our national defense industrial and technology base objectives; (2) the technical excellence of the program; (3) the qualifications of the program's personnel; (4) the likelihood that there would not be timely private sector investment in the program; (5) the potential effectiveness of the program in the conversion of defense-dependent companies to dual-use capability; (6) the ability of the program to assist companies adversely affected by the defense buildown; (7) the extent of financial commitment by non-DOD sources; (8) the degree to which the program would supplement, rather than duplicate, other available services; and (9) the likelihood that within five years the program would not require DOD support.

The program would have strict cost-sharing requirements to ensure that the programs receiving support do not become dependent upon DOD funding. DOD funding would be limited to 50 percent in the first year, and would decline each year to no more than 30 percent by the third year of a program.

Subject to the eligibility and funding requirements under this provision, the Secretary of Defense would have authority to provide support to a variety of programs to the extent that he determines such programs further the national security interests of the Department of Defense, including: (1) regional, state, and local business, industrial, and technology extension programs; (2) business and technology extension services provided by universities, consortia, and other nonprofit entities; (3) private sector cooperative networks and assistance services; (4) Department of Commerce programs, including the advanced technology program, manufacturing technology centers, the state technology extension program, and grants for regional and state industrial services programs; (5) Small Business Development Centers; (6) Small Business Administration programs that provide direct loans to small businesses and government guaranteed loans.

The conferees recommend that not less than $50 million of the funds for this program should be used to support regional state and local government programs, and not less than $75 million of the funds should be used to support programs that assist small businesses, such as the SBA guaranteed loan program under section 7(a)(21) of the Small Business Act, the small business development center program under section 21(c)(3)(G) of the Small Business Act, and assistance to small businesses in obtaining access to scientific and technical expertise under 10 U.S.C. 2524(c)(3).

Defense procurement technical assistance program (sec. 4236)

The conference agreement would revise current law governing the procurement technical assistance program (chapter 142 of title 10, United States Code), to make it clear that centers funded under the procurement technical assistance program may provide technical assistance with respect to contracts with any federal, state, or local government agency, and that such centers may also provide information relating to defense conversion, reinvestment, and transition programs. The conference agreement would provide $12 million for these programs for fiscal year 1993.

Small business innovative research program in the Department of Defense (sec. 4237)

Under the small business innovative research program, federal agencies, including the Department of Defense, set aside 1.25 percent of certain research and development funds for use by small firms. The conference agreement would increase this amount to 1.5 percent for fiscal year 1994, and by .25 percent each year through fiscal year 1998, when it would reach a permanent level of 2.5 percent. The conference agreement would also make a number of clarifications in current law to reflect the post-Cold War environment.

Industrial diversification planning for defense contractors (sec. 4329)

The conference agreement would require the Secretary of Defense to issue regulations and revise policies to incentivize defense contractors to engage in industrial diversification planning.

SUBTITLE E—DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Defense Advanced Research Projects Agency (sec. 4261)

The conference agreement would express the sense of Congress that the Secretary of Defense should revise the charter of the Defense Advanced Research Projects Agency (DARPA). The conferees agree that the Secretary should restore the agency's title to its original destination, the Advanced Research Projects Agency (ARPA), to underscore the role of the agency in fostering integration of the military and civilian technology bases. The conferees also agree that the Secretary should revise the agency's charter to emphasize the agency's role in fostering an integrated national technology base.

Under this provision, ARPA would remain as a defense agency, connected to the needs of the armed forces and subject to the authority, direction, and control of the Secretary of Defense. The agency would continue to undertake research on purely military technologies, as well as dual-use technologies. The conferees agree that if these changes are not made by regulation, legislation to achieve these objectives will be required in the next Congress.

SUBTITLE F—CONFIRMING AMENDMENTS AND FUNDING MATTERS

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Conforming amendments (sec. 4271)

This section would make conforming changes to title 10, United States Code, and other applicable provisions of law, to reflect the establishment of the new chapter 148 in title 10.

TITLE XLIII—COMMUNITY ADJUSTMENT AND ASSISTANCE PROGRAMS

LEGISLATIVE PROVISIONS

LEGISLATION PROVISIONS ADOPTED

The conferees agree to a number of initiatives that would expand the current range of economic adjustment assistance provided by the Office of Economic Adjustment (OEA) of the Department of Defense.

Section 4301 would broaden the applicability of OEA planning assistance grants to state and local government agencies engaged in such programs under selection criteria established by the Secretary of Defense. The section would also broaden the scope of such assistance to include not only planning assistance, but also operational assistance to state and local agencies already conducting defense economic adjustment programs. The conferees recommend authorization of $50.0 million for these purposes.

This section would also provide such assistance to communities that are experiencing a substantial adverse impact from the reduction of defense industrial activity due to mergers, acquisitions, or consolidations in that industry that result from the overall reduction in defense spending. Finally, this section would authorize proactive economic planning assistance to communities that are substantially dependent upon defense or defense industrial activity.

The conferees intend that these expansions to the current, limited program of economic planning assistance that is essentially reactive to the closure of military bases or the substantial loss of defense industrial activity, will encourage greater use of existing state, local, and regional economic planning and development agencies to assist local communities to refocus their economies on non-defense activities, or to design redevelopment strategies for the reuse of surplus properties formerly devoted to defense missions as other productive enterprises.

It is the intention of the conferees that the coordination over the last 27 years between the Office of Economic Adjustment and the Economic Development Administration in planning and implementing assistance to communities should continue. In expanding the scope of the grant program of the Office of Economic Adjustment, the conferees do not intend to replace the assistance available through the Economic Development Administration.

Section 4302 would direct the Secretary of Defense to conduct pilot studies during fiscal year 1993 to permit the detailed analysis of communities' response to a variety of different economic conversion and redevelopment challenges.

Section 4303 would direct the Secretary of Defense to provide to the Congress a report regarding alternatives to the existing priorities for the management and disposal of excess nonlethal supplies and equipment with a view toward providing state agencies a higher priority for receiving civil engineering equipment that could assist in infrastructure improvements and defense conversion capital projects.

Section 4304 would amend chapter 152 of title 10, United States Code, by limiting the use of excess construction or fire equipment from the Department of Defense in foreign assistance and military sales programs to those assets that are not requested by federal agencies other than the Defense Department or state agencies, unless the President determines that the transfer of such equipment under these programs is need to respond to an emergency.

Section 4305 would provide an authorization of $80.0 million for defense conversion activities through the Economic Development Administration.

Section 4306 would direct the Under Secretary of Defense for Acquisition to submit to Congress a report on matters relating to the provision by contractors of the Department of Defense of continuing health benefits coverage.

TITLE XLIV—PERSONNEL ADJUSTMENT, EDUCATION, AND TRAINING PROGRAMS

SUBTITLE A—ACTIVE FORCES TRANSITION ENHANCEMENTS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Improvement in pre-separation counselling for members of the armed forces (sec. 4401)

The House bill contained a provision (sec. 4402) that would amend section 1142 of title 10, United States Code, to improve the procedure for the pre-separation counselling of separating military members. The House provision would require that such counselling occur at least 90 days before the date of discharge, and require that an individual transition plan be created for the separating member to attempt to achieve the educational, training, employment and other objectives of the member and spouse of the member.

The Senate amendment contained no similar provision.

The Senate recedes.

Temporary authority for new basic pay rate for certain personnel who have 24 or more years of service (sec. 4402)

The Senate amendment contained a provision (sec. 602) that would provide a longevity pay increase for military personnel in the E–7, E–8, E–9, W–4, W–5, and O–6 grades at the 24-year point for basic pay purposes.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Active duty early retirement (sec. 4403)

The Senate amendment contained a provision (sec. 534) that would authorize active duty personnel who have 15 but less than 20 years of service to apply for and be approved for early retirement.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would clarify that the purpose in providing this authority is to give the Department of Defense a temporary, additional force management tool to effect the reduction in military personnel through fiscal year 1995. The amendment would clarify that the Secretaries of the military departments may prescribe appropriate regulations or policies regarding the criteria for eligibility and approval of applications under this section. These criteria may include, but are not limited to, such factors as grade, skill, and years of service. The amendment would provide that the retired pay of a member who retires under this section would be reduced by one percent for each year of service less than 20 years. Finally, the amendment would provide discretionary authority to the Secretary of Defense to offer this program to individuals in the 15–20 years of service range who had previously taken the voluntary separation incentive (VSI) or special separation benefit (SSB) and who would otherwise have been eligible for this program.

Opportunity for certain persons to enroll in all volunteer force educational assistance program (sec. 4404)

The House bill contained a provision (sec. 641) that would amend title 38, United States Code, and section 1174, of title 10, United States Code, to permit recipients of the special separation benefits (SSB) program and the voluntary separation incentive (VSI) to pay a $1,200 contribution and elect to participate in the Montgomery G.I. Bill, subject to available appropriations.

The Senate amendment contained a similar provision (sec. 536).

The Senate recedes with a technical amendment.

Amendment of special separation benefits (sec. 4405)

The Senate amendment contained a provision (sec. 616) that would make a technical change to section 661 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190). The provision would authorize personnel who separate with special separation benefits under section 661 to receive the transportation benefits authorized for involuntarily separated personnel by section 503 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510). This provision would correct an inadvertent omission.

The House bill contained no similar provision.

The House recedes with an amendment that would include the personnel who separate with the voluntary separation incentive under section 662 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) and also would incorporate section 652(c) of the House bill.

Calculation of VSI payment (sec. 4406)

The House bill contained a provision (sec. 652) that would make three changes in the

voluntary separation incentive (VSI) program established by section 662 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). First, subsection (a) would repeal the VSI program requirement that any active or reserve pay be fully offset against current VSI payments, and instead permit the individual to elect a partial or full offset in order to reduce the amount of future recoupment should that individual subsequently qualify for military retired pay. Second, subsection (b) would repeal the VSI provision disallowing any credit under the civil service retirement system for those years of military service countable for determining VSI payments. Third, subsection (c) would make VSI recipients eligible for the involuntary separation benefits package provided under chapter 58 of title 10, United States Code, to the same extent as recipients of the special separation benefit.

The Senate amendment contained a similar, more limited provision (sec. 537) that would exempt from recoupment reserve drill pay received by individuals who receive voluntary separation incentive (VSI) payments.

The Senate recedes with an amendment that would accept subsections (a) and (b) and incorporate subsection (c) of the House bill into section 4405.

Improved conversion health policies as part of transitional medical care (sec. 4407)

The House bill contained a provision (sec. 631) that would extend the term of conversion health policies from 12 to 18 months in order to comply with the minimum requirement imposed on private sector employers by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Continued health coverage for members and dependents upon separation (sec. 4408)

The House bill contained a provision (sec. 4606) that would require the Secretary of Defense and the Director of the Office of Personnel Management to jointly establish a program for continued health benefits coverage under the federal employees health benefit (FEHB) program as prescribed by section 8905a of title 5, United States Code, for former service members and their dependents who are no longer eligible for health care in the military health care delivery system. Like the FEHB program and the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the covered former service member or dependent would be required to pay both the employer's and employee's share of the cost of coverage provided, plus a surcharge to cover administrative costs for the program.

The Senate amendment contained a similar provision (sec. 539).

The Senate recedes with an amendment that would require the Secretary of Defense to implement this program not later than October 1, 1994 through (1) contract with private insurers, (2) revisions to the current CHAMPUS program, (3) agreement with the Director of the Office of Personnel Management, or (4) such other options determined by the Secretary to meet the requirements of this section. The conferees would delay the effective date in order to allow the Secretary ample time to execute contracts or to request any legislative changes the Secretary deems necessary to facilitate program implementation.

SUBTITLE B—GUARD AND RESERVE TRANSITION INITIATIVES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

The Senate amendment contained 12 provisions (secs. 541-552) that would authorize certain transition benefits for National Guardsmen and reservists affected by strength and unit reductions in the Selected Reserve. The conference agreement is summarized below.

Definition of transition period and members affected (secs. 4411 and 4412)

The Senate amendment contained provisions (secs. 541 and 542) that would establish general definitions regarding the transition period and eligible personnel. The provisions would apply to personnel in the Selected Reserve from October 1, 1991 to the end of fiscal year 1995.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would clarify that the Guard and reserve transition initiatives do not apply to reservists who are in non-pay positions.

Restriction on reserve force reduction (sec. 4413)

The Senate amendment contained a provision (sec. 543) that would prohibit the deactivation of any Selected Reserve unit or the involuntary separation of a Selected Reservist (except for personnel being separated because of adverse personnel actions) during the transition period until the Secretary of Defense has promulgated and submitted to Congress regulations that implement these provisions.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would delete the prohibition on the deactivation of Selected Reserve units. A modified version of this prohibition is contained in another provision elsewhere in this act.

Transition plan requirements (sec. 4414)

The Senate amendment contained a provision (sec. 544) that would require the Department of Defense to prescribe uniform procedures for the recruitment, reassignment, retraining, and separation and retirement of personnel consistent with the needs of the Selected Reserve, and with equal consideration for the fair treatment of personnel.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would ensure that separating active as well as reserve component personnel will be given priority over non-prior service applicants for Selected Reserve positions.

Inapplicability of certain discharges and transfers (sec. 4415)

The Senate amendment contained a provision (sec. 545) that would exclude individuals who are discharged or transferred under certain conditions from the benefits provided under this subtitle.

The House bill contained no similar provision.

The House recedes.

Force reduction period retirements (sec. 4416)

The Senate amendment contained a provision (sec. 546) that would allow Selected Reservists who have 20 years of credit for reserve retirement and who are in a Selected Reserve unit to apply for reassignment from the Selected Reserve to the Retired Reserve in order to draw an immediate, reduced retirement annuity. The reduced retirement annuity under this provision would be paid over a five-year period or up until an individual reaches age 60, whichever is shorter. The annuity would be five percent plus one half of one percent for each full year of service past 20 years that an individual has completed multiplied by the annual basic pay to which the individual would be entitled if on active duty. The percentage multiplier would be capped at 10 percent.

The House bill contained no similar provision.

The House recedes with an amendment. The Amendment would delete a provision in the Senate section that would allow personnel who retire early under this section to be eligible for military health care. The amendment would also provide temporary authority to the Secretaries of the Army and the Air Force to consider reserve officers for elimination from an active status similar to existing authority provided to the Secretary of the Navy under section 6410 of title 10, United States Code.

Retirements with 15 years of service (sec. 4417)

The Senate amendment contained a provision (sec. 547) that would allow Selected Reservists who have at least 15 but less than 20 years of credit for reserve retirement to apply for reassignment from the Selected Reserve to the Retired Reserve. Such personnel would be eligible for reserve retirement pay at age 60 based on the number of years of reserve retirement credit they have accrued.

The House bill contained no similar provision.

The House recedes.

Separation pay (sec. 4418)

The Senate amendment contained a provision (sec. 548) that would authorize the payment of separation pay to Selected Reservists who have six but less than 15 years of service and who are being involuntarily released from the Selected Reserve because their units are being deactivated during the transition period. The separation pay authorized would parallel the separation pay being paid to active personnel who are being separated, and be equal to 15 percent of two months of basic pay multiplied by the number of points accrued for reserve retirement divided by 360.

The House bill contained no similar provision.

The House recedes.

Waiver of continued service requirement for reserve G.I. bill benefits (sec. 4419)

The Senate amendment contained a provision (sec. 549) that would allow Selected Reservists who must leave the Selected Reserve because of the National Guard and reserve downsizing during the transition period of continue to receive reserve G.I. Bill educational assistance.

The House bill contained no similar provision.

The House recedes.

Commissary and exchange privileges (sec. 4420)

The Senate amendment contained a provision (sec. 550) that would authorize Selected Reservists who must leave the Selected Reserve because of the National Guard and reserve downsizing during the transition period to retain their eligibility to use military commissary and exchange shopping facilities for one year following the date they leave the Selected Reserve.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the period of eligibility

for the benefits provided from one to two years.

Applicability and termination of benefits (sec. 4421)

The Senate amendment contained a provision (sec. 552) that would prescribe rules with regard to the applicability and termination of the recommended National Guard and reserve personnel transition benefits.

The House bill contained no similar provision.

The House recedes.

Separation benefits for active Guard and reserve personnel (sec. 4422)

The conferees recommend a provision that would make active Guard and reserve (AGR) personnel eligible for the voluntary separation incentive (VSI) and special separation benefit (SSB) on the same basis as other active duty members.

LEGISLATIVE PROVISION NOT ADOPTED

Service group life insurance for separated reservists

The Senate amendment contained a provision (sec. 551) that would provide for the continued coverage, for one year, of Selected Reservists who must leave the Selected Reserve because of the National Guard and reserve downsizing during the transition period under the service group life insurance program at no cost to the individual.

The House bill contained no similar provision.

The Senate recedes.

SUBTITLE C—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL TRANSITION INITIATIVES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Government-wide list of vacant positions (sec. 4431)

The House bill contained a provision (sec. 4602) that would require the Office of Personnel Management to publish a government-wide list of all vacant positions.

The Senate amendment contained a similar provision (sec. 342) that would require the Office of Personnel Management to publish a list of all vacant positions in the competitive service for an appointment of more than one year. The jobs listed would include all those open to candidates outside the agency, and the information would be provided by means of a toll-free number.

The House recedes with an amendment that would strike the portion of the Senate amendment that would require the establishment of a toll-free telephone number.

Temporary measures to facilitate reemployment of certain displaced federal employees (sec. 4432)

The House bill contained a provision (sec. 4603) that would require federal agencies to give full consideration to qualified displaced Department of Defense employees for up 24 months after the employee has been separated before hiring candidates outside the agency.

The Senate amendment contained a similar provision (sec. 342(b)) that would require full consideration for only 12 months after an employee has been separated.

The Senate recedes.

Reduction-in-force notification requirements (sec. 4433)

The House bill contained a provision (sec. 4601) that would require federal agencies to issue specific written notices to all federal employees and their representatives at least 60 days prior to a reduction-in-force (RIF) action. In addition, federal agencies would be required to notify the state dislocated worker unit and the chief elected local government official whenever a significant number of employees will be separated. The House bill also contained a special rule that would require the Secretary of Defense to provide specific written notices at least 120 days in advance of a reduction-in-force (RIF) action if it involved the separation of a significant number of employees. This special rule would expire on February 1, 1998.

The Senate amendment contained a similar provision (sec. 343) without the special rule.

The Senate recedes.

Restoration of certain leave (sec. 4434)

The Senate amendment contained a provision (sec. 345(b)) that would allow federal civilian employees at military bases scheduled for closure between October 1, 1992, and December 31, 1997, to accumulate unlimited annual leave.

The House bill contained no similar provision.

The House recedes.

Skill training programs in the Department of Defense (sec. 4435)

The Senate amendment contained a provision (sec. 348) that would allow the Secretary of Defense to provide up to one year of training in Department of Defense training facilities to separated civilian employees. This training could be provided from October 1, 1992 through September 30, 1995. The Secretary of Defense, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management (OPM), would be directed to publish a register of skill training programs provided.

The House bill contained no similar provision.

The House recedes.

Other employee assistance (sec. 4436)

The House bill contained a provision (sec. 4604) that would authorize the Secretary of Defense to establish a program to offer separation bonuses equal to six months base pay to encourage eligible employees to accept regular or early retirement.

The Senate amendment contained a similar provision (sec. 345 (a)) that would allow the Secretary of Defense and the Secretaries of the military departments to offer separation benefits of up to $20,000 to employees who voluntarily resign or are eligible for early retirement.

The Senate recedes with an amendment. The conferees agree to give the Secretary of Defense the authority to offer the separation pay to regular or early retirees as well as to employees who resign voluntarily. The separation pay may be offered to civilian employees in order to avoid or minimize the need for involuntary separations. The separation pay would be equal to the amount an employee would receive as if eligible under the severance pay formula or $25,000, whichever is less. The Secretary of Defense shall prescribe regulations to carry out this program. The conferees recognize that the individual military services may have different priorities and needs in managing their respective civilian personnel reductions. The conferees believe that the regulations issued by the Secretary of Defense should recognize and accommodate the needs of the individual military Services.

Thrift savings plan benefits for federal employees separated by a reduction-in-force (sec. 4437)

The Senate amendment contained a provision (sec. 347) that would treat federal employees who are involuntarily separated due to a reduction-in-force as if entitled to immediate retirement benefits for thrift savings plan (TSP) purposes. This provision would make it possible for such separated employees to elect to withdraw their TSP accounts in lump sum payments or elect to leave their money in the plan.

The House bill contained no similar provision.

The House recedes.

Continued health benefits (sec. 4438)

The House bill contained a provision (sec. 4605) that would allow involuntarily separated Department of Defense civilian employees to elect to continue health benefits coverage for up to 18 months following separation under the federal employees health benefits program (FEHBP), and require DOD to continue to pay the employer of the FEHBP premiums. The employee would be responsible for the employee share of the premiums plus a surcharge equal to ten percent of the total premium.

The Senate amendment contained a similar provision (sec. 346) but did not require the employee to pay a surcharge.

The House recedes.

SUBTITLE D—DEFENSE EFFORTS TO RELIEVE SHORTAGES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS AND TEACHER'S AIDES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Teacher and teacher aide placement program for separated members of the armed forces (sec. 4441)

The House bill contained a provision (sec. 4301) that would establish a program to assist eligible servicemembers in becoming teachers and teacher's aides upon separation from the military Services. Servicemembers with at least six years of service who are separated during the period of the defense drawdown and who met certain educational requirements would be eligible to apply to participate in the program. Upon selection by the Secretary of Defense, these persons would be required to agree to obtain necessary state credentials in order to become a teacher or teacher's aide and to accept employment in those vocations for at least two years. Concomitantly, the Secretary of Defense would pay program participants up to a $5,000 stipend to help defray the costs of obtaining required state certifications and would enter into agreements with local educational agencies who agree to employ program participants for two years as teachers or teacher's aides. Under these agreements, the Secretary would pay to a local educational agency the lesser of $50,000 or two years' basic salary of each individual employed by the local educational agency. Individuals failing to comply with the terms of the agreement would be required to reimburse the government for the cost of the stipend.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would authorize the Secretary of Defense to: (1) Implement these programs on a discretionary basis; and (2) establish the amount of the stipend and subsidy to local agencies as ceilings. The conferees believe it is essential that the Secretary of Defense enter into a formal agreement with the Secretary of Education to ensure that the programs prescribed in this section are carefully developed and implemented.

With regard to military personnel, the amendment would also require the Secretary

of Defense to make available to individuals undergoing pre-separation counseling information concerning states that have alternative certification and licensure requirements and to identify local educational agencies with a shortage of qualified teachers or teacher's aides. The requirement derives from section 532 of the Senate amendment, from which the Senate recedes as part of the conference agreement. The amendment would further provide that servicemembers who receive one of the currently available separation incentive pays, bonuses or early retirement would be ineligible to receive the certification stipend.

Teacher and teacher's aides placement program for terminated defense employees (sec. 4442)

The House bill contained a provision (sec. 4302) that would establish a program to assist civilian employees of the Department of Defense and Department of Energy in becoming teachers and teacher's aides upon termination of employment as a result of reductions in defense spending or the closure or realignment of military installations. Individuals meeting certain educational requirements would be eligible to apply to participate in the program and, upon acceptance, would be required to obtain necessary state credentials and to accept employment in those vocations for at least two years. The Secretary of Defense would pay program participants a stipend of up to $5,000 to help defray the costs of obtaining required state certifications and would enter into agreements with local educational agencies who agree to employ program participants for two years as teachers or teacher's aides. Under these agreements, the Secretary would pay to local educational agencies the lesser of $50,000 or two years' basic salary. Individuals failing to comply with the terms of the agreement would be required to reimburse the government for the cost of the stipend.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would authorize the Secretary of Defense to implement these programs on a discretionary basis and would establish the amount of the stipend and subsidies specified in the House provision as ceilings.

Teacher and teacher's aide placement program for displaced scientists and engineers of defense contractors (sec. 4443)

The House bill contained a provision (sec. 4303) that would establish a program to assist eligible scientists and engineers employed by defense contractors or subcontractors in becoming teachers or teacher's aides. Under this program, defense contractors or subcontractors who are forced to terminate, layoff, or retire company scientists or engineers because of defense spending reductions would apply to enter into cooperative agreements with the Secretary of Defense. Under these agreements, the contractor or subcontractor would agree to contribute $2,500 toward the cost of a $5,000 stipend to be paid to eligible scientists or engineers to help defray the cost of obtaining necessary state teacher or teacher's aide certifications. Individuals receiving these stipends would be required to obtain certification and to work as teachers or teacher's aides for at least two years.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Funding for fiscal year 1993 (sec. 4444)

The House bill contained a provision (sec. 4304) that would provide that, of the amount appropriated for defense reinvestment programs for fiscal year 1993, 18 percent of such amount would be available for the teacher and teacher's aide programs established in sections 4301, 4302, and 4303 of the House bill.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the amount made available to fund the teacher and teacher's aide provisions to $65 million.

SUBTITLE E—ENVIRONMENTAL EDUCATION AND RETRAINING PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Environmental scholarship and fellowship for the Department of Defense (sec. 4451)

The House bill contained a provision (sec. 4311) that would require the Secretary of Defense to establish and manage a scholarship program for full-time students who are enrolled in, or who have been accepted for enrollment in fields of study relevant to the Department of Defense environmental restoration or other environmental programs for the purpose of enabling individuals to qualify for environmental restoration and environmental compliance positions in the Department.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the preference in selection for participation in the program to current and former employees of the Department of Defense, its contractors and subcontractors engaged in defense related work, and individuals who have been members of the armed forces.

Grants to institutions of higher education to provide training in environmental restoration and hazardous waste management (sec. 4452)

The House bill contained a provision (sec. 4312) that would allow the Secretary of Defense to establish a program to assist institutions of higher education to provide education and training in environmental restoration and hazardous waste management.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure that institutions participating in the program would be chosen by the Secretary of Defense as a result of a merit-based selection process.

LEGISLATIVE PROVISION NOT ADOPTED

Environmental cleanup training demonstration grant program

The House bill contained a provision (sec. 4313) that would allow the Secretary of Defense to make grants to carry out demonstration projects to train employees for environmental cleanup activities at military installations.

The Senate amendment contained no similar provision.

The House recedes.

SUBTITLE F—JOB TRAINING AND EMPLOYMENT AND EDUCATIONAL OPPORTUNITIES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Improved coordination of job training and placement programs for members of the armed forces (sec. 4461)

The House bill contained a provision (sec. 4403) that would require the Secretary of Defense to consult with the Secretaries of Labor, Education, and Veterans' Affairs, and the Economic Adjustment Committee to improve the coordination of job training and placement programs available to members of the armed forces who are discharged or released from active duty.

The Senate amendment contained no similar provision.

The Senate recedes.

Active force personnel transition enhancements (sec. 4462)

The Senate amendment contained a provision (sec. 531) that would require the Secretary of Defense, in consultation with other appropriate Cabinet Secretaries, to implement a program to encourage and assist separating or retiring military personnel to enter public or community service jobs. This program would include the establishment of a registry of critical job vacancies, such as in education, law enforcement, and health care that are underserved, and a registry of personnel interested in pursuing such work.

The House bill contained no similar provision.

The House recedes.

Educational leave of absence (sec. 4463)

The Senate amendment contained a provision (sec. 533) that would authorize active duty personnel who do not have readily transferable skills, such as personnel in the combat arms, to apply for up to one year of educational leave of absence to obtain civilian skill training.

The House bill contained no similar provision.

The House recedes.

Retirement credit for critical underserved jobs (sec. 4464)

The Senate amendment contained a provision (sec. 535) that would authorize active duty personnel who are approved for early retirement to accrue additional military retirement credit if they take critical, underserved jobs, such as in education, law enforcement, and health care. The Secretary of Defense would be required to prescribe regulations to carry out this program in coordination with the Secretary of Labor, the Secretary of Education, the Director of the Office of Personnel Management, and other departments and agencies as appropriate.

The House bill contained no similar provision.

The House recedes.

Training, adjustment assistance, and employment services for discharged military personnel, terminated defense employees, and displaced employees of defense contractors (sec. 4465)

The House bill contained a provision (sec. 4321) that would expand title III of the Job Training Partnership Act (JTPA) to provide reemployment and training programs specifically designed to meet the needs of individuals who are displaced by the drawdown in defense activity by the government and industry.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Labor, in consultation with the Secretary of Defense, to provide financial assistance for job training and transition assistance for individuals directly affected by the defense drawdown. In addition, by providing authority to reimburse states for their expenditure of rapid response funds in support of the defense conversion, the amendment would encourage states to move quickly to provide job transition assistance when communities and individuals are adversely affected by reductions in defense activity, both governmental and within industry. The conferees

would authorize $75.0 million for these purposes.

Participation of discharged military personnel in upward bound projects to prepare for college (sec. 4466)

The House bill contained a provision (sec. 4323) that would authorize the Secretary of Defense to carry out a program to assist eligible members of the armed forces in an upward bound project to prepare for college.

The Senate amendment contained no similar provision.

The Senate recedes.

Improvements to employment and training assistance for dislocated workers under the Job Training Partnership Act (sec. 4467)

The House bill contained a provision (sec. 4324) that would amend the dislocated worker program of the Job Training Partnership Act by expanding the responsibilities of state dislocated worker units, providing more flexibility for state rapid response assistance to defense conversion reemployment problems, and permitting the transfer of federal property and equipment to job training programs or education programs at no cost.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that state dislocated worker units provide immediate notification to substate grantees of current and projected military installation or defense plant closures or substantial layoffs at such plants. It would also require that states provide immediate notification to the Secretary of Defense of a cost breakdown of funds made available in response to these worker dislocations. It would increase the oversight of the Secretary of Labor over state rapid response assistance services, expand the definition of "substantial layoff", and provide clarification of definitions of eligible dislocated workers for certain services.

Job Bank program for discharged military personnel, terminated defense employees, and displaced employees of defense contractors (sec. 4468)

The House bill contained a provision (sec. 4325) that would authorize the Secretary of Defense to establish a program to expand the services and access to the Interstate Job Bank of the United States Employment Service.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to provide expanded access to the Interstate Job Bank to maximize reemployment opportunities for military and civilian workers displaced by the defense drawdown and authorize $4.0 million for that purpose.

Extension of appropriations for assistance (sec. 4469)

The Senate amendment contained a provision (sec. 538) that would extend through fiscal year 1995 the authority for appropriations for certain employment, job training, and other assistance provided by section 502 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). Current authority expires at the end of fiscal year 1993.

The House bill contained no similar provision.

The House recedes.

Defense contractor requirement to list suitable employment openings with local employment service office (sec. 4470)

The House bill contained a provision (sec. 4404) that would require defense contractors to list suitable employment openings with local employment service offices.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Notice requirements upon proposed and actual termination or substantial reduction in defense programs (sec. 4471)

The House bill contained a provision (sec. 4405) that would create a structure for employees of defense contractors to become eligible for JTPA services following the cancellation or substantial reduction of a defense contract.

The Senate amendment contained a related provision (sec. 335) that would provide for constructive notice to employees of defense contractors affected by substantial reductions or cancellations of defense contracts. This notice would be for the purpose of establishing eligibility for certain services under section 314 of title III.

The House recedes.

Study to determine the dislocation effects of current and future reductions in spending for the national defense (sec. 4472)

The conferees recommend a provision that would require the Secretary of Defense and the Secretary of Labor to conduct a joint study to assess worker dislocation resulting from current and future defense spending reductions. The provision would require a report to Congress containing projections on the nature and extent of economic dislocation for servicemembers, Department of Defense civilian employees, and private sector defense industry workers.

Treatment of certain provisions of law upon budget determination by the Secretary of Defense (sec. 4473)

The conferees recommend a provision that would provide for the repeal of sections 4465 and 4468 of this title if, not later than April 30, 1993, the Secretary of Defense reallocates the funds from such programs.

SUBTITLE G—SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 4481)

The House bill contained a provision (sec. 4351) that would cite this program as the "Service Members Occupational Conversion and Training Act of 1992."

The Senate amendment contained no similar provision.

The Senate recedes.

Findings and Purposes (sec. 4482)

The House bill contained a provision (sec. 4352) that would: (1) make certain congressional findings as to the need for a servicemembers' conversion and training program; and (2) declare that the purpose of this program is to provide additional means by which the Secretary of Defense can manage the drawdown of the armed forces and to provide additional forms of assistance to servicemembers who are forced or induced to leave the military, thereby facilitating the Secretary's ability to achieve end strength reductions caused by the drawdown.

The Senate amendment contained no similar provision.

The Senate recedes.

Definitions (sec. 4483)

The House bill contained a provision (sec. 4353) that would define: (1) "Secretary," as the Secretary of Defense; and (2) the terms "compensation," "service-connected," "State," and "active military, naval, or air service" as defined in paragraphs (13), (16), (20), and (24), respectively, of section 101 of title 38, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

Establishment of program (sec. 4484)

The House bill contained a provision (sec. 4354) that would direct the Secretary to carry out the program of job training in accordance with this bill not later than 60 days after the date of enactment. The Secretary would be authorized to enter into an agreement with the Secretaries of Veterans Affairs and Labor for the implementation of this program. The implementing official would be permitted to enter into agreement with state approving agencies (SAAs) to carry out any aspect of this bill.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that: (1) the Secretary may enter into an agreement with either the Secretary of Veterans Affairs, the Secretary of Labor, or both; and (2) the implementing official may enter into agreements with SAAs or other state agencies to assist in the implementation of this program.

Eligibility for program (sec. 4485)

The House bill contained a provision (sec. 4355) that would establish the eligibility requirements for participation in a job training program as follows. An individual must: (1) be unemployed at the time of applying to participate in the program; (2) either (a) be unemployed for at least 10 of 15 weeks prior to application for the program (not taking into account periods of temporary or intermittent employment), (b) have specialized in an occupational skill that is not readily transferable to the civilian workforce (as determined by the Secretary), or (c) have a service-connected disability rated at 30 percent or more; (3) have served in active military service for more than 90 days; and (4) be discharged on or after August 2, 1990.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) require participants to be unemployed for 8 of 15 weeks prior to application; and (2) provide participants the opportunity to appeal a denial of certification.

Period of training (sec. 4485(d))

The House bill contained a provision (sec. 4356) that would require a job training program to provide training for a period of not less than 12 months in an occupation in a growth industry or in an occupation requiring the use of new technological skills. The implementing official may approve a program period of at least six months. The House bill also contained a provision (sec. 4355(c)) that would limit the maximum period of training for which assistance may be provided to 15 months.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment: (1) that would provide that the period of training for which assistance may be paid would be not less than 6 months or more than 18 months; and (2) that would modify the characterization of the occupation for which training may be provided so as to permit training in a field of employment providing a reasonable probability of stable, long-term employment.

Approval of employer programs (sec. 4486)

The House bill contained a provision (sec. 4357) that would exclude from a job training

program any position that consists of intermittent employment, includes religious activities, is in any department of the federal government, displaces other employees, or violates certain other conditions outlined in that provision. An employer offering a job training program would be required to certify that, upon a participant's completion of job training, the employer will employ the participant in the position for which he or she was trained and the position will be available on a stable and permanent basis. The wages and benefits to be paid to the participant would be commensurate to those normally paid to other trainees. Apprenticeship programs or other on-the-job training programs (as outlined in section 3687 of title 38, United States Code) would be approved under this bill.

The Senate amendment contained no similar provision.

The Senate recedes.

Payments to employers (sec. 4487)

The House bill contained a provision (sec. 4358) that would provide for the implementing official to make certain payments to employers. The amount payable to an employer on behalf of a training participant would be 50 percent of the starting hourly wage times the number of hours worked except that payments would not exceed $12,000 for participation with service-connected disabilities rated at 30 percent or $10,000 for all other participants. Payments would be made to employers as follows: one-third of the total payment would be made upon completion of half of the training program, one-third upon completion of the program, and one-third six months after completion of the program. Overpayments to an employer would constitute liability to the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide: (1) that payments would be made to employers on a quarterly or monthly basis except that 25 percent of each payment to which the employer is entitled would be held back to be paid four months after completion of the training program; and (2) that, as an additional payment, the employer would be reimbursed up to $500 for the cost of a participant's tools and other work-related materials upon certification to the implementing official that the materials were necessary for participation in the job training program, the materials were paid for by the participant, and the participant had been reimbursed by the employer.

Entry into program of job training (sec. 4488)

The House bill contained provisions (sec. 4359 and sec. 4355(b)(3)(A)) that would allow the implementing official to withhold or deny approval of a training program because of a lack of funds. Participants would be: (1) permitted to begin their training program no sooner than 14 days after the employer notifies the implementing official of the employer's intention to employ the participant; and (2) required either to begin training, or to renew their applications, no later than 180 days after receiving a certificate of eligibility.

The Senate amendment contained no similar provision.

The Senate recedes.

Provision of training through educational institutions (sec. 4489)

The House bill contained a provision (sec. 4360) that would allow an employer to enter into an agreement with an educational institution that has been approved under chapter 106 of title 10, United States Code, to provide training under this program.

The Senate amendment contained no similar provision.

The Senate recedes.

Discontinuation of approval of participation in certain employer programs (sec. 4490)

The House bill contained a provision (sec. 4361) that would allow the implementing official to discontinue a previously approved training program if it fails to meet any of the requirements outlined in the bill. The employer would have the opportunity to appeal the disapproval. If the implementing official found that the completion rate of a training program was disproportionately low due to deficiencies in the program, the implementing official would be authorized to disapprove further participation in the program pending the completion of adequate remedial action to improve the program.

The Senate amendment contained no similar provision.

The Senate recedes.

Inspection of records; investigations (sec. 4491)

The House bill contained a provision (sec. 4362) that would require the records and accounts of employers pertaining to veterans training under this program to be reasonably available for examination by the implementing official. The implementing official would be able to inspect the premises of a job training program and question employees to ensure compliance with the requirements established under this program. Inspections and investigations may be administered under an agreement between the Secretaries of Defense and Labor.

The Senate amendment contained no similar provision.

The Senate recedes.

Coordination with other programs (sec. 4492)

The House bill contained a provision (sec. 4363) that would prohibit payment to an employer who is receiving payments for job training programs under chapter 30, 31, 32, 35, or 36 of title 38, United States Code; chapter 106 of title 10, United States Code; the Job Training Partnership Act; or under section 51 of the Internal Revenue Code of 1986. Assistance would not be permitted to be paid on behalf of an individual who has completed a job training program under this legislation. The Secretary of Veterans Affairs would be given the responsibility to coordinate and encourage the use of job training under chapter 31 of title 38 in connection with training under this program.

The Senate amendment contained no similar provision.

The Senate recedes.

Counseling (sec. 4493)

The House bill contained a provision (sec. 4364) that would direct the implementing official to provide, upon request, employment counseling services and to establish a program of cast-management services for veterans who need such services, particularly veterans who withdraw (either voluntarily or involuntarily) from a job training program and apply to participate in another such program. Under the case-management program, a disabled veteran outreach program (DVOP) specialist would be required personally to interview the veteran within 60 days after the beginning of a training program and generally monthly thereafter unless, in certain cases, the implementing official finds that case-management services are not necessary.

The Senate amendment contained no similar provision.

The Senate recedes.

Information and outreach; use of agency resource (sec. 4494)

The House bill contained a provision (sec. 4365) that would require the Secretaries of Defense, Labor, and Veterans Affairs jointly to establish a public information and outreach program to inform servicemembers of the job training programs provided under this measure and other federal training programs. The Secretaries would be required to inform private businesses, appropriate public agencies, institutions of higher education, trade associations, and others of such training programs and to encourage employers to create job training programs.

The Secretaries would be required to coordinate the provision of public information and outreach under this section with the job counseling, placement, and other services under chapters 41 and 42 of title 38, United States Code.

The Secretaries of Defense, Labor, and Veterans Affairs would be required to make available such personnel as are needed to carry out the provisions of this program. Also, the Secretary of Labor would be required, to the maximum extent practicable, to make use of the services of directors and assistant directors for veterans' employment and training, DVOP specialists, local veterans' employment representatives, and the Small Business Administration.

The Senate amendment contained no similar provision.

The Senate recedes.

Authorization of appropriations (sec. 4495)

The House bill contained a provision (sec. 4366) that would authorize to be appropriated to the Department of Defense to carry out the job training program 10 percent of the amount appropriated for fiscal year 1993 for defense reinvestment programs. Amounts would remain available until the end of the second fiscal year following the fiscal year in which such amounts were appropriated. Three and one-half percent of such amounts would be used for administration.

The Senate Amendment contained no similar provision.

The Senate recedes with an amendment that would increase to six percent the amount available for the costs of administration.

Time periods for application and initiation of training (sec. 4496)

The House bill contained a provision (sec. 4368) that would prohibit assistance to be paid to an employer on behalf of an individual who initially applies for a job training program after September 30, 1995, or for any training program which begins after March 31, 1996.

The Senate Amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISION NOT ADOPTED

Report by Secretary of Defense

The House bill contained a provision (sec. 4367) that would require the Secretary of Defense, not later than two years after enactment, to submit a report assessing the effectiveness of the job training program.

The Senate Amendment contained no similar provision.

The House recedes.

TITLE XLV—BUDGET

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

The conferees agree that the programs authorized in Division D are within the defense category of the discretionary limits for fiscal year 1993 for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985. The conferees note that the statutory responsibility for determining whether a pro-

gram is within the defense category has been given to the Director of the Office of Management and Budget under the Budget Act. The conference agreement contains a provision that would provide for the reallocation of funds within Division D in the event that the Director of OMB determines that specified programs are not within the defense category for fiscal year 1993.

From the Committee on Armed Services, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

LES ASPIN,
CHARLES E. BENNETT,
G.V. MONTGOMERY,
PAT SCHROEDER,
BEV BYRON,
NICHOLAS MAVROULES,
EARL HUTTO,
IKE SKELTON,
DAVE MCCURDY,
THOMAS M. FOGLIETTA,
DENNIS M. HERTEL,
MARILYN LLOYD,
NORMAN SISISKY,
RICHARD RAY,
JOHN M. SPRATT,
SOLOMON P. ORTIZ,
GEORGE (BUDDY) DARDEN,
OWEN PICKETT,
MARTIN H. LANCASTER,
LANE EVANS,
JAMES H. BILBRAY,
JOHN S. TANNER,
MICHAEL R. MCNULTY
GLEN BROWDER,
WILLIAM. L. DICKINSON,
FLOYD SPENCE,
LARRY J. HOPKINS
(except for Sec. 807 on Mentor-Protege and Sec. 1364 on the Landmine Moratorium),
BOB DAVIS,
DUNCAN HUNTER
(except for Secs. 232 and 234 related to SDI),
DAVID O'B. MARTIN,
JOHN R. KASICH,
HERBERT H. BATEMAN,
BEN BLAZ,
ANDY IRELAND,
JAMES V. HANSEN,
CURT WELDON,
ARTHUR RAVENEL, Jr.,
ROBERT K. DORNAN
(except for Secs. 232 and 234 related to SDI),

As additional conferees from the Permanent Select Committee on Intelligence, for matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

BARBARA B. KENNELLY,
DAN GLICKMAN,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1071, and 4501–4502 of the House bill, and sections 838, 1092, 1093, 1094, and 1094B of the Senate amendment, and modifications committed to conference:

THOMAS CARPER,
JOHN J. LAFALCE,
MARY ROSE OAKAR,
BRUCE F. VENTO,
PUAL E. KANJORSKI,
THOMAS RIDGE,
BILL PAXTON,
MEL HANCOCK,

As additional conferees from the Committee on Education and Labor, for consideration of sections 3161–3162, 4301–4313, 4321–4325, 4401, 4404–4405, and 4607 of the House bill, and sections 333, 344, 531, 532, 804, 814(e), 1060, 1065, 1082–1085, 1099E, 1301–1307, and 3151–3153 of the Senate amendment, and modifications committed to conference:

WILLLIAM D. FORD,
PAT WILLIAMS,
WILLIAM F. GOODLING,
STEVE GUNDERSON,
MARGE ROUKEMA,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 321, 370, 1071, and 3161 of the House bill, and sections 313–317, 319–320, 824, 838, 1205, 2851–2855, 2861, 3132, 3135, 3141, 3151–3152, and 3201 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
AL SWIFT,
PHIL SHARP,
CARDISS COLLINS,
DENNIS E. ECKART,
NORMAN F. LENT,
DON RITTER,
CARLOS J. MOORHEAD,

Mr. McMillan of North Carolina is appointed in lieu of Mr. Moorhead solely for consideration of section 1071 of the House bill and section 824 and 838 of the Senate amendment:

J. ALEX MCMILLAN,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 146, 175, 204, 233, 234, 241, 304, 324, 365–368, 1031, 1033, 1056, 1057, 1059–1060, 1064–1065, 1067, 1069–1070, 1101–1106, 3132, and 3141–3145 of the House bill, and sections 112, 223, 304, 361–362, 828, 836, 908, 921–922, 1041, 1043, 1050, 1055, 1057, 1061, 1063, 1066–1067, 1071–1073, 1075–1076, 1091, 1093, 1094A–1094F, 1101–1132, 1201–1212, and 1401–1408 of the Senate amendment, and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
GUS YATRON,
STEPHEN J. SOLARZ,
HOWARD L. BERMAN,
WM. S. BROOMFIELD,
BENJAMIN A. GILMAN,
ROBERT J. LAGOMARSINO,

Provided, that solely for consideration of section 1091 of the Senate amendment, Mr. Gejdenson is appointed in lieu of Mr. Fascell, and solely for consideration of sections 1201–1212 of the Senate amendment, Mr. Torricelli is appointed in lieu of Mr. Hamilton.

SAM GEJDENSON,
ROBERT TORRICELLI,

As additional conferees from the Committee on Government Operations, for consideration of sections 313, 374(f), 640, 819, 821, 1002, and 2823 of the House bill, and sections 1003, 1048(f), and 2841 of the Senate amendment, and modifications committed to conference:

JOHN CONYERS, Jr.,
MIKE SYNAR,
EDOLPHUS TOWNS,
RAY THORNTON,
COLLIN C. PETERSON,
FRANK HORTON,
BILL CLINGER,

As additional conferees from the Committee on the Judiciary, for consideration of sections 838(e) and 1062 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
DON EDWARDS,
JOHN CONYERS, Jr.,
HENRY J. HYDE,
HOWARD COBLE,

As additional conferees from the Committee on the Judiciary, for consideration of section 1068 of the House bill, and modifications committed to conference:

JACK BROOKS,
ROMANO L. MAZZOLI,
HOWARD L. BERMAN,
BILL MCCOLLUM,
LAMAR SMITH,

As additional conferees from the Committee on the Judiciary, for consideration of section 922 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,
CHARLES E. SCHUMER,
WILLIAM J. HUGHES,
F. JAMES SENSENBRENNER, Jr.,
STEVEN SCHIFF,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 536, 1013, 1016(b), 1017, 1019, 1021, 2837, and 3501–3504 of the House bill, and sections 612(b), 1021–1023, 1045, 1053, 1206, 2837, 2851–2855, 3103(e), and 3501–3505 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,
CARROLL HUBBARD,
WILLIAM F. HUGHES,
BILLY TAUZIN,
WILLIAM O. LIPINSKI,
DON YOUNG,
JACK FIELDS,
NORMAN F. LENT,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 531, 924(a), 1060(a), 1201–1206, 1301, 4401, and 4601–4606 of the House bill, and sections 341–348, 539, 809(b), 1044–1045, 1058(a), 1074, that portion of section 1082 that adds a new section 195H to the National and Community Service Act of 1990, 1099D, 1306 of the Senate amendment, and modifications committed to conference:

WILLIAM (BILL) CLAY,
MARY ROSE OAKAR,
GERRY SIKORSKI,
GARY ACKERMAN,
PAUL E. KANJORSKI,
BENJAMIN A. GILMAN,
FRANK HORTON,
JOHN T. MYERS,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 4101–4106 and 4501–4502 of the House bill, and sections 313–317, 320, and 332 of the Senate amendment, and modifications committed to conference:

ROBERT A. ROE,
NORMAN Y. MINETA,
HENRY J. NOWAK,
JOE KOLTER,
JIMMY HAYES,
JOHN PAUL HAMMERSCHMIDT,
BUD SHUSTER,

Provided, that solely for consideration of sections 4101–4106 and 4501–4502 of the House bill, and section 332 of the Senate amendment, Mrs. Bentley is appointed; and solely for consideration of sections 313–317 and 320 of the Senate amendment, Mr. Petri is appointed:

HELEN DELICH BENTLEY,
TOM PETRI,

As additional conferees from the Committee on Science, Space and Technology, for consideration of sections 241, 4105, 4201–4203, and 4206 of the House bill, and sections 204, 801–806, 809, 810A, 837, 839, 1112, 3139, and 3141 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
NORMAN Y. MINETA,
JOAN KELLY HORN,
JIM BACCHUS,

As additional conferees from the Committee on Veterans Affairs, for consideration of sections 641–642 and 4351–4368 of the House bill, and sections 536, 538, 549, and 551 of the Senate amendment, and modifications committed to conference:

TIMOTHY J. PENNY,
DOUGLAS APPLEGATE,
CHRISTOPHER H. SMITH,

As additional conferees from the Committee on Ways and Means, for consideration of section 4607 of the House bill, and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
J.J. PICKLE,
CHARLES B. RANGEL,
PETE STARK,
BILL ARCHER,
PHIL CRANE,
GUY VANDER JAGT,

As additional conferees from the Committee on Ways and Means, for consideration of sections 1404–1405 of the Senate amendment and modifications committed to conference:

DAN ROSTENKOWSKI,
SAM GIBBONS,
ED JENKINS,
THOMAS J. DOWNEY,
DONALD J. PEASE,
BILL ARCHER,
PHIL CRANE,

Managers on the Part of the House.

SAM NUNN,
J.J. EXON,
CARL LEVIN,
EDWARD M. KENNEDY,
JEFF BINGAMAN,
ALAN J. DIXON,
JOHN GLENN,
AL GORE,
TIMOTHY WIRTH,
RICHARD SHELBY,
ROBERT BYRD,
JOHN WARNER,
STROM THURMOND,
BILL COHEN,
JOHN MCCAIN,
TRENT LOTT,
DAN COATS,
CONNIE MACK,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 5677

Mr. NATCHER submitted the following conference report and statement on the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes:

CONFERENCE REPORT (H. REPT. 102–974)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5677) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes," having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 8, 9, 10, 39, 41, 42, 44, 47, 48, 50, 64, 74, 81, 86, 91, 94, 98, 104, 106, 107, 113, 120, 121, 122, 123, 128, 129, 140, 158, 166, 182, 183, 190, 196, 199, 206, 208, 223, 225, 235, 240, 241, and 242.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 7, 13, 19, 22, 26, 29, 30, 38, 46, 66, 67, 72, 76, 82, 83, 93, 99, 101, 102, 105, 108, 109, 110, 111, 118, 119, 124, 127, 141, 150, 151, 153, 155, 156, 157, 159, 160, 161, 162, 167, 168, 169, 172, 174, 175, 177, 178, 179, 180, 181, 186, 187, 188, 189, 192, 193, 194, 209, 210, 211, 212, 226, 227, 228, 229, 230, 231, 232, 233, 234, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$55,803,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$78,934,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$55,144,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$20,000,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$306,700,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$86,506,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,747,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$21,729,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$795,771,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$27,570,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$234,332,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$290,895,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$277,210,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,438,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$143,976,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$183,742,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$47,780,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,438,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,601,625,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$340,000,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,007,483,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$178,711,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $590,436,000.

And the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$606,600,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$839,804,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$404,468,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$156,342,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$315,251,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$20,002,000*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$57,444,000*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$384,576,000*; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$444,451,000*; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$38,601,000*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,850,000*; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$900,000,000*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,693,483,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$845,964,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,763,950,000*; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,733,631,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,493,875,000*; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$681,450,000*; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$571,654,000*; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,000,000*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,600,000*; and the Senate agree to the same.

Amendment numbered 133:

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,800,000*; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,600,000*; and the Senate agree to the same.

Amendment numbered 139:

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,110,000*; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$227,750,000*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,989,807,000*; and the Senate agree to the same.

Amendment numbered 144:

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,069,284,000*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$328,400,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

in lieu of the sum proposed by said amendment insert: *$215,000,000*; and the Senate agree to same.

Amendment numbered 149:

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert; *$2,185,968,000*; and the Senate agree to the same.

Amendment numbered 173:

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with amendment, as follow:

In lieu of the sum proposed by said amendment insert: *$844,690,000*; and the Senate agree to the same.

Amendment numbered 185:

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: , *and $6,435,000, to remain available until expended, shall be for emergency construction needs*; and the Senate agree to the same.

Amendment numbered 195:

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment, as follows;

In lieu of the sum proposed by said amendment insert: *$49,300,000*; and the Senate agree to the same.

Amendment numbered 197:

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert; *$28,281,000*; and the Senate agree to the same.

Amendment numbered 198:

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,381,000*; and the Senate agree to the same.

Amendment numbered 200:

That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$14,700,000*; and the Senate agree to the same.

Amendment numbered 201:

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$16,000,000*; and the Senate agree to the same.

Amendment numbered 202:

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,500,000*; and the Senate agree to the same.

Amendment numbered 203:

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$13,700,000*; and the Senate agree to the same.

Amendment numbered 204:

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$9,684,000*; and the Senate agree to the same.

Amendment numbered 205:

That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,000,000*; and the Senate agree to the same.

Amendment numbered 207:

The the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,238,000*; and the Senate agree to the same.

Amendment numbered 215:

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$29,500,000*; and the Senate agree to the same.

Amendment numbered 219:

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$203,152,000*; and the Senate agree to the same.

Amendment numbered 220:

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$295,000,000*; and the Senate agree to the same.

Amendment numbered 221:

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,750,000*; and the Senate agree to the same.

Amendment numbered 222:

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$896,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 12, 18, 24, 25, 40, 45, 52, 55, 60, 62, 63, 65, 68, 69, 70, 73, 75, 77, 78, 79, 80, 84, 87, 88, 95, 103, 112, 125, 130, 135, 136, 137, 138, 147, 148, 152, 154, 163, 164, 165, 170, 171, 176, 184, 191, 213, 214, 216, 217, 218, 224, 236, 237, 238, and 239.

WILLIAM H. NATCHER,
NEAL SMITH,
DAVID R. OBEY,
EDWARD R. ROYBAL,
LOUIS STOKES,
JOSEPH D. EARLY,
STENY H. HOYER,
ROBERT J. MRAZEK,
JAMIE L. WHITTEN,
CARL D. PURSELL,
JOHN EDWARD PORTER,
BILL YOUNG,
VIN WEBER,
JOSEPH M. MCDADE,
Managers on the Part of the House.

TOM HARKIN,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
BROCK ADAMS,
KENT CONRAD,
ARLEN SPECTER,
MARK O. HATFIELD,
TED STEVENS,
WARREN RUDMAN,
THAD COCHRAN,
PHIL GRAMM,
SLADE GORTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies, for the fiscal year ending September 30, 1993, and for other purposes, submit the following joint statement of the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

Amendment No. 1: Appropriates $76,227,000 as proposed by the Senate instead of $76,952,000 as proposed by the House.

Amendment No. 2: Makes available $55,803,000 from the Unemployment Trust Fund instead of $55,078,000 as proposed by the House and $57,785,000 as proposed by the Senate.

TRAINING AND EMPLOYMENT SERVICES

Amendment No. 3: Deletes technical language proposed by the Senate.

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,066,584,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $4,000,000 to continue the Samoan, Pacific Islander and Asian American employment and training initiative.

Amendment No. 5: Earmarks $78,934,000 for migrants and seasonal farmworkers instead of $78,868,000 as proposed by the House and $81,000,000 as proposed by the Senate.

Amendment No. 6: Earmarks $1,485,000 for the National Commission for Employment Policy as proposed by the House instead of $1,900,000 as proposed by the Senate.

Amendment No. 7: Earmarks $5,400,000 for all activities conducted by and through the National Occupational Information Coordinating Committee as proposed by the Senate. The House bill included no funds for this activity in the Department of Labor; all funds were included in the Department of Education.

Amendment No. 8: Inserts the word "and" as proposed by the House.

Amendment No. 9: Deletes earmark of $750,000 for the Glass Ceiling Commission proposed by the Senate. This is funded under amendment No. 12.

Amendment No. 10: Deletes appropriation of $187,480,000 for summer youth employment for fiscal year 1994 proposed by the Senate. The House bill included no appropriation for fiscal year 1994. The conference agreement includes $676,083,000 for summer youth employment for fiscal year 1993. These funds are included under amendment number 4.

Amendment No. 11: Appropriates $55,144,000 for ongoing Job Corps Capital Costs instead of $60,288,000 as proposed by the House and $50,000,000 as proposed by the Senate. Funds are included to complete the previously approved new centers and to continue special facility projects.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$750,000 is appropriated for the Glass Ceiling Commission authorized by title II of the Civil Rights Act of 1991; and, in addition, $750,000 is appropriated for the National Center for the Workplace authorized by title XV, part A, of Public Law 102-325; and, in addition, $12,638,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 13: Specifies the construction of four new Job Corps centers as proposed by the Senate instead of two as proposed by the House.

Amendment No. 14: Appropriates $20,000,000 for new Job Corps centers instead of $30,000,000 as proposed by the House and $10,000,000 as proposed by the Senate and deletes language proposed by the House that provided for full funding of new centers. The conferees intend that all new centers shall be selected through a competitive process.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Amendment No. 15: Appropriates $306,700,000 instead of $305,159,000 as proposed by the House and $308,241,000 as proposed by the Senate.

Amendment No. 16: Appropriates $86,506,000 instead of $86,071,000 as proposed by the House and $86,940,000 as proposed by the Senate.

It is the intent of the conferees that the current sponsors continue to build upon their past accomplishments and that the Department of Labor will maintain substantially the existing status, funding allocation and method of operating this program. The conferees do not intend to reduce the current funding levels of those national sponsors who have worked successfully through the years to build this program. The conferees understand that the Department of Labor has been conducting audits of several national sponsors, and the conferees further urge the Department to complete program and financial audits on all national sponsors.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Amendment No. 17: Appropriates $23,747,000 instead of $23,638,000 as proposed by the House and $23,856,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,162,127,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 19: Deletes the words "and expenditure" proposed by the House.

Amendment Nos. 20-21: Earmark $817,500,000 for Employment Service State grants instead of $813,392,000 as proposed by the House and $821,608,000 as proposed by the Senate.

Amendment No. 22: Earmarks $302,331,000 for the Unemployment Insurance contingency fund as proposed by the Senate instead of $338,908,000 as proposed by the House.

LABOR—MANAGEMENT STANDARDS

SALARIES AND EXPENSES

Amendment No. 23: Appropriates $27,570,000 instead of $26,220,000 as proposed by the House and $28,920,000 as proposed by the Senate. The conference agreement includes $1,350,000 and 25 FTE to maintain a unit of collective bargaining expertise that has existed in the Labor Department for many years.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$64,356,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $600,000 for a national commission on private pension plans if authorized by law.

The conferees intend that the $600,000 for the commission be taken from funds budgeted for research. No part of the funds are to come from funds budgeted for enforcement activities.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

Amendment No. 26: Provides a limitation on administrative expenses of $33,857,000 as proposed by the Senate instead of $34,857,000 as proposed by the House.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 27: Appropriates $234,332,000 instead of $232,332,000 as proposed by the House and $238,882,000 as proposed by the Senate.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 28: Appropriates $290,895,000 instead of $287,100,000 as proposed by the House and $294,690,000 as proposed by the Senate. The conference agreement includes $29,683,000 for the on site consultation program.

The conferees agree that the current level of funds is provided for Targeted Training Grants under the compliance assistance activity to award a third round of demonstration grants under the pilot worker safety program for people employed in the logging industry.

The conferees direct the agency to reexamine the bloodborne pathogen standard as it applies to the practices of dentistry and the practice of medicine in physician offices. As it reexamines the standard, the agency is directed to consult with representatives of the dental and medical professions as well as representatives of health care workers.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 29: Appropriates $193,044,000 as proposed by the Senate instead of $191,930,000 as proposed by the House.

Amendment No. 30: Earmarks $5,634,000 for the State grants program as proposed by the Senate. The House bill included no similar provision.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Amendment No. 31: Appropriates $277,210,000 instead of $276,210,000 as proposed by the House and $278,714,000 as proposed by the State.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 32: Earmarks up to $4,438,000 for the President's Committee on Employment of People with Disabilities instead of $4,238,000 as proposed by the House and $4,653,000 as proposed by the Senate.

Amendment No. 33: Appropriates $143,976,000 instead of $143,291,000 as proposed by the House and $146,383,000 as proposed by the Senate.

Assistant Secretary for Veterans Employment and Training.

Amendment No. 34: Makes available $183,742,000 from the Unemployment Trust Fund instead of $187,308,000 as proposed by the House and $182,742,000 as proposed by the Senate. The conference agreement includes $3,195,000 for the transition assistance program.

OFFICE OF INSPECTOR GENERAL

Amendment No. 35: Appropriates $47,780,000 instead of $46,827,000 as proposed by the House and $48,734,000 as proposed by the Senate.

Amendment No. 36: Makes available $4,438,000 from the Unemployment Trust Fund instead of $4,313,000 as proposed by the House and $4,564,000 as proposed by the Senate.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Amendment No. 37: Appropriates $2,601,625,000 instead of $2,416,508,000 as proposed by the House and $2,606,761,000 as proposed by the Senate. Deletes reference to the funding level for the National Institute of General Medical Sciences as proposed by the Senate.

The conferees continue to be concerned that, notwithstanding assurances, the Health Resources and Services Administration (HRSA) has not given sufficient attention to the health care needs of Asian and Pacific Islander Americans who for cultural and language reasons do not have adequate access to health care. The conferees urge HRSA to make this population a priority.

The conferees intend that the native Hawaiian health scholarship program shall receive the same level of funding as in fiscal year 1992. Of the amounts made available for the Pacific Basin program, $1,700,000 shall be available to continue the medical officer training program.

The conferees encourage HRSA to provide technical assistance and such other assistance as the Department deems appropriate to any Healthy Start site that has an approved but unfunded application.

The conferees concur with language contained in the House report indicating that all health professions disciplines eligible by statute should be able to participate in the Minority Scholarship program and requesting a report on the progress in achieving this directive.

Within the total provided for Title II of the Ryan White Act, ten percent should be retained by the Secretary for special projects of national significance. The conferees direct that $5,200,000 of the set-aside be used to continue the HIV/AIDS dental education programs for the costs incurred in providing oral health services to HIV-positive patients.

The conference agreement provides $4,950,000 for the minority male grant program. The Secretary should give priority consideration to expending these funds through grants or contracts with a consortium of historically and predominantly black colleges and universities, in cooperation with community-based and neighborhood organizations designated by the Secretary.

The conference agreement provides $175,000,000 for family planning. The conferees have provided an increase in funding in order to offset a portion of the increased costs of providing family planning services. As a result of recent Federal legislation to better regulate clinical laboratories, the price of Pap tests has risen substantially; the average price for oral contraceptives rose by 42 percent from $1.26 in 1990 to $1.79 in 1992. The conferees direct that no funds may be used to reorganize Public Health Service regional offices prior to the approval of a reprogramming request.

Amendment No. 38: Appropriates $418,000 as proposed by the Senate instead of $414,000 as proposed by the House.

Amendment No. 39: Appropriates $990,000 as proposed by the House instead of $1,000,000 as proposed by the Senate.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes user fees to cover the full costs of operating the malpractice data bank.

Amendment No. 41: Deletes language proposed by the Senate earmarking $1,000,000 of the total appropriated for the construction of a wellness facility in Alabama.

Amendment No. 42: Deletes language proposed by the Senate allocating $40,000,000 of funds made available under section 2711 of the Public Health Service Act for community health centers. Additional direct funding has been appropriated for community health centers within the account.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Amendment No. 43: Provides a loan limitation of $340,000,000 instead of $290,000,000 as proposed by the House and $400,000,000 as proposed by the Senate.

Amendment No. 44: Appropriates $2,970,000 as proposed by the House instead of $3,000,000 as proposed by the Senate.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL, RESEARCH, AND TRAINING

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,684,610,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have provided $5,500,000 for prevention centers, which includes $400,000 for a new center.

The conference agreement includes an additional $2,000,000 to enhance CDC's childhood immunization activities. The conferees wish to clarify that the conference agreement does not de-fund the $5,000,000 immunization data bank demonstration project requested by the Administration. The conferees look forward to receiving the additional information on the project requested in the House report and will provide further funding guidance to the Centers for Disease Control (CDC) at that time.

The conferees are aware of the disproportionate impact of vaccine preventable childhood illnesses in Hispanic communities. In particular, the conferees are concerned by the incidence of measles among Hispanics. The conferees are also aware of the effective collaboration of CDC and national minority health organizations to establish public/private ventures to make child health services, including immunization programs, available to underserved Hispanic populations. The conferees urge the continued development of such Hispanic initiatives.

The conferees support the CDC plan to award State HIV prevention cooperative agreements on a competitive basis in fiscal year 1993. However, the conferees are concerned that a redistribution of funds may disrupt current prevention services in some States. The conferees expect CDC to develop allocation criteria that avoid major program reductions and disruption in current counseling, testing, health education, risk reduction, public information and minority initiatives in the States and to inform States of the specific criteria to be used in the review process.

The conferees encourage CDC to increase its efforts in birth defects prevention and surveillance, particularly in areas with high incidence of neural tube defects.

The conferees assume that with the additional funding provided for breast and cervical cancer screening the CDC will be able to expand its prevention efforts to reach more women in rural areas and in States with very high incidence and mortality rates for breast and cervical cancer, noting the disproportionate incidence of these diseases among African American women.

The conferees are concerned by the increased incidence of injury and violence in communities, particularly in urban areas. The conferees intend that CDC begin to implement the violence prevention initiatives outlined in both the House and Senate reports.

The conferees are concerned that training and demonstration programs in the prevention of injuries have not focused on older Americans. The conferees suggest that CDC consider developing a demonstration project for the prevention of injuries among older adults.

Amendment No. 46: Appropriates $17,000,000 as proposed by the Senate instead of $6,930,000 as proposed by the House.

Amendment No. 47: Deletes language proposed by the Senate earmarking $100,000 for the National Institute for Occupational Safety and Health (NIOSH) to conduct a study in Indiana. The conferees direct NIOSH to update its information on the mortality experience of workers exposed to poly-chlorinated byphenols.

Amendment No. 48: Deletes language proposed by the Senate providing $40,000,000 in a presidential emergency fund for tuberculosis control activities and prohibiting the Combined Federal Campaign from including organizations that attempt to compel the Boy Scouts to accept homosexuals and atheists as members or leaders. Direct funding has been provided for tuberculosis control elsewhere in the account.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

Amendment No. 49: Appropriates $2,007,483,000 instead of $1,998,616,000 as propose by the House and $2,010,439,000 as proposed by the Senate.

The conferees have placed the highest priority on expanding funding for women's health, including breast, cervical and ovarian cancer.

Amendment No. 50: Deletes language proposed by the Senate earmarking $1,000,000 for a cyclotron laboratory in Michigan.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

AMENDMENT No. 51: Appropriates $178,711,000 for the National Institute on Alcohol Abuse and Alcoholism instead of $180,169,000 as proposed by the Senate. The House bill provided funding for the Institute under the Alcohol, Drug Abuse and Mental Health Administration, which has been reorganized pursuant to P.L. 102-321.

NATIONAL INSTITUTE ON DRUG ABUSE

AMENDMENT No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $408,982,000: Provided, That of such amount, $2,000,000 shall be made available to carry out section 706 of the ADAMHA Reorganization Act, P.L. 102-321, in lieu of amounts that would otherwise be provided for such purpose under section 706(e) of such Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

With respect to the study of sterile needles and bleach authorized under section 706 of the ADAMHA Reorganization Act, the conferees note that section 706(c) provides that the study may not be conducted with respect to programs established after July 10, 1992, the date of enactment of the Act. Therefore, no new programs for distribution of needles and bleach shall be established pursuant to section 706.

The conferees strongly support the medications development program within the National Institute on Drug Abuse. This program is instrumental in providing a statutory framework for research in the field of discovering new methods to treat drug abuse.

NATIONAL INSTITUTE OF MENTAL HEALTH

AMENDMENT No. 53: Appropriates $590,436,000 for the National Institute of Mental Health instead of $596,098,000 as proposed by the Senate and eliminates any reference to the funding level for the Health Resources and Services Administration. The House bill provided funding for the Institute under the Alcohol, Drug Abuse and Mental Health Administration, which has been reorganized pursuant to P.L. 102-321.

NATIONAL INSTITUTE OF THE NEUROLOGICAL DISORDERS AND STROKE

AMENDMENT No. 54: Appropriates $606,600,000 instead of $605,100,000 as proposed by the House and $607,100,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

AMENDMENT No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate will an amendment, as follows:

In lieu of the sum proposed by an amendment, insert: *$991,805,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes an additional $2,000,000 for research into childhood vaccines. The conferees encourage the Director of the Institute to establish a standing study section for chronic fatigue syndrome.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

AMENDMENT No. 56: Appropriates $839,804,000 instead of $842,229,000 as proposed by the House and $833,029,000 as proposed by the Senate.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The House and Senate bills provide $534,094,000 for the Institute. The conferees believe that research on sudden infant death syndrome should remain a high priority.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The House and Senate bills provide $255,115,000 for the Institute. The conferees are supportive of the Institute addressing public health hazards associated with volcanic emissions in Hawaii and Alaska.

NATIONAL INSTITUTE ON AGING

AMENDMENT No. 57: Appropriates $404,468,000 instead of $402,218,000 as proposed by the House and $405,218,000 as proposed by the Senate.

The conferees continue to be supportive of the health and retirement survey, including the proposed supplement on the oldest old.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

The House and Senate bills provide $214,619,000 for the Institute. The Conferees agree that consideration for increased funding for juvenile arthritis should be given within available funds for the Institute.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

Amendment No. 58: Appropriates $156,342,000 instead of $153,466,000 as proposed by the House and $157,301,000 as proposed by the Senate.

NATIONAL CENTER FOR RESEARCH RESOURCES

Amendment No. 59: Appropriates $315,251,000 instead of $314,351,000 as proposed by the House and $315,551,000 as proposed by the Senate.

NATIONAL CENTER FOR NURSING RESEARCH

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$48,591.000*

And on page 25 of the House engrossed bill, H.R. 5677, strike all in line 19 and insert in lieu thereof the following:

NATIONAL INSTITUTE OF NURSING RESEARCH

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

JOHN E. FOGARTY INTERNATIONAL CENTER

Amendment No. 61: Appropriates $20,002,000 instead of $20,133,000 as proposed by the House and $19,609,000 as proposed by the Senate.

OFFICE OF THE DIRECTOR

Amendment No. 62: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$192,763,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

It is the conferees' intent that the activities of the Office of AIDS Research, including its work in developing an NIH-wide research plan, be continued. The conference agreement assumes that funding for these activities will be maintained at not less than the fiscal year 1992 level. The conferees also intend that the Office of Alternative Medicine be funded at a level of $2,000,000 and that exramural facilities construction be supported at a level of $5,000,000.

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $5,000,000 for extramural facilities construction grants if awarded competitively.

The conferees intend that these funds shall be available regardless of construction date start-up or solicitation of construction bid.

Amendment No. 64: Deletes language proposed by the Senate permitting the Director of NIH to authorize the use of non-FDA-approved medications and procedures for research purposes.

BUILDINGS AND FACILITIES

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$109.608,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement assumes that $30,000,000 of these funds will be used to partially finance phase II of the Consolidated Office Building project and that $10,000,000 will be used to continue ongoing construction at the North Carolina campus of the National Institute of Environmental Health Sciences.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

Amendment No. 66: Inserts new name of agency as proposed by the Senate.

Amendment No. 67: Inserts new descriptive appropriations language as proposed by the Senate.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,023,524,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have provided $135,000,000 for treatment improvement programs. Included in this amount is $11,000,000 for residential treatment programs for women and children, including $2,000,000 for programs with a primary focus on women and infants impacted by alcohol abuse; $18,654,000 for the campus treatment program; $45,310,000 for treatment programs among critical populations; $18,077,000 for comprehensive community treatment programs; $33,454,000 for treatment in criminal justice; $5,505,000 for training and $3,000,000 to carry out section 571 of the Public Health Service Act.

Within the amount provided for SAMHSA for clinical training, the conferees direct that the AIDS clinical training program be maintained at its fiscal year 1992 level of $3,016,000.

The conferees encourage that within the amount provided for SAMHSA, the administrator create an Office on AIDS with direct program responsibility for outreach projects to injecting drug users not in treatment, AIDS mental health demonstration programs, AIDS mental health and substance abuse training and other programs as deemed appropriate by the administrator.

The conferees are supportive of programs that use treatment and/or diversion in lieu of incarceration for non-violent drug-related crime. Concurrently, the conferees are concerned that some communities are operating under court order to reduce the number of men and women in their county jails even as they face significant increases in drug-related crime. The conferees encourage funding programs in areas that are under court order to reduce their incarcerated populations and in addition are able to contribute local funds for such a program.

The conferees are aware of the increasing need for substance abuse prevention programs in youth homes serving disadvantaged youth ages 13–17, particularly males who are at risk, or already have had problems with the judicial system. Within the increase provided for the Center for Substance Abuse Prevention, the conferees encourage the Center to give priority to projects which support substance abuse prevention services for high risk youths residing in youth homes which focus on a range of at-risk behaviors, including substance abuse, runaway, truancy, physical and sexual abuse, delinquency and family conflict.

The conferees have been impressed with reports received regarding the success of community based, grassroots programs that are based on recovering addicts helping other addicts to maintain sobriety. The conferees urge the Center for Substance Abuse Treatment to give priority consideration to projects which document, through case study, the development of these programs and improve their systems of outcome evaluation. The conferees encourage the center to take advantage of the technical and managerial resources of target cities grantees in providing assistance to these community based organizations.

Substance abuse is a treatable illness afflicting many people in our society. Recent research has suggested that various combinations of socio-economic, psychological, and genetic factors can lead to a greater likelihood of substance abuse among certain individuals. Therefore, given that many individuals in need of treatment are simultaneously abusers of both alcohol and other drugs, it is apparent that alcohol abuse is a substantial problem in its own right.

The conferees are aware that prior to the reorganization, NIMH had developed and im-

plemented a primary prevention portfolio. During the transition period, it is expected that both agencies will work collaboratively to ensure that funds made available will be utilized to ensure that the best projects are supported.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$960,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *:Provided, That no portion of amounts appropriated for the programs of the Department of Health and Human Services shall be available for obligation pursuant to section 571 of the Public Health Service Act, other than an amount of $3,000,000 from amounts appropriated to carry out section 510 of that Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Amendment No. 71: Appropriates $57,444,000 instead of $63,171,000 as proposed by the House and $56,251,000 as proposed by the Senate.

The conferees expect the Office of Minority Health to continue its support for the Surgeon General's initiative on Hispanic/Latino health.

CAPITAL IMPROVEMENT FUND

(Transfer of Funds)

Amendment No. 72: Deletes language proposed by the House that would have established a Public Health Service capital improvement fund to be financed by a one percent transfer from each discretionary appropriation account in the Public Health Service.

AGENCY FOR HEALTH CARE POLICY RESEARCH

HEALTH CARE POLICY RESEARCH

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$110,578,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $1,500,000 for creation of three multidisciplinary rural health services policy and research centers.

Amendment No. 74: Places a limitation of $13,310,000 on amounts available pursuant to section 926(b) of the Public Health Service Act as proposed by the House instead of $53,316,000 as proposed by the Senate.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$65,495,650,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

In light of the Medicaid policy requiring that the EPSDT program screen all children under the age of six for lead poisoning, the conferees encourage the Health Care Financing Administration (HCFA) to conduct an evaluation of the various methods of testing for blood lead poisoning to provide definitive information on the preferred procedure of assessing lead levels in children. The conferees expect that HCFA will work cooperatively with CDC in this effort. A report should be made to the Committees prior to the fiscal year 1994 appropriations hearings.

PAYMENTS TO HEALTH CARE TRUST FUNDS

Amendment No. 76: Appropriates $45,962,862,000 as proposed by the Senate instead of $43,963,192,000 as proposed by the House.

PROGRAM MANAGEMENT

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,179,900,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended; the $2,179,900,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement makes available from trust funds $2,179,900,000 to administer the programs of the Health Care Financing Administration. $10,000,000 of this amount is provided to support the insurance counseling program authorized under section 4360 of Public Law 101-508. The conference agreement restores language from previous years clarifying that user fees authorized and collected under the Clinical Laboratory Improvement Act shall be credited to this administrative account.

The conference agreement includes $1,000,000 to initiate a project to demonstrate the effectiveness of telemedicine systems linking hospitals to existing Statewide fiber optics networks.

The conferees wish to ensure that in the absence of a contingency fund for unanticipated needs for Medicare contractors that claims processing activities and beneficiary and provider services, including the beneficiary toll-free telephone lines, are funded adequately to maintain these high priority services at their current levels. Accordingly, the conferees urge that amounts allocated to these activities shall not be less than the amounts set forth for these activities in the President's request.

The conferees are also concerned that HCFA recently initiated a procurement for the comprehensive redesign of Medicare's claims processing system. While the conferees agree that greater uniformity and efficiency may be achieved in the payment of Medicare claims, they believe that any further action related to the solicitation, review or award of such a contract would not be appropriate until the Comptroller General has completed his report on the existing claims payment system, including an analysis of HCFA's recent procurement request, and has provided his recommendations to Congress and the Secretary on an appropriate course of action. Further, the conferees direct HCFA to delay until June 1, 1993 the date for giving notice of intent to bid and to delay until August 1, 1993 the date for submission of bids pursuant to the procurement.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$16,009,657,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have provided $16,009,657,000 for the Supplemental Security Income program instead of $15,994,773,000 as proposed by the House and $15,983,164,000 as proposed by the Senate.

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,899,142,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have provided a limitation on administrative expenses of $4,899,142,000 instead of $4,652,150,000 as proposed by the House and $4,669,839,000 as proposed by the Senate. This amount will be reduced by an across-the-board reduction and a general salaries and expenses reduction to be distributed by the Secretary. The conferees regard the Limitation on Administrative Expenses of the Social Security Administration as being of the highest priority, and expect the Secretary to carefully consider workload factors when allocating the undistributed reductions to the Health and Human Services administrative accounts.

Neither House nor Senate bills included proposed language to collect user fees from States that would have provided approximately $60,000,000 in additional budgetary resources for this administrative account. The Social Security Act does not authorize the Secretary to mandate the collection of this fee. This legislative proposal falls within the jurisdiction of the authorizing committees. It is the expectation of the conferees that future legislative proposals to finance normal administrative costs be submitted to the authorizing committees and not be proposed in appropriations language.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$200,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees earmarked $200,000,000 of the total limitation in the contingency fund instead Of $10,000,000 as proposed by the Senate. The House bill did not include a contingency fund.

Amendment No. 81: Deletes language added by the Senate which would have provided $500,000,000 in an emergency fund to become available only after submission to Congress of a formal budget request by the President that includes designation of the entire

amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985. The House bill did not contain a similar provision.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

Amendment No. 82: Appropriates $11,695,072,000 as proposed by the Senate instead of $11,441,950,000 as proposed by the House. The conferees have provided the amount of funds required for this entitlement program as estimated in the Administration's Mid-Session Review.

LOW INCOME HOME ENERGY ASSISTANCE

Amendment No. 83: Appropriates $1,356,905,000 as proposed by the Senate instead of $891,000,000 as proposed by the House. The conference agreement provides that $687,720,000 of this amount shall become available on September 30, 1993 as proposed by the Senate. The House bill contained no delayed obligations.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides an advance appropriation for fiscal year 1994 of $1,449,000,000 of which $143,095,000 would be available for reimbursing fiscal year 1993 State costs.

REFUGEE AND ENTRANT ASSISTANCE

Amendment No. 85: Appropriates $384,576,000 instead of $321,750,000 as proposed by the House and $405,114,000 as proposed by the Senate.

The conferees agree that the Office of Refugee Resettlement may proceed with the development of their proposal to restructure the delivery of refugee cash and medical assistance to reduce program costs and improve self-sufficiency outcomes. This proposal would replace the current state-administered cash and medical assistance program with a similar program of interim income support, case management, and employment services. However, the conferees have neither endorsed nor prohibited implementation of the new program at this time, and expect the current cash and medical assistance and voluntary agency matching grant programs to continue until any change is implemented. While it is ORR's proposal to begin the new program early in the second quarter of fiscal year 1993, the conferees have several concerns which must first be addressed. The conferees recognize that refugees rely on a combination of services provided by States, voluntary agencies and mutual assistance associations, and regard the continuation of a significant role for each of these entities in a coordinated network of refugee assistance to be the core policy in any program restructuring. Therefore, the conferees require that implementation of any major program changes occur only after continued consultations with States, voluntary agencies and affected mutual assistance associations. The conferees further expect that any program changes will comport with criteria previously outlined by the authorizing committees. At such time as the new program is initiated, ORR is urged to award grants on an expedited basis. The conferees also encourage ORR to work closely with States and voluntary agencies who currently administer or who have received approval for Fish/Wilson demonstrations in order to continue to test the most effective means of delivering resettlement services.

The conference agreement provides the following distribution of funding:

Transitional and medical services	$247,793,000
Social services	81,485,000
Preventive health	5,530,000
Targeted assistance	49,795,000
Total	384,576,000

In order to provide ORR maximum flexibility and obviate the requirement for a reprogramming, the conferees have consolidated cash and medical assistance, voluntary agency funding, unaccompanied minors, and special medical assistance into a single line called transitional and medical services. This will allow the continuation of the current program until such time as the new program may be implemented. The conference agreement includes $81,458,000 to continue the state-administered social services program and $49,795,000 for targeted assistance, and the conferees concur in the directions stated in the House and Senate reports regarding these programs. The conferees agree that funds for social services and targeted assistance shall be used for state-administered programs and services. The conference agreement also includes $5,530,000 to continue the current preventive health screening program. The conferees have rejected the proposal to transfer the management of the State grants portion of this activity from the Centers for Disease Control to the Office of Refugee Resettlement at this time, and request that the Secretary provide a report to the Committees prior to the fiscal year 1994 appropriations hearings on the most effective method of managing and financing these services while ensuring the public health mission of this program.

Amendment No. 86: Deletes language added by the Senate which would have delayed the obligation of $116,616,000 until September 30, 1993. The House bill did not include delayed obligations.

INTERIM ASSISTANCE TO STATES FOR LEGALIZATION

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$812,000,000 shall be available in fiscal year 1994 and the remainder*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Of the total funds which become available in fiscal year 1993, the conferees have deferred $812,000,000 until fiscal year 1994. Consistent with the fiscal year 1993 grant cycle, the conferees expect the fiscal year 1994 funds to be distributed by October 15, 1993.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

Section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by adding the following at the end thereof: "Any funds not expended by States by December 30, 1994 shall be reallocated by the Secretary to States which had expended their entire allotments, based on each State's percentage share of total unreimbursed legalized alien costs in all States. Funds made available to a State pursuant to the preceding sentence of this paragraph shall not remain available after June 30, 1995.".

Section 204(b)(5) of the Immigration Reform and Control Act of 1986 is amended by striking the period at the end thereof and adding the following: ", Provided, That with respect to States in which total allowable unreimbursed State and local costs incurred prior to October 1, 1992 exceed $100,000,000, within each such State's allocation, the State shall first reimburse all allowable costs incurred between October 1, 1990 and October 1, 1992, before reimbursing costs incurred on or after October 1, 1992, except for State and local administrative costs and for costs of services required to enable aliens granted temporary residence under section 245A(a) of the Immigration and Nationality Act to attain citizenship skills described in section 245A(b)(1)(D)(i) of the Immigration and Nationality Act: Provided further, that in reimbursing costs incurred prior to October 1, 1992, each State shall reimburse each provider at the same pro rata rate.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement amends the Immigration Reform and Control Act of 1986 to provide that (1) unused funds at the end of the program shall be redistributed to States which have unreimbursed costs, and (2) States in which total allowable unreimbursed costs incurred prior to October 1, 1992 exceed $100,000,000 must first reimburse costs incurred during fiscal year 1991 and 1992 on a pro rata basis before reimburseing costs incurred during fiscal year 1993.

The conferees are concerned that statutory requirements under the Immigration Reform and Control Act of 1986 to provide funds for educational services, public health programs and public assistance programs are not being observed. The conferees expect the Secretary to ensure that each State use no less than 10% of its annual allotment, including fiscal year 1993, for educational services, public health and public assistance programs respectively, as required by IRCA.

COMMUNITY SERVICES BLOCK GRANT

Amendment No. 89: Appropriates $444,451,000 for community services instead of $394,710,000 as proposed by the House and $457,642,000 as proposed by the Senate.

Amendment No. 90: Earmarks $38,601,000 for discretionary activities under section 681(a) of the Community Services Block Grant Act instead of $25,415,000 as proposed by the House and $42,115,000 as proposed by the Senate.

Amendment No. 91: Deletes earmark added by the Senate to provide $12,000,000 for the National Youth Sports Program. The House bill did not provide a specific earmark for this program, but included $5,940,000 for this purpose in the overall total. The conferees have included $9,500,000 for this program under the earmark for discretionary activities.

Amendment No. 92: Earmarks $3,850,000 for demonstration partnership grants instead of $2,005,000 as proposed by the House and $3,977,000 as proposed by the Senate.

Amendment No. 93: Earmarks $7,000,000 for community food and nutrition as proposed by the Senate instead of $3,465,000 as proposed by the House.

CONSULTING SERVICES

Amendment No. 94: Deletes language proposed by the Senate that would have reduced funds available for consulting services throughout the bill by 4.1 percent from the amount requested in the President's budget. This matter is addressed under amendment number 95.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: On page 76 of the House

engrossed bill, H.R. 5677 insert after line 19 the following:

SEC. 513. Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1993 shall, during fiscal year 1993, obligate and expend funds for consulting services in excess of an amount equal to 92 percent of the amount estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1993: Provided, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1993 is reduced by an amount equal to 8 percent of the amount expected to be expended by such department, agency or instrumentality during fiscal year 1993 for consulting services. As used in this section, the term "consulting services" includes any services within the definition of "Advisory and Assistance Services" in the Office of Management and Budget Circular A-120, dated January 4, 1988.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

Amendment No. 96: Appropriates $900,000,000 for the Child Care and Development Block Grant program instead of $841,500,000 as proposed by the House and $975,000,000 as proposed by the Senate.

CHILDREN AND FAMILIES SERVICES PROGRAMS

Amendment No. 97: Appropriates $3,693,483,000 instead of $3,602,262,000 as proposed by the House and $3,695,384,000 as proposed by the Senate.

The conferees understand that the infant development and mental retardation prevention project proposed by the Senate cannot be initiated in ten sites this year. Further, the conferees understand that sufficient funding is not available within the research account to undertake this initiative at ten sites. The conferees believe there is great promise in this early intervention program and encourage the Administration for Children and Families and the Centers for Disease Control to continue discussions about the implementation of this program in at least a limited number of sites this year.

The conferees have included $25,000,000 for family violence programs. Of the amount provided, $2,500,000 is included for State domestic violence coalitions to coordinate services with the local programs and do planning and training of criminal justice personnel.

The conferees have provided funding within the Child Abuse Discretionary activity to continue funding for the Advisory Board on Child Abuse and Neglect.

The conferees intend that the increase for university-affiliated facilities over the House bill be used to fund a new UAP at $200,000, with the remainder to be obligated for a training initiative and a feasibility study for new UAPs.

Funding is available to continue the Native Hawaiian revolving loan program, the National Center for Native American Studies and Indian Policy Development, the Native American Languages Act, and environmental planning and management programs.

Amendment No. 98: Deletes language added by the Senate which would have prohibited the Department of Health and Human Services from taking any action against the State of Connecticut for failing to recover overpayments from the Mercado family pursuant to title IV of the Social Security Act. The House bill did not include a similar provision.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

Amendment No. 99: Appropriates $2,924,014,000 as proposed by the Senate instead of $2,988,668,000 as proposed by the House. The conferees have provided the amount of funds required for this entitlement program as estimated in the Administration's Mid-Session Review.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

Amendment No. 100: Appropriates $845,964,000 instead of $838,228,000 as proposed by the House and $850,693,000 as proposed by the Senate and deletes language proposed by the Senate concerning salaries and expenses reductions in the Department of Health and Human Services.

The conferees have provided an additional $500,000 for the establishment of Centers of Applied Gerontology as authorized by the Older Americans Act of 1992 for career preparation of minorities in the field of aging.

The $17,000,000 provided for preventive health services is to be carried out under tile III-F of the Older Americans Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

Amendment No. 101: Appropriates $92,093,000 as proposed by the Senate instead of $91,159,000 as proposed by the House. The conference agreement includes $500,000 to continue the HHS human services transportation initiative, as described in the Senate Committee report.

Amendment No. 102: Makes available $30,305,000 from the Social Security trust funds as proposed by the Senate instead of $30,252,000 as proposed by the House.

OFFICE OF INSPECTOR GENERAL

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$64,973,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 104: Makes available $37,027,000 from the Social Security trust funds as proposed by the House instead of $46,988,000 as proposed by the Senate.

POLICY RESEARCH

Amendment No. 105: Appropriates $8,263,000 as proposed by the Senate instead of $8,415,000 as proposed by the House.

Amendment No. 106: Deletes earmark proposed by the Senate for the Institute for Research on Poverty.

The conferees direct the Department to provide $3,350,000 for research on poverty to be conducted at the Institute for Research on Poverty.

GENERAL PROVISIONS

Amendment No. 107: Deletes language proposed by the Senate that would permit Federal funds contained in the Act to be used for abortions in circumstances of rape or incest.

Amendment Nos. 108–109: Insert language proposed by the Senate that changes the name of an agency to conform to the authorizing legislation.

Amendment No. 110: Deletes language proposed by the House that would have required States and political subdivisions to transmit data on deaths occurring within the State and data on each individual within the State awarded workers' compensation.

Amendment No. 111: Deletes language proposed by the House that would have prohibited the carrying out of section 571(h) of the Public Health Service Act. This Matter is addressed under amendment number 70.

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 216. Notwithstanding any other provision of this Act, funds appropriated under this Act for salaries and expenses of the Department of Health and Human Services are hereby reduced by $110,000,000: Provided, That the fiscal year 1994 budget justification material shall specify amounts budgeted for administrative costs within object classes 11 through 32 by appropriation account and by organizational entity, with comparisons to fiscal year 1993 comparable amounts.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 113: Deletes language proposed by the Senate that would permit the Secretary of Health and Human Services to accept donation of an investigational AIDS vaccine and in return indemnify the manufacturer against all legal claims.

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

Amendment No. 114: Appropriates $6,763,950,000 for compensatory education programs instead of $6,759,924,000 as proposed by the House and $6,770,943,000 as proposed by the Senate.

Amendment No. 115: The conference agreement provides that $6,733,631,000 of the appropriation for compensatory education shall become available on a forward funded basis on July 1, 1993 instead of $6,729,655,000 as proposed by the House and $6,740,368,000 as proposed by the Senate.

Amendment No. 116: Earmarks $5,493,875,000 for basic grants instead of $5,469,750,000 as proposed by the House and $5,518,000,000 as proposed by the Senate.

Amendment No. 117: Earmarks $681,450,000 for concentration grants instead of $702,900,000 as proposed by the House and $660,000,000 as proposed by the Senate.

Amendment No. 118: Earmarks $40,054,000 for capital expenses as proposed by the Senate instead of $39,653,000 as proposed by the House.

Amendment No. 119: Earmarks $90,000,000 for the Even Start program as proposed by the Senate instead of $89,100,000 as proposed by the House.

Amendment No. 120: Earmarks $305,215,000 for migrant education programs as proposed by the House instead of $308,298,000 as proposed by the Senate.

Amendment No. 121: Earmarks $35,693,000 or neglected and delinquent programs as proposed by the House instead of $36,054,000 as proposed by the Senate.

Amendment No. 122: Earmarks $61,202,000 for State administration as proposed by the House instead of $61,820,000 as proposed by the Senate.

Amendment No. 123: Earmarks $14,850,000 for evaluation and technical assistance as proposed by the House instead of $15,000,000 as proposed by the Senate.

Amendment No. 124: Earmarks $5,000,000 for rural technical assistance as proposed by the Senate instead of $4,950,000 as proposed by the House.

IMPACT AID

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follow;

In lieu of the sum proposed by said amendment, insert: *$756,204,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $756,204,000 for Impact Aid activities instead of $763,981,000 as proposed by the House and $757,756,000 as proposed by the Senate.

Amendment No. 126: Earmarks $571,654,000 for payments under section 3(a) instead of $566,767,000 as proposed by the House and $576,540,000 as proposed by the Senate.

Amendment No. 127: Earmarks $124,626,000 for payments under section 3(b) as proposed by the Senate instead of $123,380,000 as proposed by the House.

Amendment No. 128; Earmarks $29,700,000 for payments under section 3(d)(2)(B) as proposed by the House instead of $30,000,000 as proposed by the Senate.

Amendment No. 129; Earmarks $16,424,000 for payments under section 2 as proposed by the House instead of $16,590,000 as proposed by the Senate.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts an earmarks of $1,800,000 for payments under section 3(e) as proposed by the Senate. The House bill had no similar provision.

Amendment No. 131: Earmarks $12,000,000 of construction and renovation of school facilities instead of $10,000,000 as proposed by the Senate and $27,710,000 as proposed by the House.

Amendment No. 132: Earmarks $4,600,000 of construction funds for awards under section 10 instead of $4,000,000 as proposed by the Senate and $11,870,000 as proposed by the House.

Amendment No. 133: Earmarks $3,800,000 of construction funds for awards under section 14(a) and 14(b) instead of $3,000,000 as proposed by the Senate and $9,900,000 as proposed by the House.

Amendment No. 134: Earmarks $3,600,000 of construction funds for awards under sections 5 and 14(c) instead of $3,000,000 as proposed by the Senate and $5,940,000 as proposed by the House.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

Restore the matter stricken, amended to read as follows:

Provided further, That funds provided in this Act shall be available for assistance in defraying the costs of the education of military dependents as a result of temporary dislocations caused by transfers, return of military families from overseas, and closures of foreign and domestic bases, and $500,000,000 shall be made available to the Department of Defense, provided that this entire amount may be transferred to the Secretary of Education and merged with and made available under the Impact Aid program except that nothing in this proviso shall modify any provision of Public Law 81–815 or Public Law 81–874 including those provisions related to eligibility or payment levels for any student or school district.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes language proposed by the House but stricken by the Senate which would have authorized $10,000,000 for impact aid payments to certain heavily impacted school districts. The conference agreement includes language clarifying that impact aid funds are available for educational costs of military students resulting from redeployments and realignments of military forces. This language does not modify any provisions of the Impact Aid statute.

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts the legislative citation for section 3(b) of Public Law 81–874.

SCHOOL IMPROVEMENT PROGRAMS

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,543,750,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,543,750,000 for school improvement activities instead of $1,557,855,000 as proposed by the House and $1,553,611,000 as proposed by the Senate.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,229,843,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that $1,229,843,000 of the appropriation for school improvement programs shall become available on a forward funded basis on July 1, 1993 instead of $1,237,463,000 as proposed by the House and $1,235,963,000 as proposed by the Senate.

Amendment No. 139: Earmarks $23,110,000 for chapter 2 national programs instead of $20,691,000 as proposed by the House and $24,320,000 as proposed by the Senate.

The conference agreement includes $7,000,000 for the arts in education program including $4,000,000 for Very Special Arts and $3,000,000 for educational outreach activities of the John F. Kennedy Center authorized by section 1564 of the Elementary and Secondary Education Act.

Amendment No. 140: Earmarks $24,750,000 for emergency grants as proposed by the House instead of $25,000,000 as proposed by the Senate.

The conferees are aware that the Secretary of Education has requested $2,000,000 of the National Programs funding under the Drug-Free Schools program be set aside for the creation of a Higher Education Training and Technical Assistance Center. The conferees urge that this center be created to combat drug use in our colleges and universities primarily through education, research and prevention activities.

Amendment No. 141: Earmarks $248,000,000 for State grants for mathematics and science education as proposed by the Senate instead of $245,520,000 as proposed by the House.

Native Hawaiian Education.—The conferees are agreed that of the funds made available, $1,000,000 shall be for the gifted and talented program and at least $3,500,000 shall be for family based education centers.

BILINGAL AND IMMIGRANT EDUCATION

Amendment No. 142: Appropriates $227,750,000 for bilingual and immigrant education instead of $231,308,000 as proposed by the House and $224,191,000 as proposed by the Senate.

SPECIAL EDUCATION

Amendment No. 143: Appropriates $2,989,807,000 for special education instead of $2,920,103,000 as proposed by the House and $3,045,773,000 as proposed by the Senate.

The conferees expect that at least $2,500,000 will be available under Innovation & Development and Personnel Development for activities related to Attention Deficit Disorder. These funds are to be used primarily to develop new inservice and preservice training for teachers, administrators, and educators at all levels in order to address the needs of children with ADD, and to continue the work of the ADD centers and enable them to disseminate their information. Within the Media and Captioning activity, the conferees have included an increase of $500,000 to expand the availability of captioned cable news programming and an increase of $1,000,000 for producing textbooks-on-tape for the blind.

Amendment No. 144: Appropriates $2,069,284,000 for Part B grants to states instead of $2,052,567,000 as proposed by the House and $2,086,000,000 as proposed by the Senate.

Amendment No. 145: Appropriates $328,400,000 for preschool grants instead of $316,800,000 as proposed by the House and $340,000,000 as proposed by the Senate.

Amendment No. 146: Appropriates $215,000,000 for grants for infants and families instead of $178,794,000 as proposed by the House and $235,000,000 as proposed by the Senate.

Amendment No. 147: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language which provides that any State agency eligible to receive Chapter 1 handicapped funds shall, at a State's discretion, be deemed to be a local education agency for purposes of receiving funds under Part B of the Individuals with Disabilities Education Act.

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language which provides that no State shall receive more per child under the Chapter 1 handicapped program than it received in fiscal year 1992, and that any excess funds in the Chapter 1 handicapped program shall be distributed under the Part B Grants to States program.

REHABILITATION SERVICES AND DISABILITY RESEARCH

Amendment No. 149: Appropriates $2,185,968,000 for rehabilitation services and disability research instead of $2,125,385,000 as proposed by the House and $2,199,107,000 as proposed by the Senate.

The conferees intend that of the funds included in the bill for demonstration projects under the Rehabilitation Act of 1973, at least $2,000,000 shall be used to support demonstration projects that provide transportation services to individuals with disabilities who are employed or seeking employment or who are receiving vocational rehabilitation services, if authorized.

The conferees have included funding within the National Institute on Disability and Rehabilitation Research to support the cre-

ation of regional centers to act as a resource to public and private sectors in evaluating and prescribing assistive technologies needed to ensure compliance with the Americans with Disabilities Act. Such centers should be located at educational institutions which have been on the cutting edge of professional training in rehabilitative practice areas. The conferees also encourage NIDR to consider providing support to an organization that provides support for international entrepreneurship in rehabilitation by fostering the international exchange of experts and information. The conferees intend such an effort should focus on domestic organizations that will need effective training, employment and business strategies in developing countries that will help people with disabilities attain higher levels of independence and self-sufficiency.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

Amendment No. 150: Appropriates $6,349,000 for the American Printing House for the Blind as proposed by the Senate instead of $6,286,000 as proposed by the House.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Amendment No. 151: Appropriates $41,041,000 for Institute operations as proposed by the Senate instead of $39,045,000 as proposed by the House.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $354,000 for construction to remain available until expended. The House did not include funding for this activity.

GALLAUDET UNIVERSITY

Amendment No. 153: Appropriates $78,215,000 for Gallaudet University as proposed by the Senate instead of $75,774,000 as proposed by the House.

VOCATIONAL AND ADULT EDUCATION

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,486,431,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,486,431,000 for vocational and adult education programs instead of $1,509,016,000 as proposed by the House and $1,492,836,000 as proposed by the Senate.

Amendment No. 155: Earmarks $31,840,000 for national programs as proposed by the Senate instead of $37,125,000 as proposed by the House.

Amendment No. 156: Earmarks $10,000,000 of national program funds for research as proposed by the Senate instead of $11,385,000 as proposed by the House.

Amendment No. 157: Earmarks $16,840,000 of national program funds for demonstrations as proposed by the Senate instead of $15,840,000 as proposed by the House. The conferees are agreed that this funding level will support all special demonstration initiatives identified in the House and Senate Committee reports.

Amendment No. 158: Deletes without prejudice legislative earmark for education employment centers inserted by the Senate. The conferees are agreed that the Model Community Education Employment Centers will be funded at the level of $3,000,000. The House bill included no similar provision. The conference agreement includes no funds for "choice" demonstrations.

Amendment No. 159: Earmarks $5,000,000 of national program funds for data systems as proposed by the Senate instead of $9,900,000 as proposed by the House. The remainder of these funds have been provided within the Department of Labor.

Amendment No. 160: Deletes language included by the House but stricken by the Senate earmarking funds for English literacy grants. The conference agreement does not include funding for this program.

STUDENT FINANCIAL ASSISTANCE

Amendment No. 161: Modifies citation as proposed by the Senate.

Amendment No. 162: Modifies citation as proposed by the Senate.

Amendment No. 163: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *and part H of said title, $7,516,123,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $7,516,123,000 for student financial assistance instead of $8,101,170,000 as proposed by the House and $7,427,928,000 as proposed by the Senate.

The conference agreement also inserts the legislative citation for the new part H program integrity activity. The conference agreement does not specifically allocate funding for this program which was recently authorized in Public Law 102-325. The conferees are aware, however, that the Department is currently reviewing the need to initiate this program prior to Fiscal Year 1994. The insertion of this legal citation will permit the Department to submit a reprogramming request if they believe the situation is sufficiently urgent.

Amendment No. 164: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language providing extended availability through fiscal year 1994 of fiscal year 1993 appropriations.

Amendment No. 165: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language specifying that $242,058,000 of this appropriation is available only for payment towards the fiscal year 1991 and fiscal year 1992 Pell grant shortfalls. This amount, together with $90,000,000 reprogrammed from fiscal year 1992 fundings, provides the same amount requested by the President for the shortfall.

Amendment No. 166: Specifies the maximum Pell grant award for fiscal year 1993 at $2,300 as proposed in both the House and Senate bills.

Amendment No. 167: Modifies citation as proposed by the Senate. This change is technical only.

Amendment No. 168: Modifies legislative language as proposed by the Senate. This change is technical only.

GUARANTEED STUDENT LOANS PROGRAM ACCOUNT

Amendment No. 169: Appropriates $63,000,000 for Federal administrative expenses as proposed by the Senate instead of $64,350,000 as proposed by the House.

Amendment No. 170: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: , *of which $1,000,000, which shall remain available until expended, shall be for the Commission on the Cost of Higher Education as authorized by part C of title XIV of the Higher Education Act and $1,000,000, which shall remain available until expended, shall be for the National Commission on Independent Higher Education authorized by part B of title XIV of said Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $1,000,000 each for two newly authorized commissions established by Public Law 102-325. The Senate bill included funds only for the Commission on the Cost of Higher Education. The House bill had no similar provision.

HIGHER EDUCATION

Amendment No. 171: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *including subpart 2 of part A and part D, XI*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies the legislative citation to make "clear that funding is available for carrying out parts A and D of title XI of the Higher Education Act. The House and Senate bills had different citations.

Amendment No. 172: Modifies citation as proposed by the Senate.

Amendment No. 173: Appropriates $844,690,000 for higher education instead of $831,408,000 as proposed by the House and $851,245,000 as proposed by the Senate.

Amendment No. 174: Modifies citation as proposed by the Senate.

Amendment No. 175: Earmarks $18,840,000 for interest subsidy payments as proposed by the Senate instead of $18,652,000 as proposed by the House.

Amendment No. 176: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a citation for payments to Guam under title XII of the Higher Education Act. The conference agreement includes $400,000 for this purpose as proposed by the Senate. The House bill did not include funds for this program.

Amendment No. 177: Deletes language included by the House but stricken by the Senate. This language earmarked a specific amount of funds for the Ronald McNair program. This funding level is now set by the authorizing statute.

Amendment No. 178: Deletes language included by the House but stricken by the Senate which set certain restrictions on awards under subpart 6 of part A of title IV of the Higher Education Act. These restrictions are now part of the basic authorization for this program.

Amendment No. 179: Deletes the word "further" as proposed by the Senate.

Amendment No. 180: Modifies citation as proposed by the Senate.

Amendment No. 181: Modifies citation for Federal TRIO activities as proposed by the Senate.

Fund for the Improvement of Postsecondary Education.—The conference agreement includes $27,000,000 for activities administered under the Fund for the Improvement of Postsecondary Education. This amount is $12,150,000 over the House bill and $7,000,000 over the level in the Senate bill.

Amendment No. 182: Deletes without prejudice legislative earmark of $5,000,000 added by the Senate for the new Dwight D. Eisenhower Leadership program. The conference agreement provides $3,500,000 to initiate this program authorized under part D of title X of the Higher Education Act. These funds are included under the Fund for the Improvement of Postsecondary Education but will be administered under the new law. The House bill included no similar provision.

Amendment No. 183: Deletes without prejudice legislative earmark of $5,000,000 added by the Senate for the new training in early childhood education and violence counseling program. The conference agreement provides $5,000,000 to initiate this program authorized under section 596 of subpart 5 of title V of the Higher Education Act. These funds are included under the appropriation for the Fund for the Improvement of Postsecondary Education but will be administered under the new law. The House bill included no similar provision.

In addition to the amounts specified under amendments 182 and 183, the conference agreement for grants under the Fund for the Improvement of Postsecondary Education also includes $2,500,000 for the new International Exchange program authorized by subpart 2 of part A of title X of the Higher Education Act instead of the $5,000,000 proposed in the House and Senate bills. Also included under the Fund is $2,500,000 to continue programs to attract minorities to become teachers as authorized by part E of title V of the Higher Education Act.

The conferees also believe that the Fund for Improvement of Postsecondary Education could be used effectively to expand model programs dedicated to advancing minority Ph.D. and faculty development. Funds could be used to expand minority candidate and faculty participation, teaching, skill and curriculum enhancement, and for other related purposes. The conferees urge the Department to give high priority to an initiative of this type in fiscal year 1993.

International Education.—The conference agreement includes $35,820,000 for domestic programs under the international education activity. This is $2,180,000 more than provided in the House bill and $180,000 less than provided by the Senate.

The conferees have included $1,600,000 for language resource centers. This amount will support three existing centers and allow for establishment of one new center. The new center should demonstrate a partnership between a State education agency and a land grant university that has demonstrated expertise in elementary foreign language teacher preparation, to provide a model language resource center for elementary school foreign languages education, and to provide for assessment of oral foreign language skills. The center should be located in a State with participation of not less than 50 percent of high school students in foreign language courses.

The conferees are concerned that although there are currently 105 National Resource Centers funded by the Center for International Education, none of these centers are located on the campus of a Historically Black College or University (HBCU). The conferees have, therefore, provided $500,000 to be awarded in fiscal year 1993 to an HBCU and private sector consortium for the planning, development and start-up costs of a National Resource Center on Africa.

The conferees further expect that the remaining increase provided for domestic programs over fiscal year 1992 will be applied to existing programs, rather than funding new programs, as provided under Public Law 102-325. The conferees also expect that the Department will not reduce funding for existing CIBERS which the Secretary deems of quality, in order to increase the total number of CIBERS.

TRIO Programs—upward bound.—The conferees direct that if a review of the recent upward bound competition results in an increase in the number of applications that are approved for funding, a portion of the fiscal year 1993 funds may be used to fund these applications.

Mary McLeod Bethune-Cookman College.—The conferees are aware that the Senate and the House have approved and cleared for the President legislation which authorizes completion of the Mary McLeod Bethune Fine Arts Center at Bethune-Cookman College. The Congress has supported funding for the initial phase of construction of this project and if the authorization legislation is signed into law, would expect the Department to give high priority to this project.

The conferees intend that of the amount provided for the Law School Clinical Experience program $200,000 be made available for a national conference, and directs the Secretary to contract with a law school with previously demonstrated experience in conducting a national evaluation and workshop conference on the Law School Clinical Experience program.

HOWARD UNIVERSITY

Amendment No. 184: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$195,570,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $195,570,000 for Howard University instead of $195,278,000 as proposed by the House and $189,135,000 as proposed by the Senate.

Amendment No. 185: Modifies language proposed by the House but stricken by the Senate earmarking $6,435,000 for construction programs at Howard University. The conference agreement deletes the provision in the House bill language which requires a 100 percent match of these funds. The conferees are agreed, however, that a 100 percent match will be required prior to the release of these funds by the Department of Education.

HIGHER EDUCATION FACILITIES LOANS

Amendment No. 186: Deletes language included by the House but stricken by the Senate which would have prohibited new loans during fiscal year 1993. This language is no longer necessary as a result of changes in the Higher Education Amendments of 1992 which repeal the authority for new loans.

The conferees are aware of efforts to build a housing and academic facility for the use of student interns in Washington, D.C. The conferees urge that every consideration be given to an application for a loan guarantee for such a project.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

Amendment No. 187: Modifies citation as proposed by the Senate.

Amendment No. 188: Modifies citation as proposed by the Senate.

Amendment No. 189: Modifies citation as proposed by the Senate.

EDUCATION, RESEARCH, STATISTICS, AND IMPROVEMENT

Amendment No. 190: Restores citation included by the House but stricken by the Senate.

Amendment No. 191: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$278,184,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $278,184,000 for education, research, statistics and improvement activities instead of $275,013,000 as proposed by the House and $276,669,000 as proposed by the Senate.

Amendment No. 192: Earmarks $27,700,000 for research centers as proposed by the Senate instead of $25,047,000 as proposed by the House.

Amendment No. 193: Earmarks $36,451,000 for regional laboratories as proposed by the Senate instead of $34,699,000 as proposed by the House. The conferees agree that the funds provided will be used to continue the regional education network program as included in the Senate report.

Amendment No. 194: Earmarks $10,400,000 of regional laboratories funds for rural initiatives as proposed by the Senate instead of $9,900,000 as proposed by the House.

In addition to the specific allocations for educational research specified in the law, the conferees are agreed that $1,000,000 of these funds shall be used to continue educational reform activities begun with fiscal year 1991 funds.

Amendment No. 195: Earmarks $49,300,000 for education statistics instead of $62,964,000 as proposed by the House and $38,707,000 as proposed by the Senate.

Amendment No. 196: Earmarks $29,601,000 for national assessment activities as proposed by the House instead of $29,900,000 as proposed by the Senate.

Amendment No. 197: Earmarks $28,281,000 for activities under the Fund for Innovation in Education instead of $23,562,000 as proposed by the House and $33,000,000 as proposed by the Senate.

The conferees have agreed to the following distribution of funds under the FIE program as described in the House and Senate reports:

Model audio visual materials development	$1,000,000
Safe refuge schools	1,000,000
Teacher academies	300,000
Children's literacy television programming	1,500,000
Rural fiber optics demonstration	251,000
School health	4,455,000
Computer instruction	4,200,000
Violence and bigotry in schools curriculum development	500,000

Amendment No. 198: Earmarks $4,381,000 of funds appropriated for the Fund for Innovation in Education for civic education activities instead of $3,762,000 as proposed by the House and $5,000,000 as proposed by the Senate.

Amendment No. 199: Deletes without prejudice Senate language which would have earmarked $2,000,000 of funds under the Fund for Innovation in Education for a grant to the Children's Television Workshop for the se-

ries "Ghostwriter". The conferees are agreed that $1,500,000 should be available for development of innovative television programs to teach literacy skills to children to be awarded competitively as discussed under amendment number 197. The conferees expect this award to follow the requirements of the authorizing legislation with respect to this activity.

Amendment No. 200: Earmarks $14,700,000 for national diffusion activities instead of $14,553,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Amendment No. 201: Earmarks $16,000,000 for national math-science education programs instead of $15,840,000 as proposed by the House and $16,250,000 as proposed by the Senate.

Amendment No. 202: Earmarks $3,500,000 of funds appropriated for national programs for the National Clearinghouse for Science and Mathematics instead of $3,465,000 as proposed by the House and $3,750,000 as proposed by the Senate.

Amendment No. 203: Earmarks $13,700,000 for regional consortia instead of $11,880,000 as proposed by the House and $14,000,000 as proposed by the Senate.

Amendment No. 204: Earmarks $9,684,000 for Javits gifted and talented students education instead of $9,635,000 as proposed by the House and $9,732,000 as proposed by the Senate.

Amendment No. 205: Earmarks $23,000,000 for star schools instead of $18,228,000 as proposed by the House and $25,400,000 as proposed by the Senate.

The conferees recognize the great potential and resources of national public and private broadcasting systems and the scientific and technical expertise that the national energy labs can bring to the star schools program. The Department of Education is urged, therefore, to give its highest priority in the fiscal year 1993 award cycle to a telecommunications partnership that links these invaluable resources.

Amendment No. 206: Deletes the word "and" proposed by the Senate.

Amendment No. 207: Earmarks $3,238,000 for the National Writing Project instead of $2,475,000 as proposed by the House and $4,000,000 as proposed by the Senate.

Amendment No. 208: Appropriates $4,831,000 for teaching standards activities as proposed by the House instead of $4,880,000 as proposed by the Senate.

National Center for Education Statistics.—The conferees have appropriated sufficient funds to carry out the interagency agreement between the National Center for Education Statistics and the National Science Foundation to provide additional questions and an appropriate sample size as part of the existing Panel Survey on Income Dynamics on the educational processes and other developmental behavior of Hispanic, Black, and non-Hispanic white children.

LIBRARIES

Amendment No. 209: Appropriates $147,247,000 for libraries as proposed by the Senate instead of $145,774,000 as proposed by the House.

Amendment No. 210: Earmarks $16,718,000 for construction activities as proposed by the Senate instead of $16,551,000 as proposed by the House.

Amendment No. 211: Earmarks $5,000,000 for library training programs as proposed by the Senate instead of $4,950,000 as proposed by the House.

Amendment No. 212: $2,825,000 for research and demonstrations under section 223 as proposed by the Senate instead of $322,000 as proposed by the House.

Amendment No. 213: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: , *of which $2,500,000 shall be for demonstration of online and dial-in access to a statewide, multitype library bibliographic database through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality, to be awarded competitively*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies language proposed by the Senate which sets aside $2,500,000 of library demonstration funds for a Statewide fiber optics library bibliography system. The conference agreement includes $2,500,000 for this purpose to be awarded competitively.

DEPARTMENTAL MANAGEMENT

Amendment No. 214: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken by said amendment, insert: *together with an additional $2,000,000 which shall be available for the expenses of non-Federal experts to review applications and proposals for competitive awards made by the Department*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies language included by the House but stricken by the Senate which would have funded the cost of the Department of Education peer review system through transfers from other accounts. The conferees have instead agreed to provide an additional $2,000,000 in this appropriation account for this purpose. This language does not place any specific limit on these costs.

Amendment No. 215: Appropriates $29,500,000 for the Office of the Inspector General instead of $28,652,000 as proposed by the House and $31,700,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 216: Reported in technical disagreement. The mangers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment inserts language which permits funds appropriated in fiscal year 1991 for the National Council on Educational Goals to be used during fiscal year 1993 if the Council is authorized. The House bill included no similar provision.

Amendment No. 217: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 307. ANNUAL LOAN LIMITS.

(a) AMENDMENT.—Section 468 of the Higher Education Amendments of 1992 is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the changes in section 464(a)(2) (A), (B) and (C) shall not apply to any loan made for the award year beginning July 1, 1992 provided that the loan does not result in a violation of sections 464(a)(2) (A), (B) and (C) as in effect prior to such date of enactment.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on July 23, 1992.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies language included by the Senate correcting a technical problem in the Higher Education Amendments of 1992 related to loan maximums under the Carl D. Perkins Student Loan program. The modification clarifies that the correction applies to both graduate and undergraduate borrowers. The House bill included no similar provision.

Amendment No. 218: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes a technical correction in the Higher Education Amendments of 1992 which inadvertently eliminated certain schools with "candidacy" accreditation from Federal student aid programs. The Senate language restores Federal aid for students at these schools. The House bill included no similar provision.

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

Amendment No. 219: Appropriates $203,152,000 for operating expenses instead of $201,502,000 as proposed by the House and $204,875,000 as proposed by the Senate. Due to the poor financial condition of some projects which cannot support an increase in the Older American volunteer stipend for non-Action funded volunteers, the conferees have agreed to postpone the proposed five cents per hour stipend increase and direct Action to continue the current level of stipend assistance for all non-Action funded volunteers. This deferral will ensure that non-Action funded volunteers will not be terminated due to insufficient project funding.

CORPORATION FOR PUBLIC BROADCASTING

Amendment No. 220: Appropriates $295,000,000 for fiscal year 1995 for the Corporation for Public Broadcasting instead of $272,250,000 as proposed by the House and $310,000,000 as proposed by the senate.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

Amendment No. 221: Appropriates $1,750,000 for the National Commission on Acquired Immune Deficiency Syndrome instead of $1,732,000 as proposed by the House and $2,542,000 as proposed by the Senate. This appropriation will provide final funding for the Commission which is expected to terminate by September 30, 1993.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Amendment No. 222: Appropriates $896,000 for National Commission on Libraries and Information Science instead of $590,000 as proposed by the House and $982,000 as proposed by the Senate.

NATIONAL COMMISSION ON RESPONSIBILITIES FOR POSTSECONDARY EDUCATION

Amendment No. 223: Appropriates $208,000 for the National Commission on Responsibilities for Postsecondary Education as proposed by the House. These funds shall remain available until April 30, 1993, at which time the Commission is to terminate. The Senate did not include funding for the Commission.

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

Amendment No. 224: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $450,000 to remain available until expended for the National Commission to Prevent Infant Mortality. The House did not include funding for the Commission.

NATIONAL COUNCIL ON DISABILITY

Amendment No. 225: Appropriates $1,553,000 for the National Council on Disability as proposed by the House instead of $1,768,000 as proposed by the Senate.

RAILROAD RETIREMENT BOARD

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

Amendment No. 226: Appropriates $6,900,000 for the Inspector General as proposed by the Senate instead of $5,544,000 as proposed by the House.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

Amendment No. 227: Appropriates $42,457,000 for the operation and maintenance of the Soldier's and Airmen's Home as proposed by the Senate instead of $40,938,000 as proposed by the House.

CAPITAL OUTLAY

Amendment No. 228: Appropriates $6,000,000 for capital improvements of the Soldiers' and Airmen's Home as proposed by the Senate instead of $4,178,000 as proposed by the House.

UNITED STATES INSTITUTE OF PEACE

Amendment No. 229: Appropriates $11,000,000 for the Institute of Peace as proposed by the Senate instead of $10,890,000 as proposed by the House. The conferees direct the Institute to limit its printing and reproduction cost so that it does not exceed the actual rate of increase from fiscal year 1992 to fiscal year 1993.

UNITED STATES NAVAL HOME

OPERATION AND MAINTENANCE

Amendment No. 230: Appropriates $10,862,000 for the operation and maintenance of the Naval Home as proposed by the Senate instead of $9,954,000 as proposed by the House.

CAPITAL OUTLAY

Amendment No. 231: Appropriates $477,000 for capital improvements of the Naval Home as proposed by the Senate instead of $472,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

Amendment No. 232: Deletes language proposed by the House concerning the distribution of sterile needles. This matter is addressed under amendment number 238.

Amendment No. 233: Deletes language proposed by the House that would have limited expenditures for travel in each account to not more than 96 percent of the amount requested for that purpose in the President's budget.

Amendment No. 234: Deletes language proposed by the House that would have prohibited the Occupational Safety and Health Administration from implementing its regulations requiring mandatory seat belt use, mandatory motorcycle helmet use, and mandatory employer safety awareness programs.

The conferees are aware of strong concerns about the proposed regulation issued by OSHA regarding driver safety. The conferees are agreed that, before issuing any final rule on motor vehicle safety, OSHA shall reconsider whether mandatory seat belt use or driver awareness training is necessary for all occupational vehicle use, particularly passenger cars, and whether mandatory motorcycle helmet use is necessary. In addition, OSHA shall reexamine whether mandated driver awareness training programs for employees reduce motor vehicle injuries or fatalities, and whether employers should be penalized for an employee's failure to conform to vehicular safety regulations. Therefore, the conferees direct OSHA to review the proposed regulation and to reconsider the impact that employee driver training requirements will have on employers, and particularly on small businesses. Furthermore, the conferees are concerned that the proposed regulation regarding seat belt and helmet use appears to indicate that employers could be sanctioned if their employees fail to use helmets or seat belts even when the employer has made a good faith effort to promote on-the-job seat belt and helmet use. The conferees believe that such a punitive approach would create impossible demands on employers and unfairly punish those who are attempting to voluntarily provide for vehicular safety. The conferees direct OSHA, in the final regulation, to ensure that employers are not unfairly punished for the actions of their employees.

Amendment No. 235: Deletes language proposed by the Senate that would have prohibited the Department of Labor from implementing certain regulations with respect to the coverage of certain truck drivers under the Davis-Bacon Act.

The conferees are agreed that, before issuing any final rule on Midway Excavator regulations, the Labor Department should consider limiting those regulations to issues specifically mandated by the courts.

Amendment No. 236: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 511. Notwithstanding any other provision of this Act, funds appropriated or otherwise made available which are not mandated by law for programs, projects or activities funded by this Act shall be reduced by .8 per centum.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes an across-the-board reduction of .8 percent for all discretionary programs, projects and activities in the bill. The agreement deletes language proposed by the Senate that would have reduced funds available for salaries and expenses of the three Cabinet Departments funded in the bill by $135,360,000.

Amendment No. 237: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 512. (a) Beginning in fiscal year 1994, and in each fiscal year thereafter, the Office of Management and Budget shall establish the funding for consulting services for each department and agency as a separate object class in each budget annually submitted to the Congress under section 1105 or title 31, United States Code.

(b) For purposes of this section, consulting services include—

(1) management and professional support services;

(2) studies, analyses, and evaluations;

(3) engineering and technical services (excluding routine engineering services such as automated data processing and architect and engineering contracts); and

(4) research and development.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 238: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *514*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement inserts language proposed by the Senate which provides that no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles for the injection of any illegal drug unless the Surgeon General determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs, except that funds may be used for such purposes for demonstrations and studies authorized in the ADAMHA Reorganization Act.

Amendment No. 239: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 515. Funds appropriated in Public Law 102–170 for the National Commission on Children shall remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 240: Deletes language proposed by the Senate that would have prohibited the Department of Health and Human Services from implementing the Nutrition Labeling and Education Act with respect to certain dietary supplements or from promulgating any regulation that requires the use of, or based upon, recommended daily intakes of vitamins or minerals.

The conferees are concerned about numerous complaints received that implementation of the Nutrition Labeling and Education Act will restrict access to dietary supplements. Consumers are entitled to accurate, truthful, non-misleading and uniform information about the nutritional content and appropriate use of dietary supplements. The conferees believe that the Department of Health and Human Services should take steps to ensure that the regulations provide appropriate information so that these products promote good health and that individuals continue to have access to them.

Amendment No. 241: Deletes language proposed by the Senate that would prohibit Federal funding for grantees who do not have a nonsmoking policy and who provide services to children under the age of five.

Amendment No. 242: Deletes language proposed by the Senate which would have prohibited the use of funds in this Act or any other Act to pay for homosexual educational, counseling or support services in schools or to promote or encourage drug abuse or sexual activities in schools.

DEFINITION OF PROGRAM, PROJECT AND ACTIVITY

During fiscal year 1993, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as

amended, the following information provides the definition of the term "program, project, and activity" for departments and agencies under the jurisdiction of the Labor, Health and Human Services, and Education and Related Agencies Subcommittees. The term "program, project, and activity", shall include the most specific level of budget items identified in the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1993, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the committee of conference.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SUMMARY							
Title I - Department of Labor:							
Federal Funds	7,518,049,000	7,999,614,000	8,084,255,000	8,179,924,000	8,089,242,000	8,041,414,000	
Current year	(7,330,349,000)	(7,811,914,000)	(8,084,255,000)	(7,992,444,000)	(8,089,242,000)	(8,041,414,000)	
1994 advance	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust Funds	(3,470,127,000)	(3,502,967,000)	(3,523,603,000)	(3,495,792,000)	(3,490,596,000)	(3,462,671,000)	
Title II - Department of Health and Human Services:							
Federal Funds	182,914,610,000	206,120,270,000	206,023,598,000	208,748,736,000	208,909,032,000	208,393,575,000	
Current year	(156,376,610,000)	(169,250,925,000)	(169,515,598,000)	(170,380,391,000)	(170,702,032,000)	(170,492,231,000)	
1994 advance	(26,538,000,000)	(36,869,345,000)	(36,508,000,000)	(38,368,345,000)	(38,207,000,000)	(37,901,344,000)	
Trust Funds	(6,895,123,000)	(6,879,153,000)	(6,714,676,000)	(6,921,944,000)	(7,156,124,000)	(7,098,875,000)	
Title III - Department of Education:							
Federal Funds	27,275,434,000	29,241,217,000	28,931,697,000	28,453,170,000	28,457,154,000	28,252,934,000	
Current year	(27,265,939,000)	(29,241,217,000)	(28,931,697,000)	(28,453,170,000)	(28,457,154,000)	(28,252,934,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	
Total including Guaranteed Student Loans	(29,411,264,000)	(32,292,147,000)	(31,982,627,000)	(31,504,100,000)	(31,508,084,000)	(31,303,864,000)	
Title IV - Related Agencies:							
Federal Funds	1,057,259,000	1,058,190,000	1,038,979,000	1,086,125,000	1,068,517,000	1,062,145,000	
Current year	(782,259,000)	(783,190,000)	(766,729,000)	(776,125,000)	(773,517,000)	(769,505,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(107,637,000)	(114,217,000)	(110,698,000)	(112,054,000)	(112,054,000)	(111,157,000)	
Bill-wide consultant savings	---	---	---	-13,500,000	-13,500,000	-13,500,000	
Total, all titles:							
Federal Funds	218,765,352,000	244,419,291,000	244,078,529,000	246,454,455,000	246,510,445,000	245,736,568,000	
Current year	(191,755,157,000)	(207,087,246,000)	(207,298,279,000)	(207,588,630,000)	(208,008,445,000)	(207,542,584,000)	
1993 - 1995 advance	(9,495,000)	---	---	---	---	---	
1994 advance	(26,725,700,000)	(37,057,045,000)	(36,508,000,000)	(38,555,825,000)	(38,207,000,000)	(37,901,344,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(10,472,887,000)	(10,496,337,000)	(10,348,977,000)	(10,529,790,000)	(10,758,774,000)	(10,672,703,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
TITLE I - DEPARTMENT OF LABOR							
EMPLOYMENT AND TRAINING ADMINISTRATION							
PROGRAM ADMINISTRATION							
Job training programs	21,110,000	23,087,000	23,087,000	23,087,000	23,087,000	22,902,000	D
Trust funds	(2,123,000)	(2,210,000)	(2,210,000)	(2,210,000)	(2,210,000)	(2,192,000)	TF*
Employment security	442,000	461,000	461,000	461,000	461,000	457,000	D
Trust funds	(13,279,000)	(13,734,000)	(13,734,000)	(13,734,000)	(13,734,000)	(13,624,000)	TF*
Financial and administrative management	13,707,000	15,470,000	15,470,000	15,470,000	15,470,000	15,346,000	D
Trust funds	(10,421,000)	(10,871,000)	(10,871,000)	(10,871,000)	(10,871,000)	(10,784,000)	TF*
Executive direction and administration	4,625,000	4,864,000	4,864,000	4,864,000	4,864,000	4,825,000	D
Trust funds	(4,036,000)	(4,274,000)	(4,274,000)	(4,274,000)	(4,274,000)	(4,240,000)	TF*
Regional operations	16,132,000	16,523,000	16,523,000	16,523,000	16,523,000	16,391,000	D
Trust funds	(25,775,000)	(27,477,000)	(27,477,000)	(27,477,000)	(27,477,000)	(27,257,000)	TF*
Apprenticeship services	16,649,000	17,324,000	17,324,000	17,012,000	17,012,000	16,876,000	D
Undistributed	---	---	-777,000	-1,190,000	-1,190,000	-1,180,000	D
Undistributed, trust funds	---	---	(-3,488,000)	(-781,000)	(-2,763,000)	(-2,741,000)	TF*
Total, Program Administration	128,299,000	136,295,000	132,030,000	134,012,000	132,030,000	130,973,000	
Federal funds	72,665,000	77,729,000	76,952,000	76,227,000	76,227,000	75,617,000	
Trust funds	(55,634,000)	(58,566,000)	(55,078,000)	(57,785,000)	(55,803,000)	(55,356,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
TRAINING AND EMPLOYMENT SERVICES							
Grants to States:							
Block grant	1,773,484,000	1,771,550,000	1,755,749,000	---	---	---	D
Adult training	---	---	---	1,053,449,000	1,053,449,000	1,045,021,000	D
Youth training	---	---	---	702,300,000	702,300,000	696,682,000	D
Summer youth employment and training program	495,212,000	495,212,000	676,083,000	590,507,000	676,083,000	670,674,000	D
Advance appropriation, 10/1	187,700,000	187,700,000	---	187,480,000	---	---	D
Dislocated worker assistance	576,986,000	542,986,000	571,216,000	571,216,000	571,216,000	566,646,000	D
Reappropriation	---	34,000,000	---	---	---	---	D
Federally administered programs:							
Native Americans	63,000,000	58,461,000	62,370,000	62,370,000	62,370,000	61,871,000	D
Migrants and seasonal farmworkers	77,644,000	56,690,000	76,868,000	81,000,000	78,934,000	78,303,000	D
Job Corps:							
Operations	846,533,000	900,803,000	898,722,000	898,722,000	898,722,000	891,532,000	D
Construction and renovation	73,000,000	---	90,288,000	60,000,000	75,144,000	74,543,000	D
Reappropriation	35,568,000	8,700,000	---	---	---	---	D
Subtotal, Job Corps	955,101,000	909,503,000	989,010,000	958,722,000	973,866,000	966,075,000	
Veterans' employment	9,120,000	8,863,000	9,029,000	9,029,000	9,029,000	8,957,000	D
National activities:							
Pilots and demonstrations	35,753,000	35,753,000	35,395,000	35,395,000	35,395,000	35,112,000	D
Research, demonstration and evaluation	10,000,000	10,000,000	9,900,000	9,900,000	8,400,000	8,333,000	D
Other	23,606,000	7,500,000	15,246,000	21,203,000	20,686,000	20,521,000	D
Subtotal, National activities	69,359,000	53,253,000	60,541,000	66,498,000	64,481,000	63,966,000	
Subtotal, Federal activities	1,174,224,000	1,086,770,000	1,197,818,000	1,177,619,000	1,188,680,000	1,179,172,000	
Total, Job Training Partnership Act	4,207,606,000	4,118,218,000	4,200,866,000	4,282,571,000	4,191,728,000	4,158,195,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Job training for the homeless	9,312,000	17,000,000	12,870,000	12,638,000	12,638,000	12,537,000	D
National literacy act	---	1,247,000	---	---	---	---	D
Glass Ceiling Commission	---	---	---	---	750,000	744,000	D
National Center for the Workplace	---	---	---	---	750,000	744,000	D
Total, Training and Employment Services	4,216,918,000	4,136,465,000	4,213,736,000	4,295,209,000	4,205,866,000	4,172,220,000	
Current year	(4,029,218,000)	(3,948,765,000)	(4,213,736,000)	(4,107,729,000)	(4,205,866,000)	(4,172,220,000)	
FY 1994	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS							
National contracts	308,241,000	267,395,000	305,159,000	308,241,000	306,700,000	304,246,000	D
State grants	86,940,000	75,419,000	86,071,000	86,940,000	86,506,000	85,814,000	D
Total	395,181,000	342,814,000	391,230,000	395,181,000	393,206,000	390,060,000	
FEDERAL UNEMPLOYMENT AND ALLOWANCES 1/							
Trade adjustment	226,000,000	211,000,000	211,000,000	211,000,000	211,000,000	211,000,000	M
Other activities	250,000	250,000	250,000	250,000	250,000	250,000	M
Total	226,250,000	211,250,000	211,250,000	211,250,000	211,250,000	211,250,000	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS							
Unemployment Compensation (Trust Funds):							
State Operations	(1,510,973,000)	(1,657,926,000)	(1,654,639,000)	(1,642,926,000)	(1,642,926,000)	(1,629,783,000)	TF*
State integrity activities	(290,723,000)	(346,756,000)	(329,996,000)	(329,996,000)	(329,996,000)	(327,356,000)	TF*
National Activities	(6,486,000)	(8,900,000)	(8,811,000)	(8,900,000)	(8,811,000)	(8,741,000)	TF*
Contingency	(440,703,000)	(302,331,000)	(338,908,000)	(302,331,000)	(302,331,000)	(299,912,000)	TF*
Contingency bill language (OMB estimate)	(227,400,000)	(65,500,000)	(65,500,000)	(65,500,000)	(65,500,000)	(65,500,000)	NA
Subtotal, Unemployment Compensation(trust funds)	(2,248,885,000)	(2,315,913,000)	(2,332,354,000)	(2,284,153,000)	(2,284,064,000)	(2,265,792,000)	

1/ FY93 request includes $168,700,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Employment Service:							
Allotments to States:							
Federal funds	21,838,000	24,648,000	21,620,000	21,838,000	21,729,000	21,55	D
Trust funds	(799,770,000)	(796,960,000)	(791,772,000)	(799,770,000)	(795,771,000)	(789,4G5,000)	TF*
Subtotal	821,608,000	821,608,000	813,392,000	821,608,000	817,500,000	810,960,000	
National Activities:							
Federal funds	2,200,000	2,038,000	2,018,000	2,018,000	2,018,000	2,002,000	D
Trust funds	(79,938,000)	(67,972,000)	(67,292,000)	(67,292,000)	(67,292,000)	(66,754,000)	TF*
Targeted jobs tax credit	(20,000,000)	---	---	(15,000,000)	(15,000,000)	(14,880,000)	TF*
Subtotal, Employment Service	923,746,000	891,618,000	882,702,000	905,918,000	901,810,000	894,596,000	
Federal funds	24,038,000	26,686,000	23,638,000	23,856,000	23,747,000	23,557,000	
Trust funds	(899,708,000)	(864,932,000)	(859,064,000)	(882,062,000)	(878,063,000)	(871,039,000)	
Total, State Unemployment 1/	3,172,631,000	3,207,531,000	3,215,056,000	3,190,071,000	3,185,874,000	3,160,388,000	
Federal Funds	24,038,000	26,686,000	23,638,000	23,856,000	23,747,000	23,557,000	
Trust Funds	(3,148,593,000)	(3,180,845,000)	(3,191,418,000)	(3,166,215,000)	(3,162,127,000)	(3,136,831,000)	
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	236,990,000	665,000,000	665,000,000	665,000,000	665,000,000	665,000,000	M
Total, Employment & Training Administration	8,376,269,000	8,699,355,000	8,828,302,000	8,890,723,000	8,793,226,000	8,729,891,000	
Federal funds	5,172,042,000	5,459,944,000	5,581,806,000	5,666,723,000	5,575,296,000	5,537,704,000	
Current year	(4,984,342,000)	(5,272,244,000)	(5,581,806,000)	(5,479,243,000)	(5,575,296,000)	(5,537,704,000)	
FY 1994	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust funds	(3,204,227,000)	(3,239,411,000)	(3,246,496,000)	(3,224,000,000)	(3,217,930,000)	(3,192,187,000)	

1/ Includes Federal, Trust and advance Trust funds.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
LABOR - MANAGEMENT STANDARDS							
SALARIES AND EXPENSES							
Labor-management relations service	5,415,000	---	---	2,700,000	1,350,000	1,339,000	D
Labor-management standards enforcement	25,997,000	26,485,000	26,220,000	26,220,000	26,220,000	26,010,000	D
Total, LMS	31,412,000	26,485,000	26,220,000	28,920,000	27,570,000	27,349 (	
PENSION AND WELFARE BENEFITS ADMINISTRATION							
SALARIES AND EXPENSES							
Enforcement and compliance	47,561,000	51,117,000	51,117,000	51,117,000	51,117,000	50,708,000	D
Policy, regulation and public service	10,976,000	11,779,000	11,779,000	11,779,000	11,779,000	11,685,000	D
Executive direction	3,473,000	3,792,000	3,792,000	3,792,000	3,792,000	3,762,000	D
Undistributed	---	---	-2,932,000	-2,637,000	-2,332,000	-2,313,000	D
Total, PWBA	62,010,000	66,688,000	63,756,000	64,051,000	64,356,000	63,842,000	
PENSION BENEFIT GUARANTY CORPORATION							
Program Administration subject to limitation (Trust Funds)	(38,487,000)	(35,209,000)	(34,857,000)	(33,857,000)	(33,857,000)	(33,586,000)	TF
Services related to terminations not subject to limitations (non-add)	(64,929,000)	(70,508,000)	(70,508,000)	(71,508,000)	(71,508,000)	(71,508,000)	NA
Total, PBGC	(103,416,000)	(105,717,000)	(105,365,000)	(105,365,000)	(105,365,000)	(105,094,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
EMPLOYMENT STANDARDS ADMINISTRATION							
SALARIES AND EXPENSES							
Enforcement of wage and hour standards	94,418,000	99,053,000	99,053,000	99,053,000	99,053,000	98,261,000	D
Federal contractor EEO standards enforcement	54,655,000	58,114,000	58,114,000	58,114,000	58,114,000	57,649,000	D
Federal programs for workers' compensation	66,467,000	73,367,000	73,367,000	73,367,000	73,367,000	72,780,000	D
Trust funds	(1,009,000)	(1,056,000)	(999,000)	(999,000)	(999,000)	(991,000)	TF
Executive direction and support services	11,139,000	11,961,000	11,961,000	11,961,000	11,961,000	11,865,000	D
Undistributed	---	---	-10,163,000	-3,613,000	-8,163,000	-8,098,000	D
Total, salaries and expenses	227,688,000	243,551,000	233,331,000	239,881,000	235,331,000	233,448 [illegible]	
Federal funds	226,679,000	242,495,000	232,332,000	238,882,000	234,332,000	232,45 [illegible]	
Trust funds	(1,009,000)	(1,056,000)	(999,000)	(999,000)	(999,000)	(991,000)	
SPECIAL BENEFITS							
Federal employees compensation benefits	188,000,000	286,000,000	286,000,000	286,000,000	286,000,000	286,000,000	M
Longshore and harbor workers' benefits	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	M
Total, Special Benefits	192,000,000	290,000,000	290,000,000	290,000,000	290,000,000	290,000,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
BLACK LUNG DISABILITY TRUST FUND							
Benefit payments and interest on advances	861,135,000	888,251,000	888,251,000	888,251,000	888,251,000	888,251,000	M
Employment Standards Admin., salaries & expenses	30,145,000	28,726,000	29,726,000	29,726,000	29,726,000	29,726,000	M
Departmental Management, salaries and expenses	25,579,000	25,698,000	25,698,000	25,698,000	25,698,000	25,698,000	M
Departmental Management, inspector general	333,000	352,000	352,000	352,000	352,000	352,000	M
Subtotal, Black Lung Disablty. Trust Fund, apprn	917,192,000	943,027,000	944,027,000	944,027,000	944,027,000	944,027,000	
Treasury administrative costs (indefinite)	756,000	756,000	756,000	756,000	756,000	756,000	M
Total, Black Lung Disability Trust Fund	917,948,000	943,783,000	944,783,000	944,783,000	944,783,000	944,783,000	
Total, Employment Standards Administration	1,337,636,000	1,477,334,000	1,468,114,000	1,474,664,000	1,470,114,000	1,468,231,000	
Federal funds	1,336,627,000	1,476,278,000	1,467,115,000	1,473,665,000	1,469,115,000	1,467,240,000	
Trust funds	(1,009,000)	(1,056,000)	(999,000)	(999,000)	(999,000)	(991,000)	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION							
SALARIES AND EXPENSES							
Safety and health standards	7,836,000	8,214,000	8,214,000	8,214,000	8,214,000	8,148,000	D
Enforcement:							
Federal Enforcement	130,975,000	137,628,000	137,628,000	137,628,000	137,628,000	136,527,000	D
State programs	65,010,000	68,927,000	68,927,000	68,927,000	68,927,000	68,376,000	D
Technical Support	17,426,000	18,105,000	18,105,000	18,105,000	18,105,000	17,960,000	D
Compliance Assistance	38,870,000	40,819,000	40,819,000	42,584,000	42,584,000	42,243,000	D
Safety and health statistics	12,760,000	12,998,000	12,998,000	12,998,000	12,998,000	12,894,000	D
Executive direction and administration	6,909,000	7,234,000	7,234,000	7,234,000	7,234,000	7,176,000	D
Undistributed	---	---	-6,825,000	-1,000,000	-4,795,000	-4,757,000	D
Total, OSHA	279,786,000	293,925,000	287,100,000	294,690,000	290,895,000	288,567,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
MINE SAFETY AND HEALTH ADMINISTRATION							
SALARIES AND EXPENSES							
Enforcement:							
Coal	93,542,000	103,711,000	103,711,000	103,711,000	103,711,000	102,881,000	D
Metal/nonmetal	37,129,000	39,761,000	39,761,000	39,761,000	39,761,000	39,443,000	D
Standards development	1,384,000	1,475,000	1,475,000	1,475,000	1,475,000	1,463,000	D
Assessments	2,455,000	2,517,000	2,517,000	2,517,000	2,517,000	2,497,000	D
Educational policy and development	13,467,000	8,652,000	13,467,000	13,467,000	13,467,000	13,359,000	D
Technical support	21,251,000	21,858,000	21,858,000	21,858,000	21,858,000	21,683,000	D
Program administration	12,808,000	13,075,000	13,075,000	13,075,000	13,075,000	12,970,000	D
Undistributed	---	---	-3,934,000	-2,820,000	-2,820,000	-2,797,000	D
Total, Mine Safety and Health Administration	182,036,000	191,049,000	191,930,000	193,044,000	193,044,000	191,499,000	
BUREAU OF LABOR STATISTICS							
SALARIES AND EXPENSES							
Employment and Unemployment Statistics	82,419,000	87,377,000	87,377,000	87,377,000	87,377,000	86,678,000	D
Labor Market Information (Trust Funds)	(49,799,000)	(51,539,000)	(49,301,000)	(49,301,000)	(49,301,000)	(48,907,000)	TF*
Prices and cost of living	84,029,000	90,591,000	90,591,000	90,591,000	90,591,000	89,866,000	D
Compensation and working conditions	60,650,000	66,324,000	66,324,000	66,324,000	66,324,000	65,79?	D
Productivity and technology	6,316,000	6,809,000	6,809,000	6,809,000	6,809,000	6,7? ,000	D
Economic growth and employment projections	3,844,000	4,115,000	4,115,000	4,115,000	4,115,000	4,082,000	D
Executive direction and staff services	30,839,000	27,099,000	27,099,000	27,099,000	27,099,000	26,882,000	D
Undistributed	---	---	-6,105,000	-3,601,000	-5,105,000	-5,064,000	D
Total, Bureau of Labor Statistics	317,896,000	333,854,000	325,511,000	328,015,000	326,511,000	323,899,000	
Federal Funds	268,097,000	282,315,000	276,210,000	278,714,000	277,210,000	274,992,000	
Trust Funds	(49,799,000)	(51,539,000)	(49,301,000)	(49,301,000)	(49,301,000)	(48,907,000)	

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CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
DEPARTMENTAL MANAGEMENT							
SALARIES AND EXPENSES							
Executive direction	21,972,000	29,797,000	21,419,000	21,419,000	21,419,000	21,248,000	D
Legal services	57,715,000	60,172,000	60,172,000	60,172,000	60,172,000	59,691,000	D
Trust funds	(332,000)	(336,000)	(329,000)	(329,000)	(329,000)	(326,000)	TF*
International labor affairs	7,138,000	7,855,000	7,855,000	7,855,000	7,855,000	7,792,000	D
Administration and management	15,166,000	15,503,000	15,503,000	15,503,000	15,503,000	15,379,000	D
Adjudication	16,147,000	17,118,000	17,118,000	17,118,000	17,118,000	16,981,000	D
Promoting employment of the disabled	4,321,000	4,238,000	4,238,000	4,653,000	4,438,000	4,402,000	D
Women's Bureau	7,940,000	7,565,000	7,565,000	8,215,000	8,050,000	7,986,000	D
Civil Rights Activities	4,534,000	5,064,000	5,064,000	5,064,000	5,064,000	5,023,000	D
Chief Financial Officer	5,805,000	6,884,000	6,884,000	6,884,000	6,884,000	6,829,000	D
Undistributed	---	---	-2,527,000	-500,000	-2,527,000	-2,507,000	D
Total, Salaries and expenses	141,070,000	154,532,000	143,620,000	146,712,000	144,305,000	143,150,000	
Federal funds	140,738,000	154,196,000	143,291,000	146,383,000	143,976,000	142,824,000	
Trust funds	(332,000)	(336,000)	(329,000)	(329,000)	(329,000)	(326,000)	
VETERANS EMPLOYMENT AND TRAINING							
State Administration:							
Disabled Veterans Outreach Program	(77,901,000)	(77,901,000)	(82,665,000)	(82,665,000)	(82,665,000)	(82,004,000)	TF*
Local Veterans Employment Program	(71,924,000)	(71,924,000)	(76,725,000)	(76,725,000)	(76,725,000)	(76,111,000)	TF*
Subtotal, State Administration	(149,825,000)	(149,825,000)	(159,390,000)	(159,390,000)	(159,390,000)	(158,115,000)	
Federal Administration	(19,651,000)	(21,027,000)	(25,047,000)	(20,481,000)	(21,481,000)	(21,300,000)	TF*
National Veterans Training Institute	(2,440,000)	---	(2,871,000)	(2,871,000)	(2,871,000)	(2,848,000)	TF*
Total, Trust Funds	(171,916,000)	(170,852,000)	(187,308,000)	(182,742,000)	(183,742,000)	(182,272,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
OFFICE OF THE INSPECTOR GENERAL							
Audit:							
Federal funds	20,149,000	21,349,000	21,349,000	21,349,000	21,349,000	21,178,000	D
Trust funds	(4,023,000)	(4,210,000)	(4,210,000)	(4,210,000)	(4,210,000)	(4,176,000)	TF*
Investigation:							
Federal funds	8,015,000	8,690,000	8,690,000	8,690,000	8,690,000	8,620,000	D
Trust funds	(334,000)	(354,000)	(354,000)	(354,000)	(354,000)	(351,000)	TF*
Office of Labor Racketeering	11,057,000	11,995,000	11,995,000	11,995,000	11,995,000	11,899,000	D
Executive Direction and Management	6,080,000	6,700,000	6,700,000	6,700,000	6,700,000	6,646,000	D
Undistributed	---	---	-1,907,000	---	-954,000	-946,000	D
Undistributed, trust funds	---	---	(-251,000)	---	(-126,000)	(-125,000)	TF*
Total, Office of the Inspector General	49,658,000	53,298,000	51,140,000	53,298,000	52,218,000	51,799,000	
Federal funds	45,301,000	48,734,000	46,827,000	48,734,000	47,780,000	47,397,000	
Trust funds	(4,357,000)	(4,564,000)	(4,313,000)	(4,564,000)	(4,438,000)	(4,402,000)	
Total, Departmental Management	362,644,000	378,682,000	382,068,000	382,752,000	380,265,000	377,221,000	
Federal funds	186,039,000	202,930,000	190,118,000	195,117,000	191,756,000	190,221,000	
Trust funds	(176,605,000)	(175,752,000)	(191,950,000)	(187,635,000)	(188,509,000)	(187,000,000)	
Labor attrition	---	---	---	-15,000,000	---	---	D
Total, Labor Department 1/	10,988,176,000	11,502,581,000	11,607,858,000	11,675,716,000	11,579,838,000	11,504,085,000	
Federal funds	7,518,049,000	7,999,614,000	8,084,255,000	8,179,924,000	8,089,242,000	8,041,414,000	
Current year	(7,330,349,000)	(7,811,914,000)	(8,084,255,000)	(7,992,444,000)	(8,089,242,000)	(8,041,414,000)	
FY 1994	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust funds	(3,470,127,000)	(3,502,967,000)	(3,523,603,000)	(3,495,792,000)	(3,490,596,000)	(3,462,671,000)	

1/ Includes Federal and Trust funds.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES								
HEALTH RESOURCES AND SERVICES ADMINISTRATION								
HEALTH RESOURCES AND SERVICES								
Health Care Delivery and Assistance:								
Community health centers	532,835,000	615,754,000	527,507,000	543,492,000	563,492,000	558,984,000	D	
1% evaluation funding tap (non-add)	---	---	---	(40,000,000)	---	---	NA	
Subtotal	(532,835,000)	(615,754,000)	(527,507,000)	(583,492,000)	(563,492,000)	(558,984,000)		
Migrant health centers	57,362,000	62,647,000	56,788,000	58,785,000	57,787,000	57,325,000	D	
Black lung clinics	4,000,000	4,000,000	3,960,000	4,000,000	4,000,000	3,968,000	D	
Health care for the homeless	55,792,000	67,683,000	55,234,000	61,792,000	58,500,000	58,032,000	D	
National Health Service Corps:								
Field placements	41,456,000	54,588,000	43,065,000	43,065,000	43,065,000	42,720,000	D	
Loans and scholarships	58,733,000	65,053,000	58,146,000	76,576,000	76,576,000	75,963,000	D	
Subtotal, Natl Health Service Corps	100,189,000	119,641,000	101,211,000	119,641,000	119,641,000	118,683,000		
Grants to communities for scholarships	487,000	487,000	482,000	482,000	482,000	478,000	D	
Public housing health service grants	6,089,000	9,089,000	8,998,000	6,028,000	8,998,000	8,926,000	D	
Ready to learn program	---	6,000,000	---	---	---	---	D	
Hansen's disease services	19,489,000	18,963,000	18,773,000	18,963,000	18,773,000	18,623,000	D	
Payment to Hawaii, treatment of Hansen's Disease	3,000,000	3,000,000	2,970,000	3,000,000	3,000,000	2,976,000	D	
Native Hawaiian health care	3,596,000	---	3,560,000	3,677,000	3,619,000	3,590,000	D	UA
Pacific Basin initiative	2,547,000	---	2,522,000	2,638,000	2,580,000	2,559,000	D	
Home health demonstration grants	2,872,000	---	2,843,000	---	---	---	D	
Alzheimers demonstration grants	3,996,000	---	3,956,000	5,000,000	5,000,000	4,960,000	D	
Trauma care	4,449,000	---	4,405,000	4,405,000	4,405,000	4,370,000	D	
Total, Health Care Delivery & Assistance	796,703,000	907,264,000	793,209,000	831,903,000	850,277,000	843,474,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Maternal and child health:								
Maternal & child health block grant	645,953,000	669,802,000	639,493,000	670,000,000	670,000,000	664,640,000	D	
Healthy start	61,446,000	140,142,000	60,832,000	98,675,000	80,000,000	79,360,000	D	
Pediatric emergency care	4,874,000	---	4,825,000	4,874,000	4,850,000	4,811,000	D	UA
Total, Maternal and child health	712,273,000	809,944,000	705,150,000	773,549,000	754,850,000	748,811,000		
Health Professions:								
Exceptional need scholarships	9,748,000	11,429,000	11,315,000	9,748,000	10,532,000	10,448,000	D	UA
Centers of excellence	23,945,000	23,943,000	23,706,000	23,706,000	23,706,000	23,516,000	D	
Disadvantaged assistance	30,629,000	37,379,000	37,005,000	30,629,000	31,500,000	31,248,000	D	UA
HPSL recapitalization	14,907,000	---	11,068,000	---	8,000,000	7,936,000	D	
Minority scholarships	17,438,000	17,415,000	17,264,000	17,264,000	17,264,000	17,126,000	D	
Faculty loan repayment	976,000	1,073,000	1,062,000	---	1,062,000	1,054,000	D	
Public health special projects	4,271,000	---	3,171,000	4,271,000	3,171,000	3,146,000	D	UA
Health administration grants	1,549,000	---	1,150,000	1,549,000	1,150,000	1,141,000	D	UA
Public health traineeships	3,412,000	---	2,533,000	3,412,000	2,533,000	2,513,000	D	UA
Health administration traineeships	482,000	---	358,000	482,000	358,000	355,000	D	UA
Preventive medicine residencies	1,631,000	---	1,211,000	1,631,000	1,631,000	1,618,000	D	UA
Family medicine residencies	35,805,000	---	26,585,000	35,805,000	33,000,000	32,736,000	D	UA
General dentistry residencies	3,803,000	---	3,765,000	3,765,000	3,765,000	3,735,000	D	UA
General internal medicine and pediatrics	17,179,000	---	17,007,000	16,000,000	17,007,000	16,871,000	D	UA
Family medicine departments	6,793,000	---	5,044,000	5,558,000	5,558,000	5,514,000	D	UA
Physician assistants	4,964,000	---	3,686,000	4,964,000	4,964,000	4,924,000	D	UA
Allied health	2,754,000	---	2,045,000	3,500,000	3,500,000	3,472,000	D	UA
Area health education centers	19,041,000	---	14,138,000	21,452,000	20,000,000	19,840,000	D	UA

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Health education and training centers	3,856,000	---	2,863,000	3,856,000	2,863,000	2,840,000	D	UA
Geriatric training and research	13,614,000	---	10,108,000	13,614,000	10,108,000	10,027,000	D	UA
Interdisciplinary traineeships	4,654,000	---	3,455,000	4,654,000	4,055,000	4,023,000	D	UA
Health professions data analysis	1,746,000	---	1,297,000	---	649,000	644,000	D	UA
Health professions spec ed initiatives	2,362,000	---	1,754,000	1,754,000	1,754,000	1,740,000	D	UA
Nurse training:								
Advanced nurse education	12,370,000	---	9,185,000	12,400,000	12,370,000	12,271,000	D	UA
Nurse practitioners / nurse midwives	14,556,000	---	10,808,000	15,560,000	15,590,000	15,465,000	D	UA
Special projects	10,902,000	---	8,094,000	10,500,000	10,500,000	10,416,000	D	UA
Professional nurse traineeships	14,106,000	---	10,474,000	14,106,000	14,106,000	13,993,000	D	UA
Nurse disadvantaged assistance	3,375,000	4,122,000	4,081,000	3,375,000	3,728,000	3,698,000	D	UA
Nurse anesthetists	1,917,000	---	1,424,000	2,750,000	2,750,000	2,728,000	D	UA
Undergraduate scholarships	2,377,000	---	1,765,000	---	---	---	D	UA
Loan repayment for shortage area service	1,453,000	---	1,079,000	2,414,000	2,061,000	2,045,000	D	UA
Subtotal, Nurse training	61,056,000	4,122,000	46,910,000	61,105,000	61,105,000	60,616,000		
Total, Health professions	286,615,000	95,361,000	248,500,000	268,719,000	269,235,000	267,083,000		
Resources development:								
Organ transplantation	2,877,000	2,818,000	2,790,000	2,818,000	2,790,000	2,768,000	D	
Health teaching facilities interest subsidies	450,000	418,000	414,000	418,000	418,000	415,000	D	
Total, Resources Development	3,327,000	3,236,000	3,204,000	3,236,000	3,208,000	3,183,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Acquired Immune Deficiency Syndrome (AIDS):								
Education and training centers	16,886,000	16,760,000	16,592,000	16,592,000	16,592,000	16,459,000	D	UA
Pediatric demonstrations	19,350,000	19,350,000	19,156,000	23,000,000	21,078,000	20,909,000	D	
Ryan White AIDS Programs:								
Emergency assistance	120,518,000	147,265,000	161,865,000	186,305,000	186,305,000	184,815,000	D	
Comprehensive care programs	106,690,000	106,690,000	116,325,000	116,325,000	116,325,000	115,394,000	D	
Early intervention program	48,859,000	48,859,000	48,370,000	48,859,000	48,370,000	47,983,000	D	
Subtotal, Ryan White AIDS programs	276,067,000	302,814,000	326,560,000	351,489,000	351,000,000	348,192,000		
Subtotal, AIDS	312,303,000	338,924,000	362,308,000	391,081,000	388,670,000	385,560,000		
Minority male grant	1,350,000	5,000,000	4,950,000	1,350,000	4,950,000	4,910,000	D	
Family planning	149,575,000	154,575,000	148,079,000	180,000,000	175,000,000	173,600,000	D	UA
Rural health research	4,115,000	3,960,000	3,920,000	4,500,000	4,210,000	4,176,000	D	
Rural outreach grants	21,175,000	---	20,963,000	27,201,000	25,000,000	24,800,000	D	
Buildings and facilities	---	1,000,000	990,000	1,000,000	990,000	982,000	D	
National practitioner data bank	5,379,000	8,000,000	6,000,000	6,000,000	6,000,000	6,000,000	D	
User fees	-5,000,000	-8,000,000	-6,000,000	-6,000,000	-6,000,000	-6,000,000	D	
Program management	121,672,000	121,270,000	125,235,000	124,222,000	125,235,000	124,233,000	D	
Rescission of delayed obligations	-625,000	---	---	---	---	---	D	
Undistributed	---	---	---	-21,295,000	---	---	D	
Total, Health resources and services	2,408,862,000	2,440,534,000	2,416,508,000	2,585,466,000	2,601,625,000	2,580,812,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference - Initial	Conference - Final	Mand/Disc	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:								
Interest subsidy program	18,600,000	16,000,000	10,900,000	10,900,000	10,900,000	10,900,000	M	UA
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):								
New loan subsidies	30,000,000	20,884,000	26,332,000	36,400,000	30,872,000	30,872,000	M	UA
Liquidating account (non-add)	(48,000,000)	(54,432,000)	(54,432,000)	(54,432,000)	(54,432,000)	(54,432,000)	NA	
HEAL loan limitation (non-add)	(290,000,000)	(230,000,000)	(290,000,000)	(400,000,000)	(340,000,000)	(340,000,000)	NA	UA
Program management	1,500,000	3,000,000	2,970,000	3,000,000	2,970,000	2,946,000	D	
Total, HEAL	31,500,000	23,884,000	29,302,000	39,400,000	33,842,000	33,818,000		
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:								
Post - FY88 claims (trust fund)	84,920,000	84,920,000	84,920,000	84,920,000	84,920,000	84,920,000	M	
HRSA administration (trust fund)	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	M	UA
Subtotal, Vaccine injury compensation trust fund	87,420,000	87,420,000	87,420,000	87,420,000	87,420,000	87,420,000		
VACCINE INJURY COMPENSATION:								
Pre - FY89 claims (appropriation)	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000	M	
Total, Vaccine injury	167,420,000	167,420,000	167,420,000	167,420,000	167,420,000	167,420,000		
Total, Health Resources and Services Administration	2,626,382,000	2,647,838,000	2,624,130,000	2,803,186,000	2,813,787,000	2,792,950,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
CENTERS FOR DISEASE CONTROL								
DISEASE CONTROL, RESEARCH AND TRAINING								
Preventive Health Services Block Grant	134,512,000	134,521,000	133,167,000	150,000,000	150,000,000	148,8(	D	UA
Prevention centers	5,184,000	5,184,000	5,132,000	5,584,000	5,500,000	5,456,000	D	
Sexually transmitted diseases:								
Grants	77,525,000	77,638,000	76,750,000	83,128,000	79,000,000	78,368,000	D	UA
Direct operations	11,296,000	11,872,000	11,753,000	11,872,000	11,753,000	11,659,000	D	
Subtotal, Sexually transmitted diseases	88,821,000	89,510,000	88,503,000	95,000,000	90,753,000	90,027,000		
Immunization:								
Grants	258,822,000	289,272,000	286,379,000	290,000,000	290,190,000	287,868,000	D	
Direct operations	35,352,000	52,372,000	51,848,000	51,848,000	51,848,000	51,433,000	D	
Vaccine stockpile	---	5,000,000	4,950,000	---	---	---	D	
Adverse events reporting	2,470,000	2,470,000	2,445,000	2,445,000	2,445,000	2,425,000	D	
Subtotal, Immunization programs	296,644,000	349,114,000	345,622,000	344,293,000	344,483,000	341,726,000		
Infectious disease	40,625,000	41,518,000	41,103,000	42,600,000	41,103,000	40,774,000	D	
Tuberculosis:								
Grants	15,321,000	35,000,000	34,650,000	40,000,000	34,650,000	34,373,000	D	
Emergency grants	---	---	39,600,000	---	39,600,000	39,283,000	D	
Program operations	5,372,000	5,372,000	5,318,000	5,318,000	5,318,000	5,275,000	D	
Presidential emergency (non-add)	---	---	---	(40,000,000)	---	---	NA	
Subtotal, Tuberculosis	20,693,000	40,372,000	79,568,000	45,318,000	79,568,000	78,931,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Acquired Immune Deficiency Syndrome (AIDS)	480,132,000	504,678,000	504,581,000	504,581,000	504,581,000	500,544,000	D	
Chronic & environmental disease prevention	67,744,000	66,943,000	66,510,000	71,200,000	71,200,000	70,630,000	D	
Lead poisoning prevention	21,302,000	40,000,000	21,089,000	30,000,000	30,000,000	29,760,000	D	UA
Breast and cervical cancer screening	49,961,000	69,961,000	69,300,000	73,000,000	73,000,000	72,416,000	D	
Injury control	27,377,000	27,498,000	32,175,000	34,000,000	32,175,000	31,918,000	D	
Occupational Safety and Health (NIOSH):								
Research	92,478,000	73,594,000	91,949,000	102,956,000	102,956,000	102,1[illegible]	D	
Training	10,972,000	10,972,000	10,862,000	11,500,000	11,181,000	11,092,000	D	
Subtotal, NIOSH	103,450,000	84,566,000	102,811,000	114,456,000	114,137,000	113,224,000		
Epidemic services	73,022,000	77,711,000	74,250,000	77,711,000	75,000,000	74,400,000	D	
National Center for Health Statistics:								
Program operations	48,310,000	47,591,000	51,873,000	47,440,000	49,657,000	49,260,000	D	
Program support	2,988,000	3,021,000	2,991,000	2,967,000	2,991,000	2,967,000	D	
1% evaluation funds (non-add)	(29,400,000)	(34,206,000)	(29,106,000)	(29,106,000)	(29,106,000)	(28,873,000)	NA	
Subtotal, health statistics	51,298,000	50,612,000	54,864,000	50,407,000	52,648,000	52,227,000		
Buildings and facilities	25,600,000	15,000,000	6,930,000	17,000,000	17,000,000	16,864,000	D	
Program management	2,843,000	3,497,000	3,462,000	3,462,000	3,462,000	3,434,000	D	
Rescission of delayed obligations	-670,000	---	---	---	---	---	D	
Salaries and expenses reduction	---	---	-9,900,000	---	---	---	D	
Total, Disease Control	1,488,538,000	1,600,685,000	1,619,167,000	1,658,612,000	1,684,610,000	1,671,131,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
NATIONAL INSTITUTES OF HEALTH (INCLUDES AIDS) 1/							
National Cancer Institute	1,951,541,000	2,010,439,000	1,998,616,000	2,010,439,000	2,007,483,000	1,991,423,000	D
National Heart, Lung, and Blood Institute	1,191,500,000	1,245,396,000	1,228,455,000	1,228,455,000	1,228,455,000	1,218,627,000	D
National Institute of Dental Research	159,057,000	166,742,000	163,269,000	163,269,000	163,269,000	161,963,000	D
National Institute of Diabetes, Digestive, and Kidney Diseases	662,678,000	699,809,000	688,633,000	688,633,000	688,633,000	683,124,000	D
National Institute of Neurological Disorders and Stroke	581,847,000	615,190,000	605,100,000	607,100,000	606,600,000	601,747,000	D
National Institute of Allergy and Infectious Diseases	960,914,000	1,010,845,000	990,055,000	989,055,000	991,805,000	983,871,000	D
National Institute of General Medical Sciences	815,134,000	862,069,000	842,229,000	824,529,000	839,804,000	833,086,000	D
National Institute of Child Health and Human Development	519,724,000	545,238,000	534,094,000	534,094,000	534,094,000	529,8[illegible]	D
National Eye Institute	270,300,000	285,133,000	279,102,000	279,102,000	279,102,000	276,8[illegible],000	D
National Institute of Environmental Health Sciences	252,031,000	261,513,000	255,115,000	255,115,000	255,115,000	253,074,000	D
National Institute on Aging	383,611,000	407,284,000	402,218,000	405,218,000	404,468,000	401,232,000	D
National Institute of Arthritis and Musculoskeletal and Skin Diseases	203,913,000	214,929,000	214,619,000	214,619,000	214,619,000	212,902,000	D

1/ Reflects organizational changes pursuant to P.L. 102-321.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
National Institute on Deafness and Other Communication Disorders	149,102,000	157,301,000	153,466,000	157,301,000	156,342,000	155,091,000	D	
National Institute of Nursing Research	44,970,000	48,568,000	47,363,000	49,000,000	48,591,000	48,202,000	D	
National Institute on Alcoholism and Alcohol Abuse	172,050,000	180,915,000	174,335,000	180,169,000	178,711,000	177,281,000	D	
National Institute on Drug Abuse	399,736,000	420,908,000	404,421,000	410,502,000	408,982,000	405,710,000	D	
National Institute of Mental Health	561,255,000	596,098,000	573,449,000	596,098,000	590,436,000	585,713,000	D	
National Center for Research Resources	314,551,000	318,231,000	314,351,000	315,551,000	315,251,000	312,729,000	D	
HBCU facilities	---	12,000,000	---	---	---	---	D	UA
Subtotal	314,551,000	330,231,000	314,351,000	315,551,000	315,251,000	312,729,000		
National Center for Human Genome Research	104,878,000	110,429,000	107,217,000	107,217,000	107,217,000	106,359,000	D	
John E. Fogarty International Center	19,609,000	20,727,000	20,133,000	19,609,000	20,002,000	19,842,000	D	
National Library of Medicine	103,323,000	108,662,000	105,024,000	105,024,000	105,024,000	104,184,000	D	
Office of the Director	144,412,000	205,730,000	194,217,000	188,400,000	192,763,000	191,221,000	D	
Buildings and facilities	108,840,000	75,528,000	73,070,000	59,222,000	109,608,000	108,731,000	D	
Rescission of delayed obligations	-3,409,000	---	---	---	---		D	
Total N.I.H.	10,071,567,000	10,579,684,000	10,368,551,000	10,387,721,000	10,446,374,000	10,362,802,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION 1/							
Center for Mental Health Services:							
Mental Health Block Grant	280,160,000	280,160,000	277,358,000	280,160,000	280,160,000	277,919,000	D
Children's mental health	---	---	4,950,000	---	4,950,000	4,910,000	D
Clinical training and AIDS training	13,851,000	3,016,000	3,016,000	13,042,000	6,000,000	5,952,000	D
Community support demonstrations	24,885,000	24,885,000	24,636,000	24,885,000	24,636,000	24,439,000	D
Prevention demonstrations	5,478,000	---	---	5,478,000	---	---	D
Grants to States for the homeless (PATH)	30,000,000	30,000,000	29,700,000	30,000,000	29,700,000	29,462,000	D
Homeless services demonstrations	21,844,000	26,844,000	21,625,000	21,844,000	21,625,000	21,452,000	D
Protection and advocacy	19,500,000	---	19,305,000	21,000,000	21,000,000	20,832,000	D
Subtotal, mental health	395,718,000	364,905,000	380,590,000	396,409,000	388,071,000	384,966,000	
Center for Substance Abuse Treatment:							
Substance abuse block grant	1,079,840,000	1,079,840,000	1,069,042,000	1,139,626,000	1,139,626,000	1,130,509,000	D
Treatment grants to crisis areas	35,986,000	40,000,000	39,600,000	35,338,000	35,338,000	35,055,000	D
Treatment improvement grants	100,188,000	141,625,000	117,126,000	143,790,000	135,000,000	133,920,000	D
Capacity expansion program	---	66,000,000	13,365,000	---	---	---	D
AIDS demonstrations and training	21,309,000	21,905,000	21,454,000	21,905,000	21,454,000	21,282,000	D
Subtotal, Substance Abuse Treatment	1,237,323,000	1,349,370,000	1,260,587,000	1,340,659,000	1,331,418,000	1,320,76	
Center for Substance Abuse Prevention:							
Prevention programs	124,737,000	148,563,000	132,963,000	147,141,000	137,000,000	135,904,000	D
Community youth activity program	9,907,000	---	---	---	---	---	D
Community prevention grants	98,921,000	99,151,000	98,159,000	97,139,000	97,139,000	96,362,000	D
Training	15,088,000	15,088,000	14,938,000	14,716,000	14,716,000	14,598,000	D
Subtotal, Substance Abuse Prevention	248,653,000	262,802,000	246,060,000	258,996,000	248,855,000	246,864,000	
Buildings and facilities	---	970,000	960,000	970,000	960,000	952,000	D
Program management	50,695,000	59,881,000	54,220,000	52,575,000	54,220,000	53,786,000	D
Rescission of delayed obligations	-287,000	---	---	---	---	---	D
Subtotal, Substance Abuse & Mental Health	1,932,102,000	2,037,928,000	1,942,417,000	2,049,609,000	2,023,524,000	2,007,334,000	

1/ Reflects organizational changes pursuant to P.L. 102-321.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
ASSISTANT SECRETARY FOR HEALTH								
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH								
Population affairs: Adolescent family life	7,761,000	11,985,000	7,683,000	7,683,000	7,683,000	7,622,000	D	UA
Health Initiatives:								
Office of Disease Prevention and Health Promotion	4,450,000	4,701,000	4,654,000	4,875,000	4,875,000	4,836,000	D	
Physical fitness and sports	1,411,000	2,022,000	1,485,000	1,485,000	1,485,000	1,473,000	D	
Minority health	13,805,000	13,831,000	13,693,000	13,500,000	13,693,000	13,583,000	D	
National vaccine program	7,930,000	2,828,000	7,851,000	2,800,000	2,800,000	2,778,000	D	
Emergency preparedness	---	1,000,000	---	---	---	---	D	
Health Service Management	21,433,000	22,038,000	21,818,000	21,818,000	21,818,000	21,643,000	D	
National AIDS program office	2,452,000	3,958,000	3,918,000	2,000,000	3,000,000	2,976,000	D	
Minority health (AIDS)	2,075,000	2,090,000	2,069,000	2,090,000	2,090,000	2,073,000	D	
Total, OASH	61,317,000	64,453,000	63,171,000	56,251,000	57,444,000	56,984,000		
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS 1/								
Retirement payments	104,303,000	109,462,000	109,462,000	109,462,000	109,462,000	109,462,000	M	
Survivors benefits	6,650,000	6,835,000	6,835,000	6,835,000	6,835,000	6,835,000	M	
Dependent's medical care	20,499,000	21,565,000	21,565,000	21,606,000	21,565,000	21,565,000	M	
Military Services Credits	3,095,000	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	M	
Total, Retirement pay and medical benefits	134,547,000	140,762,000	140,762,000	140,803,000	140,762,000	140,762,000		

1/ FY93 request includes $116,297,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
AGENCY FOR HEALTH CARE POLICY RESEARCH							
Health services research:							
Research	25,922,000	86,000	25,663,000	4,000,000	29,522,000	29,286,000	D UA
Trust funds	(1,012,000)	(1,050,000)	(1,002,000)	(1,002,000)	(1,002,000)	(994,000)	TF* UA
AIDS	10,135,000	9,875,000	9,776,000	9,776,000	9,776,000	9,698,000	D UA
Program support	2,246,000	2,615,000	2,481,000	2,481,000	2,481,000	2,461,000	D
1% evaluation funding (non-add)	(13,444,000)	(39,544,000)	(13,310,000)	(38,832,000)	(13,310,000)	(13,204,000)	NA UA
Subtotal including trust funds & 1% funds	(52,759,000)	(53,170,000)	(52,232,000)	(56,091,000)	(56,091,000)	(55,643,000)	
Medical treatment effectiveness:							
Federal funds	62,372,000	23,507,000	61,748,000	54,315,000	68,799,000	68,249,000	D
Trust funds	(4,880,000)	(36,723,000)	(4,831,000)	(4,831,000)	(4,831,000)	(4,792,000)	TF*
1% evaluation funding (non-add)	---	(11,695,000)	---	(14,484,000)	---	---	NA UA
Subtotal, Medical treatment effectiveness	(67,252,000)	(71,925,000)	(66,579,000)	(73,630,000)	(73,630,000)	(73,041,000)	
Total, Health Care Policy Research:							
Federal Funds	100,675,000	36,083,000	99,668,000	70,572,000	110,578,000	109,694,000	
Trust funds	(5,892,000)	(37,773,000)	(5,833,000)	(5,833,000)	(5,833,000)	(5,786,000)	
Total, 1% evaluation funding (non-add)	(13,444,000)	(51,239,000)	(13,310,000)	(53,316,000)	(13,310,000)	(13,204,000)	
Total, Health Care Policy Research (non-add)	(120,011,000)	(125,095,000)	(118,811,000)	(129,721,000)	(129,721,000)	(128,684,000)	
CAPITAL IMPROVEMENT FUND (FY94)	---	100,000,000	---	---	---	---	D
(1% Setaside fund for PHS capital improvements)	---	---	(165,125,000)	---	---	---	
SALARIES AND EXPENSES RESCISSION	-7,000,000	---	---	---	---	---	D
PHS EVALUATION FUNDING RESCISSION	-7,500,000	---	---	---	---	---	D
Total, Public Health Service:							
Federal Funds	16,400,628,000	17,207,433,000	16,857,866,000	17,166,754,000	17,277,079,000	17,141,657,000	
Current year FY 1993	(16,400,628,000)	(17,107,433,000)	(16,857,866,000)	(17,166,754,000)	(17,277,079,000)	(17,141,657,000)	
FY 1994	---	(100,000,000)	---	---	---	---	
Trust funds	(5,892,000)	(37,773,000)	(5,833,000)	(5,833,000)	(5,833,000)	(5,786,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
HEALTH CARE FINANCING ADMINISTRATION							
GRANTS TO STATES FOR MEDICAID 1/							
Medicaid current law benefits	69,854,249,000	81,478,400,000	81,478,400,000	79,697,500,000	79,697,500,000	79,697,500,000	M
State and local administration	2,648,489,000	3,021,706,000	2,922,834,000	2,898,150,000	2,898,150,000	2,898,150,000	M
Insurance counseling program	---	---	10,000,000	10,000,000	---	---	D
Proposed legislation	---	-98,872,000	---	---	---	---	D
Subtotal, Medicaid program level, FY 1993	72,502,738,000	84,401,234,000	84,411,234,000	82,605,650,000	82,595,650,000	82,595,650,000	
Less funds advanced in prior year	-13,500,000,000	-17,100,000,000	-17,100,000,000	-17,100,000,000	-17,100,000,000	-17,100,000,000	M
Total, current request, FY 1993	59,002,738,000	67,301,234,000	67,311,234,000	65,505,650,000	65,495,650,000	65,495,650,000	
New advance, 1st quarter, FY 1994	17,100,000,000	24,600,000,000	24,600,000,000	24,600,000,000	24,600,000,000	24,403,200,000	M
PAYMENTS TO HEALTH CARE TRUST FUNDS 2/ 3/							
Supplemental medical insurance	38,684,000,000	43,490,000,000	43,490,000,000	45,478,000,000	45,478,000,000	45,478,000,000	M
Hospital insurance for the uninsured	584,000,000	328,000,000	328,000,000	328,000,000	328,000,000	328,000,000	M
Federal uninsured payment	37,000,000	39,000,000	39,000,000	39,000,000	39,000,000	39,000,000	M
Program management	116,485,000	125,713,000	106,192,000	117,862,000	117,862,000	117,862,000	M
Proposed legislation	---	-19,521,000	---	---	---	---	M
Total, Payment to Trust Funds	39,421,485,000	43,963,192,000	43,963,192,000	45,962,862,000	45,962,862,000	45,962,862,000	

1/ FY93 request includes $5,000,000 in legislative savings proposed for later transmittal.

2/ FY93 request includes $612,300,000 in legislative savings proposed for later transmittal.

3/ FY92 and FY93 totals reflected incorrectly in FY93 Budget Appendix.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
PROGRAM MANAGEMENT							
Research, demonstration, and evaluation:							
Regular program, trust funds	(45,621,000)	(36,000,000)	(35,640,000)	(37,640,000)	(46,640,000)	(46,267,000)	TF*
Rural hospital transition demonstrations, trust funds	(23,000,000)	---	(14,850,000)	(23,000,000)	(23,000,000)	(22,816,000)	TF* UA
Essential access community hospitals, trust funds.	(9,759,000)	---	---	---	---	---	TF* UA
Subtotal, research, demonstration, & evaluation.	(78,380,000)	(36,000,000)	(50,490,000)	(60,640,000)	(69,640,000)	(69,083,000)	
Medicare Contractors (Trust Funds):							
Operating funds, current	(1,525,800,000)	(1,644,200,000)	(1,627,758,000)	(1,616,083,000)	(1,621,921,000)	(1,608,946,000)	TF*
Contingency reserve fund 1/	(184,200,000)	---	---	---	---	---	TF*
Subtotal, Contractors	(1,710,000,000)	(1,644,200,000)	(1,627,758,000)	(1,616,083,000)	(1,621,921,000)	(1,608,946,000)	
State Survey and Certification:							
Medicare certification, trust funds	(150,000,000)	(155,000,000)	---	(150,686,000)	(150,686,000)	(149,481,000)	TF*
Proposed legislation, fees, trust funds	---	(-155,000,000)	---	---	---	---	TF*
Subtotal, State certification	(150,000,000)	---	---	(150,686,000)	(150,686,000)	(149,481,000)	
Federal Administration:							
Trust funds	(328,420,000)	(347,445,000)	(307,372,000)	(337,776,000)	(337,776,000)	(335,074,000)	TF*
Headquarters relocation	---	(15,837,000)	---	---	---	---	TF*
Less current law user fees	(-77,000)	(-124,000)	(-123,000)	(-123,000)	(-123,000)	(-122,000)	TF*
Proposed legislation	---	(-36,969,000)	---	---	---	---	TF*
Subtotal, Federal Administration	(328,343,000)	(326,189,000)	(307,249,000)	(337,653,000)	(337,653,000)	(334,952,000)	
Total, Program management	(2,266,723,000)	(2,006,389,000)	(1,985,497,000)	(2,165,062,000)	(2,179,900,000)	(2,162,462,000)	

1/ 1992 conference agreement originally provided $257 million, of which $68.8 million has been released by the Administration.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SURVEY AND CERTIFICATION FUND (non-add)	---	(449,441,000)	---	---	---	---	NA
HMO LOAN AND LOAN GUARANTEE FUND	---	13,800,000	13,800,000	13,800,000	13,800,000	13,800,000	M
Total, Health Care Financing Administration:							
Federal funds	115,524,223,000	135,878,226,000	135,888,226,000	136,082,312,000	136,072,312,000	135,875,512,000	
Current year, FY 1993	(98,424,223,000)	(111,278,226,000)	(111,288,226,000)	(111,482,312,000)	(111,472,312,000)	(111,472,312,000)	
New advance, 1st quarter, FY 1994	(17,100,000,000)	(24,600,000,000)	(24,600,000,000)	(24,600,000,000)	(24,600,000,000)	(24,403,200,000)	
Trust funds	(2,266,723,000)	(2,006,389,000)	(1,985,497,000)	(2,165,062,000)	(2,179,900,000)	(2,162,462,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final	Mand Disc
SOCIAL SECURITY ADMINISTRATION							
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS	40,968,000	35,242,000	35,242,000	35,242,000	35,242,000	35,242,000	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS							
Benefit payments	822,302,000	794,362,000	794,362,000	794,362,000	794,362,000	794,362,000	M
Administration	7,336,000	4,951,000	4,951,000	4,951,000	4,951,000	4,951,000	M
Subtotal, Black Lung, FY 1993 program level	829,638,000	799,313,000	799,313,000	799,313,000	799,313,000	799,313,000	
Less funds advanced in prior year	-203,000,000	-198,000,000	-198,000,000	-198,000,000	-198,000,000	-198,000,000	M
Total, Black Lung, current request, FY 1993	626,638,000	601,313,000	601,313,000	601,313,000	601,313,000	601,313,000	
New advance, 1st quarter, FY 1994	198,000,000	196,000,000	196,000,000	196,000,000	196,000,000	194,432,000	M
SUPPLEMENTAL SECURITY INCOME 1/							
Federal benefit payments	17,502,025,000	19,701,000,000	19,716,478,000	19,701,000,000	19,701,000,000	19,701,000,000	M
Beneficiary services	39,100,000	47,600,000	47,600,000	47,600,000	47,600,000	47,600,000	M
Research demonstration	14,000,000	6,700,000	12,700,000	12,700,000	12,700,000	12,700,000	M
Administration	1,321,391,000	1,488,357,000	1,457,995,000	1,461,864,000	1,488,357,000	1,476,450,000	D
Subtotal, SSI FY 1993 program level	18,876,516,000	21,243,657,000	21,234,773,000	21,223,164,000	21,249,657,000	21,237,750,000	
Less funds advanced in prior year	-3,550,000,000	-5,240,000,000	-5,240,000,000	-5,240,000,000	-5,240,000,000	-5,240,000,000	M
Total, SSI, current request, FY 1993	15,326,516,000	16,003,657,000	15,994,773,000	15,983,164,000	16,009,657,000	15,997,750,000	
New advance, 1st quarter, FY 1994	5,240,000,000	7,150,000,000	7,150,000,000	7,150,000,000	7,150,000,000	7,092,800,000	M

1/ FY93 request includes $34,000,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
LIMITATION ON ADMINISTRATIVE EXPENSES (Trust Funds) 1/	(3,914,239,000)	(4,069,985,000)	(4,035,374,000)	(4,040,677,000)	(4,069,985,000)	(4,037,425,000)	TF
Portion treated as budget authority	(636,217,000)	(629,157,000)	(616,776,000)	(619,162,000)	(629,157,000)	(624,124,000)	TF*
Subtotal, LAE operating level	(4,550,456,000)	(4,699,142,000)	(4,652,150,000)	(4,659,839,000)	(4,699,142,000)	(4,661,54	
(Contingency reserve) 2/	---	(40,205,000)	---	(8,040,000)	(160,820,000)	(159,5 ,000)	TF
Contingency reserve - budget authority 2/	---	(9,795,000)	---	(1,960,000)	(39,180,000)	(38,867,000)	TF*
Emergency allocation 3/	---	---	---	(500,000,000)	---	---	NA
Subtotal, LAE	(4,550,456,000)	(4,749,142,000)	(4,652,150,000)	(4,669,839,000)	(4,899,142,000)	(4,859,949,000)	
Total, Social Security Administration: Federal funds	21,432,122,000	23,986,212,000	23,977,328,000	23,965,719,000	23,992,212,000	23,921,537,000	
Current year FY 1993	(15,994,122,000)	(16,640,212,000)	(16,631,328,000)	(16,619,719,000)	(16,646,212,000)	(16,634,305,000)	
New advances, 1st quarter FY 1994	(5,438,000,000)	(7,346,000,000)	(7,346,000,000)	(7,346,000,000)	(7,346,000,000)	(7,287,232,000)	
Trust funds	(4,550,456,000)	(4,749,142,000)	(4,652,150,000)	(4,669,839,000)	(4,899,142,000)	(4,859,949,000)	

1/ President's request excludes $60 million in proposed user fees.

2/ 1992 conference agreement originally provided $100 million, which has been released by the Administration.

3/ Available only upon submission of a formal budget request designating the need for funds as an emergency as defined by the BEA.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
ADMINISTRATION FOR CHILDREN AND FAMILIES							
FAMILY SUPPORT PAYMENTS TO STATES 1/							
Aid to Families with Dependent Children (AFDC).....	12,242,122,000	12,283,878,000	12,283,878,000	12,453,000,000	12,453,000,000	12,453,000,000	M
Quality control liabilities.....	---	-6,500,000	-6,500,000	-6,500,000	-6,500,000	-6,500,000	M
Payments to territories.....	19,572,000	19,572,000	19,572,000	19,572,000	19,572,000	19,572,000	M
Emergency assistance.....	140,600,000	190,000,000	190,000,000	155,000,000	155,000,000	155,000,000	M
Repatriation.....	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	M
State and local welfare administration.....	1,369,000,000	1,483,000,000	1,483,000,000	1,537,000,000	1,537,000,000	1,537,0 ..	M
Work activities / child care.....	340,000,000	381,000,000	381,000,000	446,000,000	446,000,000	446,000,000	M
At risk child care.....	383,752,000	300,000,000	300,000,000	300,000,000	300,000,000	300,000,000	M
Subtotal, Welfare payments.....	14,496,046,000	14,651,950,000	14,651,950,000	14,905,072,000	14,905,072,000	14,905,072,000	
Child Support Enforcement:							
State and local administration.....	1,386,000,000	1,546,000,000	1,546,000,000	1,546,000,000	1,546,000,000	1,546,000,000	M
Federal incentive payments.....	329,000,000	367,000,000	367,000,000	367,000,000	367,000,000	367,000,000	M
Less federal share collections.....	-1,010,000,000	-1,123,000,000	-1,123,000,000	-1,123,000,000	-1,123,000,000	-1,123,000,000	M
Subtotal, Child support.....	705,000,000	790,000,000	790,000,000	790,000,000	790,000,000	790,000,000	
Total, Payments, FY 1993 program level.....	15,201,046,000	15,441,950,000	15,441,950,000	15,695,072,000	15,695,072,000	15,695,072,000	
Less funds advanced in previous years.....	-3,300,000,000	-4,000,000,000	-4,000,000,000	-4,000,000,000	-4,000,000,000	-4,000,000,000	M
Total, Payments, current request, FY 1993.....	11,901,046,000	11,441,950,000	11,441,950,000	11,695,072,000	11,695,072,000	11,695,072,000	
New advance, 1st quarter, FY 1994.....	4,000,000,000	4,000,000,000	4,000,000,000	4,000,000,000	4,000,000,000	3,968,000,000	M

1/ FY93 request includes $169,100,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
PAYMENTS TO STATES FOR AFDC WORK PROGRAMS	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	M	
LOW INCOME HOME ENERGY ASSISTANCE								
Regular program	1,094,393,000	266,250,000	891,000,000	669,185,000	669,185,000	663,832,000	D	
Additional appropriation 9/30	405,607,000	798,750,000	---	687,720,000	687,720,000	682,218,000	D	
Emergency allocation 1/	(300,000,000)	---	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	NA	
Subtotal, current year	1,500,000,000	1,065,000,000	891,000,000	1,356,905,000	1,356,905,000	1,346,050,000		
Advance funding (FY 1994)	---	---	---	1,449,000,000	1,449,000,000	1,437,408,000	D	
Total, Energy assistance programs	1,500,000,000	1,065,000,000	891,000,000	2,805,905,000	2,805,905,000	2,783,458,000		
Total including emergency	(1,800,000,000)	(1,065,000,000)	(1,491,000,000)	(3,405,905,000)	(3,405,905,000)	(3,383,458,000)		
REFUGEE AND ENTRANT ASSISTANCE 2/								
Transitional and medical services	---	---	---	---	247,793,000	245,811,000	D	UA
Cash and medical assistance	204,216,000	---	---	200,538,000	---	---	D	UA
Voluntary agency program	39,036,000	74,000,000	118,800,000	38,333,000	---	---	D	UA
Special medical assistance	---	20,000,000	49,500,000	---	---	---	D	UA
Unaccompanied minors	30,000,000	30,000,000	24,750,000	29,460,000	---	---	D	UA
Social services	82,952,000	63,000,000	84,150,000	81,458,000	81,458,000	80,806,000	D	UA
Preventive health	5,631,000	---	---	5,530,000	5,530,000	5,486,000	D	UA
Targeted assistance	48,795,000	40,000,000	44,550,000	49,795,000	49,795,000	49,397,000	D	UA
Total, Refugee Resettlement	410,630,000	227,000,000	321,750,000	405,114,000	384,576,000	381,500,000		

1/ Available only upon submission of a formal budget request designating the need for funds as an emergency as defined by the BEA.

2/ $116,616,000 of total available only on 9/30 in FY92, FY93 request and Senate recommendation. House action did not include delayed obligations. No delays in conference agreement.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
STATE LEGALIZATION IMPACT ASSISTANCE GRANTS 1/							
Current year	---	-823,345,000	-562,000,000	-973,345,000	-812,000,000	-812,000,000	D
Advance funding	---	823,345,000	562,000,000	973,345,000	812,000,000	805,504,000	D
COMMUNITY SERVICES BLOCK GRANT							
Grants to States for Community Services	360,000,000	---	351,450,000	380,000,000	375,000,000	372,000,000	D
Homeless services grants	25,000,000	---	12,375,000	24,550,000	20,000,000	19,840,000	D
Discretionary funds:							
Community economic development	22,000,000	---	15,840,000	21,604,000	20,900,000	20,733,000	D
Rural housing	4,099,000	---	2,029,000	5,300,000	5,000,000	4,960,000	D
Farmworker assistance	3,025,000	---	1,485,000	2,971,000	2,971,000	2,947,000	D
National youth sports	12,000,000	5,000,000	5,940,000	12,000,000	9,500,000	9,424,000	D
Technical assistance	244,000	---	121,000	240,000	230,000	228,000	D
Subtotal, discretionary funds	41,368,000	5,000,000	25,415,000	42,115,000	38,601,000	38,292,000	
Demonstration Partnerships	4,050,000	---	2,005,000	3,977,000	3,850,000	3,819,000	D
Community Food and Nutrition	7,000,000	---	3,465,000	7,000,000	7,000,000	6,944,000	D
Total, Community services	437,418,000	5,000,000	394,710,000	457,642,000	444,451,000	440,8[illegible],000	
GRANTS TO STATES FOR CHILD CARE							
Block grants to States	825,000,000	850,000,000	841,500,000	975,000,000	900,000,000	892,800,000	D
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	2,800,000,000	2,800,000,000	2,800,000,000	2,800,000,000	2,800,000,000	2,800,000,000	M

1/ FY92 bill delayed availability of $1,123,245,619 from FY92 to FY93.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
CHILDREN AND FAMILIES SERVICES PROGRAMS								
Programs for Children, Youth, and Families:								
Head start:								
Regular grants	2,201,800,000	2,801,800,000	2,720,322,000	2,801,800,000	2,801,800,000	2,779,386,000	D	
Comprehensive child development centers	44,398,000	44,398,000	47,419,000	47,419,000	47,419,000	47,040,000	D	
Child development associate scholarships	1,397,000	1,397,000	1,383,000	1,383,000	1,383,000	1,372,000	D	
Runaway and homeless youth	35,751,000	---	35,393,000	35,751,000	35,393,000	35,110,000	D	UA
Runaway youth - transitional living	12,000,000	---	11,880,000	12,000,000	11,880,000	11,785,000	D	UA
Runaway youth activities - drugs	15,286,000	---	15,133,000	15,011,000	15,011,000	14,891,000	D	
Consolidated runaway program	---	63,037,000	---	---	---	---	D	
Youth gang substance abuse	10,943,000	10,943,000	10,834,000	10,943,000	10,834,000	10,747,000	D	
Child abuse state grants	20,518,000	20,518,000	20,313,000	20,518,000	20,518,000	20,354,000	D	
Child abuse discretionary activities	14,639,000	16,639,000	16,473,000	16,639,000	16,473,000	16,341,000	D	
Child abuse challenge grants	5,367,000	5,367,000	5,313,000	5,367,000	5,313,000	5,270,000	D	
Temporary childcare/crisis nurseries	11,055,000	12,160,000	12,038,000	12,160,000	12,038,000	11,942,000	D	
Abandoned infants assistance	12,557,000	13,810,000	13,672,000	13,810,000	13,672,000	13,563,000	D	
Dependent care planning and development	13,175,000	---	13,043,000	13,043,000	13,043,000	12,939,000	D	
Emergency protection grants - substance abuse	19,518,000	19,518,000	19,323,000	19,323,000	19,323,000	19,168,000	D	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Child welfare services	273,911,000	273,911,000	297,000,000	297,000,000	297,000,000	294,624,000	D
Child welfare training	3,559,000	5,559,000	5,503,000	4,477,000	4,477,000	4,441,000	D
Child welfare research	6,652,000	8,652,000	8,565,000	6,532,000	6,532,000	6,480,000	D
Adoption opportunities	12,687,000	12,687,000	12,560,000	12,560,000	12,560,000	12,460,000	D
Family violence	20,000,000	20,000,000	19,800,000	25,000,000	25,000,000	24,800,000	D
Social services research	16,379,000	14,879,000	9,780,000	14,400,000	14,400,000	14,285,000	D
Family support centers	5,500,000	---	6,930,000	7,000,000	6,930,000	6,875,000	D
Family resource centers	---	---	4,950,000	4,000,000	4,950,000	4,910,000	D
Developmental disabilities program:							
State grants	67,706,000	67,706,000	67,029,000	68,800,000	67,915,000	67,372,000	D
Protection and advocacy	22,500,000	22,500,000	22,275,000	23,100,000	22,688,000	22,506,000	D
Developmental disabilities special projects	3,248,000	3,248,000	3,216,000	3,248,000	3,216,000	3,190,000	D
Developmental disabilities university affiliated programs	16,030,000	16,030,000	15,870,000	16,640,000	16,255,000	16,125,000	D
Subtotal, Developmental disabilities	109,484,000	109,484,000	108,390,000	111,788,000	110,074,000	109,193,000	
Native American Programs	34,126,000	34,126,000	33,785,000	35,000,000	35,000,000	34,720,000	D
Program direction	150,931,000	155,735,000	152,460,000	152,460,000	152,460,000	151,240,000	D
Total, Children and Families Services Programs	3,051,633,000	3,644,620,000	3,602,262,000	3,695,384,000	3,693,483,000	3,663,936,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE							
Foster care	2,223,668,000	2,677,343,000	2,677,343,000	2,610,050,000	2,610,050,000	2,610,050,000	M
Adoption assistance	201,861,000	241,325,000	241,325,000	243,964,000	243,964,000	243,964,000	M
Independent living	70,000,000	70,000,000	70,000,000	70,000,000	70,000,000	70,000,000	M
Prior year claims	118,476,000	---	---	---	---	---	M
Total, Payments to States	2,614,005,000	2,988,668,000	2,988,668,000	2,924,014,000	2,924,014,000	2,924,014,000	
Total, Administration for Children and Families	28,539,732,000	28,022,238,000	28,281,840,000	30,758,131,000	30,647,501,000	30,543,179,000	
Current year	(24,539,732,000)	(23,198,893,000)	(23,719,840,000)	(24,335,786,000)	(24,386,501,000)	(24,332,267,000)	
FY 1994	(4,000,000,000)	(4,823,345,000)	(4,562,000,000)	(6,422,345,000)	(6,261,000,000)	(6,210,912,000)	
ADMINISTRATION ON AGING							
AGING SERVICES PROGRAMS							
Grants to States:							
Supportive services and centers	316,238,000	317,000,000	313,830,000	317,000,000	316,238,000	313,708,000	D
Ombudsman services	3,930,000	3,940,000	3,901,000	3,940,000	3,901,000	3,870,000	D
Prevention of elder abuse	4,416,000	4,427,000	4,383,000	4,427,000	4,383,000	4,348,000	D
Nutrition:							
Congregate meals	366,067,000	367,000,000	363,330,000	369,000,000	366,165,000	363,236,000	D
Home-delivered meals	89,603,000	89,831,000	88,933,000	91,831,000	90,382,000	89,659,000	D
Frail elderly in-home services	6,898,000	6,916,000	6,847,000	7,416,000	7,132,000	7,075,000	D
Grants to Indians	15,086,000	15,124,000	14,973,000	15,491,000	15,232,000	15,110,000	D
Aging research, training and special projects	25,941,000	25,941,000	25,682,000	25,239,000	26,182,000	25,973,000	D
Federal Council on Aging	181,000	181,000	179,000	179,000	179,000	178,000	D
White House Conference on Aging	2,000,000	4,000,000	---	---	---	---	D
Program administration	16,237,000	16,333,000	16,170,000	16,170,000	16,170,000	16,041,000	D
Rescission of delayed obligations	-125,000	---	---	---	---	---	D
Total, Administration on Aging	846,472,000	850,693,000	838,228,000	850,693,000	845,964,000	839,198,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
OFFICE OF THE SECRETARY 1/							
GENERAL DEPARTMENTAL MANAGEMENT:							
Federal funds	66,718,000	67,226,000	66,554,000	67,093,000	67,093,000	66,556,000	D
Office of General Counsel	23,854,000	26,133,000	24,605,000	25,000,000	25,000,000	24,800,000	D
Trust funds	(3,832,000)	(3,696,000)	(3,659,000)	(3,629,000)	(3,629,000)	(3,600,000)	TF
Office of General Counsel	(18,954,000)	(18,987,000)	(18,764,000)	(18,645,000)	(18,645,000)	(18,496,000)	TF
Portion treated as budget authority	(1,074,000)	(1,333,000)	(1,063,000)	(1,309,000)	(1,309,000)	(1,299,000)	TF*
Office of General Counsel	(6,834,000)	(6,845,000)	(6,766,000)	(6,722,000)	(6,722,000)	(6,668,000)	TF*
Total, General Departmental Management:							
Federal funds	90,572,000	93,359,000	91,159,000	92,093,000	92,093,000	91,356,000	
Trust funds	(30,694,000)	(30,861,000)	(30,252,000)	(30,305,000)	(30,305,000)	(30,063,000)	
Total	(121,266,000)	(124,220,000)	(121,411,000)	(122,398,000)	(122,398,000)	(121,419,000)	
OFFICE OF THE INSPECTOR GENERAL:							
Federal funds	57,526,000	57,496,000	61,901,000	61,496,000	64,973,000	64,453,000	D
Trust funds	(16,363,000)	(21,874,000)	(16,199,000)	(20,158,000)	(16,199,000)	(16,069,000)	TF
Portion treated as budget authority	(21,038,000)	(29,114,000)	(20,828,000)	(26,830,000)	(20,828,000)	(20,661,000)	TF*
Total, Office of the Inspector General:							
Federal funds	57,526,000	57,496,000	61,901,000	61,496,000	64,973,000	64,453,000	
Trust funds	(37,401,000)	(50,988,000)	(37,027,000)	(46,988,000)	(37,027,000)	(36,730,000)	
Total	(94,927,000)	(108,484,000)	(98,928,000)	(108,484,000)	(102,000,000)	(101,183,000)	

1/ FY93 request includes $5,000,000 in legislative additions proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
OFFICE FOR CIVIL RIGHTS:							
Federal funds	18,323,000	19,389,000	18,635,000	18,635,000	18,635,000	18,486,000	D
Trust funds	(99,000)	(99,000)	(98,000)	(98,000)	(98,000)	(97,000)	TF
Portion treated as budget authority	(3,858,000)	(3,901,000)	(3,819,000)	(3,819,000)	(3,819,000)	(3,788,000)	TF*
Total, Office for Civil Rights:							
Federal funds	18,323,000	19,389,000	18,635,000	18,635,000	18,635,000	18,486,000	
Trust funds	(3,957,000)	(4,000,000)	(3,917,000)	(3,917,000)	(3,917,000)	(3,885,000)	
Total	(22,280,000)	(23,389,000)	(22,552,000)	(22,552,000)	(22,552,000)	(22,371,000)	
POLICY RESEARCH	5,012,000	5,224,000	8,415,000	8,263,000	8,263,000	8,197,000	D
Total, Office of the Secretary:							
Federal funds	171,433,000	175,468,000	180,110,000	180,487,000	183,964,000	182,492,000	
Trust funds	(72,052,000)	(85,849,000)	(71,196,000)	(81,210,000)	(71,249,000)	(70,678,000)	
Total	(243,485,000)	(261,317,000)	(251,306,000)	(261,697,000)	(255,213,000)	(253,170,000)	
Undistributed salaries and expenses reduction	---	---	---	-140,000,000	-110,000,000	-110,000,000	D
Health and Human Services attrition	---	---	---	-115,360,000	---	---	D
Total, Department of Health and Human Services:							
Federal Funds	182,914,610,000	206,120,270,000	206,023,598,000	208,748,736,000	208,909,032,000	208,393,575,000	
Current year FY 1993	(156,376,610,000)	(169,250,925,000)	(169,515,598,000)	(170,380,391,000)	(170,702,032,000)	(170,492,231,000)	
FY 1994	(26,538,000,000)	(36,869,345,000)	(36,508,000,000)	(38,368,345,000)	(38,207,000,000)	(37,901,344,000)	
Trust funds	(6,895,123,000)	(6,879,153,000)	(6,714,676,000)	(6,921,944,000)	(7,156,124,000)	(7,098,875,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
TITLE III - DEPARTMENT OF EDUCATION								
COMPENSATORY EDUCATION FOR THE DISADVANTAGED								
Grants for the Disadvantaged (Chapter 1):								
Grants to local educational agencies:								
Basic grants	5,524,310,000	5,525,000,000	5,469,750,000	5,518,000,000	5,493,875,000	5,449,924,000	D	
Concentration grants	609,930,000	710,000,000	702,900,000	660,000,000	681,450,000	675,998,000	D	
Subtotal, grants to LEA's	6,134,240,000	6,235,000,000	6,172,650,000	6,178,000,000	6,175,325,000	6,125,922,000		
Capital expenses for private school children	40,054,000	40,054,000	39,653,000	40,054,000	40,054,000	39,734,000	D	
Even start	70,000,000	90,000,000	89,100,000	90,000,000	90,000,000	89,280,000	D	
State agency programs:								
Migrant	308,298,000	308,298,000	305,215,000	308,298,000	305,215,000	302,773,000	D	
Neglected and delinquent	36,054,000	36,054,000	35,693,000	36,054,000	35,693,000	35,407,000	D	
State administration	61,820,000	61,820,000	61,202,000	61,820,000	61,202,000	60,712,000	D	
State program improvement grants	25,125,000	31,406,000	26,142,000	26,142,000	26,142,000	25,933,000	D	
Evaluation and technical assistance 1/	15,088,000	15,000,000	14,850,000	15,000,000	14,850,000	14,731,000	D	
Rural technical assistance centers 1/	5,000,000	---	4,950,000	5,000,000	5,000,000	4,960,000	D	
Total, Chapter 1	6,695,679,000	6,817,632,000	6,749,455,000	6,760,368,000	6,753,481,000	6,699,452,000		
Migrant education:								
High school equivalency program 1/	8,310,000	8,310,000	8,227,000	8,310,000	8,227,000	8,161,000	D	UA
College assistance migrant program 1/	2,265,000	2,265,000	2,242,000	2,265,000	2,242,000	2,224,000	D	UA
Subtotal, migrant education	10,575,000	10,575,000	10,469,000	10,575,000	10,469,000	10,385,000		
Total, Compensatory Education programs	6,706,254,000	6,828,207,000	6,759,924,000	6,770,943,000	6,763,950,000	6,709,837,000		
Subtotal, forward funded	(6,675,591,000)	(6,802,632,000)	(6,729,655,000)	(6,740,368,000)	(6,733,631,000)	(6,679,761,000)		

1/ Current funded.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
IMPACT AID							
Maintenance and operations:							
Payments for ''a'' children:							
Regular payments	570,540,000	489,540,000	566,767,000	576,540,000	571,654,000	567,081,000	D
3(d)(2)(B) districts	18,000,000	16,000,000	17,820,000	18,000,000	17,820,000	17,677,000	D
Subtotal	588,540,000	505,540,000	584,587,000	594,540,000	589,474,000	584,758,000	
Payments for ''b'' children:							
Regular payments	124,626,000	---	123,380,000	124,626,000	124,626,000	123,629,000	D
3(d)(2)(B) districts	12,000,000	---	11,880,000	12,000,000	11,880,000	11,785,000	D
Subtotal	136,626,000	---	135,260,000	136,626,000	136,506,000	135,414,000	
Payments for Federal property (Section 2)	16,590,000	16,590,000	16,424,000	16,590,000	16,424,000	16,293,000	D
Payments related to decreased activity (Sec. 3e)	1,952,000	---	---	1,800,000	1,800,000	1,786,000	D
Subtotal	743,708,000	522,130,000	736,271,000	749,556,000	744,204,000	738,251,000	
Construction	27,990,000	10,000,000	27,710,000	10,000,000	12,000,000	11,904,000	D
Undistributed	---	---	---	-1,800,000	---	---	D
Total, Impact aid	771,698,000	532,130,000	763,981,000	757,756,000	756,204,000	750,155,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand/Disc	
SCHOOL IMPROVEMENT PROGRAMS								
Educational improvement (Chapter 2):								
State and Local Programs:								
State block grants 1/	450,000,000	450,000,000	445,500,000	439,000,000	439,000,000	435,488,000	D	
National programs:								
Inexpensive book distribution (RIF)	10,000,000	10,320,000	9,900,000	10,320,000	10,110,000	10,029,000	D	
Arts in education	8,600,000	4,900,000	4,851,000	8,000,000	7,000,000	6,944,000	D	
Law - related education	6,000,000	---	5,940,000	6,000,000	6,000,000	5,952,000	D	
Subtotal, National programs	24,600,000	15,220,000	20,691,000	24,320,000	23,110,000	22,925,000		
Total, Chapter 2	474,600,000	465,220,000	466,191,000	463,320,000	462,110,000	458,413,000		
Drug-free schools and communities:								
State grants 1/	507,663,000	507,663,000	502,586,000	507,663,000	502,586,000	498,565,000	D	
School personnel training	23,863,000	13,863,000	13,724,000	13,863,000	13,724,000	13,614,000	D	
National programs	62,133,000	72,133,000	71,412,000	62,133,000	62,133,000	61,636,000	D	
Emergency grants	30,304,000	25,000,000	24,750,000	25,000,000	24,750,000	24,552,000	D	
Emergency grants, unauthorized	---	35,304,000	---	---	---	---	D	UA
Subtotal, drug-free schools	623,963,000	653,963,000	612,472,000	608,659,000	603,193,000	598,367,000		
Weed and Seed	---	56,000,000	---	---	---	---	D	

1/ Forward funded.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Strengthening teaching and administration:								
Eisenhower mathematics and science education State grants 1/	240,000,000	248,000,000	245,520,000	248,000,000	248,000,000	246,016,000	D	
Christa McAuliffe fellowships	2,000,000	2,064,000	1,980,000	2,000,000	1,980,000	1,964,000	D	UA
Other school improvement programs:								
Magnet schools, desegregation program	110,000,000	110,000,000	108,900,000	110,000,000	108,900,000	108,0 ,000	D	
Education for homeless children & youth 1/	25,000,000	25,000,000	29,700,000	25,000,000	25,000,000	24,800,000	D	
Women's educational equity	500,000	---	1,980,000	2,000,000	2,000,000	1,984,000	D	
Training and advisory services (Civil Rights IV-A)	22,000,000	22,000,000	21,780,000	22,000,000	21,780,000	21,606,000	D	
Dropout prevention demonstrations	40,000,000	38,200,000	37,818,000	38,200,000	38,009,000	37,705,000	D	
General assistance to the Virgin Islands	4,500,000	---	2,475,000	3,000,000	2,475,000	2,455,000	D	
Ellender fellowships/Close up 1/	4,300,000	---	4,257,000	4,300,000	4,257,000	4,223,000	D	
Follow through	8,632,000	---	8,546,000	8,632,000	8,546,000	8,478,000	D	
Native Hawaiian Education	6,400,000	---	6,336,000	6,500,000	6,500,000	6,448,000	D	
Foreign Languages Assistance 1/	10,000,000	---	9,900,000	12,000,000	11,000,000	10,912,000	D	
Subtotal, other school improvement programs	231,332,000	195,200,000	231,692,000	231,632,000	228,467,000	226,640,000		
Total, School improvement programs	1,571,895,000	1,620,447,000	1,557,855,000	1,553,611,000	1,543,750,000	1,531,400,000		
Subtotal, forward funded	(1,236,963,000)	(1,230,663,000)	(1,237,463,000)	(1,235,963,000)	(1,229,843,000)	(1,220,004,000)		

1/ Forward funded.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
EDUCATIONAL EXCELLENCE / AMERICA 2000							
America 2000 legislation 1/	99,115,000	267,500,000	---	---	---	---	D
School Choice Grants, new legislation	---	500,000,000	---	---	---	---	D
Total, Educational excellence	99,115,000	767,500,000	---	---	---	---	
BILINGUAL AND IMMIGRANT EDUCATION							
Bilingual education:							
Bilingual programs	147,407,000	156,085,000	154,524,000	147,407,000	150,966,000	149,758,000	D
Support services	12,000,000	11,200,000	11,088,000	11,088,000	11,088,000	10,999,000	D
Training grants	36,000,000	36,360,000	35,996,000	35,996,000	35,996,000	35,708,000	D
Immigrant education	30,000,000	30,000,000	29,700,000	29,700,000	29,700,000	29,462,000	D
Total	225,407,000	233,645,000	231,308,000	224,191,000	227,750,000	225,927,000	

1/ FY 1992 funds reprogrammed for Pell shortfall and urban initiative.

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CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SPECIAL EDUCATION							
State grants:							
EHA grants to States part ''b''.....	1,976,095,000	2,073,300,000	2,052,567,000	2,086,000,000	2,069,284,000	2,052,730,000	D
Chapter 1 handicapped grants.....	143,000,000	128,700,000	127,413,000	127,413,000	127,413,000	126,394,000	D
Preschool grants.....	320,000,000	320,000,000	316,800,000	340,000,000	328,400,000	325,773,000	D
Grants for infants and families.....	175,000,000	180,600,000	178,794,000	235,000,000	215,000,000	213,280,000	D
Subtotal, State grants.....	2,614,095,000	2,702,600,000	2,675,574,000	2,788,413,000	2,740,097,000	2,718,177,000	
Special purpose funds:							
Deaf-blindness.....	13,000,000	13,000,000	12,870,000	13,000,000	12,935,000	12,832,000	D
Severe disabilities.....	8,000,000	8,000,000	9,405,000	9,405,000	9,405,000	9,330,000	D
Serious emotional disturbance.....	4,000,000	4,000,000	3,960,000	4,400,000	4,180,000	4,147,000	D
Secondary and transitional services.....	19,000,000	19,000,000	21,285,000	23,000,000	22,143,000	21,966,000	D
Early childhood education.....	25,000,000	25,000,000	25,740,000	25,000,000	25,370,000	25,167,000	D
Postsecondary education.....	9,000,000	9,000,000	8,910,000	10,000,000	8,910,000	8,8[illegible]	D
Innovation and development.....	21,000,000	21,000,000	20,790,000	21,000,000	20,895,000	20,7[illegible],000	D
Media and captioning services.....	17,000,000	17,000,000	17,572,000	18,500,000	18,036,000	17,892,000	D
Technology applications.....	10,000,000	10,000,000	9,900,000	12,000,000	10,950,000	10,862,000	D
Special studies.....	4,000,000	4,000,000	3,960,000	4,000,000	3,980,000	3,948,000	D
Personnel development.....	89,800,000	89,800,000	88,902,000	93,000,000	90,951,000	90,223,000	D
Parent training.....	12,000,000	12,000,000	11,880,000	14,500,000	12,500,000	12,400,000	D
Clearinghouses.....	2,000,000	2,000,000	2,079,000	2,279,000	2,179,000	2,162,000	D
Regional resource centers.....	7,000,000	7,000,000	7,276,000	7,276,000	7,276,000	7,218,000	D
Subtotal, Special purpose funds.....	240,800,000	240,800,000	244,529,000	257,360,000	249,710,000	247,714,000	
Total, Special education.....	2,854,895,000	2,943,400,000	2,920,103,000	3,045,773,000	2,989,807,000	2,965,891,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
REHABILITATION SERVICES AND DISABILITY RESEARCH								
Vocational rehabilitation State grants:								
Grants to States	1,788,000,000	1,839,852,000	1,839,852,000	1,888,000,000	1,880,000,000	1,864,960,000	M	
Supported employment State grants	31,065,000	32,059,000	31,065,000	34,000,000	32,533,000	32,273,000	M	UA
Client assistance	9,141,000	9,434,000	9,141,000	9,600,000	9,371,000	9,296,000	M	UA
Subtotal, State grants	1,828,206,000	1,881,345,000	1,880,058,000	1,931,600,000	1,921,904,000	1,906,529,000		
Special purpose funds:								
Special demonstration programs	31,103,000	20,103,000	20,103,000	20,103,000	20,103,000	19,942,000	M	UA
Supported employment projects	10,423,000	10,980,000	10,423,000	10,980,000	10,702,000	10,616,000	M	UA
Recreational programs	2,617,000	2,617,000	2,617,000	2,617,000	2,617,000	2,596,000	M	UA
Migratory workers	1,060,000	1,300,000	1,060,000	1,300,000	1,180,000	1,171,000	M	UA
Projects with industry	20,390,000	23,100,000	20,390,000	23,100,000	21,745,000	21,571,000	M	UA
Helen Keller National Center	5,867,000	6,057,000	5,867,000	6,867,000	6,617,000	6,564,000	M	UA
Independent living:								
Comprehensive services	14,200,000	14,654,000	14,200,000	15,500,000	15,500,000	15,376,000	M	UA
Centers	29,000,000	29,000,000	29,000,000	31,700,000	31,700,000	31,446,000	M	UA
Services for older blind	6,505,000	6,505,000	6,505,000	7,000,000	7,000,000	6,944,000	M	UA
Protection & advocacy for severely disabled	1,074,000	1,074,000	1,074,000	2,500,000	2,500,000	2,4[illegible]	M	UA
Subtotal, Independent living	50,779,000	51,233,000	50,779,000	56,700,000	56,700,000	56,2[illegible],000		
Training	36,688,000	36,688,000	36,688,000	41,000,000	40,000,000	39,680,000	M	UA
National Institute on Disability & Rehabilitation Research	61,000,000	68,440,000	61,000,000	68,440,000	68,000,000	67,456,000	M	UA
Technology assistance	28,000,000	34,400,000	34,400,000	34,400,000	34,400,000	34,125,000	M	
Evaluation	1,025,000	2,000,000	2,000,000	2,000,000	2,000,000	1,984,000	M	
Subtotal, Special purpose funds	248,952,000	256,918,000	245,327,000	267,507,000	264,064,000	261,951,000		
Total, Rehabilitation services	2,077,158,000	2,138,263,000	2,125,385,000	2,199,107,000	2,185,968,000	2,168,480,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES								
AMERICAN PRINTING HOUSE FOR THE BLIND	5,900,000	6,349,000	6,286,000	6,349,000	6,349,000	6,298,000	D	
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:								
Operations	39,097,000	40,348,000	38,706,000	40,348,000	40,348,000	40,025,000	D	UA
Endowment grant	342,000	342,000	339,000	339,000	339,000	336,000	D	UA
Construction	---	314,000	---	354,000	354,000	351,000	D	UA
Subtotal	39,439,000	41,004,000	39,045,000	41,041,000	41,041,000	40,712,000		
GALLAUDET UNIVERSITY:								
University programs	50,480,000	51,468,000	49,975,000	51,468,000	51,468,000	51,056,000	D	UA
Kendall Elementary/Model Secondary Schools	22,560,000	23,282,000	22,334,000	23,282,000	23,282,000	23,096,000	D	UA
Endowment grant	1,000,000	1,000,000	990,000	990,000	990,000	982,000	D	UA
Construction	2,500,000	2,500,000	2,475,000	2,475,000	2,475,000	2,455,000	D	UA
Subtotal	76,540,000	78,250,000	75,774,000	78,215,000	78,215,000	77,589,000		
Total, Special Institutions for Disabled	121,879,000	125,603,000	121,105,000	125,605,000	125,605,000	124,599,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
VOCATIONAL AND ADULT EDUCATION							
Vocational and Applied education:							
Basic grants	949,750,000	990,500,000	980,595,000	990,500,000	980,595,000	972,750,000	D
Community - based organizations	12,000,000	12,000,000	11,880,000	11,880,000	11,880,000	11,785,000	D
Consumer and homemaking education	35,000,000	---	34,650,000	36,500,000	35,000,000	34,720,000	D
Tech Prep	90,000,000	100,000,000	120,285,000	100,000,000	105,000,000	104,160,000	D
Supplementary grants, equipment	9,950,000	---	---	---	---	---	D
Tribally controlled post-secondary vocational institutions 1/	2,500,000	2,500,000	2,970,000	2,970,000	2,970,000	2,946,000	D
State councils	9,000,000	9,000,000	8,910,000	9,000,000	9,000,000	8,928,000	D
National programs:							
Research	10,000,000	11,500,000	11,385,000	10,000,000	10,000,000	9,920,000	D
Technical assistance, sec. 404 (d)	2,000,000	---	---	---	---	---	D
Demonstrations	13,000,000	13,000,000	15,840,000	16,840,000	16,840,000	16,705,000	D
Data systems (NOICC/SOICC)	5,000,000	5,000,000	9,900,000	5,000,000	5,000,000	4,960,000	D
Subtotal, national programs	30,000,000	29,500,000	37,125,000	31,840,000	31,840,000	31,585,000	
Bilingual vocational training	3,000,000	---	2,970,000	2,970,000	2,970,000	2,946,000	D
Subtotal, Vocational & Applied tech. education	1,141,200,000	1,143,500,000	1,199,385,000	1,185,660,000	1,179,255,000	1,169,820,000	

1/ Current funded

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Adult education:							
State Programs	235,750,000	260,750,000	258,142,000	256,677,000	256,677,000	254,624,000	D
National programs	9,000,000	9,000,000	8,910,000	8,910,000	8,910,000	8,839,000	D
Literacy training for homeless adults	9,759,000	9,759,000	9,661,000	9,661,000	9,661,000	9,584,000	D
Workplace literacy partnerships	19,251,000	19,251,000	19,058,000	19,058,000	19,058,000	18,906,000	D
English literacy grants	1,000,000	---	990,000	---	---	---	D
Commercial driver literacy	2,500,000	---	---	---	---	---	D
State literacy resource centers	5,000,000	5,000,000	7,920,000	7,920,000	7,920,000	7,857,000	D
Literacy programs for prisoners	5,000,000	---	4,950,000	4,950,000	4,950,000	4,910,000	D
Subtotal, adult education	287,260,000	303,760,000	309,631,000	307,176,000	307,176,000	304,720,000	
Total, Vocational and adult education	1,428,460,000	1,447,260,000	1,509,016,000	1,492,836,000	1,486,431,000	1,474,540,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
STUDENT FINANCIAL ASSISTANCE							
Pell Grants: Academic year 1993 - 1994	5,459,690,000	6,305,464,000	6,067,710,000	5,900,000,000	5,989,130,000	5,941,217,000	D
DOD transfer for Desert Storm	3,165,000	---	---	---	---	---	D
Advance appropriation (FY93 - FY95)	9,495,000	---	---	---	---	---	D
Legislative savings	---	---	-185,130,000	-185,130,000	-185,130,000	-183,649,000	D
Subtotal, current year	5,472,350,000	6,305,464,000	5,882,580,000	5,714,870,000	5,804,000,000	5,757,568,000	
Pell Grants: Academic year 91-92 shortfall	---	332,173,000	703,890,000	242,058,000	242,058,000	240,122,000	D
Subtotal, Pell Grants	5,472,350,000	6,637,637,000	6,586,470,000	5,956,928,000	6,046,058,000	5,997,690,000	
Presidential Achievement Scholarships	---	170,000,000	---	---	---	---	D
Supplemental educational opportunity grants	577,000,000	358,000,000	571,230,000	602,000,000	590,000,000	585,280,000	D
Work-study	615,000,000	454,000,000	608,850,000	635,000,000	621,925,000	616,950,000	D
Income contingent loans	4,880,000	5,000,000	---	---	---	---	D
Perkins loans:							
Federal capital contributions	156,000,000	---	248,490,000	144,000,000	170,000,000	168,640,000	D
Loan cancellations	---	15,000,000	14,850,000	15,000,000	15,000,000	14,880,000	D
Subtotal, Perkins loans	156,000,000	15,000,000	263,340,000	159,000,000	185,000,000	183,520,000	
State student incentive grants	72,000,000	---	71,280,000	75,000,000	73,140,000	72,555,000	D
Grants to states to improve licensure	---	50,000,000	---	---	---	---	D
Total, Student Financial Assistance	6,897,230,000	7,689,637,000	8,101,170,000	7,427,928,000	7,516,123,000	7,455,995,000	
Current year FY 1993	(6,887,735,000)	(7,689,637,000)	(8,101,170,000)	(7,427,928,000)	(7,516,123,000)	(7,455,995,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
GUARANTEED STUDENT LOANS (LIQUIDATING)							
Contract authority to liquidate pre-1992 loan subsidies 1/	(2,135,830,000)	(3,050,930,000)	(3,050,930,000)	(3,050,930,000)	(3,050,930,000)	(3,050,930,000)	NA
Appropriation, including shortfalls (non-add) 2/	(4,220,459,000)	---	---	---	---	---	NA
GUARANTEED STUDENT LOANS PROGRAM							
Federal Family Education Loans:							
New loan subsidies (contract authority)	2,436,467,000	2,862,761,000	2,862,761,000	2,862,761,000	2,862,761,000	2,862,761,000	M
Mandatory admin expenses (contract authority)	203,345,000	67,397,000	67,397,000	67,397,000	67,397,000	67,397,000	M
Total	2,639,812,000	2,930,158,000	2,930,158,000	2,930,158,000	2,930,158,000	2,930,158,000	
GSL LOAN ADMINISTRATION	43,870,000	65,000,000	64,350,000	63,000,000	63,000,000	62,496,000	D
FEDERAL DIRECT LOANS							
Federal administration	---	---	---	(10,000,000)	(10,000,000)	(10,000,000)	NA

1/ Includes $266,365,000 of FY92 legislative savings proposed for later transmittal.

2/ Excludes Dept. of Defense transfer of $5,933,000 in FY92 and $2,262,000 in FY93.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
HIGHER EDUCATION							
Aid for institutional development:							
Strengthening institutions	87,831,000	87,831,000	86,953,000	86,953,000	86,953,000	86,257,000	D
Strengthening historically black colleges & univ..	100,000,000	100,000,000	99,000,000	99,000,000	99,000,000	98,208,000	D
Strengthening historically black grad institutions	11,711,000	11,711,000	11,594,000	11,594,000	11,594,000	11,501,000	D
Endowment grants, regular	7,500,000	7,500,000	7,425,000	7,425,000	7,425,000	7,366,000	D
Endowment grants, new proposal	---	10,000,000	---	---	---	---	D
Subtotal, Institutional development	207,042,000	217,042,000	204,972,000	204,972,000	204,972,000	203,332,000	
Program development:							
Fund for the Improvement of Postsec. Education	15,000,000	16,000,000	14,850,000	20,000,000	27,000,000	26,784,000	D
Minority science improvement	6,000,000	6,000,000	5,940,000	5,940,000	5,940,000	5,892,000	D
Innovative projects:							
Community services	1,463,000	6,830,000	1,448,000	1,448,000	1,448,000	1,436,000	D
Student Literacy Corps	5,367,000	---	5,313,000	5,313,000	5,313,000	5,270,000	D
Subtotal, Innovative projects	6,830,000	6,830,000	6,761,000	6,761,000	6,761,000	6,706,000	
International educ & foreign language studies:							
Domestic programs	33,980,000	34,000,000	33,640,000	36,000,000	35,820,000	35,533,000	D
Overseas programs	6,000,000	6,000,000	10,890,000	10,890,000	5,890,000	5,843,000	D
Subtotal, International education	39,980,000	40,000,000	44,530,000	46,890,000	41,710,000	41,376,000	
Cooperative education	14,000,000	14,000,000	13,860,000	13,860,000	13,860,000	13,749,000	D
Law school clinical experience	8,000,000	---	7,920,000	10,000,000	10,000,000	9,920,000	D
Urban Community Service	8,000,000	---	7,920,000	10,000,000	9,500,000	9,424,000	D
Foreign language periodicals	500,000	---	990,000	990,000	990,000	982,000	D
Subtotal, Program development	98,310,000	82,830,000	102,771,000	114,441,000	115,761,000	114,833,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Construction:							
Interest subsidy grants, prior year construction..	19,412,000	18,840,000	18,652,000	18,840,000	18,840,000	18,689,000	D
Special grants:							
Assistance to Guam.....	500,000	---	---	400,000	400,000	397,000	D
Robert A. Taft Institute.....	550,000	325,000	322,000	322,000	322,000	319,000	D
Magnuson Endowment.....	2,000,000	---	---	---	---	---	D
Bethune-Cookman.....	300,000	---	---	---	---	---	D
Subtotal, Special grants.....	3,350,000	325,000	322,000	722,000	722,000	716,000	
Aid for students:							
Federal TRIO programs.....	385,149,000	397,404,000	381,297,000	401,404,000	391,351,000	388,220,000	D
McNair graduate outreach (proposed legislat'n)....	---	15,553,000	---	---	---	---	D
Undergraduate scholarships:							
Byrd honors scholarships.....	9,642,000	9,642,000	9,546,000	9,546,000	9,546,000	9,470,000	D
National science scholars.....	4,500,000	15,000,000	12,177,000	4,500,000	4,500,000	4,464,000	D
National math/science scholars, new.....	---	---	2,178,000	---	2,178,000	2,161,000	D
Douglas teacher scholarships.....	15,000,000	15,000,000	14,850,000	14,850,000	14,850,000	14,731,000	D
Subtotal, Undergraduate scholarships.....	29,142,000	39,642,000	38,751,000	28,896,000	31,074,000	30,826,000	
Graduate fellowships:							
Harris graduate fellowships.....	20,800,000	---	20,592,000	20,592,000	20,592,000	20,427,000	D
Javits fellowships.....	8,000,000	---	7,920,000	7,920,000	7,920,000	7,857,000	D
Graduate assistance in areas of national need.....	28,000,000	---	27,720,000	27,720,000	27,720,000	27,498,000	D
Minority participation in graduate education.....	5,953,000	---	5,893,000	5,893,000	5,893,000	5,846,000	D
Foreign language & area studies fellowships VI	13,000,000	---	12,870,000	12,870,000	12,870,000	12,767,000	D
Proposed national graduate fellowships.....	---	74,800,000	---	---	---	---	D
Subtotal, Graduate fellowships.....	75,753,000	74,800,000	74,995,000	74,995,000	74,995,000	74,395,000	
Veterans' education outreach.....	2,700,000	---	2,673,000	---	---	---	D
Legal training for the disadvantaged (CLEO).....	3,045,000	3,045,000	3,015,000	3,015,000	3,015,000	2,991,000	D
School, college & university partnerships.....	4,000,000	4,000,000	3,960,000	3,960,000	3,960,000	3,928,000	D
Total, Higher education.....	827,903,000	853,481,000	831,408,000	851,245,000	844,690,000	837,930,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
HOWARD UNIVERSITY								
Academic program	153,515,000	158,427,000	151,980,000	151,980,000	151,980,000	150,7' ,000	D	
Endowment grant	2,928,000	5,000,000	3,378,000	3,378,000	3,378,000	3,351,000	D	UA
Research	4,616,000	4,616,000	4,570,000	4,570,000	4,570,000	4,533,000	D	
Howard University Hospital	28,301,000	29,207,000	28,915,000	29,207,000	29,207,000	28,973,000	D	
Emergency construction	23,000,000	---	6,435,000	---	6,435,000	6,384,000	D	
Total, Howard University	212,360,000	197,250,000	195,278,000	189,135,000	195,570,000	194,005,000		
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS (LIQUIDATING):								
Interest subsidy payments	(3,598,000)	(3,523,000)	(3,523,000)	(3,523,000)	(3,523,000)	(3,523,000)	NA	
COLLEGE HOUSING AND ACADEMIC FACILITIES PROGRAM:								
New loan subsidies	7,539,000	---	2,997,000	2,997,000	2,997,000	2,973,000	D	
Federal administration	556,000	740,000	733,000	733,000	733,000	727,000	D	
Loan limitation	(30,000,000)	---	(29,700,000)	(29,700,000)	(29,700,000)	(29,700,000)	NA	
Total, College Housing Program	8,095,000	740,000	3,730,000	3,730,000	3,730,000	3,700,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT								
Research and statistics:								
Research	71,000,000	115,000,000	70,290,000	74,695,000	74,695,000	74,097,000	D	UA
Statistics	47,313,000	63,600,000	62,964,000	38,707,000	49,300,000	48,906,000	D	
Assessment (NAEP)	29,900,000	64,800,000	29,601,000	29,900,000	29,601,000	29,364,000	D	
Subtotal, Research and statistics	148,213,000	243,400,000	162,855,000	143,302,000	153,596,000	152,3		
Fund for Innovation in Education	24,000,000	25,000,000	19,800,000	28,000,000	23,900,000	23,709,000	D	
Civic education	3,800,000	---	3,762,000	5,000,000	4,381,000	4,346,000	D	
Fund for the Improvement and Reform of Schools and Teaching:								
Grants for schools and teachers	5,495,000	5,495,000	5,440,000	5,440,000	5,440,000	5,396,000	D	
Family-school partnerships	3,755,000	3,755,000	3,717,000	3,717,000	3,717,000	3,687,000	D	
Eisenhower mathematics & science educ national program	16,000,000	56,000,000	15,840,000	16,250,000	16,000,000	15,872,000	D	
(Clearinghouse non-add)	(3,500,000)	(5,700,000)	(3,465,000)	(3,750,000)	(3,500,000)	(3,472,000)	NA	
Eisenhower math-science regional consortia	12,000,000	12,000,000	11,880,000	14,000,000	13,700,000	13,590,000	D	
National Diffusion Network	14,700,000	14,700,000	14,553,000	15,000,000	14,700,000	14,582,000	D	
Blue ribbon schools	885,000	895,000	886,000	886,000	886,000	879,000	D	
Javits gifted and talented students education	9,732,000	9,732,000	9,635,000	9,732,000	9,684,000	9,607,000	D	
Star schools	18,412,000	18,417,000	18,228,000	25,400,000	23,000,000	22,816,000	D	
Educational partnerships	4,233,000	4,233,000	4,191,000	4,191,000	4,191,000	4,157,000	D	
Territorial teacher training	1,769,000	1,769,000	1,751,000	1,751,000	1,751,000	1,737,000	D	
Leadership in educational administration (LEAD)	370,000	---	---	---	---	---	D	UA
National writing project	2,500,000	---	2,475,000	4,000,000	3,238,000	3,212,000	D	
Partnerships for innovative teacher education	---	20,000,000	---	---	---	---	D	UA
Subtotal, ASRI	265,864,000	415,396,000	275,013,000	276,669,000	278,184,000	275,957,000		
National board for professional teacher standards	4,880,000	---	4,831,000	4,880,000	4,831,000	4,792,000	D	UA
Total, ERSI	270,744,000	415,396,000	279,844,000	281,549,000	283,015,000	280,749,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
LIBRARIES							
Public libraries: Services	83,898,000	35,000,000	83,059,000	83,898,000	83,898,000	83,227,000	D
Construction	16,718,000	---	16,551,000	16,718,000	16,718,000	16,584,000	D
Interlibrary cooperation	19,908,000	---	19,709,000	19,908,000	19,908,000	19,749,000	D
Research and demonstrations	325,000	---	322,000	2,825,000	2,825,000	2,802,000	D
Library career training 1/	5,000,000	---	4,950,000	5,000,000	5,000,000	4,960,000	D
Research libraries	5,855,000	---	5,796,000	5,855,000	5,855,000	5,808,000	D
Library literacy programs	8,163,000	---	8,081,000	8,163,000	8,163,000	8,098,000	D
College library technology	6,404,000	---	6,340,000	3,904,000	3,904,000	3,8	D
Foreign language materials (Title V-LSCA)	976,000	---	966,000	976,000	976,000	968,000	D
Total, Libraries	147,247,000	35,000,000	145,774,000	147,247,000	147,247,000	146,069,000	
DEPARTMENTAL MANAGEMENT							
PROGRAM ADMINISTRATION	291,527,000	325,000,000	305,799,000	305,799,000	307,799,000	305,337,000	D
OFFICE FOR CIVIL RIGHTS, SALARIES AND EXPENSES	53,625,000	61,400,000	56,857,000	56,857,000	56,857,000	56,402,000	D
OFFICE OF THE INSPECTOR GENERAL, SALARIES AND EXPENSES	26,260,000	31,700,000	28,652,000	31,700,000	29,500,000	29,264,000	D
Total, Departmental management	371,412,000	418,100,000	391,308,000	394,356,000	394,156,000	391,003,000	
Education attrition	---	---	---	-5,000,000	---	---	D
Total, Department of Education	27,275,434,000	29,241,217,000	28,931,697,000	28,453,170,000	28,457,154,000	28,252,934,000	
Current year FY 1993	(27,265,939,000)	(29,241,217,000)	(28,931,697,000)	(28,453,170,000)	(28,457,154,000)	(28,252,934,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	
Total including Guaranteed Student Loans	(29,411,264,000)	(32,292,147,000)	(31,082,627,000)	(31,504,100,000)	(31,508,084,000)	(31,303,864,000)	

1/ Training funds requested under Higher Education.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
TITLE IV - RELATED AGENCIES							
Action (Domestic Programs):							
Volunteers in Service to America:							
VISTA operations	32,688,000	35,822,000	34,947,000	34,947,000	34,947,000	34,667,000	D
VISTA Literacy Corps	4,776,000	5,204,000	5,049,000	5,049,000	5,049,000	5,009,000	D
Student Community Service	976,000	976,000	966,000	966,000	966,000	958,000	D
Subtotal	38,440,000	42,002,000	40,962,000	40,962,000	40,962,000	40,634,000	
Special Volunteer Programs:							
Drug programs	1,225,000	1,225,000	990,000	990,000	990,000	982,000	D
Older Americans Volunteer Programs:							
Foster Grandparents Program	65,590,000	65,590,000	65,063,000	65,590,000	65,327,000	64,804,000	D
Senior Companion Program	28,727,000	28,727,000	28,571,000	31,000,000	29,786,000	29,548,000	D
Retired Senior Volunteer Program	34,128,000	34,128,000	33,787,000	34,128,000	33,958,000	33,686,000	D
Subtotal, Older Volunteers	128,445,000	128,445,000	127,421,000	130,718,000	129,071,000	128,038,000	
Inspector General	954,000	1,020,000	944,000	1,020,000	944,000	936,000	D
Program Support	29,528,000	32,445,000	31,185,000	31,185,000	31,185,000	30,936,000	D
Total, Action	198,592,000	205,137,000	201,502,000	204,875,000	203,152,000	201,526,000	
Corporation for Public Broadcasting: FY95 (current request) 1/	275,000,000	275,000,000	272,250,000	310,000,000	295,000,000	292,640,000	D

1/ FY 1992 approp. adv. in FY90 is $327,280,000.
FY 1993 approp. adv. in FY91 is $318,636,000.
FY 1994 approp. adv. in FY92 is $275,000,000.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Federal Mediation and Conciliation Service	28,118,000	29,594,000	30,195,000	30,195,000	30,195,000	29,953,000	D	
Federal Mine Safety and Health Review Commission	5,143,000	5,830,000	5,772,000	5,772,000	5,772,000	5,726,000	D	
National Commission on Acquired Immune Deficiency Syndrome	1,750,000	3,000,000	1,732,000	2,542,000	1,750,000	1,736,000	D	
National Commission on Children	950,000	---	---	---	---	---	D	UA
National Commission on Libraries and Information Science	831,000	1,000,000	590,000	982,000	896,000	889,000	D	
White House Conference on Library and Information Services	---	---	400,000	400,000	400,000	397,000	D	
National Commission on Responsibilities for Financing Postsecondary Education	---	236,000	208,000	---	208,000	206,000	D	
National Commission to Prevent Infant Mortality	440,000	440,000	---	450,000	450,000	446,000	D	UA
National Council on Disability	1,569,000	1,800,000	1,553,000	1,768,000	1,553,000	1,541,000	D	UA
National Labor Relations Board	162,000,000	172,905,000	171,176,000	171,176,000	171,176,000	169,807,000	D	
National Mediation Board	6,775,000	7,950,000	7,870,000	7,870,000	7,870,000	7,807,000	D	
Occupational Safety and Health Review Commission	6,711,000	7,241,000	7,169,000	7,169,000	7,169,000	7,112,000	D	
Physician Payment Review Commission (trust funds)	(4,398,000)	(4,496,000)	(4,451,000)	(4,451,000)	(4,451,000)	(4,415,000)	TF*	
Prospective Payment Assessment Commission (trust funds)	(4,030,000)	(4,463,000)	(4,418,000)	(4,418,000)	(4,418,000)	(4,383,000)	TF*	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Railroad Retirement Board:								
Dual benefits payments account	319,100,000	297,000,000	294,030,000	294,030,000	294,030,000	294,030,000	D	
Contingency reserve (non-add)	---	(5,940,000)	(5,881,000)	(5,881,000)	(5,881,000)	(5,881,000)	NA	
Less income tax receipts on dual benefits	-18,000,000	-22,000,000	-22,000,000	-22,000,000	-22,000,000	-22,000,000	D	
Subtotal, dual benefits	301,100,000	275,000,000	272,030,000	272,030,000	272,030,000	272,030,000		
Federal payment to the Railroad Retirement Account	400,000	100,000	100,000	100,000	100,000	100,000	M	
Limitation on administration:								
(Retirement)	(72,287,000)	(76,911,000)	(75,240,000)	(75,240,000)	(75,240,000)	(74,638,000)	TF*	
(Unemployment)	(17,263,000)	(17,689,000)	(17,325,000)	(17,325,000)	(17,325,000)	(17,186,000)	TF*	
Subtotal, administration	(89,550,000)	(94,600,000)	(92,565,000)	(92,565,000)	(92,565,000)	(91,824,000)		
(Special Management Improvement Fund)	(3,264,000)	(3,758,000)	(3,720,000)	(3,720,000)	(3,720,000)	(3,690,000)	TF*	
Total, limitation on administration	(92,814,000)	(98,358,000)	(96,285,000)	(96,285,000)	(96,285,000)	(95,514,000)		
(Inspector General)	(6,395,000)	(6,900,000)	(5,544,000)	(6,900,000)	(6,900,000)	(6,845,000)	TF*	
Soldiers' and Airmen's Home (trust fund limitation):								
Operation and maintenance	41,352,000	43,236,000	40,938,000	42,457,000	42,457,000	42,117,000	D	UA
Capital outlay	4,220,000	7,174,000	4,178,000	6,000,000	6,000,000	5,952,000	D	UA
United States Institute of Peace	11,000,000	11,000,000	10,890,000	11,000,000	11,000,000	10,912,000	D	
United States Naval Home (trust fund limitation):								
Operation and maintenance	10,055,000	11,070,000	9,954,000	10,862,000	10,862,000	10,775,000	D	UA
Capital program	1,253,000	477,000	472,000	477,000	477,000	473,000	D	UA
Total, Title IV, Related Agencies:								
Federal Funds (all years)	1,057,259,000	1,058,190,000	1,038,979,000	1,086,125,000	1,068,517,000	1,062,145,000		
Current year, FY 1993	(782,259,000)	(783,190,000)	(766,729,000)	(776,125,000)	(773,517,000)	(769,505,000)		
FY 1995	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)		
Trust funds	(107,637,000)	(114,217,000)	(110,698,000)	(112,054,000)	(112,054,000)	(111,1[illegible]		
GENERAL PROVISION								
BILL-WIDE CONSULTANT SAVINGS	---	---	---	-13,500,000	-13,500,000	-13,500,000	D	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SUMMARY							
Title I - Department of Labor:							
Federal Funds	7,518,049,000	7,999,614,000	8,084,255,000	8,179,924,000	8,089,242,000	8,041,414,000	
Current year	(7,330,349,000)	(7,811,914,000)	(8,084,255,000)	(7,992,444,000)	(8,089,242,000)	(8,041,414,000)	
1994 advance	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust Funds	(3,470,127,000)	(3,502,967,000)	(3,523,603,000)	(3,495,792,000)	(3,490,596,000)	(3,462,671,000)	
Title II - Department of Health and Human Services:							
Federal Funds	182,914,610,000	206,120,270,000	206,023,598,000	208,748,736,000	208,909,032,000	208,393,575,000	
Current year	(156,376,610,000)	(169,250,925,000)	(169,515,598,000)	(170,380,391,000)	(170,702,032,000)	(170,492,231,000)	
1994 advance	(26,538,000,000)	(36,869,345,000)	(36,508,000,000)	(38,368,345,000)	(38,207,000,000)	(37,901,344,000)	
Trust Funds	(6,895,123,000)	(6,879,153,000)	(6,714,676,000)	(6,921,944,000)	(7,156,124,000)	(7,098,875,000)	
Title III - Department of Education:							
Federal Funds	27,275,434,000	29,241,217,000	28,931,697,000	28,453,170,000	28,457,154,000	28,252,934,000	
Current year	(27,265,939,000)	(29,241,217,000)	(28,931,697,000)	(28,453,170,000)	(28,457,154,000)	(28,252,934,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	
Total including Guaranteed Student Loans	(29,411,264,000)	(32,292,147,000)	(31,982,627,000)	(31,504,100,000)	(31,508,084,000)	(31,303,864,000)	
Title IV - Related Agencies:							
Federal Funds	1,057,259,000	1,058,190,000	1,038,979,000	1,086,125,000	1,068,517,000	1,062,145,000	
Current year	(782,259,000)	(783,190,000)	(766,729,000)	(776,125,000)	(773,517,000)	(769,505,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(107,637,000)	(114,217,000)	(110,698,000)	(112,054,000)	(112,054,000)	(111,157,000)	
Bill-wide consultant savings	---	---	---	-13,500,000	-13,500,000	-13,500,000	
Total, all titles:							
Federal Funds	218,765,352,000	244,419,291,000	244,078,529,000	246,454,455,000	246,510,445,000	245,736,568,000	
Current year	(191,755,157,000)	(207,087,246,000)	(207,298,279,000)	(207,588,630,000)	(208,008,445,000)	(207,542,584,000)	
1993 - 1995 advance	(9,495,000)	---	---	---	---	---	
1994 advance	(26,725,700,000)	(37,057,045,000)	(36,508,000,000)	(38,555,825,000)	(38,207,000,000)	(37,901,344,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(10,472,887,000)	(10,496,337,000)	(10,348,977,000)	(10,529,790,000)	(10,758,774,000)	(10,672,703,000)	

WILLIAM H. NATCHER,
NEAL SMITH,
DAVID R. OBEY,
EDWARD R. ROYBAL,
LOUIS STOKES,
JOSEPH D. EARLY,
STENY H. HOYER,
ROBERT J. MRAZEK,
JAMIE L. WHITTEN,
CARL D. PURSELL,
JOHN EDWARD PORTER,
BILL YOUNG,
VIN WEBER,
JOSEPH M. MCDADE,
Managers on the Part of the House.

TOM HARKIN,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
BROCK ADAMS,
KENT CONRAD,
ARLEN SPECTER,
MARK O. HATFIELD,
TED STEVENS,
WARREN RUDMAN,
THAD COCHRAN,
PHIL GRAMM,
SLADE GORTON,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Lipinski (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WELDON) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 60 minutes, today.

Mr. BARRETT, for 60 minutes, on October 2, 3, and 4.

Mr. DREIER of California, for 60 minutes on October 4, 5, 6, and 7.

Mr. MOORHEAD, for 60 minutes on October 3, 4, 5, and 6.

Mr. SANTORUM, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, on October 2.

(The following Members (at the request of Mr. HUGHES) to revise and extend their remarks and include extraneous material:)

Mr. FASCELL, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, on October 2, 3, 4, and 5.

Mr. ALEXANDER, for 60 minutes today, and on October 2, 3, 4, 5, and 6.

Mr. CUNNINGHAM, at his own request, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PETRI, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $7,972.

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. BUNNING.
Mr. BROOMFIELD.
Mr. MARTIN.
Mr. VANDER JAGT.
Mr. LAGOMARSINO in four instances.
Mr. SAXTON.
Mr. DUNCAN in two instances.
Mr. HASTERT.
Ms. MOLINARI.
Mr. LIVINGSTON.
Mr. MILLER of Ohio in six instances.
Mr. BURTON of Indiana in two instances.
Mr. LENT.
Mr. BEREUTER.
Mr. PURSELL.
Mr. LEWIS of California.
Mr. CRANE in two instances.
Mr. OXLEY.
Mr. GRADISON.
Mr. COX.
Mr. MACHTLEY.
Mr. BLILEY.
Mr. GOODLING.
Mrs. ROUKEMA.
Mr. FISH.

(The following Members (at the request of Mr. HUGHES) and to include extraneous matter:)

Mr. TORRICELLI.
Mr. EDWARDS of California.
Mr. ROEMER.
Mr. SABO.
Mr. LANTOS in three instances.
Ms. PELOSI.
Mr. FASCELL in five instances.
Mr. MCDERMOTT.
Mr. CONYERS.
Mr. CLAY.
Mr. MAVROULES.
Mr. MAZZOLI.
Mr. CLEMENT in 10 instances.
Ms. LONG.
Mr. CARDIN.
Ms. HORN.
Mr. STALLINGS.
Mr. CARR.
Mr. FAZIO.
Mr. MRAZEK.
Mr. LEHMAN of Florida.

(The following Members (at the request of Mr. HUGHES) and to include extraneous matter:)

Mr. BERMAN.
Mr. JOHNSON of South Dakota.
Mr. KOSTMAYER.
Mr. JACOBS.
Mr. DINGELL.
Mr. KENNEDY.
Mr. ECKART.
Mrs. COLLINS of Illinois.
Mr. KANJORSKI.
Mr. SAWYER.
Mr. AUCOIN.
Mr. FORD of Michigan.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2044. An act to assist Native Americans in assuring the survival and continuing vitality of their languages; to the Committee on Education and Labor.

S. 2679. An act to promote the recovery of Hawaii tropical forests, and for other purposes; to the Committee on Agriculture.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

On October 1, 1992:

H.R. 5503. An act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5679. An act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes.

On September 30, 1992:

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior;

H.R. 2967. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes;

H.R. 5428. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5630. An act to amend the Head Start Act to expand services provided by Head Start Programs; to expand the authority of the Secretary of Health and Human Services to reduce the amount of matching funds required to be provided by particular Head Start agencies; to authorize the purchase of Head Start facilities; and for other purposes;

H.J. Res. 553. Joint resolution making continuing appropriations for the fiscal year 1993, and for other purposes;

H.R. 5058. An act to authorize appropriations for the American Folklife Center for fiscal year 1993; and

H.R. 5399. An act to amend the United States Commission on Civil Rights Act of 1983 to provide an authorization of appropriations.

On September 25, 1992:

H.R. 5517. An act making appropriations for the government of the District of Colum-

bia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5373. An act making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 2194. An act to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities;

H.R. 2850. An act to make technical and conforming changes in title 5, United States Code, and the Federal Employees Pay Comparability Act of 1990, and for other purposes;

H.R. 3654. An act to provide for the minting of commemorative coins to support the 1996 Atlanta Centennial Olympic Games and the programs of the United States Olympic Committee, to reauthorize and reform the United States Mint, and for other purposes; and

H.R. 5126. An act to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes) under its previous order, the House adjourned until Friday, October 2, 1992, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4342. A letter from the Comptroller of the Department of Defense, transmitting a report pursuant to section 108 of Public Law 102–229; to the Committee on Appropriations.

4343. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notice that the Government of the Philippines has requested that the United States Government permit the use of foreign military financing for the sale, coassembly, and coproduction of the 78-foot fast patrol craft [PCF], pursuant to 22 U.S.C. 2791(b); to the Committee on Foreign Affairs.

4344. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in August 1992, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

4345. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4346. A letter from the Secretary of Energy; transmitting the sixth in a series of annual reports prepared for the Congress entitled "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1991," pursuant to section 5(d)(2)(E) of the Low-Level Radioactive Waste Policy Amendments Act of 1985; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record on September 30, 1992]

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 5572. A bill to designate May of each year as "Asian/Pacific American Heritage Month". (Rept. 102–957). Referred to the Committee of the Whole House on the State of the Union.

[Submitted October 1, 1992]

Mr. McCURDY: Committee of Conference. Conference report on H.R. 5095 (Rept. 102–963). Ordered to be printed.

Mr. FASCELL: Committee of Conference. Conference report on S. 2532 (Rept. 102–964). Ordered to be printed.

Mr. CONYERS: Committee on Government Operations. H.R. 5702. A bill to amend section 552b of title 5, United States Code, popularly known as the Government in the Sunshine Act, to ensure that all oral and written communications concerning a regulatory action are publicly disclosed and to authorize appropriations for the Office of Information and Regulatory Affairs of the Office of Management and Budget; with an amendment (Rept. 102–965). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee of Conference. Conference Report on H.R. 5006 (Rept. 102–966). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 587. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. 102–967). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 588. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, and against the consideration of such conference report. (Rept. 102–968). Referred to the House Calendar.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 589. Resolution providing for consideration of the bill (S. 3144) to amend title 10, United States Code, to improve the health care system provided for members and former members of the Armed Forces and their dependents, and for other purposes (Rept. 102–969). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 590. Resolution providing for consideration of the bill (S. 1696) to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes (Rept. 102–970). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. H. Res. 591. Resolution waiving the requirement of clause 4(b), rule XI, against consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 102–971). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 1604. A bill to amend the National Cooperative Research Act of 1984 to reduce the liability for joint ventures entered into for the purpose of producing a product, process, or service (Rept. 102–972). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee of Conference. Conference report on H.R. 5482 (Rept. 102–973). Ordered to be printed.

Mr. NATCHER: Committee of Conference. Conference report on H.R. 5677 (Rept. 102–974). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

S. 1696. The Committee on Merchant Marine and Fisheries discharged from further consideration of S. 1696. S. 1696 referred to the Committee of the Whole House on the State of the Union. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WAXMAN (for himself and Mr. GEPHARDT):

H.R. 6076. A bill to amend the Social Security Act to assure universal access to long-term care in the United States, and for other purposes; jointly to the Committees on Ways and Means and Energy and Commerce.

By Mr. MILLER of Washington (for himself, Mr. WYDEN, Mr. McDERMOTT, Mr. MORRISON, Mr. DICKS, Mr. SWIFT, Mrs. UNSOELD, and Mr. CHANDLER):

H.R. 6077. A bill concerning U.S. participation in a Cascadia Corridor commission; to the Committee on Foreign Affairs.

By Mr. FOGLIETTA:

H.R. 6078. A bill to require any private shipyard competing for a contract with the Department of Defense for repair, alteration, overhaul, or conversion of a naval vessel to undergo a cost realism analysis of its bid to ensure that the work can be accomplished at the estimated cost in the bid; to the Committee on Armed Services.

By Mr. JENKINS (for himself and Mr. EDWARDS of California):

H.R. 6079. A bill to amend title 18, United States Code, and other provisions of law, to make them consistent with the Sentencing Reform Act of 1984; to the Committee on the Judiciary.

By Mr. DONNELLY (for himself and Mr. BERMAN):

H.R. 6080. A bill to amend the Internal Revenue Code of 1986 to establish an additional safe harbor under the leased employee rules, to provide for the registration of leasing organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. McDERMOTT:

H.R. 6081. A bill to amend the Public Health Service Act to provide for demonstration projects for the identification by health care providers of victims of domestic violence and sexual assault, to provide for the education of the public on the consequences to the public health of such violence and as-

sault, and to provide for epidemiological research on such violence and assault; to the Committee on Energy and Commerce.

By Mr. PAYNE of Virginia:

H.R. 6082. A bill to amend general note 3(a)(iv) of the Harmonized Tariff Schedule of the United States to deny special tariff treatment to goods of the Commonwealth of the Northern Mariana Islands unless certain conditions are met, to require the Secretary of Labor to assign a full-time resident compliance officer to the Commonwealth of the Northern Mariana Islands, and for other purposes; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. SHAW (for himself, Mrs. JOHNSON of Connecticut, and Mr. GRANDY):

H.R. 6083. A bill to authorize States to conduct demonstration projects to test the effectiveness of policies designed to help people leave welfare and increase their financial security, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, Education and Labor, Agriculture, Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. JACOBS:

H.J. Res. 557. Joint resolution proposing and amendment to the Constitution of the United States providing for direct popular elections of the President and the Vice President, establishing a day for elections for the offices of the President, the Vice President, Senator, and Representative, and providing for primaries to nominate candidates for the offices 1 month before the elections; to the Committee on the Judiciary.

H. Con. Res. 368. Concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5488); considered adopted pursuant to House Resolution 583.

By Mr. ARMEY:

H.R. 6084. A bill to amend certain program authorities of the Department of Housing and Urban Development for the purpose of promoting economic self-sufficiency for families residing in public housing and other families, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. AUCOIN:

H.R. 6085. A bill to direct the Secretary of Education to provide grants to establish training programs for teachers, to provide school to work transition services for elementary and secondary students, to establish job training programs for business and industry, and to establish job training courses at community colleges; to the Committee on Education and Labor.

By Mr. BRYANT:

H.R. 6086. A bill to establish civil and criminal penalties for the obstruction of lawful hunts conducted on Federal lands under the jurisdiction of the Secretary of Agriculture or Secretary of the Interior; jointly, to the Committees on the Judiciary, Interior and Insular Affairs, and Agriculture.

By Mr. HOAGLAND:

H.R. 6087. A bill to permit national banks, State member banks, and bank holding companies to establish subsidiaries which underwrite shares of and sponsor investment companies, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MYERS of Indiana:

H.R. 6088. A bill entitled the "Senior Citizen Capital Gain Rate Reduction Act of 1992"; to the Committee on Ways and Means.

By Mr. ORTON (for himself, Mr. COX of Illinois, Mr. BACCHUS, Mr. OWENS of Utah, Mr. RIGGS, and Mr. SWETT):

H.R. 6069. A bill to restructure the Federal budget process; jointly, to the Committees on Government Operations, Rules, Ways and Means, and Public Works and Transportation.

By Mr. PEASE:

H.R. 6090. A bill to prohibit the importation of goods produced abroad with child labor and for other purposes; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 6091. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, Banking, Finance and Urban Affairs, Armed Services, and Education and Labor.

By Mr. TORRES:

H. Con. Res. 369. Concurrent resolution expressing the sense of the Congress that the President should develop a strategy to bring the United States back into active and full membership in the U.N. Educational, Scientific, and Cultural Organization not later than July 1, 1993; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

517. By the SPEAKER: Memorial of the Senate of the State of California, relative to the 143d Evacuation Hospital; to the Committee on Armed Services.

518. Also, memorial of the Senate of the State of California, relative to the credit crunch; to the Committee on Banking, Finance and Urban Affairs.

519. Also, memorial of the Senate of the State of California, relative to Women, Infants, and Children Program; to the Committee on Education and Labor.

520. Also, memorial of the Senate of the State of California, relative to occupational safety and health; to the Committee on Education and Labor.

521. Also, memorial of the Senate of the State of California, relative to Federal job training programs; to the Committee on Education and Labor.

522. Also, memorial of the Senate of the State of California, relative to the Public Employment Program; to the Committee on Education and Labor.

523. Also, memorial of the Senate of the State of California, relative to breast cancer; to the Committee on Energy and Commerce.

524. Also, memorial of the Senate of the State of California, relative to authorization of multilateral action in Bosnia-Herzegovina under article 42 of the United Nations Charter; to the Committee on Foreign Affairs.

525. Also, memorial of the Senate of the State of California, relative to the Federal Gun Control Act of 1968; to the Committee on the Judiciary.

526. Also, memorial of the Senate of the State of California, relative to the compensation of Members of Congress; to the Committee on the Judiciary.

527. Also, memorial of the Senate of the State of California, relative to helicopter safety; to the Committee on Public Works and Transportation.

528. Also, memorial of the Senate of the Senate of the State of California, relative to public transit; to the Committee on Public Works and Transportation.

529. Also, memorial of the Senate of the State of California, relative to a tourist-oriented directional sign system for California highways; to the Committee on Public Works and Transportation.

530. Also, memorial of the Senate of the State of California, relative to a University of California manufacturing extension program; to the Committee on Science, Space, and Technology.

531. Also, memorial of the Senate of the State of California, relative to the establishment of a national testing center in California; to the Committee on Science, Space, and Technology.

532. Also, memorial of the Senate of the State of California, relative to the Martinez Veterans' Hospital; to the Committee on Veterans's Affairs.

533. Also, memorial of the Senate of the State of California relative to Federal Supplemental Security Income Program benefits; to the Committee on Ways and Means.

534. Also, memorial of the Senate of the State of California, relative to a forest health management plan; jointly, to the Committees on Interior and Insular affairs and Agriculture.

535. Also, memorial of the Senate of the State of California, relative to funding for the development of a high-speed train system in California; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

536. Also, memorial of the Senate of the State of California, relative to drift nets; jointly, to the Committees on Ways and Means and Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. ERDREICH.
H.R. 722: Mr. KOSTMAYER.
H.R. 723: Mr. KOSTMAYER.
H.R. 771: Mr. CAMPBELL of California.
H.R. 943: Mr. CAMPBELL of California.
H.R. 1245: Mr. CAMPBELL of California.
H.R. 1522: Mr. ANDREWS of Maine.
H.R. 2223: Mr. PALLONE, Ms. PELOSI, Mr. BROWN, and Mr. KOSTMAYER.
H.R. 2419: Mr. CARR.
H.R. 3137: Mr. ALLEN and Mr. CAMPBELL of California.
H.R. 3145: Mr. CAMPBELL of California.
H.R. 3217: Mr. COX of California.
H.R. 3253: Mr. FISH and Mr. SCHIFF.
H.R. 3429: Mr. MURPHY and Mr. SHAYS.
H.R. 3526: Mr. KILDEE, Mr. SOLARZ, and Mr. TORRICELLI.
H.R. 3602: Mr. PAYNE of Virginia.
H.R. 3982: Mr. OLVER.
H.R. 4304: Mr. SLATTERY.
H.R. 4490: Mr. ANDREWS of Maine.
H.R. 4501: Mr. CAMPBELL of California.
H.R. 4585: Mr. DARDEN, Mr. RAY, and Mr. KILDEE.
H.R. 4591: Mr. KOSTMAYER.
H.R. 4600: Mr. CAMPBELL of California.
H.R. 4601: Mr. CAMPBELL of California.
H.R. 4602: Mr. CAMPBELL of California.
H.R. 4604: Mr. CAMPBELL of California.
H.R. 4606: Mr. CAMPBELL of California.
H.R. 4836: Mr. CAMPBELL of California.
H.R. 5004: Mr. CHAPMAN.
H.R. 5020: Mr. DUNCAN, Mr. MARTIN, and Mr. SLATTERY.
H.R. 5153: Mr. ZELIFF.
H.R. 5196: Ms. OAKAR and Mr. SLATTERY.
H.R. 5264: Mr. HAYES of Illinois and Mr. WAXMAN.
H.R. 5282: Mr. ALLEN and Mr. CAMPBELL of California.
H.R. 5331: Mr. BOEHLERT and Mr. HAMILTON.
H.R. 5443: Mr. LEWIS of Florida and Mr. COX of California.

H.R. 5476: Mr. BEREUTER, Mrs. BYRON, Mr. DIXON, Mr. LIPINSKI, Mr. MARTINEZ, Mr. MILLER of Washington, Mr. SMITH of New Jersey, and Mr. SPENCE.

H.R. 5501: Mr. UPTON.

H.R. 5513: Mr. WELDON, Mr. GOSS, Mr. BATEMAN, and Mr. ALLEN.

H.R. 5550: Mr. ALLEN and Mr. CAMPBELL of California.

H.R. 5551: Mr. CAMPBELL of California.

H.R. 5553: Mr. ALLEN and Mr. CAMPBELL of California.

H.R. 5567: Mr. SKEEN, Mr. KLUG, Mr. WELDON, Mr. HANCOCK, Mr. ROE, and Mrs. MEYERS of Kansas.

H.R. 5663: Mr. ANDERSON, Mr. RAVENEL, and Ms. SNOWE.

H.R. 5690: Mr. PORTER, Mr. WALSH, and Mr. WELDON.

H.R. 5711: Mr. PICKETT.

H.R. 5729: Mr. SCHAEFER.

H.R. 5740: Mr. LUKEN and Mr. KENNEDY.

H.R. 5746: Mr. DEFAZIO, Mr. HASTERT, Mrs. VUCANOVICH, Mr. BOEHLERT, Ms. PELOSI, Mr. ROTH, Mr. LAFALCE, Mr. UPTON, Mr. RITTER, and Mr. NEAL of North Carolina.

H.R. 5786: Mrs. JOHNSON of Connecticut.

H.R. 5792: Mrs. MORELLA.

H.R. 5828: Mr. HASTERT, Mr. GINGRICH, Mr. NEAL of North Carolina, and Mr. ROWLAND.

H.R. 5842: Mr. ATKINS, Mr. ACKERMAN, Mr. ALEXANDER, Mr. APPLEGATE, Mr. AUCOIN, Mr. BARNARD, Mr. BERMAN, Mr. BILIRAKIS, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BROOKS, Mr. BROWN, Mr. BRYANT, Mrs. BYRON, Mr. BUSTAMANTE, Mr. CAMPBELL of California, Mr. CLINGER, Mr. COOPER, Mr. COX of Illinois, Mr. DANNEMEYER, Mr. DAVIS, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DICKS, Mr. DICKINSON, Mr. DOOLITTLE, Mr. DOWNEY, Mr. DUNCAN, Mr. EDWARDS of California, Mr. DONNELLY, Mr. ENGEL, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEKAS, Mr. GEREN of Texas, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GREEN of New York, Mr. HAMILTON, Mr. HANSEN, Mr. HASTERT, Mr. HATCHER, Mr. HAYES of Louisiana, Mr. HERTEL, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Mr. HOPKINS, Mr. HOYER, Mr. HUTTO, Mr. HYDE, Mr. JENKINS, Mr. JONES of Georgia, Mr. JONTZ, Mr. KANJORSKI, Mr. KASICH, Mrs. KENNELLY, Mr. KOLTER, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LOWERY of California, Mrs. LOWEY of New York, Mr. LUKEN, Ms. KAPTUR, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCDERMOTT, Mrs. MINK, Mr. MAZZOLI, Mr. MCEWEN, Mr. MILLER of California, Mr. MOORHEAD, Mr. MORAN, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. NOWAK, Mr. OBEY, Mr. ORTIZ, Mr. OWENS of Utah, Mr. OXLEY, Mr. PARKER, Mr. PASTOR, Mr. PEASE, Mr. PERKINS, Mr. PETERSON of Minnesota, Mr. PRICE, Mr. RINALDO, Mr. ROE, Mr. RUSSO, Mr. SANDERS, Mr. STARK, Mr. SKEEN, Mr. SCHIFF, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SMITH of Florida, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. SOLARZ, Mr. STAGGERS, Mr. STUDDS, Mr. SYNAR, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. THORNTON, Mr. TRAFICANT, Mr. TRAXLER, Mrs. UNSOELD, Mr. UPTON, Mr. VOLKMER, Mr. WALSH, Mr. WAXMAN, Mr. WISE, Mr. WOLPE, Mr. WYDEN, Mr. YATES, Mr. YATRON, Mr. YOUNG of Florida, Mrs. MORELLA, and Mr. RIGGS.

H.R. 5862: Ms. SLAUGHTER and Mr. ACKERMAN.

H.R. 5872: Mr. LAGOMARSINO, Mr. FROST, Mrs. MINK, Ms. DELAURO, Mr. MORAN, Mrs. BENTLEY, Mr. HORTON, Mr. HAMMERSCHMIDT, Mr. ANDREWS of Maine, Mr. BEVILL, Mr. APPLEGATE, Mr. RICHARDSON, Mr. ARCHER, Mr. BENNETT, Mr. CLEMENT, Mr. COLEMAN of Texas, Ms. HORN, Mr. ESPY, Mr. MONTGOMERY, Mr. BUSTAMANTE, Mr. SCHULZE, Mrs. UNSOELD, Mr. LEVINE of California, Mr. HERTEL, Mr. DYMALLY, Mr. MINETA, Mr. HYDE, Mr. JONTZ, Mr. BONIOR, Mr. BOUCHER, Mr. DONNELLY, Mr. DIXON, Mr. SKEEN, Mr. NATCHER, Mr. CONYERS, Mr. BROWN, and Mr. GUARINI.

H.R. 5946: Mr. HOBSON and Mr. PORTER.

H.R. 5947: Mr. BEREUTER and Mr. SENSENBRENNER.

H.R. 5997: Mr. DUNCAN.

H.R. 6003: Mrs. VUCANOVICH, Mr. GALLO, Mr. LIGHTFOOT, Mr. CRANE, and Mr. GALLEGLY.

H.R. 6039: Mr. FASCELL and Mr. ACKERMAN.

H.J. Res. 399: Mr. MONTGOMERY, Mr. SAVAGE, Mr. ANNUNZIO, Mr. PETERSON of Florida, Mr. COX of California, Mr. HANSEN, Mr. BLAZ, Mr. VANDER JAGT, Mr. RHODES, Mr. MOODY, Mr. HUNTER, Mr. HYDE, Mr. SOLARZ, Mr. CONYERS, Mr. STEARNS, Mr. ROE, Mr. TALLON, Mr. DONNELLY, Mr. KENNEDY, Mr. LENT, Mr. PURSELL, Mr. FALEOMAVAEGA, Mr. WOLF, Mr. HUTTO, Mr. PERKINS, Mr. RAVENEL, Mr. ACKERMAN, Mr. ECKART, Mr. MURPHY, Ms. MOLINARI, Mr. MARTIN, Mr. DAVIS, Mr. SISISKY, Mr. FASCELL, and Mr. DWYER of New Jersey.

H.J. Res. 450: Mrs. UNSOELD.

H.J. Res. 458: Mr. BRUCE, Mr. CHAPMAN, Mr. COYNE, Mr. DICKS, Mr. ECKART, Mr. HOAGLAND, Mr. KENNEDY, Mr. PALLONE, Ms. OAKAR, Mr. SISISKY, Mr. VISCLOSKY, Mr. FRANKS of Connecticut, Mr. HOUGHTON, and Mr. REGULA.

H.J. Res. 461: Mr. KENNEDY.

H.J. Res. 471: Mr. VALENTINE, Mr. WEISS, Mr. FAZIO, Ms. OAKAR, Ms. SLAUGHTER, Mr. HARRIS, Mr. MCCLOSKEY, Mr. ARCHER, Mr. JACOBS, Mr. BROWDER, Mr. MCDERMOTT, Mr. DORGAN of North Dakota, Mr. PASTOR, Mr. STALLINGS, Mr. MCNULTY, Mr. ROBERTS, Mr. MCEWEN, Mr. HALL of Ohio, Mr. LEACH, Mr. YATES, Mr. WALSH, Mr. CARPER, Mrs. MINK, Mr. HENRY, Mr. SLATTERY, Mrs. MEYERS of Kansas, Mr. HUBBARD, Mr. RANGEL, Mr. DEFAZIO, Mr. MARTIN, Mr. ACKERMAN, Mr. FEIGHAN, Mr. MOODY, Mr. RICHARDSON, Mr. CARDIN, Mr. TANNER, Mr. UPTON, Mr. FRANK of Massachusetts, Mr. GILMAN, Mr. PETERSON of Florida, Mr. PARKER, Mr. ROTH, and Mr. WISE.

H.J. Res. 474: Mr. LOWERY of California, Mr. MICHEL, Mr. MILLER of Ohio, Mr. VOLKMER, Mr. HOPKINS, Mr. STUMP, Mr. DELAY, Mr. LIVINGSTON, Mr. LIGHTFOOT, Mrs. MORELLA, Mr. PERKINS, Mr. GONZALEZ, Mr. BROWN, Mr. SLATTERY, Mr. GLICKMAN, Mr. SKEEN, Mr. THOMAS of California, Mr. HANSEN, Mr. YOUNG of Alaska, Mr. RIDGE, Mr. DORNAN of California, Mr. SAXTON, Mr. DOOLEY, Mr. BREWSTER, Mr. LEHMAN of California, Mr. LAROCCO, Mr. WOLF, Mr. IRELAND, Mr. BARRETT, Mr. BALLENGER, Mr. HOBSON, Mr. MCGRATH, Mr. SCHAEFER, Mr. SCHULZE, Mr. LENT, Mr. GILLMOR, Mr. MORRISON, Mr. MCEWEN, Mr. PURSELL, Mrs. JOHNSON of Connecticut, Mr. GALLO, Mr. MOORHEAD, Mr. LEWIS of California, Mr. ENGLISH, Mr. BATEMAN, Mr. CLINGER, Mr. BOEHLERT, Mr. ROGERS, Mr. RITTER, Mr. WYLIE, Mr. BILIRAKIS, and Mr. LEWIS of Florida.

H.J. Res. 479: Mrs. ROUKEMA, Mr. NATCHER, Mr. ZIMMER, Mr. BAKER, Mr. GALLO, Mr. BROOMFIELD, Mr. STENHOLM, Mr. REGULA, Mr. HUTTO, Mr. BLACKWELL, Mr. COLEMAN of Missouri, Mr. GEKAS, Mr. MANTON, Mr. BURTON of Indiana, Ms. HORN, Mr. MCCOLLUM, Mr. PACKARD, Mr. SUNDQUIST, and Mr. NICHOLS.

H.J. Res. 489: Mr. RITTER, Mr. ZIMMER, Mr. ANDREWS of New Jersey, Mr. SWETT, Mr. SKEEN, Mr. SAXTON, Mr. DELAY, Mr. LIGHTFOOT, Mr. MOODY, Mr. WHITTEN, Mr. LEHMAN of Florida, Mr. BRYANT, Mr. ALEXANDER, Mr. TORRICELLI, Mr. EDWARDS of California, Mr. BRUCE, Mr. STENHOLM, Mr. RAVENEL, Mr. DUNCAN, Mr. JEFFERSON, Mr. ENGEL, Mr. ROE, Mr. BREWSTER, Mr. RAY, Mr. ATKINS, Mr. FASCELL, Mrs. KENNELLY, Mr. LEVIN of Michigan, Mr. ANTHONY, Mr. VISCLOSKY, Mr. COBLE, Mr. SHARP, Mr. NEAL of North Carolina, Mr. MONTGOMERY, Mr. ANDREWS of Texas, Mr. CAMPBELL of Colorado, Mrs. BYRON, Mr. FLAKE, Mr. MCNULTY, Mr. NOWAK, Mr. GORDON, Mr. TOWNS, Mr. LAUGHLIN, Mr. ZELIFF, Mr. JOHNSON of Texas, Mr. PACKARD, Mr. OXLEY, Mr. DAVIS, and Mr. SKELTON.

H.J. Res. 495: Mr. HALL of Texas, Mr. SUNDQUIST, and Mr. SMITH of New Jersey.

H.J. Res. 530: Mr. RINALDO, Mr. ECKART, Mr. ESPY, Ms. OAKAR, Mr. BURTON of Indiana, Mr. JONTZ, Mr. MCDERMOTT, Mr. TRAFICANT, Mr. SWETT, Mr. RAHALL, Mr. HASTERT, Mr. ANDREWS of New Jersey, Mr. BROWDER, Mr. DE LUGO, Mr. DOOLITTLE, Mr. FORD of Tennessee, Mr. HUNTER, Mr. HYDE, Mr. MINETA, Mr. BILBRAY, Mr. SISISKY, Mr. LEWIS of Florida, Mr. JACOBS, Mr. BACCHUS, Mr. BATEMAN, Mr. SANDERS, Mr. WHEAT, Mr. SOLOMON, Mr. REED, Mr. RAVENEL, Mr. PERKINS, Mr. PAXON, Mr. LEVINE of California, Mr. MANTON, Mr. BUSTAMANTE, Mr. MCDADE, Mr. MCGRATH, Mrs. MEYERS of Kansas, Ms. LONG, Mr. ANDERSON, Mr. ERDREICH, Mr. BRYANT, Mr. MAVROULES, Mr. MONTGOMERY, Mr. SCHEUER, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. STALLINGS, Mr. TALLON, Mr. TANNER, Mr. WAXMAN, Mr. WYLIE, Mr. YATRON, Mr. SLATTERY, Mr. LOWERY of California, Mr. KASICH, Mr. COYNE, Mr. DORNAN of California, Mr. SOLARZ, Mr. SAWYER, Mr. WELDON, and Mr. OWENS of New York.

H.J. Res. 531: Mr. MOAKLEY, Mr. RHODES, Mr. MINETA, Mr. ORTIZ, Mr. PORTER, Ms. SNOWE, Mr. UPTON, Mr. JOHNSON of South Dakota, Mr. MCNULTY, Mr. SKEEN, and Mr. LEVINE of California.

H.J. Res. 532: Ms. DELAURO.

H.J. Res. 538: Mr. GINGRICH, Mr. MCDADE, Mr. COUGHLIN, Mr. BRUCE, Mr. ROWLAND, Mr. BRYANT, Mr. HYDE, Mr. RIDGE, Mr. REGULA, Mr. BURTON of Indiana, and Mr. ANTHONY.

H.J. Res. 540: Mr. HAMMERSCHMIDT and Mr. QUILLEN.

H.J. Res. 550: Mr. ASPIN, Mr. BLACKWELL, Mrs. BOXER, Mr. BROWDER, Mr. BROWN, Mr. BRUCE, Mr. CARPER, Mr. COLORADO, Mr. COYNE, Mr. DYMALLY, Mr. FAZIO, Mr. FROST, Mr. GEJDENSON, Mr. GEKAS, Mr. HALL of Texas, Mr. HAMILTON, Mr. HANSEN, Ms. HORN, Mr. HUTTO, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. MCGRATH, Mr. MARKEY, Mrs. MEYERS of Kansas, Mr. NAGLE, Mr. NATCHER, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, Mr. PRICE, Mr. QUILLEN, Mr. RANGEL, Mr. SANDERS, Mr. SCHEUER, Mr. SIKORSKI, Mr. SKEEN, Mr. SPRATT, Mr. STOKES, and Mr. YATRON.

H.J. Res. 552: Mr. DIXON, Mr. QUILLEN, Mr. MCMILLEN of Maryland, Mr. BACCHUS, Mr. HAYES of Illinois, Mr. BLACKWELL, Mr. RANGEL, Mr. FROST, Mr. ABERCROMBIE, and Mr. SKEEN.

H. Con. Res. 211: Mr. TOWNS.

H. Con. Res. 235: Mr. VISCLOSKY.

H. Con. Res. 344: Mr. JONTZ.

H. Res. 437: Mr. CAMPBELL of California.

H. Res. 470: Mr. MCNULTY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1354: Mr. CHANDLER.

EXTENSIONS OF REMARKS

SOCIAL SECURITY AND WILBUR D. MILLS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. JACOBS. Mr. Speaker, former Social Security actuary Bob Myers has written the following piece about former Ways and Means chairman Wilbur Mills. I thought my colleagues might be interested in reading it.

[From Contingencies, Sept./Oct. 1992]

SOCIAL SECURITY AND WILBUR D. MILLS

(By Robert J. Myers)

(This article was written in early 1977, when memories of the recent past were still fresh in my mind. But it was intentionally set aside to await publication at a later, suitable date. With the death of Wilbur D. Mills on May 2 of this year, it seems that that time has arrived.)

As a postscript, based on hindsight, several explanatory points are worth making. Most important, Mills, in the years after 1977, gave much of his time to working with Alcoholics Anonymous, to help others who had the same problems he had.

As to Social Security, I'm convinced that the 1977 legislative "solution"—which failed miserably in 5 years—would have been crafted much more skillfully, and probably satisfactorily, if Mills had been influential in the process. He certainly wouldn't have agreed to a financing strategy that did little more than let the plan just barely get by during its first few years—and then only if economic conditions were relatively good (unfortunately, though, they weren't). Why was the plan allowed to "skate on thin ice"? The reason is, by now, all too familiar: No politician wants his name linked with the "T" word: "taxes."

In March 1976, Congressman Wilbur D. Mills announced that he would not seek reelection after his current term of office expired. Thus came to a close a distinguished 38-year congressional career that is without parallel in the nation's history.

But history tends to remember only the most recent events in a person's record, and confine to oblivion his lifelong accomplishments. It is strange, and rather sad, that most people now associate Mills only with his illness (self-admitted alcoholism) in the early 1970s, rather than the many great achievements that preceded it.

MAINTAINING FINANCIAL SOUNDNESS OF SOCIAL SECURITY

Perhaps I am merely swayed by my own bias toward actuarial interests, but I believe that one of Chairman Mills' greatest contributions was his deep, continuing concern about the financial health of the Social Security program and the possible ramifications of any proposed changes. He scrupulously avoided the short-range view, whose sole aim is to make sure that sufficient funds are available—or at least until your term of office expires. Instead, Mills was deeply concerned about the situation over the decades, so that the benefit promises made to younger workers would be fulfilled.

Chairman Mills always insisted that, after any Social Security legislation was enacted, the system should be in close actuarial balance. This means that, over a lengthy period (such as 75 years), income from taxes and interest earnings of the trust fund would be sufficient to finance the disbursements for benefit payments and administrative expenses, according to the best possible actuarial cost estimates. In this respect, it is important to note that neither Chairman Mills nor any other politician ever attempted to have the actuarial cost estimates changed so as to support a particular political position.

There were many occasions, in Ways and Means and the conference committees, when Mills stood firm on the issue of either dropping proposed liberalizations (though they were well worth consideration) or else providing the necessary additional financing. This happened in the instance of the 1961 Amendments, when reduced early-retirement benefits at age 62 were first made available for men, as they had been for women in the 1956 Amendments.

As one element in the 1956 changes on behalf of women, the computation point for the benefit amounts was lowered from age 65 to 62; with this provision, the average wage would not be reduced because of the 3 years of zero earnings between the two ages for those who retired at age 62. But making the same change for men would have meant an increase in the long-range average cost of the program, amounting to 0.1% of taxable payroll and, therefore, an 0.1% increase in the combined employer-employee tax rate. Eventually, legislators concluded that this latter procedure was the worse of the two options, so unequal treatment by sex, in terms of benefits, emerged in the 1961 legislation.

It might seem strange at this point [that is, in 1977], since the estimated long-range actuarial imbalance in the Old-Age, Survivors, and Disability Insurance (OASDI) system is 8.0% of payroll that, in 1961, a tempest could arise over the minuscule difference of 0.1%. Although Mills realized there might be variations in long-range actuarial cost estimates, he was convinced that a precise yardstick of costs would have to be devised and adhered to, and that it was unwise to allow even the slightest "bending" of the "acceptable" limit of actuarial balance.

The 1972 Amendments provided a remedy for the problem of unequal treatment by sex—on a prospective basis, phased in gradually, so that everybody who reached age 62 in 1975 and after has had equal treatment. Financing provisions included in the legislation ensured adequate funding for the additional program cost involved.

At times, the Senate would vote for amendments to liberalize benefits, without the additional financing needed to pay for the benefit hikes. In joint conference committee, Mills was quick to point out the amendments' failure to include the requisite funding provisions: almost always, liberalization measures would be summarily dropped at that point.

Because of Mills' strong conviction that the Social Security system must be soundly financed over the long haul, the estimates for all the legislation of the 1950s, 60s, and early 70s were in close actuarial balance at the time of its enactment. What a vivid contrast with what's been happening over the last few years [the mid-1970s]: the trust funds' Board of Trustees has been reporting sizable actuarial imbalances for OASDI! The current [1977] estimate of the long-range deficiency, 8.0% of taxable payroll, represents a cost overrun, as compared with estimated income from scheduled taxes, of a little more than 70%, relatively speaking.

In the 3 years before 1977, these numbers were widely publicized, sometimes in pretty alarming terms. The only response from the Ways and Means Committee, at that time, was to hold hearings, before its Social Security Subcommittee. Although it isn't possible to second-guess history, I remain convinced that, if Mills had remained chairman of the committee, both the short- and long-range financing problems of OASDI (including the necessary rationalization of the benefit-computation method) would have been solved by now.

RATIONAL BENEFIT STRUCTURE UNDER OASDI

Over the years, even before he assumed the chairmanship of Ways and Means, Mills played a leading role in the development, and rounding out, of the protection provided by OASDI. He was deeply concerned about providing universal coverage and did all he could to achieve this objective as quickly as seemed feasible. He devised acceptable techniques for major categories of employees such as state and local government workers (and there were a raft of complicating factors in providing coverage to them); he focused as well on groups as obscure as employees in American Samoa and Guam.

Chairman Mills played a critical role in extending the program's benefits to include disability protection (in a sense, a premature retirement benefit). But when colleagues suggested that the program venture out into new areas of benefit coverage, he tended to favor gradualism, so that enough experience with a new species of coverage could accumulate to ensure that it would work out well over the long term. This explains why disability benefits, in the beginning, were only for people age 50 and over, and no dependents benefits were payable. As time went on, and the experience seemed to justify it, these limits were eliminated—under Chairman Mills' watchful eye.

Mills made certain that similar caution was observed in providing disability benefits to widows and widowers (with an age-50 limit, which is still on the books) and making Medicare benefits applicable to disabled beneficiaries (with a waiting period of 2 years on the roll before benefit protection is provided; this provision as well is still law).

EVOLUTION OF MEDICARE

Throughout the 1950s, there were many advocates for a program of hospital benefits for OASDI beneficiaries aged 65 and over. (Some of the proposals also included in-hospital surgical benefits, and a few would have covered younger beneficiaries, too.) In lengthy hearings and executive sessions on the proposals, legislators deliberated on whether

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

this kind of legislation was sound policy. Each time, based very much on Mills' opposition (or, at least, his doubts about how the proposal would eventually work out), the committee turned down the proposition, generally by about a two-thirds vote.

But later, in 1960, Mills collaborated with Senator Robert S. Kerr to devise the Medical Assistance for the Aged program. He was convinced that this strategy offered a better way to solve the problem of paying the whopping medical care costs of the elderly. In 1964, the Senate added an amendment to a Social Security bill passed by the House that would have introduced hospital insurance benefits (dubbed "Medicare"). However, the measure died in conference committee.

President Johnson, in his 1964 presidential campaign, promised to make Hospital Insurance a top priority for his administration. After his landslide election, a proposal on Hospital Insurance was introduced, with the glamorous title of H.R. 1 (in fact, though, the advantage of a top-dog numerical designation is pretty much confined to public relations efforts).

Again, Mills held extensive, searching executive sessions on the proposal. After a savvy assessment of the current political landscape—at that point, the House included about 60 freshmen liberal Democrats, who'd rode in on President Johnson's coattails—Mills concluded that medicare was an idea whose time had finally come. With that surmise in mind, he modified the proposal to make it stronger, focusing particular attention on its financing.

The voluntary Supplementary Medical Insurance portion of Medicare (so-called Part B), a complement to the compulsory Hospital Insurance portion (Part A) that would provide benefits for physicians' services and other items, was one consequence of his ruminations on the bill. Some opponents of the Hospital Insurance program (notably, the American Medical Association) criticized this approach vigorously, insisting it was deficient because so many components of health care costs weren't covered. Medicare Part B was Mills' response. In amassing support for the voluntary approach, Mills was careful to note that he'd in fact lifted this strategy from a proposal backed by several prominent Republican members of the committee.

At the same time, to allay the medical profession's fears that any government insurance program was inevitably going to destroy the patient-doctor relationship, Mills set up the Supplementary Medical Insurance program on an individual, voluntary basis (in regard to participation), and provided that administration between the program and its beneficiaries was to be handled entirely by non-governmental "carriers" (in the main, Blue Shield plans and insurance companies). Mills also changed some features of the original Hospital Insurance proposal, to ensure that it was established on a sound financial footing. With regard to Part B, he sought to obviate any antiselection against the system, a likely outcome in a program that lets individuals decide for themselves whether or not they want to participate.

Mills' reworking of the bill also served the system well after 1965, when a tremendous surge in hospital costs hit the country. (The main reason why expenditures soared was the general inflation that resulted from the Viet Nam War—not the inauguration of Medicare.) But even Mills' changes didn't go far enough: more financing had to be added, by legislation in 1968.

In the 1965 legislation, Mills extended the Kerr-Mills program, originally targeted only to the older poor, to cover a broader spectrum of needy people—notably, the blind, the disabled, and families with dependent children. Although altered a bit in the Senate, the final legislation that emerged was very close to the bill that Chairman Mills had stitched together to achieve political consensus. Since then, he's often been called the "Father of Medicare."

After its original enactment, Mills continued to play a singularly influential role in the development of the Medicare program. When sharp increases in physician fees hit the program during 1966-71, there was a good deal of grumbling among beneficiaries about the increases in the Part B premium rates (which were supposed to finance 50% of the program's cost; the remainder was to come from general revenues). These increases were a lot higher, relatively, than the rate of increase in cash benefits.

Mills came up with the idea that the relative increase in the enrollee premium rate ought not to exceed the percentage increase in the monthly cash OASDI benefits that resulted from the automatic-adjustment provisions (or any ad hoc increases). This precept, which seems eminently fair and reasonable, was embodied in law in 1972 and has worked out well over the years.

When Medicare was extended to disabled beneficiaries in 1972, Mills was instrumental in adding the provision that it apply only to those who had been on the roll for at least two years. Why? Because it seemed wise to start up a new program in an area that was marked by numerous uncertainties (for instance, no one knew how much health care the disabled people would use) in a limited way. Second, if an individual's Medicare coverage were immediate, commencing when he was first eligible for monthly benefits, serious questions would arise as to whether (or when) in fact the Medicare protection was available if adjudication of the disability lingered on for many months after first becoming eligible for cash benefits (and retroactive cash benefits were paid); this happens fairly often. Mills' approach neatly solved both these problems.

FINAL ASSESSMENT

Wilbur Mills played a singular role in the development of this nation's Social Security program. He insisted the program be soundly financed, not just during the next few years—but, far more crucially, over the long term—many decades into the future. Thinking in this way is essential to any insurance program, private or social, so that future benefit promises can be met.

Mills' presence in Congress has been sorely missed over the years, but is most conspicuously lacking now, when grave financing problems confront the Social Security and Medicare programs. Mills' wisdom, knowledge, and industry could undoubtedly help immensely in crafting a mutually satisfactory and sound solution.

(Robert J. Myers is professor of actuarial science emeritus, Temple University, Philadelphia. Myers was chief actuary of the Social Security Administration during 1947-70 and has remained active in this field since that time.)

JAMES M. SPARLING, JR.—RAINMAKER AND FRIEND

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. VANDER JAGT. Mr. Speaker, every one of us in this body, and on the other side, has someone in the office that makes it all go. Somebody that we trust, somebody who always seems to be there at the right time, with the right solution, and who gets the job done.

For 17 years I have had the very best—someone known and respected by my fellow Members, someone who is known and respected, more importantly, by his colleagues. One of the very toughest parts of leaving the Hill at the end of the 102d Congress will be wishing Jim Sparling a long and happy retirement—I'd rather take him with me wherever I go, because things just won't go as well without him.

And Jim has lent his delicate hand, and gentle management style, to making things go on Capitol Hill for 32 years, with a couple of notable interruptions.

In 1960, intrepid reporter Jim Sparling, of the Saginaw News in his hometown of Saginaw, MI, drew the straw that put him on campaign coverage of the congressional race which sent our former colleague, Jim Harvey, now Federal Judge Harvey, to Congress. In what has to be considered a master stroke of good fortune for himself, and for the Congress, Jim Harvey recognized Jim Sparling's talents and offered him the job of administrative assistant.

Sparling likes to tell the story of the interview, when neither of the Jims had the slightest idea what an administrative assistant did, and Jim Sparling found out that he was batting about third.

That's the last time Jim Sparling batted third, and the last time anyone, himself included, wondered what an administrative assistant did.

He did it all, and he did not miss a thing. He defined the job.

Because Jim Sparling knew then, and he knows today, that an administrative assistant is not elected, and that Congressmen are servants. That knowledge, that commitment, made him a powerful force, and those he has served more effective in meeting the obligations of their high office.

For if there are virtues such as dedication, loyalty, a fierce commitment to excellence, and a driving competitive edge, Jim Sparling embodies those virtues.

Jim Sparling served Jim Harvey for 13 years—and then accepted an even more challenging appointment, serving President Richard Nixon in the White House Office of Legislative Affairs during the summer of 1973.

Returning to Congressman Harvey in August 1973, Jim saw the Congressman nominated to the Federal bench, and an opportunity to be of even greater service to his hometown and the area of our great State of Michigan he loved. In February 1974, Jim Sparling announced his own candidacy for Congress from what was then Michigan's Eighth Congressional District.

In a unique special election, during which President Richard Nixon made a special appearance in his behalf, on April 15, 1974, Jim lost his bid by about 3,000 votes out of 120,000 cast.

Jim then lent his considerable talents to another of our former colleagues, Congressman Al Cederberg, of the 10th District—and then decided to compete in the 1974 general election for the Eighth District seat.

I've never been sure of my feelings about the result of that election. Jim lost, and went on to a very short association with another of our former Michigan colleagues, Congressman Marvin Esch, before he accepted an assignment as the Assistant to the Secretary for Congressional Affairs at the Department of Commerce, where he served Secretary Fred Dent, and our dear departed colleague from Maryland, the late Congressman/Secretary, Rogers C.B. Morton.

That time at Commerce, too, was short, because I had the good sense to persuade Jim to come to work for me and Michigan's Ninth District. Jim joined, a curious word for someone who has served with such distinction—our staff in June 1975, and we have never looked back.

The hallmark of his leadership of our Ninth District staff has been service, service, and more service. No letter went unanswered, no invitation unacknowledged, no issue glossed over—we were never surprised, never unprepared, and the people of Michigan never unserved.

I, frankly, can't think of anything Jim would rather be remembered by than that. And I want to read just a few words from just one letter—written just this past summer—to demonstrate that Jim Sparling has never let up. This individual writes:

I know from personal experience that Jim Sparling starts every morning at 6:30. Your staff is extremely busy. The offices are so small there is hardly room to sit down. For what it is worth, over the many years that I have written letters or called—there has always been the courtesy of a relevant answer.

Jim even started his work experience early, he joined the Navy as a 17-year-old, demonstrating a commitment to and love for his country that has never wavered. A history buff, Jim is a fountain of information on American history and never ceases to amaze one and all with his encyclopedic knowledge.

And that's a vestige of his work in the private sector—he was a political reporter for the Saginaw News when he left for Washington, and had previously toiled for the same paper in his second love, sports.

Did I say second love? No, actually fourth—immediately behind politics and our country, but lagging substantially behind his God and his family. Jim married the former Esther Haar of Saginaw on June 3, 1950, and that is a story still being loved. And it's an inspiration to all of us who know them, and their outstanding children, Jim III, Jana, and Tammy. Perhaps one small anecdote will indicate how the Sparlings define family: When Jim III was about to be married he chose his best friend to be his best man—his dad.

Jim has been like family to me, to my lovely wife Carol, and to our daughter Ginny—always there to maximize the time that the Vander Jagts could be family; always there to make not only my service to our Ninth District more effective, but to make sure that the Vander Jagts did not fall victim to the pressures and tensions that so often befall us in this high pressure environment.

As my congressional service to Michigan's Ninth District ends, Jim has decided that he wants to spend more time with Esther, more time with his children and five grandchildren, and more time on the golf course.

I'm going to miss him, and so will the people of Michigan and his colleagues on Capitol Hill. An example, an inspiration, a legacy much to be envied. Jim, we wish you well: A long and happy retirement—family time shared, long drives, and short putts, and look forward to your continuing friendship.

JIM SPARLING: AN EXTRAORDINARY CONGRESSIONAL AIDE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BROOMFIELD. Mr. Speaker, those who come to work on Capitol Hill initially envision Congress as one big institution but soon come to realize that it is more like 435 small businesses.

They also soon find out that each office has one person who functions as a chief operating officer, chief financial officer, corporate secretary, and just about everything else.

For some reason they call this person an administrative assistant. Whatever the title, the AA is the hub around which the office wheel revolves.

From experience I know something about administrative assistants, and I have always admired my colleague from Michigan, Congressman VANDER JAGT, for having the good judgment to hire Jim Sparling as his AA in 1975.

I've been in many a meeting with Jim and have a great amount of respect for his political acumen, his knowledge of the workings of Congress, and his understanding of what those who elect us truly care about.

Teddy Roosevelt once urged young people to dare greatly, to spend themselves in a worthly cause by putting themselves at risk in the public arena.

Jim has done that. He put himself forward in two hard-fought congressional races in years when Republicans could not have expected to win. He came up short, yet through those experiences he learned more about being a politician and an elected official than he could have by reading a library full of political science texts.

I suspect that's one reason Jim Sparling is such a good chief of staff, and why he has been so valuable to GUY VANDER JAGT and to the whole Michigan delegation.

As GUY takes leave of this great institution, so will Jim Sparling. Many in Congess will long remember Jim's many contributions to the country, the Congress and the party he loved. I wish him well in retirement.

TRIBUTE TO THE PEOPLE OF THE REPUBLIC OF CHINA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. GILLMOR. Mr. Speaker, as we approach the 81st celebration of Taiwan's National Day on October 10, I would like to recognize and applaud the people of the Republic of China for decades of political growth and economic expansion.

Having had the opportunity to visit Taiwan, I have been impressed by the commitment to the principles of democracy and capitalism demonstrated by the people I met. This commitment has spurred Taiwan's progress toward global leadership and competitiveness.

Congratulations to our Chinese friends and their leaders, President Lee Teng-hui, Premier Hau Pei-tsun and Representative Ding Mou-shih, and best wishes for the future.

CONGRATULATING THE REPUBLIC OF CHINA ON THE OCCASION OF THEIR 81ST NATIONAL DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CRANE. Mr. Speaker, October 10 marks the 81st celebration of National Day of the Republic of China on Taiwan. Under the leadership of President Lee Teng-hui and his predecessors, freedom and democracy have flourished in Taiwan and their economy has enjoyed impressive growth. As the United States' fifth largest trading partner, Taiwan has taken substantive steps in opening its markets to American products and has steadily reduced its trade surplus with the United States. Despite Taiwan's recent severance of relations with South Korea, Taiwan has remained active in maintaining old diplomatic ties and in making new allies around the world under the leadership of Taiwan's Foreign Minister and seasoned diplomat, Dr. Fredrick Chien.

Taiwan's vision of a free and strong Republic of China under the principles of "free economics, democracy, and free elections" is one that is warmly embraced by freedom-loving people everywhere. In honor of this important occasion, I wish to extend my personal best wishes and congratulations to the Republic of China on Taiwan.

JFK HEALTH CENTER 25TH ANNIVERSARY

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. KENNEDY. Mr. Speaker, I rise today to congratulate the JFK Health Center of Middlesex County, NJ on its 25th anniversary of providing the highest quality medical care to the people of northern New Jersey.

In 1967, the JFK Medical Center opened its doors as a 205-bed hospital with fewer than 150 physicians and dentists on staff. Today, JFK has grown to become New Jersey's largest single hospital system with nearly 1,000 beds. The flagship of the system is the 572-bed Medical Center which consists of the Anthony M. Yalencsics Community Hospital—the general health care facility—and the adjacent 74-bed JFK Johnson Rehabilitation Institute. In addition, JFK now employs more than 500 doctors representing all major medical and surgical specialties and subspecialties. JFK Medical Center records more than 20,000 admissions annually, including nearly 2,000 births, more than 40,000 emergency room visits and close to 400,000 outpatient visits.

The JFK Medical Center offers several integrated departments including: JFK Institute for Cancer Services; the Mental Health Institute, which provides counseling and treatment services for youngsters and adults; the Family Practice Center, which trains physicians in the specialty of family practice medicine; and the JFK Center for Drug and Alcohol Prevention and Treatment. The JFK Johnson Rehabilitation Institute's Center for Head Injuries is nationally recognized as a pioneer in head trauma evaluation and treatment.

The JFK Medical Center is committed to serving the community. Together with its affiliates, JFK provides progressive and efficient health care for business and industry, individuals and families. JFK also provides educational programming to the community including AIDS conferences offered to the seniors of local high schools. The JFK Medical Center also offers free mammography screenings to all women of the community.

Today, I would like to extend my heartfelt congratulations to the JFK Medical Center on the 25th anniversary of its opening. JFK's illustrious past and promising future guarantee that this hospital will remain on the frontier of medical research and patient care.

CONGRATULATIONS COUNTRY MUSIC AWARD WINNERS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CLEMENT. Mr. Speaker, last night, in the home of country music, Nashville, TN, the 26th annual country music awards were presented before a nationwide audience.

Hosted by super-stars Reba McEntire and Vince Gill, The awards ceremony showcased the best artists, musicians and songwriters around today.

Garth Brooks was voted "Entertainer of the Year" by his peers for the second straight year and his album "Ropin' in the Wind" was selected the year's best album.

Brooks shared the spotlight with fellow Oklahoman Vince Gill, who also won two awards, including the "Male Vocalist of the Year." Mary-Chapin Carpenter was chosen the top female vocalist.

The single of the year award went to Billy Ray Cyrus, AKA the new Elvis, for his sensational song "Achy Breaky Heart."

Songwriter Max D. Barnes shared the Songwriter's Award with Vince Gill for the hit "Look at Us."

And my dear friends George Jones and Frances Preston were named to the Country Music Hall of Fame.

The CMA Awards are always marked by fresh faces, as evidenced by the Duet Singing Award to Ronny Dunn and Kix Brooks, while Diamond Rio was named the best group and Suzy Bogguss was given the Horizon Award as the most promising new artist.

Mr. Speaker, the reasons for country music's popularity were clear as one watched last night's awards show. Country music has some of the brightest and most talented songwriters, artists, and musicians in the music industry today and it is indeed an honor to represent them here in the Congress.

I congratulate all of the award winners and the nominees for helping make 1992 one of country music's best years.

FEDERAL BUDGET DEFICIT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BEREUTER. Mr. Speaker, the American public is frustrated with the lack of action to reduce our Federal budget deficit. This Member shares this frustration and was disappointed that earlier this year, the House failed to pass a resolution calling for a balanced budget amendment to the Constitution. Congress must be committed to reducing the Federal deficit. Minimizing the Federal deficit is the most important issue that we have to deal with at the Federal level. It is irresponsible to pass on the huge deficits to future generations.

Mr. Speaker, Mr. Darrel Dudley of Norfolk, NE shares in the concern of many Americans regarding this matter. I commend to my colleagues the following trust letter from Mr. Dudley regarding the urgent need to address our Federal budget deficit:

DUDLEY LAUNDRY CO.,
Norfolk, NE, September 23, 1992.

To The Congress of the United States of America.

GENTLEMEN: I must call to your attention that our indebtedness is becoming overwhelming. Our low point at the end of the current war was 3.2 trillion.

As of today it is over 4 trillion and since no one has insisted that something should be paid on it monthly, it is growing by the Billions due to the interest on the indebtedness.

Please give this serious consideration.

Yours truly,

DARREL D. DUDLEY.

REGULATION STRANGLES LENDING FOR JOB EXPANSION

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. HASTERT. Mr. Speaker, on September 14, 1992, the Republican Research Committee's Task Force on Competitiveness held a field hearing at Waubonsee Community College in Sugar Grove, IL.

Congressman HUNTER, Congressman DELAY, Congressman EWING, and I listened to real-life stories of small and large businesses that are simply being strangled by too many layers of regulatory redtape.

I am entering into the RECORD an especially important statement made by Cal Myers, president of the Merchants National Bank in Aurora, IL. While everyone agrees that regulation is necessary to ensure the soundness of the banking industry, too many regulations and duplicative regulatory jurisdictions serve only to increase costs. They also have the effect of reducing lending to businesses who want to create jobs and help boost our economy. As the following statement attests, our current system drives up the cost of capital at a time when our country can ill afford it.

STATEMENT BY CAL MYERS

Good afternoon. My name is Cal Myers. I am currently President and Chairman of the Board of the Merchants National Bank of Aurora, a $360,000,000 banking institution in this community. I am pleased to be able to make a statement at this hearing. I have had concern for several years now over the increased cost to my employer, my industry and society, as a whole, of what appears to be an ever accelerating increase in the regulatory/compliance burden. Our industry already faces an incredible number of regulations—the vast majority of which have nothing to do with the industry's basic safety and soundness and are of little or no value to consumers.

These days, many bankers find there are some services we would like to offer to our customer base but cannot provide them because of the time devoted to untangling the red tape of regulations that tend to be extremely confusing and do nothing but reduce the profitability of the industry, as a whole, and the individual institutions comprising it. What is worse, the trend is accelerating, and we look with great fear to the over 40 new regulations coming out of the 1991 FDIC Improvement Act and the additional burden it will impose.

My state today will begin with a macro view of the costs of complying with the plethora of rules and regulations that effect this industry. I shall then move to a micro view and attempt to identify the specific deleterious effects on individual institutions and then conclude by identifying some potential areas where, I believe, the industry feels some improvement in the situation can be made.

THE MACRO VIEW

The banking industry has been accused of being the primary culprit in prolonging the rather weak recovery from the most recent economic recession. Drawing that inference based on a complete understanding of the dynamics of economic cycles and the current banking environment is, in my opinion, incorrect. In my view, tax and regulatory overload have imposed an incredible burden on the economy in general and this industry in particular. On November 1, 1991, economist Robert Genetski published an analysis suggesting the new tax and regulatory burdens on the economy, as a whole, represented the equivalent of a $86.1 billion tax increase in 1991 and a $70.2 billion tax increase in 1992. To expect a weak economy to rebound and snap back with vigor when this kind of a weight has been placed on its back is just not reasonable.

More germane to banking, the American Bankers Association has recently completed a study attempting to quantify the impact on our industry from the plethora of rules and regulations affecting our day-to-day activities. The key findings of that study, attached as an Appendix to this statement, conclude that it cost the banking industry $10.7 billion last year alone to comply with the literally hundreds of rules and regulations issued by the institutions affecting our behavior, e.g., Federal Reserve, Comptroller of the Currency, FDIC, Internal Revenue Service, Securities and Exchange Commission and various other federal agencies as well as state banking regulators. To give some sense of perspective to the magnitude of this $10.7 billion figure, I should like to point out that the industry's total profit in 1991 was only $18 billion. Simple arithmetic then tells you, in 1991, banks spent 59% of their income complying with rules and regulations having absolutely minimal, if any, bearing on basic safety and soundness issues.

There are few bankers around who would argue against supervision that basically helps insure the health, safety and soundness of the industry. But to spend almost 60% of our net income complying with things that don't enhance the profitability of the industry nor benefit society to any particular degree appear to be of questionable value. If anyone in this room has concern over banks' capacity to lend in the recent recession, it should be noted that the banking system could support an additional $20 to $30 billion of additional lending each year if only 25% of the resources the industry is currently spending on compliance issues could be redirected to bank capital. In the abstract, a number of this magnitude would certainly have helped stimulate what otherwise has been a less than impressive recovery from the most recent recession. Even most bank regulators accept the fact that a large part of the overall safety and soundness issue is to have a healthy and profitable industry. Safety and soundness and profitability, over the long haul, go hand-in-hand. The cost of regulatory compliance is taking a severe bite out of my industry's level of profitability.

I also happen to believe that the estimate recently provided is on the low side. It is very difficult to estimate the total cost of complying with the myriad of rules and regulations because many of these costs are hidden and hidden so well that it is almost impossible to identify them and enter them into the calculation. Direct costs attributable to compliance issues represent only a fraction of the full cost. A significant portion of the costs consists of time spent on compliance issues by individuals whose primary duties are not necessarily compliance related. The hard fact is that compliance time is imbedded in the routine activities of virtually everyone in the organization from the CEO to the teller.

What is even more frightening is that the $10.7 billion figure previously identified is still not the total cost of all of the elements affecting our profitability. As an example, the industry keeps $1.6 billion in sterile reserves at Federal Reserve Banks around the country and receives absolutely no interest on them. I certainly realize there are some elements of being a member of the Federal Reserve System that, often times, run counter to profitability. The opportunity cost, however, of $1.6 billion tied up in reserves earning no income for the industry's shareholders, in my opinion, is something needing review. Even more frightening is the $10.7 billion figure under discussion does not include the cost of FDICIA. That is totally unknown at this point. It is this particular piece of legislation causing the current concern in this industry.

THE MICRO VIEW

Moving from the broader picture down to the impact the regulatory/compliance burden has on individual banks, it is perhaps more meaningful to identify some specific things hitting closer to home for all of us than some of the broader concerns identified in part one. It is beyond question that the regulatory/compliance burden falls more heavily on smaller banks. The ABA study previously mentioned concluded that the compliance cost as a percent of operating expenses amounts to almost 30% for the smaller banks (less than $25,000,000) while dropping to around 10% of the operating expenses of the nation's larger banking institutions. Ironically, in many parts of the country, it is, indeed, the smaller community bank that is the life blood of local economic activity. Because of our own state's view on branch banking for so many years, this is particularly true in Illinois. I have been told that Illinois ranks second in the country in terms of the number of chartered banks and roughly 70% of these banks had assets less than $100 million. It is obvious that the regulatory burden poses a very special problem for institutions of this size because of the limited number of individuals to whom the compliance responsibility can be assigned.

What does all this mean in terms of products and services available and/or the costs of these services to the consuming public? One respondent to the ABA study on regulatory burden indicated that his institution did not even offer variable rate residential mortgages or home equity loans simply because of the burdensome laws surrounding the product. Another small bank took the same position by observing that variable rate mortgages are not offered because the cost of the software to produce the disclosures exceeds the estimated profit from the product. And the beat goes on. Another respondent concluded that his customers receive ¼% to ½% less on their deposits and loan customers pay ¼% to ½% more for, as he put it, "regulatory mishmash." It is simply impossible in five or ten minutes to adequately, and with conviction, convey the frustration and negative economic impact that the aforementioned "mishmash" has created. Somewhere along the line we have lost perspective.

One respondent in the ABA study accused the Truth-in-Lending requirements as form over substance. His bank was criticized for referring to the fact that a borrower wanted to help his daughter instead of saying "child."

Securing a loan to purchase a home has been made so difficult it's a wonder anybody ever buys one in the first place. Home ownership, long the American dream, is being totally strangled by rules and regulations that make the application process a virtual nightmare. For example, I chatted briefly with one of our mortgage specialists at the Merchants Bank and he acknowledged the following:

If a customer is interested in purchasing a home and would like to finance it with a variable rate loan, the customer would leave our organization with the following material in his or her possession.

A Good Faith Estimate of Settlement Charges.

A booklet entitled "Settlement Costs/HUD Guide." This a 45-page document explaining everything anybody would ever want to know about the process of buying a house. The format and information contained in this document is prescribed by Federal law.

A preliminary set of Regulation Z disclosures (12CFR226) to show what the terms of your loan might be.

A copy of the two-page legal-size residential loan application which may have up to 27 parts needing completion.

A statement of servicing rights telling you what percentage of loans the bank has sold over the past three years.

A 23-page booklet entitled "Consumer Handbook on Adjustable Rate Mortgage" which describes adjustable rate loans.

A copy of the bank's ARM disclosure which details the bank's specific program.

A notice of special flood hazards which will tell the customer whether or not the property is located in a designated flood zone. It also fells them if the community participates in the national flood insurance program.

Of these eight items, the customer winds up signing five of them and the loan hasn't even been approved at this juncture. If the loan is approved, additional disclosures are required as you might expect. The customer must then return to the bank and receive copies of the following:

A Settlement Statement listing all the charges associated with the home loan.

A Disclosure Statement concerning how the bank will escrow taxes.

Truth-in-Lending Disclosures as part of the note form.

These require another three signatures and two sets of initials.

If this isn't enough, don't forget we have yet to sign the mortgage, do the title work, review settlement agent forms, and tax documents. And don't ask me to explain any of this. My loan officer, as I began to detect I was touching a sensitive nerve with him, then whipped a 224-page manual off his shelf and said this is what he needed to basically make sure he is doing everything to comply with RESPA. Ladies and gentlemen, I can assure you the customer doesn't care about most of this and, if anything, regards it as a burden. And what is more frustrating, takes his wrath out on us rather than the individuals who have perpetrated all of this nonsense in the first place. Certainly, I believe that disclosure of relevant facts and issue is reasonable. But this, in my opinion, is not reasonable.

REGULATORY DUPLICATION AND UNEVEN PLAYING FIELD

I have not seen any attempts to quantify the phenomenon but I am as sure as I can be that out of the $10.7 billion regulatory price tag the industry paid in 1991, a rather significant portion of that would have to be attributed to mandatory activities that are largely duplicative.

In my own case, just a few years ago we were a two bank holding company. We found ourselves in the interesting situation where of the two banks, one was a national bank and the other had a state charter. That meant that we incurred annual or close to annual, but separate, visits from the state regulators and the FDIC who both had jurisdiction over the state bank and its trust department. The national bank was regulated by the OCC. The Federal Reserve System and SEC, who is rapidly becoming our fourth regulator, took care of the holding company. All of this was in addition to the money we pay for an outside, independent audit of our organization plus the highly professional staff of in-house auditors.

While the extent of this duplication, per se, has some cost, it seems to be utter nonsense when the regulators can't agree among themselves as to what we ought to be doing. To wit: recently our financial officer sent me a memo regarding FASB 109 which deals with an accounting issue relative to how income taxes are recorded for book purposes. It is worth noting the banking regulators have not yet accepted this new standard even though the SEC requires it. We still have not received the regulatory position on the issue so we are forced to comply with both perspectives. This simply means keeping two sets of books to appease different requirements imposed on us by two different regulators. Somehow this comical situation seems rather far removed from basic issues of safety and soundness of the industry.

Another quick anecdote as it relates to my organization. A couple of years ago we made a decision whereby we thought it would be of benefit to each employee to have the opportunity (it was not mandatory) to purchase stock in the corporation. As a consequence, we introduced a new investment option in our thrift plan consisting of stock in this organization. Everything anybody has ever seen or heard has talked about the virtues of having employees, to the greatest extent possible, have a sense of ownership in the corporation. The American way, right? We became so enmeshed in all of the rules and regulations promulgated by the SEC regarding a decision that is by all reasonable standards desirable, we came perilously close to trashing the whole project and not even going through the exercise. We later concluded that it was a desirable act and we would incur the hard dollar and soft dollar costs to make this option available. It has been received favorably by those employees electing to participate but if they only knew how close we came to scrapping the project because of red tape.

An additional concern is what I have long felt to be an inequity has been the unequal playing field faced by the banking industry. At a time when the regulatory burden is increasing geometrically, our ability to effectively compete is being severely hampered as a consequence. It is my understanding that credit unions still do not have the massive CRA obligations commercial banks have. Unless it's changed recently, they also don't pay income taxes. I'm not suggesting anything other than it is one good example of a tilted playing field.

It is also my understanding that at the same time Truth-in-Savings regulations are being imposed on insured depositories such as commercial banks, the SEC is recommending permitting a "clip and save" policy for mutual fund investments. According to Alan Tubbs this policy would allow individuals to acquire shares in various mutual funds simply by remitting their money along with a clipped newspaper ad before they receive a prospectus. After the investment is made, the customer will receive a copy of the fund's prospectus which provides them the details of the transaction. Not only do our deposit products increasingly compete with these and other financial services, but I have to wonder why they aren't similarly required to provide the disclosure documents we do? You have made it harder for us to acquire deposits and more burdensome to make loans. As a result, you are effectively emasculating both sides of our balance sheet and I guarantee it will come at the expense, one day, of the health of this industry and hence the economy.

RECOMMENDATIONS

The following section will be broken into two parts—regulatory and legislative recommendations. I shall simply summarize for you the conclusions of the American Bankers Association as it relates to the areas where relief from the regulatory and legislative process can be achieved. Regardless of the area of concern, it is simply my belief that you legislators should try to the best of your ability to identify the cost/benefit associated with any new regulatory or legislative mandates. In my view, that is the biggest void in the entire regulatory scheme—reluctance to somehow relate the benefit of any particular rule or regulation to the cost of complying with it.

More specifically as it relates to regulatory recommendations, the ABA is urging strong consideration of the following:

CRA relief for community banks along with safe harbors for all banks having previously earned outstanding or satisfactory ratings.

Clear, simple guidance to the Bank Secrecy Act's requirements. Exemption process needs to be rationalized and those banks making every reasonable effort to comply should be protected from civil and criminal liability.

Ease the voluminous daily confirmation requirements for hold-in-custody repurchase agreements. The Government Securities Act regulations impose this rule to the annoyance of customers not wanting to receive a basketful of paper each day in the mail.

Legislative recommendations to be taken seriously include:

Reduce supervisory examination costs by removing certain duplicative and/or unnecessary requirements without sacrificing safety and soundness.

Review reporting requirements and instruct regulators to review current reporting requirements with the goal of reducing such burdens.

Minimize government intrusion in day-to-day bank operations.

Review current risk-based capital compliance requirements to eliminate unnecessary burdensome effect on community banks.

Modify and remove inflexible restrictions on real estate lending by removing provisions requiring regulators to enact potentially rigid and inflexible standards on bank real estate lending practices.

Provide interest on sterile reserves held at Federal Reserves banks.

I strongly urge you to review the recently concluded survey by the American Bankers Association in which much more detail is attached to many of the issues I have addressed in this presentation. Those presented are not designed to even be close to an exhaustive list. But I think by now you get the sense of the burden we are facing, the frustration that is emerging and the economic consequences of failing to identify and hence resolve some of these basic issues. You simply cannot tie one hand of the industry and at the same time send us out to wage war against a limp economy. I recommend the ABA study and its conclusions to you. Participate in removing this tremendous burden from the back of this industry in particular and the economy as a whole. Thank you for your attention.

LEGAL PROCEEDINGS INITIATED TO DEPORT SUSPECTED HUNGARIAN WAR CRIMINAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LANTOS. Mr. Speaker, it should not go unrecognized that recently the Department of Justice filed a complaint to revoke the citizenship of Jozsef Szendi, a suspected Nazi collaborator who is accused of taking part in the persecution of unarmed Jewish civilians and others while a member of a paramilitary group, the so-called Royal Hungarian Gendarmerie.

The complaint, issued by the Justice Department's Office of Special Investigations and the U.S. Attorney's Office, states that Jozsef Szendi voluntarily joined the murderous organization that was responsible for the enslavement and deportation of Hungary's Jewish population during World War II. The Gendarmerie deported between 16,000 and 18,000 Jewish civilians to Poland where the SS shot them to death.

Szendi is also accused of participating in a raid on a building in Budapest where Jews were hidden by a rescue program headed by Swedish diplomat, Raoul Wallenberg.

Szendi later became a member of the armed commando wing of a Hungarian terrorist organization, the National Organization of Accountability, an organization responsible for assaults, torture, and killings of public officials, diplomats, political figures, and unarmed Jewish civilians, the Justice Department complaint said.

To date, 42 Nazi persecutors have been stripped of United States citizenship as a result of OSI's investigations and prosecutions. Thirty have been removed from the United States.

Mr. Speaker, there is no such thing as a statute of limitation on the kind of horror Szendi is accused of committing. Those still living who are responsible for the atrocities committed during the Second World War should and must be brought to justice. I commend the Justice Department for their work on the Szendi case and respectfully urge the continuation of their efforts. Justice demands no less.

END DISCRIMINATION AGAINST GAY MEN AND LESBIANS NOW

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. KOSTMAYER. Mr. Speaker, today I am inserting into the RECORD the second part of a comprehensive study that the Philadelphia Lesbian and Gay Task Force released yesterday.

Titled "Discrimination and Violence Against Lesbian Women and Gay Men in Philadelphia and the Commonwealth of Pennsylvania," the study represents the largest survey of its kind in the United States; 2,600 gay men and lesbians from Philadelphia, its surrounding sub-

urbs, and 35 counties throughout Pennsylvania report their experiences of discrimination, harassment, and violence.

Although not all Members of Congress will agree with the study's recommendations and conclusions, I feel that the Philadelphia Lesbian and Gay Task Force has made an important contribution to the policy debate regarding the desperate need for civil rights protections for the millions of people who encounter discrimination based on their sexual orientation. I commend the task force for undertaking such a worthy project, and I urge all of my colleagues to read the study.

The second installment of the study follows:

PHILADELPHIA LESBIAN AND GAY TASK FORCE 1991–92 SURVEY

RESULTS

Sample characteristics

Our efforts to reach a significantly expanded sample were successful: the present study represents the largest group of lesbian and gay respondents ever included in a study of discrimination and violence. We were able to achieve parity between men and women in the study and, although the racial diversity of our sample is still far from proportional to the population of Philadelphia (it is closer to being proportional for the rest of the Commonwealth), we were able to include sufficient numbers of African American lesbians and gay men within the Philadelphia sample to be able to make at least limited comparisons with regard to the race of the respondents.

Of the over 14,000 questionnaires distributed, in addition to those reached through Au Courant, we eventually received approximately 2,900. Because of the newspaper distribution it is impossible to estimate a rate of return. Since the focus of our survey is on discrimination and violence related to sexual orientation, the sample was restricted to those who reported that they are lesbian, gay, or bisexual. This criterion eliminated 118 of the respondents. While discrimination or violence against heterosexuals mistakenly perceived to be lesbian or gay is a phenomenon that merits investigation, our sample of heterosexual respondents was too small to permit such analysis.

We further eliminated those respondents who do not live in the Commonwealth of Pennsylvania, with a resulting total of 2,652 individuals in our sample, 1,184 lesbian women and 1,468 gay men.

We have organized and analyzed the survey in terms of two primary sample characteristics: gender and location of residence. The sample thus divided includes 1,413 Philadelphians (860 men and 553 women), 576 residents of the four suburban counties around Philadelphia (210 men and 366 women), and 663 residents of the Commonwealth outside of Philadelphia and the suburban counties (398 men and 265 women).

Within the Philadelphia sample we have been able to further analyze the survey in terms of certain racial characteristics. We are able to compare African American men (189) and women (93) with white men (608) and women (425). The numbers of Latino and Latina respondents (36 and 18) and Asian (10 women and 17 men) and other racial groups (7 women and 10 men) were not sufficient for separate comparisons; they are of course included within the overall Philadelphia sample of 1,413.

Since victimization rates and lifestyle tend to be different for males and females, findings will be reported separately by gender in the pages that follow. The results will also be reported separately for Philadelphia residents, residents of the four suburban counties around Philadelphia, and residents of other counties in the Commonwealth of Pennsylvania. In addition, findings for Philadelphia residents are reported separately in some tables for African American and white respondents.

Table 1A gives selected demographic data for the respondents in the Philadelphia sample, by gender and race, and Table 1B gives the same demographic data for the three geographic samples, by gender. The median age of survey respondents is 33 in all three geographic samples. On the average, males in the sample reported that they first recognized their sexual orientation at a younger age than females in the sample, which is consistent with much previous research on sexual orientation in the United States.

As in our previous studies, the sample we have reached is disproportionately made up of highly educated individuals. Half of our respondents have at least a college education and approximately one third have graduate degrees. Within Philadelphia we find the most striking differences along racial lines, with white respondents reporting higher educational levels than African American respondents; these differences are especially large for the men.

Income data show a somewhat different pattern: outside Philadelphia men and women report essentially identical median incomes, but the mean incomes reported by men are higher than those reported by women, which means that some men earn much higher incomes than any of the women. Across the state, suburban respondents, both men and women, report the highest incomes, and residents of the rest of the Commonwealth, the lowest incomes. Within Philadelphia, as was the case with education, the relation of income to gender is heavily influenced by race: African American and white women report similar income levels, while African American men report notably lower incomes and white men notably higher incomes. However, it should be noted that the younger African American men report higher incomes than young white men and white and African American women in the Philadelphia sample, and highly educated African American men report the highest mean incomes of any group in the Philadelphia sample.

We asked our respondents whether they were currently part of a couple and, if they were, how many years they had been in this relationship. We also asked them whether they had any children and, if they did, whether their custody or visitation rights had ever been challenged in court. Tables 2A and 2B give the responses to these questions for the Philadelphia sample, by gender and race, and for all three geographical samples by gender. Overall, lesbian women were more likely than gay men to report that they were part of a couple; however, within the Philadelphia and suburban samples the men who were part of a couple reported longer relationships on average (6 years) than did the lesbian women (4 or 5 years). Within the Philadelphia sample white women and men were more likely to report being part of a couple. In all cases lesbian women were much more likely than were gay men to report that they have children but in the Philadelphia and the Pennsylvania samples, fathers were more likely than mothers to have faced custody or visitation challenges in court. In general, Philadelphia and Pennsylvania parents were more likely to have faced custody challengers than was the case for suburban parents. Within the Philadelphia sample female and male African American respondents were more likely than their white counterparts both to have children and to have faced custody/visitation challenges.

One of the most distinctive characteristics of lesbian and gay people as a minority group is the general invisibility that masks our presence among all classes and groups. For most of us the "presumption of heterosexuality" that operates in our society means that unless we consciously and deliberately "come out" to others we are not seen as lesbian or gay. However, in recent years lesbian women and gay men have been more likely to make their sexual orientation known to their relatives, friends, neighbors, co-workers, and society in general. It is possible that the degree of "outness" about a person's sexual orientation could influence that person's likelihood of victimization—either discrimination or violence. Consequently, we asked our respondents to indicate whether particular categories of significant others were aware that they were lesbian, gay or bisexual. Specifically, we asked whether all, most, some, a few, or none of the non-gay members of the respondents' families were aware of their sexual orientation; similar questions addressed the respondents' non-gay co-workers and their non-gay neighbors.

Overall, only 5% of our sample said that they were not out to anyone in these three categories and, conversely, 3% said they were out to all family members, co-workers and neighbors; 95% are out to some extent to at least one category and 24% are out to some extent across the board. As we expected, our respondents are most likely to be out to family members: 85% are out to some or all family members (35% are out to all). African American lesbian women are somewhat less likely and African American gay men are much less likely to be out to their families than are their white counterparts. The next most likely category is co-workers, with 76% of the sample being out to at least some and 19% out to all. In all locations gay men are more likely than are lesbian women to be out on the job, and white men are more likely to be out to co-workers than are African American gay men. Neighbors are least likely to be aware of respondents' sexual orientation: 29% are not out to any neighbors and only 6% are out to all of their neighbors. The differences between men and women are slight in the case of neighbors; African American lesbians are more likely and African American men less likely than their white counterparts to be out to their neighbors.

As we turn to the data on anti-lesbian/gay discrimination and violence, one very important point should be kept in mind concerning the nature of our sample. Despite our marked success in obtaining a significantly larger and more diverse sample than those in our previous studies (and in comparison with similar studies conducted by other researchers), the fact remains that this is a predominantly white, highly educated group of individuals with a median age of 33. Federal statistics indicate that such individuals are among those in society least likely to be victimized (U.S. Department of Justice, 1991). The poor, the less educated, the young (ages 12 to 24), and members of racial minority groups have the highest rates of victimization. On the other hand, we noted above that this is a sample with high percentages of respondents who are "out" to significant others. Such individuals may be at greater risk of anti-gay and anti-lesbian violence and dis-

crimination than people who are "closeted." However, among people who tend to be "out," our sample is one with a lower likelihood of victimization for the reasons noted above. The actual rates of victimization for the general lesbian and gay population of such individuals in Philadelphia and the Commonwealth of Pennsylvania are probably even higher than our survey results indicate. This conclusion is particularly worrisome given the alarmingly high rates of violence and discrimination reported by our sample.

Anti-gay and anti-lesbian discrimination

Survey participants were asked about employment, housing and public accommodations discrimination they experienced in the immediately preceding 12 months, as well as in their lifetime. These two time periods are obviously not directly comparable, and the shorter period was included for two analytic purposes: it allows us to estimate "yearly" rates of victimization, and it gives us a reasonably appropriate base of comparison with our earlier surveys.

Survey participants were asked whether they experienced employment discrimination because of their sexual orientation in any of five areas: hiring, promotion, job termination (firing), performance evaluation, and lost clients. In the area of housing discrimination the question covered four possible areas: purchase, rental, procurement of insurance and procurement of mortgages. Our question about discrimination in access to public accommodations mentioned discrimination as a customer at restaurants, stores, bars, hotels, motels or other public places because of the respondent's sexual orientation.

Levels of discrimination

Table 3A gives the results for the three general categories of discrimination for the Philadelphia, suburban and Pennsylvania samples, separating men and women and showing both the rates of discrimination for the 12-month period and for the respondent's lifetime. Table 3B gives the Philadelphia results from the current survey by race as well as gender, for both 12 month and lifetime experiences of discrimination. Tables 4A–C give the data for the three geographic groupings in comparison with the data from the 1986–87 period, as found in our 1988 study.

As the tables show, rates of job discrimination reported by Philadelphia and suburbanites are higher than in our previous survey, and among both the Philadelphia and suburban samples gay men are more likely than lesbian women to report employment-related discrimination; these patterns are possibly related to the prevalent association of gay men with AIDS. Rates of employment discrimination reported by suburban gay men have shown the most dramatic increase since our previous study. Lesbian women residing in the Commonwealth outside Philadelphia and its suburban counties seem most vulnerable to employment discrimination. Overall, between a quarter and a third of our respondents reported some experience of employment discrimination because of sexual orientation in their lifetime.

Within Philadelphia sample (Table 3B), African American and white lesbians report the same rates of employment discrimination, but African American gay men were twice as likely as white gay men to report employment discrimination in the previous 12 months—although their lifetime rates are the same, which suggests a rising tide of employment discrimination against African American gay men. Rates of job discrimination against white men are not affected by either age or education. Among African American men, the older respondents report higher rates of job discrimination on both annual and lifetime bases; as do college educated African American men compared to those with less or more education.

Housing-related discrimination continues to be the least common for our respondents and, as shown in Table 4, the rates do not seem to have increased since our previous survey. While overall there do not appear to any marked gender-related patterns, within the Philadelphia sample (Table 3B) white females and, especially, African American males seem most likely to have experienced housing-related discrimination at some point in their lifetime. African American males by far report the highest rate of housing-related discrimination in the past 12 months.

Public accommodations-related discrimination shows the most dramatic increases since our previous study. As Table 4 shows, within the Philadelphia sample the annual rates reported by men have increased by 70% and the rates reported by women are three times higher than the previous levels. The increases reported by suburban respondents and men in other parts of Pennsylvania are similar to those in Philadelphia, while the rates of discrimination reported by women in other parts of Pennsylvania were already high in 1986–87. Overall, approximately one quarter of all lesbian women and one fifth of all gay men reported discrimination in some form of public accommodation in the previous 12 months because of sexual orientation.

Looking within the Philadelphia sample (Table 3B) we discover that African American men and all women are more likely than are white men to have experienced public accommodations-related discrimination in the previous 12 months; the differences in lifetime rates are less marked. Looking at these responses in terms of the respondents' ages, it appears that younger (i.e., under 32 years old) African American men (26%) and younger white women (33%) have the highest annual rates of public accommodations-related bias. Outside of Philadelphia younger lesbian women and gay men also report higher levels of discrimination in this category.

Overall discrimination rates are distressingly high (Table 3A), and are higher than in our previous surveys, mostly due to the increase in public accommodations-related discrimination. Across the state between one quarter and one third of our respondents report some experience of discrimination in the previous year, and approximately one half of our sample experienced discrimination because of sexual orientation during their lifetimes. It is important to realize that despite the enactment of civil rights protection for lesbian and gay Philadelphians in 1982, the rates of discrimination experienced by our Philadelphia respondents are essentially the same as those reported by respondents living in parts of the state that do not have civil rights protection.

Fear of discrimination

In addition to the direct forms of discrimination lesbian women and gay men experience, many are also victimized by fear of discrimination. Tables 5A and 5B show the proportions among our sample, within Philadelphia and elsewhere in Pennsylvania, who said that they believed they could experience discrimination in employment, housing or public accommodations because of their sexual orientation.

It might reasonably be expected that those who fear discrimination will try to protect themselves from it by concealing their sexual orientation. Tables 5A and 5B also show how many of those who answered in the affirmative then said that they "sometimes" or "always" conceal their sexual orientation because of fear of discrimination.

Despite the existence of civil rights protection in the city of Philadelphia, through the addition of sexual orientation to the categories protected under the Fair Practices Act, our Philadelphia respondents seem no less fearful than respondents living elsewhere in Pennsylvania (outside of Philadelphia only Harrisburg and Pittsburgh have civil rights protection for lesbian and gay citizens). Across the state nearly nine of ten lesbian women and eight of ten gay men say they believe that they could suffer discrimination based on sexual orientation. It is distressing to note that these responses are not much different from the ones we obtained in our 1986–87 survey: in the earlier survey Philadelphia males and males and females outside of Philadelphia responded in essentially the same proportions to a question about fear of discrimination; in the case of Philadelphia females the present rate of 87% is down slightly from the 1986–87 rate of 92%.

There is a striking difference between our African American and white respondents in their responses to this question. As Table 5A shows, African American men and women are much less likely than are white men and women to say that they believe that they could suffer discrimination because of their sexual orientation. This difference is mostly found among the respondents with lower educational attainment: only 45% of the African American women (and 51% of the men) with a high school education say they believe this, compared with 85% of African American women and men with postgraduate schooling (the comparable numbers of white respondents are 81% and 74% among high school educated, and 95% and 90% among post-college educated women and men). This pattern is all the more remarkable when we note, as shown in Table 3B, that African American men report the highest levels of discrimination for any group in the previous 12 month period.

Not surprisingly, individuals who fear discrimination in employment, housing or public accommodations are likely to conceal their sexual orientation. Here, too, the respondents are substantially the same as in our previous survey four years earlier, although there is a small trend toward openness; our previous sample was even more likely to conceal their sexual orientation out of fear of discrimination. But even with this slight improvement, the proportion who say they do conceal is between three quarters and nine tenths of those who fear discrimination.

REPUBLIC OF CHINA ON TAIWAN—A SHOWCASE OF SUCCESS

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. JOHNSON of South Dakota. Mr. Speaker, Taiwan is a small island in the Pacific, yet its story of economic success is truly remarkable. In 1959, Taiwan's population was 10.4 million; by 1991 it had doubled. In 1959, Taiwan's per capita GNP was the equivalent of US$120; in 1991, it reached well over

US$8,000, ranking 25th in the world. Disposable family income has reached an average of US$19,265 per household, and it is still growing.

For the past 30 years, Taiwan's economic growth rate has averaged 8.8 percent annually. At the same time, the high savings rate among the people and substantial foreign exchange reserves held by the Taipei government—together with low rates of inflation and unemployment—contributed to an atmosphere of prosperity. The jobless rate in Taiwan remains less than 2 percent, as it has for several years.

Its growing prosperity has made Taiwan an increasingly important customer for a variety of American products and commodities, including grain from my own State of South Dakota. Less than 2 months ago, a procurement mission from Taiwan visited South Dakota and purchased 90,000 tons of wheat, valued at $16,355,378.

At the present time the Republic of China is in the beginning phase of a 6-year national development plan. With a total budget of over $303 billion, the plan offers opportunities for American companies to bid on major contracts, including flood control, city transportation networks, water and sewage plants, and highway construction.

On the eve of the 81st national anniversary of the Republic of China on October 10, 1992, I join many other Americans in commending the economic success that Taiwan has experienced.

TRIBUTE TO REV. LEO S. HOURIHAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Rev. Leo S. Hourihan on his 20th anniversary of his ordination as a minister. Reverend Hourihan is presently the pastor of the Slatersville Congregational Church, located in Slatersville, RI.

Reverend Hourihan was ordained as a minister on November 27, 1972 at North Bennington Baptist Church, located in North Bennington, VT. He then went on to serve at Agawam Congregation Church in Agawam, MA as associate pastor and then moved as pastor in the First Baptist Church in Leominster, MA. He was then installed as pastor of the Slatersville Congregational Church of the United Church of Christ in 1984.

Reverend Hourihan's work outside the church is world reaching. He is part of the Building Bridges Program between Russia and Rhode Island. He arranged trips for Russians to the State of Rhode Island and helped deliver supplies and goods to Russia. He also serves on the World Hunger Committee and the church ministry committee for the United Church of Christ. Within the Woonsocket community, Reverend Hourihan works with the Woonsocket Homeless Shelter and the Friends of the North Smithfield Library.

I congratulate Reverend Leo Hourihan on his 20th anniversary of his ordination. I wish him all the best in all of his future endeavors.

PROTECTING OUR PEOPLE AND COMMUNITIES FROM EXPOSURE TO HAZARDOUS WASTES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MAZZOLI. Mr. Speaker, for the second time within a month the Kentucky Natural Resources and Environmental Protection Cabinet held a public hearing in my home district of Louisville and Jefferson County, KY in an effort to determine whether a permit should be issued to allow the storage and handling of hazardous wastes in southwest Jefferson County. Again, as in the first hearing, hundreds of citizens came to voice their strong opposition to this proposal.

I want to share with all of our colleagues the statement which was read into the official record at this most recent hearing.

Mr. Speaker, more and more compelling information is being discussed each day in the media and in scientific quarters about the growing environmental risks posed by industrial activities. In many communities across the nation—including Jefferson County, KY—serious questions are being raised about the cumulative risk of exposure to multiple hazardous toxins, and about the effect of interaction of multiple pollutants. Do such mixtures multiply the toxicity? Is there a correlation between the occurrence of disease and the exposure of people and animals and aquatic life to multiple pollutants or toxins or hazardous waste products?

I am hopeful that the Environmental Protection Agency's [EPA] just-released report, "Environmental equity: reducing risk for all communities," will spur more research and more scientific efforts to study the risks faced by people in communities with high concentrations of industrial activity.

STATEMENT OF REPRESENTATIVE ROMANO MAZZOLI

Madam Chairman, distinguished members of the Kentucky Natural Resources and Environmental Protection Cabinet:

Thank you for allowing me the chance to express my concerns about the health, safety, well-being and reputation of all of Jefferson County even though it is in the Southwestern portion of the county where B. T. Energy proposes to expand its storage of hazardous waste.

This hearing is to address the permit modification submitted by B. T. Energy which would allow changes to be made in the tank storage secondary containment area to provide improved leak detection, changes to comply with new EPA regulations, and to transfer ownership of the company. I am not averse to these modifications.

However, this permit modification, if approved, would allow the new owners to construct an additional fifteen (15) 20,000 gallon storage tanks. It would also allow for the construction of a drum storage building that could hold up to 1044 fifty-five (55) gallon drums of hazardous waste. I oppose these provisions of the permit modification.

When B. T. Energy's proposal was brought to my attention, I immediately contacted Region IV of the United States Environmental Protection Agency to cite my concerns and my opposition to this permit modification.

On April 13, 1992, I received a response from Mr. Greer C. Tidwell, the Regional Administrator for Region IV. I wish to quote a portion of this letter and will submit the letter, in its entirety for the record.

"EPA has contacted the Kentucky Department for Environmental Protection, and has learned that the facility may be required to close and its RCRA permit may be terminated in the near future. The reason the permit is being considered for termination is that the facility apparently has not been handling hazardous waste for approximately two years. The Commonwealth of Kentucky has regulations, specifically KRS Chapter 224.866 Section 8, which gives the state authority to require closure of the hazardous waste storage tanks in accordance with the (Resource Conservation and Recovery Act) RCRA permit if the facility has not been maintained in operational condition for any period of six months or longer. . . . The facility's permit, which was issued September 28, 1984, is scheduled to expire September 28, 1994. . . . If the facility wishes to continue operation after September 28, 1994, it will be required to submit a complete permit application and to go through the complete RCRA permitting process. . . . If the RCRA permit is renewed when the current permit expires in 1994, a Hazardous and Solid Waste Amendments (HSWA) permit would be issued by EPA in conjunction with the state RCRA permit at this time. The HSWA permit would require the facility to remedy any releases which have occurred at the site. . . . Since Kentucky is authorized to implement a RCRA program in lieu of EPA, its hazardous waste regulations are required to be at least as stringent as federal regulations. Kentucky has the option of making its regulations more strict that EPA's, but currently Kentucky does not require an EIS (environmental impact study) prior to permit issuance or permit modification."

There are several issues in this letter which should be addressed:

Why has the state allowed this facility to continue its RCRA permit when it had knowledge that B.T. Energy had not handled hazardous waste within the last two years?

Why is the state now considering the proposed expansion under a permit modification procedure? It would seem that the new owners should submit a new RCRA permit application and ensure compliance with all applicable EPA regulations.

I also recommend that a comprehensive Environmental Impact Study (complete with a health study) should be required as a part of the RCRA permit and/or permit modification process.

On September 8th, I stood in this room before this distinguished panel and a large crowd of very concerned and worried residents. I stated my belief that if the Cabinet were to allow storage of hazardous waste, the door would be opened to making Jefferson County a dumping ground for the nation's hazardous waste. If B.T. Energy's permit modification is approved, this inevitable, unavoidable result would be hastened and hardened.

As I mentioned on September 8th, the storage of hazardous, carcinogenic wastes contemplates their transportation to the storage sites. This transportation—by truck, train or whatever means is selected—must traverse densely populated areas near homes, schools, playgrounds and churches. Accidents are inevitable. Thus, while the site of B.T. Energy's plant is in the Southwest part of Jefferson County, all parts of our community are at risk. An article in the September

21, 1992 Courier Journal stated: "hazardous-materials incidents—from a leaking 55 gallon drum to a tank car explosion—rose 37 percent from 1982 to 1992 according to U.S. Department of Transportation data. Incidents involving trucks which carry most of the hazardous materials went up 34 percent. Injuries to people as a result of truck spills soared 374 percent. On the nation's railroads, incidents were up 36 percent."

We, as representatives of all these people, must take a long, hard look at the responsibility which that representational function carries.

And, most importantly, please do not grant permits or modifications of existing permits which will allow B.T. Energy to store hazardous wastes as requested by the company.

Please do not allow Jefferson County and this region to become, in name and in fact, a dumping ground for the nation's hazardous waste.

You have heard, and will hear again tonight from residents of Southwest Jefferson County who already bear more than their fair share of the industrial burden for this county and this state. Please listen to them. Please hear their concerns, their anxieties and their worries.

Thank you.

ENVIRONMENTAL PROTECTION AGENCY,
Atlanta, GA, April 22, 1992.

Hon. ROMANO L. MAZZOLI,
House of Representatives, Washington, DC.

DEAR MR. MAZZOLI: Thank you for your letter dated March 13, 1992, regarding the storage of hazardous waste materials at B.T. Energy Company in Louisville, Kentucky. Your letter cited concerns facing the citizens of Southwest Jefferson County, with regard to the proposed expansion of the B.T. Energy hazardous waste management facility. I understand your concern and desire to be responsive to your constituency regarding federal actions involving hazardous materials.

The Commonwealth of Kentucky has been authorized by the Environmental Protection Agency (EPA) to implement portions of the Resource Conservation and Recovery Act (RCRA), with oversight by EPA. Section 3006 of RCRA allows states to be authorized to implement a hazardous waste program in lieu of EPA. Kentucky is authorized to implement the provisions of RCRA relating to storage and treatment of hazardous waste in tanks, which is the activity performed by the B.T. Energy Company facility.

EPA has contacted the Kentucky Department for Environmental Protection, and has learned that the facility may be required to close and its RCRA permit may be terminated in the near future. The reason the permit is being considered for termination is that the facility apparently has not been handling hazardous waste for approximately two years. The Commonwealth of Kentucky has regulations, specifically KRS Chapter 224.866 Section 8, which give the state authority to require closure of the hazardous waste storage tanks in accordance with the RCRA permit if the facility has not been maintained in operational condition for any period of six months or longer. Without a RCRA permit, future storage of hazardous waste would be limited to periods of less than ninety days.

If Kentucky decides not to terminate B.T. Energy's RCRA permit, the RCRA standards will continue to apply to the facility as they are stated in the permit. The facility's permit, which was issued September 28, 1984, is scheduled to expire September 28, 1994. If the facility wishes to expand its hazardous waste storage tanks prior to this time, a permit modification would be required. As part of the permit modification process, members of the public are given the opportunity to express their views during the public comment period. All comments received during the public comment period become part of the administrative record, which forms the basis for the decision to grant or deny the permit modification. If the facility wishes to continue operation after September 28, 1994, it will be required to submit a complete permit application and to go through the complete RCRA permitting process. The public will once again have the opportunity to express their views at this time.

In your letter you brought up concerns about accidents or spills, which could adversely affect the area's residents and severely contaminate the Ohio River. The requirements for handling these emergency situations are found in Chapter 40 of the Code of Federal Regulations, Part 264, Subpart D. The contingency plan found in Part II, Section D of the facility's RCRA permit lists the requirements and procedures to be followed by the facility in an emergency situation. If the facility wants to renew its permit in 1994, a contingency plan will again be included in the permit application, and the public will have an opportunity to comment on it.

If the RCRA permit is renewed when the current permit expires in 1994, a Hazardous and Solid Waste Amendments (HSWA) permit would be issued by EPA in conjunction with the state RCRA permit at this time. The HSWA permit would require the facility to remedy any releases which have occurred at the site.

You requested that EPA consider performing an environmental impact study (EIS) on the storage of hazardous material at the site. EPA shares your desire to assure decisions made by the federal government fully protect the environment and the health of the community. However, EPA and the courts have determined that the permitting process under RCRA provides the "functional equivalent" of compliance with the National Environmental Policy Act (NEPA). Also, the RCRA permit for storage of hazardous wastes would be under the authority of Kentucky, and therefore would be subject to state requirements. Since Kentucky is authorized to implement a RCRA program in lieu of EPA, its hazardous waste regulations are required to be at least as stringent as federal regulations. Kentucky has the option of making its regulations more strict than EPA's, but currently Kentucky does not require an EIS prior to permit issuance or permit modification.

For further information regarding actions to be taken by Kentucky, you may wish to contact Ms. Caroline P. Haight, Acting Director, Division of Waste Management, Kentucky Department for Environmental Protection at (502) 564-6716.

If I can be of further assistance regarding this or any other matter, please contact me.

Sincerely yours,

GREER C. TIDWELL,
Regional Administrator.

THE 10TH ANNIVERSARY OF PHILADELPHIA SCHOOL SUPERINTENDENT DR. CONSTANCE CLAYTON

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BLACKWELL. Mr. Speaker, what makes a community strong and America a unique, vital society is the nature and extent to which one citizen serves another in the spirit of community. So it is with pleasure that I call on my colleagues to join me in paying tribute to Dr. Constance Clayton, as she celebrates her 10th anniversary as Philadelphia School Superintendent.

For more than 30 years Dr. Clayton has gone above and beyond the call of duty with her diligent efforts to educate the youth of Philadelphia. Dr. Clayton is unique in that over the years she has exhibited an undying determination to improve the quality of life of each student who has been fortunate enough to come into contact with her.

A lifelong resident of Philadelphia and graduate of Temple University, Dr. Clayton became superintendent of the Philadelphia Public School System in 1982, a position that she continues to hold today.

Mr. Speaker, the many individuals who have been thrust into positions of responsibility are forced to devote all of their energy to the interests of their business. Dr. Clayton has always found time to serve her community in many ways with the fullness of her heart and a sound mind.

On October 4, 1992, Dr. Clayton will celebrate her 10th anniversary as the superintendent of schools. She will be honored for the service that she has rendered to the Philadelphia School System and the city of Philadelphia.

Mr. Speaker, I ask that you and my colleagues join me and the city of Philadelphia in saluting Dr. Clayton. She is a model citizen and educator, as well as a community activist. I am delighted to take this opportunity to recognize her long-standing service to the children of Philadelphia.

Congratulations Dr. Clayton.

A TRIBUTE TO MS. CAROL LEONARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LANTOS. Mr. Speaker, I would like to call to the attention of my colleagues Ms. Carol Leonard, a midwife and educator from Concord, NH, who recently came to Washington to report on the deplorable state of medical care for pregnant women and newborns in the Soviet Union.

As a midwife, Ms. Leonard has delivered over 1,000 homebirth babies. Her expertise in this matter lends a great deal of credence to her criticism of medical care in the former Soviet Union. In 1990, she went there to study

birthing practices and to teach techniques which she herself practices in the United States. She was shocked by what she found.

Medicial care for pregnant women and newborns in the former Soviet Union is light years behind the West. One of the main problems is unsanitary medical equipment and conditions. Another cause of concern is the excessive use of pain killing drugs. It is common practice to administer medication liberally with little concern for the adverse effects those drugs have on the infant. Coupled with this disturbing trend is the practice of inducing labor unnecessarily. Inducement techniques are both chemical and surgical and often result in injury to infants during birth.

As disturbing as the situation is, Ms. Leondard found that doctors and nurses she encountered were eager and willing to learn new and better practices. However, the lack of basic supplies, such as syringes, rubber gloves, baby bottles, and diapers, hamper any substantive progress.

Upon learning of this disturbing state of affairs, Ms. Leonard has taken the lead in organizing the shipment of medical supplies to areas in need of them most. She has also embarked on a campaign to educate others about the need for reform. She hopes that the shipments and educational efforts will greatly improve medical care for pregnant women and infants in the former Soviet Union.

Mr. Speaker, fortunately Ms. Leonard's story was brought to Capitol Hill when she appeared in a joint meeting of the Congressional Human Rights Caucus and the Caucus for Women's Issues. My friend and colleague, Congresswoman Susan Molinari of New York, introduced Ms. Leonard at the extremely interesting and successful gathering. I would like to submit her introductory remarks for the RECORD:

INTRODUCTION OF CAROL LEONARD BY CONGRESSWOMAN SUSAN MOLINARI

CONGRESSIONAL HUMAN RIGHTS CAUCUS/CAUCUS FOR WOMEN'S ISSUES

Carol Leonard is a midwife from Concord, New Hampshire. She has delivered over 1,000 homebirth babies since she began as an apprentice to a country doctor in the mid-seventies. Ms. Leonard has truly made a mark in this nation by helping to bring back safe drug-free births to the American home.

Some of her exploits are stranger than fiction, and could fill a book. A book we hope Carol will write some day. From cliffhanger rides at 80 miles and hour on snowy mountain roads to get to a birth—to delivering a baby in the middle of a Grateful Dead concert. Then there was a real cliffhanger, when she gave CPR to an unconscious hang glider 250 feet above the ocean in Australia. She received the equivalent of our Congressional Medal of Honor by the Australian Parliament for this.

Her most stirring experience is the one which we are here today to discuss. In 1990 Carol made a pilgrimage to the Soviet Union to study their birthing practices, and to teach some of her own. What she found was appalling. It is clear that third world nations practice safer birthing techniques than those used in pre-revolution Moscow. Unfortunately it appears that Soviet efficiency won out over Tender Loving Care, when it came to the birth process in Russia.

Carol's trip was videotaped for posterity and was later featured on ABC's 20/20. We'll take a look at that tape in a few minutes but first I want to turn it over to Ms. Carol Leonard to discuss her eye-opening mission to Moscow.

GIVING CONSUMERS NEW TOOLS TO INCREASE SAVINGS

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. HOAGLAND. Mr. Speaker, today I am introducing a bill to give the consumer a new tool for making and increasing investments. My bill would allow banks, through separately capitalized subsidiaries and bank holding company affiliates, to sponsor and underwrite mutual funds, an activity they are now generally prohibited from conducting. A mutual fund is an investment company that pools the funds of individuals and other investors and uses them to purchase large portfolios of debt or equity obligations of businesses and sometimes debt obligations of governments. The owners of the fund hold proportionate shares in the entire pool of securities in which a fund invests.

CONSUMERS SAVINGS ERODING

The last 5 years have seen a disappointing downward slide in interest rates on personal savings accounts in banks, the way most Americans probably save. In 1989, the average interest rate paid on savings' accounts at commercial banks was a little over 6 percent. In 1988, the average interest rate paid at insured commercial banks on time deposits, like certificates of deposit with a 2½-year term, was 8 percent. Savings accounts today in banks get a mere 3 percent, on average. The interest rate today on time deposits over 2½ years in length is 5.02 percent. These traditionally safe and popular investments are hardly keeping up with inflation, which hovers around 3 percent.

Mutual funds investments, on the other hand, which, granted, are risky investments, earned on average 23 percent in 1991. In the 1980's, the return on mutual funds investments fluctuated greatly, reaching on average, a low of −0.26 percent in 1981 and a high of 24.42 percent in 1985.

Just last week, the Washington Post reported, in an article entitled, "Elderly See Interest Income Evaporate," that interest rates on certificates of deposits and Treasury bills have plummeted from double digits in the 1980's to about 3 percent today. Many elderly people, who live on a minimal pension, depend on their hard-earned, lifetime savings to supplement their social security or other pension income. The average social security pension at the end of 1991 for a retired worker was $7,500 a year. Twenty-five percent of the income of seniors comes from interest and investments. Craig Hoogstra of the American Association of Retired Persons has said, "People who have all of their liquid assets in CD's or savings accounts are going to be hurt the hardest, people with no ability to decrease expenses and no ability to increase their income." In short, people who manage to save and invest in traditionally safe ways, are seeing their savings eroded in our current economy. It is particularly harsh for the elderly living on fixed incomes when inflation is running about 3 percent and health care expenses rise at a much higher rate, 8 percent in 1991. In fact, during the 1980's, medical inflation ran twice the rate of inflation on other items.

The bill I introduce today will give seniors and others a new option, with the convenience and familiarity of their bank, to get more money on their investments by giving them a new investment avenue in their community, advised by local community people they know and trust.

Some may object to this bill on the grounds that mutual funds, unlike most bank deposits, are not federally insured. That is correct. But, in the interest of protecting the consumer, my bill includes a specific provision requiring disclosure to customers that the mutual fund investment is not insured and it requires the customer to sign a written acknowledgement that the disclosures were received.

In addition, my bill would not permit these new activities to be conducted in a manner that threatens the deposit insurance fund or investor protection. The new activities may only be performed in separately capitalized subsidiaries of the banks or bank holding companies. Moreover, the subsidiaries engaged in the new activities will be regulated by the appropriate banking agencies and the Securities and Exchange Commission, as they are now, to ensure that the activities are conducted in a safe and sound manner and in full compliance with the securities laws.

MUTUAL FUNDS HEALTHY

In the 1970's, mutual funds, in the words of a U.S. Department of Treasury report, became "the most notable substitute for insured deposits." They grew slowly and steadily in number and assets, and in the 1980's, they exploded, reaching almost 2,000 in number and over $800 billion in total assets by the end of 1987. One study showed that in 1984, 84 percent of savings were in bank time deposits and savings accounts, with 16 percent in mutual funds. By 1991, savings in mutual funds had grown to 42 percent.

UPDATING OLD LAW

Under current law, section 16 of the Banking Act of 1933, known as the Glass-Steagall Act, enacted during the Depression in 1933, prohibits national banks and state Federal Reserve member banks from directly dealing in, underwriting, or purchasing all but a few securities for their own accounts. The Glass-Steagall Act also prohibits these banks from being affiliated with companies principally engaged in underwriting or distribution of securities. The Glass-Steagall Act was a response to charges of conflict of interest and fraud in some banks and the fear of taking risks with money during the Great Depression and after the stock market collapse. This act, well-intentioned at the time, tried to separate two industries, the risk-taking investment industry and the safe, risk-avoidance banking industry. Many today believe the Glass-Steagall Act was an inappropriate response to the Depression.

Last year, in response to the Department of the Treasury's comprehensive study of banking reform, entitled "Modernizing the Financial System, Recommendations for Safer, More

Competitive Banks," Congress considered fundamental banking reform. The Treasury study recommended giving banking firms several new powers and products to restore their health and competitiveness. Unfortunately, the expansion of banks' powers got largely caught up in intractable congressional jurisdictional squabbles and policy differences and did not become law. My bill today is a continuation of that effort and represents one small loosening up of 60-year-old strictures that just do not make sense today.

WHY DO BANKS NEED TO ENGAGE IN MUTUAL FUND ACTIVITY?

The Nations' banks today find themselves hamstrung by restrictions that their competitors do not have. Banks' share of national lending has gone from 19 percent in 1981 to 7 percent in 1991. Companies like Ford Motor Co., General Electric, and JC Penney's engage in a range of insurance, real estate securities, banking, and other financial activities without the regulatory shackles that banks face.

The bank, which at one time was a person's major source of credit and financial advice and activity, has found its position eroded as it has been restricted by Federal law from offering many financial services in today's modern, complex financial world. People today have many choices of instruments in which to invest. Investing requires sophistication and is a complicated process. In many places, especially the small towns of America, the bank is the only place to get advice and the most convenient place to put one's savings. Giving banks this additional option for advising and helping people manage and maximize their savings is a small step, in my view, but a much needed one both to help consumers increase their savings and help banks become more competitive.

MOVING THIS DIRECTION

As their markets have been eroded, banks have been innovative in developing business and expanding their products. And the regulatory agencies, through decisions and interpretations, are moving to allow banks to undertake more securities activities that were once the exclusive domain of the securities industry. For example, the Federal Reserve has interpreted the Glass-Steagall Act to allow bank holding companies to establish nonbank subsidiaries that derive up to 10 percent of their revenue from a wide range of otherwise prohibited, or ineligible securities activities, including underwriting of and dealing in commercial paper, mortgage backed securities, municipal revenue bonds, securitized assets, and corporate bonds and equities, according to the Treasury report. The statute has also been interpreted by the OCC to give national banks authority to engage in some activities that are conducted by securities firms.

Our foreign competitors are way ahead of us. Notably, foreign banks engage in securities activities in this country. Also, while section 303 of FDICIA now restricts insured state bank activities, and by 1990, 23 States had authorized State-chartered bank affiliates to engage in securities underwriting activities beyond those permitted for national banks and bank holding companies. My bill, in essence, affirms what is already a growing trend.

I would like to note that like H.R. 6, as reported by the Banking Committee, and other banking reform bills that we in Congress have considered in recent years, my bill would permit the underwriting of the share of any registered investment company. However, after a decision is rendered in a case currently being litigated in Federal court, it may be appropriate to consider modifying this authority to address certain registered investment companies that fund variable annuities. I will continue to solicit views on this issue and expect that the Banking Committee will discuss this matter when it holds hearings on the bill, hopefully early next year.

Although the 102d Congress is in its final days, I am introducing this bill to solicit comments and views and in the hope that it will be at the top of the banking agenda of the 103d Congress. I hope my colleagues will join me in bringing our outmoded banking laws up to date in the interest of giving consumers many options to maintain a good standard of living and quality of life and in a manner which maintains the safety and soundness of the banking industry.

THE FINANCIAL SERVICES ACT OF 1992

SECTION-BY-SECTION ANALYSIS

SECTION 1. Short title.

The Act may be cited as the "Financial Services Act of 1992".

SEC. 2. Permitting a national bank to acquire or establish a subsidiary which underwrites the shares of and sponsors investment companies.

Section 2 of the Act permits a national bank to establish a separately capitalized subsidiary which engages in the business of dealing in, underwriting, and distributing the shares of an investment company, as well as organizing, sponsoring, managing and controlling investment companies. Section 2 clarifies that the underwriting and sponsorship activities authorized by the Act for a subsidiary of a national bank are in addition to the activities in which national banks may engage directly under other provisions of law or as otherwise authorized by the Comptroller of the Currency.

The Act is not the exclusive authority for a national bank's investment company activities and a national bank may continue to engage directly in any such activity that is otherwise permissible. For example, the Comptroller has promulgated regulations permitting a national bank directly to collectively invest funds held by the bank in a fiduciary capacity (see 12 C.F.R. §9.18 (1992)) and several courts have confirmed this authority. In certain cases, some funds have been deemed to be investment companies for purposes of the securities laws. This legislation would not prohibit a national bank from continuing to offer directly these fiduciary services notwithstanding a determination that the fund may be an investment company.

Under the current regulatory and enforcement system, the investment company activities authorized by this legislation to be performed by a national bank subsidiary will be regulated and supervised by the Securities and Exchange Commission ("SEC") under the securities laws, as well as by the Comptroller under the banking laws. This dual regulatory scheme provides sufficient enforcement tools to address any unsafe or unsound banking practices or investor protection concerns that may arise as a result of the activities permitted by the Act.

The Comptroller, as the appropriate Federal banking agency for national banks and their subsidiaries, has the authority to prescribe the necessary rules and regulations to insure the bank's safety and soundness. It is expected that the Comptroller will use this authority to impose whatever additional safeguards are necessary to address any potential adverse effects to the bank that may arise from establishing and operating the authorized subsidiaries, including conflicts of interest and unsafe banking practices.

The Act permits small banks to engage in investment company activities. To be deemed a "subsidiary" of a national bank, the Act requires that a company must be only more than 25% owned by a national bank and the Act further provides that a subsidiary may be deemed to be a subsidiary of more than one national bank. Consequently, several national banks may jointly own a subsidiary engaged in underwriting shares of and sponsoring investment companies.

SEC. 3. Permitting a State member bank to acquire a subsidiary which underwrites the shares of and sponsors investment companies.

Section 3 of the Act includes a conforming amendment to paragraph 20 of section 9 of the Federal Reserve Act, 12 U.S.C. §335, to provide that a State member bank may acquire a subsidiary that underwrites the shares of and sponsors an investment company to the same extent as permitted for a national bank under Section 2 of the Act.

SEC. 4. Requiring subsidiaries of national banks and State member banks to make certain disclosures to customers.

Section 4 of the Act amends the Federal Reserve Act (12 U.S.C. §221 et seq.) to require subsidiaries of national banks and State member banks engaged in the new activities to disclose, on a one-time basis, certain material information to their customers, including that the subsidiary is not an insured depository institution and any products sold, offered or recommended by the subsidiary are not FDIC insured. The subsidiaries must also obtain a signed acknowledgement from the customer that the required disclosures were received.

Moreover, the Act gives the Comptroller, in the case of a subsidiary of a national bank, and the Federal Reserve Board, in the case of a subsidiary of a State member bank, the authority to promulgate regulations, require that additional disclosures must be made, and to grant exceptions to the disclosure requirements under the Federal Reserve Act that are consistent with the purposes of the statute. It is expected that the regulators will consult with each other when granting exceptions to the disclosure requirements and will use this authority judiciously to exempt only customers who do not need the protection of the disclosures, e.g., sophisticated investors. Because the bank subsidiaries also are regulated by the SEC under the securities laws, any exceptions to the disclosure requirements granted by the banking regulators will only affect the disclosures required under the Federal Reserve Act and will in no way affect any requirements under the securities laws and regulations.

While this provision will provide express authority to banking regulators to require certain disclosures, under existing law, the regulators already have adequate supervisory authority to require any disclosures deemed necessary. In addition, the regulators have authority under 12 U.S.C. §1818 to take appropriate enforcement actions to address unsafe or unsound banking practices or violations of law involving the failure to disclose material information or fraudulent

sales of securities by banks or their subsidiaries.

Moreover, under the securities laws, a subsidiary engaged in the new activities will be subject to applicable disclosure requirements and enforcement actions by the SEC if such requirements are violated. For example, among many other provisions, the subsidiary will be subject to the securities antifraud statutes and regulations which require the disclosure of all material information, and the suitability requirements which impose a duty to ascertain that a sale of a security to a customer is suitable to that customer.

SEC. 5. Permitting a member bank to be affiliated with a company which underwrites the shares of and sponsors investment companies.

Section 5 of the Act includes a conforming amendment to section 20 of the Glass-Steagall Act, 12 U.S.C. §377, to permit a member bank, including a national bank, to be affiliated with a company that is engaged principally in the underwriting or distribution of investment company securities, such as is permitted by this legislation. Currently, section 20 of the Glass-Steagall Act prohibits such affiliations.

SEC. 6. Authorizing management interlocks between a member bank or a bank holding company and (1) an affiliate engaged in investment company activities, and (2) investment companies organized, sponsored, managed, or controlled by the affiliate.

Section 6 of the Act amends section 32 of the Glass-Steagall Act, 12 U.S.C. §78, to provide an exemption from the current law which prohibits management interlocks between a member bank and a company primarily engaged in the underwriting or distribution of securities. The Federal Reserve Board has interpreted section 32 also generally to prohibit such interlocks between a bank holding company and a company primarily engaged in the underwriting or distribution of securities. Section 6 would permit interlocks between member banks, including national banks, and bank holding companies and their subsidiaries engaged in the investment company activities authorized in this legislation. Because investment companies generally are deemed by the Board to be engaged in prohibited activities under section 32, the Act also amends section 32 to permit management interlocks between member banks or bank holding companies and the investment companies sponsored by their affiliates.

SEC. 7. Permitting a bank holding company to acquire a company which engages in investment company activities.

Section 7 of the Act amends section 4 of the Bank Holding Company Act of 1956 ("BHCA"), 12 U.S.C. §1843, to permit a bank holding company to acquire a company which underwrites the shares of and sponsors investment companies. Section 7 also provides that bank holding company affiliates engaged in the activities authorized in this legislation must make the same disclosures as are required under Section 4 of the Act for subsidiaries of national banks and State member banks.

A bank holding company's investment company activities permitted by this legislation also will be adequately supervised under current law. First, the nonbank affiliate's investment company activities will be subject to the SEC's regulatory and enforcement authority under the securities laws, as is the case with a subsidiary of a national bank or a State member bank engaged in such activities under this legislation. Second, the Federal Reserve Board has the authority to supervise and examine bank holding companies and their affiliates under the BHCA and to enforce the BHCA and other applicable banking laws. Third, the appropriate Federal banking agency for a bank subsidiary of a holding company and any subsidiary of the bank (the Comptroller of the Currency in the case of a national bank and its subsidiary) will supervise and examine the bank subsidiary and its subsidiaries and enforce applicable banking statutes, including the restrictions on affiliate transactions in 12 U.S.C. §§371c and 371c–1.

SEC. 7. Effective date.

The Act becomes effective upon enactment.

TRIBUTE TO CHARLES O. SLOSSER, PH.D., PROFESSIONAL OF THE YEAR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to Dr. Charles O. Slosser, Ph.D., who has been chosen as the Professional of the Year by the Santa Barbara/Ventura Counties Chapter of the National Society of Fund Raising Professionals.

This award is bestowed upon an individual who practices the profession of fund raising in the most effective, creative and highest ethical manner. The honoree must have made a substantial contribution to the success of the charitable organization for which he or she works, as well as playing an important role in the advancement of the profession of fundraising.

Dr. Slosser is the executive director of the Santa Barbara foundation. In this position, he is responsible for the overall administration of the foundation, as well as coordination or supervision of grantmaking, students loans, donor services, public relations, financial management, personnel, budgeting, and of course, fundraising.

Prior to his service to the Santa Barbara foundation, Dr. Slosser was the director of development at the Santa Barbara Museum of Natural History, and the director of major gifts and director of corporate/foundation relations at the University of California at Santa Barbara.

Mr. Speaker, on behalf of the U.S. House of Representatives, it is my pleasure to commend Dr. Charles O. Slosser, Ph.D., as Professional of the Year for the Santa Barbara/Ventura Counties Chapter of the National Society of Fund Raising Executives, and to wish him all the success in the future.

A CONGRESSIONAL TRIBUTE TO MR. AND MRS. OLIVER W. CONNOR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Oliver and Frances Connor, a couple whose joyous and fulfilling union has lasted over 50 years. On December 14, 1991, the Connor's celebrated a momentous occasion, their golden wedding anniversary. It is with great pleasure that I take a few moments to bring them to your attention.

Although Oliver was born in Fairland, OK, and Frances in Wichita, KS, fate brought them together when both families moved to Arkansas. It was there that Oliver and Frances met and became high school sweethearts. Marrying in Yuma, AZ shortly after graduation, the Connors then relocated to the land of opportunity, California.

Quickly becoming involved in their new community, the Connors have devoted countless hours of their spare time to numerous worthy causes. Oliver is a member of the Lakewood Rotary club, the Lakewood Chamber of Commerce, and is the area chairman of the Boy Scouts of America. In addition, he is a member of the St. Mary Medical Center board of trustees, a position he has held since 1967. Oliver is also a member of the Pan American festival association. In the past, he has served as a member of the Lakewood Kiwanis. Frances is a longstanding member of the dramatic allied arts program. She is also an accomplished pianist. Of all their various achievements and charitable endeavors, the Connors are most proud of founding the St. Mary Medical Hospice Auction, an auction that is responsible for raising million of dollars for the infirmed.

Mr. Speaker, my wife, Lee, joins me in extending this congressional salute to Oliver W. and Frances L. Connor. We wish them many more happy years together.

TRIBUTE TO MR. O. LEONARD PRESS

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. HOPKINS. Mr. Speaker, I rise to honor a distinguished Kentuckian and American, Mr. O. Leonard Press, Kentucky Educational Television's first and only executive director until his retirement this year and one of this Nation's most respected advocates and pioneers of public broadcasting.

Mr. Press is being honored this weekend as KET dedicates the new O. Leonard Press Telecommunications Center in Lexington, KY. This new facility will serve as headquarters of a second KET educational channel via satellite linking every elementary and secondary school in the State and providing the capacity to connect every college, library, and courthouse.

The vision, energy, and dedication of Len Press have made the statewide KET network a reality and built it into one of the largest and most successful educational networks in America.

In the 1950's, when as a professor in the University of Kentucky television department he proposed a plan for public broadcasting in the State, Mr. Press never saw KET as an alternative to commercial broadcasting; he saw it as an adjunct to museums, libraries, public schools, and universities.

By 1968, his hard work came to fruition as Kentucky Educational Television signed on the air with its first broadcast.

In the ensuing 24 years, KET has grown from a single broadcast channel primarily offering in-school programming to a transmission system that includes an open-broadcast channel for public programming and a closed-circuit satellite-delivery system with two channels devoted exclusively to interactive instruction.

STAR Channels, as the KET satellite delivery system is known, combines state-of-the-art technology—including a unique interactive keypad designed by KET—with top-flight instructors to provide specialized instruction to students in public schools across Kentucky and in 18 other States.

KET is also known around the world for its "GED on TV" program, which Press developed. Introduced in 1975, the program incorporates a 43-part television series with a student outreach component. "The KET/GED Series" is used in 48 States, the U.S. Armed Forces, the Federal correctional system, and the Governments of Canada and Mexico.

The father and now grandfather of Kentucky Educational Television has received many honors for his achievements. Most recent tributes include induction into the Kentucky Journalism Hall of Fame; recognition as Outstanding PTV Manager of the Year, the highest award bestowed by the Public Broadcasting System; and winner of the University of Kentucky Libraries Medallion for Intellectual Excellence.

Still, KET itself, the largest statewide public television network in the United States and still growing, remains the most eloquent testimony to Len Press' lifetime of accomplishment and enlightened public service. I am proud of my personal friendship with this distinguished friend of Kentucky and ask my fellow members to join me in saluting the remarkably productive career of O. Leonard Press.

INTERVAL BROTHERHOOD HOME

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. SAWYER. Mr. Speaker, daily headlines in the newspapers scream at us with tales of crime, drug abuse, homelessness, and other social ills. More and more, people retreat to their homes to escape the dangers of the street and the unwelcome advances of strangers.

But there is one man who does not; one man who searches for those who are victims of their own man-made addictive hells and helps bring them to a place of refuge. Mr. Speaker, I speak here of Father Sam Ciccolini of the Interval Brotherhood Home in Akron.

The Interval Brotherhood Home [IBH] began with a simple idea of Father Sam's: To sponsor a retreat for alcoholics. Father Sam was looking for a way, like Alcoholics Anonymous, to keep alcoholics sober long enough to get them back on their feet. It worked. It worked and it grew from a short retreat to a more structured, professional rehabilitation effort.

To get his idea for a house of retreat for alcoholics off the ground, Father Sam took over vacant property and turned it into a residential home for recovering alcoholics. When his first house of retreat was filled, he obtained a second. When it became clear that an even larger need existed, Father Sam went in search of a spot that would accommodate greater numbers of people.

He found none.

But what he did find was an abandoned farm. So, armed with little more than a desire to help people and a vision of a new place to house IBH, Father Sam took what had been an abandoned farm—literally took old deserted chicken coops, and transformed it into what is now a major rehabilitation center for those with drug addiction and alcohol problems. Today the IBH treats dozens of men, women, and children on a large, modern campus. It is one of the preeminent facilities in northeast Ohio for addictive disorders and has returned hundreds of men, women, and children to normal, productive and happy lives.

Father Sam sees still a greater and expanded role for IBH. When the Interval Brotherhood Home celebrated its 20th anniversary in 1990, Father Sam unveiled plans for the creation of an International Addiction Control, Treatment, Study, and Research Center. As with his original vision for IBH, Father Sam sees a new facility dedicated to academic and rehabilitative missions involved with addiction control and treatment. Whereas IBH served the local community, the new center will serve an international community and lead the fight to eradicate alcohol and drug addiction around the world.

Mr. Speaker, I am proud to have Father Sam and the Interval Brotherhood Home in my district. I am proud to see this level of dedication to such a worthwhile cause. Mr. Speaker, I commend Father Sam Ciccolini and IBH and wish them well on their continuing journey to serve those who most need it.

HOUSE VOTE TO DENY MFN FOR ROMANIA IS JUSTIFIED—WASHINGTON POST EDITORIAL APPROVES CONGRESSIONAL ACTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LANTOS. Mr. Speaker, yesterday the House of Representatives rejected by an overwhelming margin pending legislation to grant most-favored-nation [MFN] trading status for Romania. That action was a thoughtfully-considered—and appropriate—action by this body.

Today's Washington Post contained an editorial on the difficulties Romania has faced in moving from communism to democracy. The Post—correctly—notes that "almost all the other countries of the old Soviet bloc have been able to show more progress [than Romania] in their struggle against lingering Communist power structures and habits of mind. Romanian Communists have altered the forms but tended to cling to the reins."

Mr. Speaker, the first round of elections in Romania was generally approved by international election observers, but there has been criticism about the lack of a fully free press and free radio and television, and the development of truly democratic organizations has not proceeded as far as it has throughout the rest of Central and Eastern Europe.

The Romanians now have an opportunity to make the right decisions, to move further toward true democracy and to make progress in the observance of internationally recognized human rights. Congress is likely to revisit the issue of MFN for Romania during the next session of Congress. The Romanian Government now has an opportunity to make the changes in regard to full observance of human rights and to take the necessary steps to assure the development of real democracy. If these actions are taken, I am confident that the Congress will extend MFN to Romania.

As the Post editorial observed today, "The United States shouldn't hesitate to let its views on the progress of democracy in Romania be known." The Romanian Government has been told our views on the progress of democracy. More needs to be done. I hope the Romanian Government understands the message.

Mr. Speaker, I ask that the full text of today's Washington Post article be placed in the CONGRESSIONAL RECORD and I urge my colleagues to give it careful attention.

DEMOCRACY, ROMANIAN STYLE

Romanians apparently are reelecting President Ion Iliescu's Front for National Salvation. It is the people's choice, but it is a disappointing result all the same. The front is the political home for old, inadequately reconstructed Communists who worked comfortably with the late dictator Nicolae Ceasescu. Mr. Iliescu is compromised by his association with intrigue, violence and the privilege of the bureaucratic elite both before and after the Ceasescu ouster three years ago.

The upholders of democratic opinion in Romania have had an uphill climb. Almost all the other countries of the old Soviet bloc have been able to show more progress in their struggle against lingering Communist power structures and habits of mind. Romanian Communists have altered the forms but tended to cling to the reins. International election observers found much to approve in the conduct of Romania's elections on Sunday. But they noted shortfalls—including a less than free flow of information and a shortage of active civic organizations—in the deeper task of establishing a democratic civil society.

The old Communists profess a commitment to democracy and a market economy. But they move at it in a spirit diminishing these goals, and they capitalize on the very frustrations of daily life for which their own policies bear some responsibility. One could say there is a Balkan lag in Romania, but Bulgaria, also Balkan, has moved forward smartly. Romania has its own distinctive quality: a tradition of manipulative politics, a conservative rural constituency, a frail international class, a fierce distrust not simply of foreigners but of other Romanians.

With Mr. Iliescu's reelection expected to be confirmed in a second round on Oct. 11, attention turns to which parties he will pick as partners in a governing coalition. He could turn to the center or—painful thought—he could turn to his right, selecting the surging Party for Romanian National Unity, known for its xenophobia toward minority Hungarians, Gypsies and Jews.

The United States shouldn't hesitate to let its views on the progress of democracy in Ro-

mania be known. The House yesterday held up restoration of Romania's trade privileges (most favored nation trading status). A little time will be useful to see how the new government goes. It's a kind of interference in Romania's internal affairs—the right kind.

LIFELONG LEARNING ACT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. AuCOIN. Mr. Speaker, today, America is in danger of losing a war. It's not a war in the traditional sense, to be won or lost on the battlefield. It's an economic war being waged in classrooms and workplaces throughout the world.

In today's global economy, a nation's economic competitiveness depends largely on how it invests in its people. Unlike our international competitors we often fail to prepare young people for the world of work. High school students going directly into the work force usually spend several years moving from one low wage, low skill job to another, until they acquire enough work experience to be considered qualified for more responsible, better paying jobs. We also fail to provide those already in the work force with the education and training needed to keep current with the changing demands on the workplace. We generally assume that once people enter the work force, they have all the education and training they need.

If we are to win the economic war, we, as a country, must increase our investment in people. We must provide young people, as well as those already in the work force, the education and training needed to get and keep high wage, high skill jobs. In short, we must become a nation of lifelong learners.

My bill—the Lifelong Learning Act of 1992—promotes learning as a lifelong endeavor. It helps strengthen the connection between school and work by providing students with a variety of structured work experiences. These include tech prep or 2+2 programs, youth apprenticeships, and internships. It helps teachers stay current in their field by giving them the chance to get additional training and work experience. It helps education and training institutions respond to the needs of a changing economy by providing grants for short-term, customized training programs. And it helps promote business and labor involvement in education and training by making them partners in these programs.

In my home State of Oregon, major education and training reforms are already underway. These reforms aim to strengthen the transition from work to school; improve coordination of public work force education and training programs; and encourage private investment in work force education and training, development of high-performance work organizations, and partnerships between business and labor. Oregon's overall goal: To have the best educated and prepared work force in the Nation by the year 2000 and a work force equal to any in the world by 2010. The Lifelong Learning Act of 1992 will make the Federal Government both a partner to and catalyst for efforts such as this.

I urge my colleagues to support the Lifelong Learning Act of 1992, and to join me in cosponsoring this legislation.

TRIBUTE TO OUR FIRST BLACK AIRMEN

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CRAMER. Mr. Speaker, I rise today to pay a most deserving tribute to the heroic service of our Nation's first black airmen, the Tuskegee Airmen, whose phenonmenal combat record during World War II should long be remembered.

Fifty years ago, these courageous black men came to Tuskegee, AL, with the dream of learning to be military pilots. Between 1941 and the end of World War II, nearly 1,000 black men received pilot training at the Tuskegee Airman Training School.

The significant success of these fighter pilots marks an important milestone in American history. Their heroic actions not only proved victorious in the war, but helped open the door to integration in the U.S. military. The contributions of the Tuskegee Airmen cannot be overlooked.

Once they were sent into combat over Europe and North Africa in 1943, they flew more than 1,500 missions and shot down or damaged 409 enemy aircraft. These war heroes were decorated with more than 150 Distinguished Flying Crosses, Legions of Merit, Silver Stars, Purple Hearts, and other medals. They never lost a bomber they were escorting in more than 200 missions—the only fighter group in the war to achieve that distinction.

They were the Red Tails to their comrades, but to the Germans, the pilots of the 99th, 100th, 301st, and 302d squadrons were the dreaded schwartze Vogelmenschen, the Black Birdmen.

The year 1992 marks the 50th anniversary of the formation of the Tuskegee Airmen. To pay homage to our Nation's first black airmen and their fearless bravery in World War II, they will be honored at the Wings in Autumn International Air Show in Courtland, AL on October 2 through 4, 1992.

Mr. Speaker, I rise today in admiration of the distinguished service of the Tuskegee Airmen. Their valor and their sacrifice cannot be forgotten.

IN OPPOSITION OF THE TITLE X GAG RULE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ENGEL. Mr. Speaker, today, October 1, 1992, marks the day that the Bush administration begins enforcing the title X gag rule regulations. Today also marks that day in which the Federal Government has knowingly and actively become involved in violating fundamental principals of free speech, medical ethics, and equality.

Title X funds more than 4,000 family planning clinics nationwide, serving more than 4 million women annually. The women who seek family planning clinic services come from all walks of life, all races, wealthy and poor, young and middle aged. They also seek a variety of services from these clinics, including birth control information, yearly gynecological exams, prenatal care, and abortion services. These clinics provide invaluable services to millions of women each year.

Now, because of the administration's gag rule, health care professionals are prohibited from counseling their patients about abortion or referring them for abortion information and services. Even in circumstances where a woman requests the information, has no other source of health care, or is at risk of suffering physical harm, health care professionals are prohibited from discussing abortion as an alternative.

Every individual has a right to receive full medical information about their health care options, regardless of whether or not they are able to afford a private doctor or must use a family planning clinic. It is very difficult for a woman to be faced with an unplanned pregnancy, but she is entitled to make an educated decision about all of her legal options, including prenatal care and delivery, infant care, foster care, adoption, and abortion. The Government has no right to interfere with the relationship between a doctor and her/his patient.

In light of these circumstances, I urge my colleagues to vote in favor of S. 323, the Family Planning Amendments Act, when it comes up for floor consideration later this week. This legislation is designed to allow title X clinics to provide nondirective counseling and referrals to pregnant women. This includes information on prenatal care and delivery, infant care, foster care, adoption, and abortion.

In addition, the legislation will protect clinic staff from being forced to provide information that conflicts with their personal beliefs. It also requires that all clinics receiving title X funds must certify that they have complied with their State's parental notification and parental consent laws.

I urge my colleagues to replace the administration's restrictive gag rule and vote in favor of S. 323. The rights of millions of women, their health care providers, and their families are being blatantly violated by this unfair and unconscionable regulation.

THE NEW ENGLAND CHASSIDIC CENTER HONORS JOSEPH GANN AND ROBERT G. OJEMANN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, ROFEH International is an important and extremely well run charitable organization in Brookline, MA. ROFEH is directed by Grand Rabbi Levi Y. Horowitz, the Boston Rebbe, of the New England Chassidic. Among his many distinctions, Rebbe Horowitz is an authority in the field of medical ethics and a staunch sup-

porter of quality medical care being made widely available. As part of his work he became aware of a need which ROFEH helps to fill. This organization is a referral organization which makes it possible for people in a wide variety of places to take advantage of the high quality medical care available in Greater Boston. ROFEH refers people with illnesses to the medical specialists and facilities which are best suited to their needs. For the people who come to Boston from some distance, ROFEH provides a range of services which include arranging housing, transportation, food, very important in this context, interpreters. Rabbi Horowitz and those who join him in support of ROFEH are entitled to feel extremely proud of the excellent work they do and of the people whose health problems they have helped alleviate by this indispensable service.

On November 22 of this year the New England Chassidic Center which Rabbi Horowitz heads will hold its annual dinner in which it will award two very well deserved honors to people who have been supported of the work of the center and of ROFEH. Joseph Gann will be celebrating his 90th birthday around the time that he receives the Man of the Year Award for his service to the New England Chassidic Center. Joining Mr. Gann in receiving appropriate recognition of his great work is Dr. Robert G. Ojemann, who will be receiving the ROFEH Award. Mr. Speaker, the New England Chassidic Center has prepared brief descriptions of the important work of these two outstanding men and I want these descriptions here:

MR. JOSEPH GANN

Mr. Joseph Gann, noted Boston philanthropist, and self made business leader, is not just another Horatio Alger tale. It is a story that covers his early struggling years in his birthplace, Raduta Lithuania, his exiled tortuous time in Siberia, where he first became a watchmaking apprentice. From there he escaped to Koenigsberg, Germany, where he learned the art of being a jewelry craftsman, which he utilized in a most significant way to make his life story a legend.

He comes from a family of Talmudic scholars, starting with his great-grandfather and continuing for three generations. They studied in the world renowned Slobodka Yeshiva of Lithuania. His early life was spent working at the orchard of his Zeidy. When he finally arrived at the home of his uncle in Amsterdam, N.Y., he acquired his first job in a jewelry shop. This event launched his extraordinary business career, climaxed by the establishment of his own prominent and successful jewelry firm, Joseph Gann, Inc, of Boston, and his appointment to the board of the internationally famous industrial firm, the Kiddie Manufacturing Company.

His upward climb, as he describes it began with a better job offer that took him from Amsterdam to Albany, N.Y. "Then, out of the blue," Gann reported, "I received a letter from a large Boston Jewelry house which had heard of my work, and offered me the then unbelievable salary of $48 a week".

A few years later, the famous 1929 Stock Market crash occurred, and he faced the urgent demand of accepting a $33 cut in his $48-a-week salary. With typical daring, the enterprising craftsman made the most fateful decision of his life: To found his own wholesale jewelry operation. As the years passed, the company enjoyed a steady growth and an expanding reputation for superior service. Its marketing reach spread throughout the Northeast.

Still leading a vigorous daily life, the keen, hardy honoree, supposedly retired, "almost fully" from business in 1974, turning over Joseph Gann, Inc. to the direction of the second-generation family members. Still, when he is located in Boston, and not in Miami, which is the better part of the year, a day will not go by with Mr. Gann not "running the show".

Mr. Gann is married to Rae "Rochel" Perkins, a true woman of valor, who has been at his side throughout his turbulent life. The Ganns reside in Newton and Bal Harbour, Florida, where he was recently honored with that communities Chesed Award.

The Ganns have been members of the New England Chassidic Center, an organization dedicated to religious and humane activities, for close to 40 years, and have been followers of the Bostoner Rebbe, its spiritual leader, Grand Rabbi Levi Y. Horowitz.

Joseph and Rae Gann have three children and eight grandchildren. Their son, Herbert, and his wife Rita (Kaplan) Gann, have two sons, Joshua and Matthew, and two daughters, Elisa and Sharon. Their daughter, Beverly Bavly and her husband, Don, have two sons, Eric and Lawrence and one daughter, Suzanne. Daughter Shirley Saunders and her husband, Jonathan, have one son, Adam.

Joseph Gann will receive the "Man of the Year" award for service to the Rebbe, the Chassidic Center and the Jewish Community. At the same time, the legion of friends of the Ganns will celebrate his belated 90th birthday.

"I accept this award, because the Rebbe convinced me that it was Boston where my success story emanated and developed, and therefore Boston should have the opportunity of celebrating my special birthday with our many friends."

DOCTOR ROBERT G. OJEMANN

Doctor Robert G. Ojemann is a world renowned physician and teacher, in his capacity as Neurosurgeon at the Mass General Hospital and Professor at Harvard Medical School. Born in Iowa, Dr. Ojemann graduated with highest distinction from the University of Iowa. After internship, he spent a fruitful year in general surgery at Baylor University. His neurosurgical residency was at Mass General Hospital (MGH) under the direction of Drs. James White and William Sweet. By the time he finished his residency he had gained the confidence of the senior neurosurgical staff at MGH. He has continued his outstanding clinical work at this institution ever since. His pioneering research in brain scanning and tumor radiotherapy led to his receiving the American Academy of Neurologic Surgeons Award.

It is difficult to separate Dr. Ojemann's accomplishments as a clinician from his influence as a teacher. He has been the primordial force in the training of a generation of neurosurgeons at MGH. Didactically, he is effective but not flamboyant: one suspects that he is never comfortable "lecturing." He never gives his opinion unless he is asked; then he runs through the options—as if to concede that other ways to do it are legitimate—and finally tells you not "the right way" but simply how he would do it and why.

It is reassuring, and a tribute to the neurosurgical community, that this modest, shy, and unassuming man has gained such national respect and stature. He has been visiting professor at nearly 20 institutions. He has been Chairman of the Board of Neurological Surgery and President of the Society of University Neurosurgeons, of the Congress of Neurological Surgeons, and the American Association of Neurological Surgeons, having become, the first neurosurgeon to have held all these offices.

The ROFEH award is presented annually to a member of the Greater Boston medical community for Outstanding Humanitarian service combined with the Highest Professional Merit.

Dr. Ojemann's effort on behalf of ROFEH International are but one facet of his contributions to the field of medicine which has brought him great stature and recognition. His involvement with ROFEH International typifies the selfless and altruistic devotion which characterize all of Dr. Ojemann's achievements. Dr. Ojemann has unselfishly devoted much of his previous time and effort to the care of patients sponsored by ROFEH International.

UNSCOM ACTIVITIES IN IRAQ

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. FASCELL. Mr. Speaker, based on a briefing for members of the House Foreign Affairs Committee last month with Ambassador Rolf Ekeus, executive chairman of the U.N. Special Commission [UNSCOM] on Iraq, I would like to update may colleagues on UNSCOM's progress in destroying Iraq's weapons and monitoring their weapons capabilities over the long term.

CREATION OF UNSCOM

The U.N. Special Commission on Iraq was established in April 1991 by the Security Council to implement the Security Council's cease-fire resolutions resulting from the Persian Gulf war. Ambassador Rolf Ekeus of Sweden was appointed by the Secretary-General to the executive chairman of UNSCOM.

UNSCOM MANDATE

As stated in their background publications, UNSCOM's mandate is as follows: to carry out immediate on-site inspections of Iraq's biological, chemical and missile capabilities; to take possession for destruction, removal or rendering harmless of all chemical and biological weapons [CBW's] and all stocks of agents and all related subsystems and components of all research, development, support and manufacturing facilities; to supervise the destruction by Iraq of all its ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities; to assist the Secretary-General in developing a plan for the future ongoing monitoring and verification of Iraq's compliance with its undertaking not to use, develop, construct, or acquire any of the items specified above, and to assist and cooperate with the Director-General of the International Atomic Energy Agency [IAEA], which under resolution 687, has been requested to undertake activities similar to those of UNSCOM but specifically in the nuclear field.

In effect, U.N. resolution 687 establishes a three step process for controlling Iraq's weapons of mass destruction: First, an inspection phase to assess Iraq's nuclear, chemical, bio-

logical and ballistic missile capabilities; second, a disposal phase of weapons of mass destruction, related facilities and components; and third, a long-term monitoring phase to ensure Iraqi compliance with the relevant cease-fire resolutions.

INSPECTIONS

Under the cease-fire resolutions, Iraq is required to submit to the United Nations the types and locations of all relevant items to be destroyed or rendered harmless. UNSCOM can inspect these and any other sites in Iraq as it deems necessary.

Since UNSCOM began its activities in Iraq, Iraq has been generally uncooperative. According to UNSCOM, the inspections have had to be "energetic, rigorous and intrusive because of Iraq's failure to adopt the candid and open approach to the full, final and complete disclosure of all aspects of its weapons programmes * * *."

However, in June, Iraq finally made what it claims is a full disclosure of all its weapons programs as required by resolution 687. Iraq. has also submitted its initial declarations in connection with the long-term monitoring plan as required by Resolution 715. As these declarations were late and did not include an adequate range of facilities or activities, the special commission is now in the process of assessing their adequacy and accuracy and working with Iraq to obtain more complete declarations.

In spite of these many obstacles, according to UNSCOM, "UNSCOM and IAEA have been able to compile much information about Iraq's capabilities and facilities in all the areas concerned." In this regard, Ambassador Ekeus has indicated that he believes that at some point, UNSCOM can make a full report to the Security Council that all relevant weapons systems and capabilities have been accounted for. However, to do so would require a full understanding of the programs, substantial completion of destruction activities and the prior smooth functioning of the long-term monitoring and inspections.

UNSCOM FINDINGS AND ACTIVITIES IN IRAQ AND IRAQI COMPLIANCE

NUCLEAR

In the nuclear field, the IAEA and UNSCOM have found: Three clandestine uranium enrichment programs or activities: electromagnetic, centrifuge, and chemical isotope separation, as well as laboratory-scale plutonium separation, and conclusive evidence of a nuclear weapons development program, logically linked to a surface missile project.

Nuclear inspection teams have overseen the destruction of: the key technical installations of Iraq's clandestine nuclear weapons program located at al-Atheer and al-Hatteen, and Electro-Magnetic Isotopic Separation [EMIS] equipment at Tarmiya and al-Sharqat.

In addition, the IAEA has tagged dual purpose equipment that will have to be closely monitored. Moreover, the fresh uranium fuel for Iraq's nuclear reactors has already been removed from Iraq and plans are being made to remove, reprocess, and store the irradiated fuel. Discussions regarding a consortium to reprocess this fuel and provide permanent storage for the resulting waste are underway.

U.S. Ambassador to the United Nations, Edward Perkins, has testified that Iraq's overall cooperation in the destruction of these nuclear facilities has been "very good," but there has been a deterioration in the Iraqi attitude toward the inspectors, i.e. slowness in organizing transportation and meetings, etc. In defiance of IAEA requests, the Iraqis continue to refuse to supply the names of its nuclear suppliers, although they did disclose three such suppliers in early 1992.

The Iraqis have accepted, in part, the long-range monitoring plan to prevent the reactivation of the clandestine Iraqi nuclear program. While they have not outright acknowledged acceptance of the plan, they have made some declarations which purport to be under the plan.

One element of the plan involves taking water samples of Iraqi waterways for traces of radioactivity. Samples are to be taken at least twice a year from over 40 locations. Samples have already been taken from 15 sites. Acceptance of this plan is a key step in Iraqi compliance with U.N. resolutions.

As the Congressional Research Service has indicated, after France supplied an intelligence tip to UNSCOM regarding an unknown nuclear reactor capable of producing plutonium in Iraq, the tenth UNSCOM/IAEA nuclear team investigated, but could not find such a reactor.

According to Ambassador Ekeus, Iraq is almost certainly not producing nuclear weapons now because UNSCOM and the IAEA are watching. However, Iraq has retained its knowledge base and, once inspections ceased, could reactivate the program.

Ambassador Ekeus has further indicated that while he does not necessarily believe that Iraq is hiding an underground plutonium reactor, UNSCOM cannot definitively conclude this at this time. The uranium enrichment program pursued by Iraq was complex and technically difficult. It is therefore puzzling to UNSCOM that Iraq would not have tried the plutonium route, but Iraq has not provided any data on plutonium research and UNSCOM has not found much in the plutonium area. As Iraq bought enormous amounts of very expensive material related to centrifuge enrichment of uranium, UNSCOM is trying to understand why Iraq would purchase such expensive equipment without first undertaking pilot studies. UNSCOM is therefore continuing to search for a functioning uranium enrichment pilot plant. In this regard, more inspections in Iraq and more documentation from Iraqi officials are needed to make an accurate determination of their nuclear capability.

CHEMICAL WEAPONS

UNSCOM has taken possession of approximately 150,000 rockets, bombs, artillery shells and grenades for chemical warfare. To date, UNSCOM has supervised the destruction of some 11,867 unfilled chemical munitions and some 800 122-millimeter rockets—some filled and some partially filled with a nerve agent—and has destroyed some dual-use chemical production equipment. Some 350 tons of bulk agent and 3,000 tons of precursor chemicals will also need to be destroyed.

Ambassador Ekeus has indicated that the fundamentals of Iraq's chemical program have been "mapped out." In this regard, Al Muthanna has been designated as the central location for the destruction of Iraq's chemical weapons. However, those munitions which have been found damaged or leaking at various sites will be destroyed onsite.

UNSCOM has begun the destruction of stocks of nerve gas, and by November a mustard gas incinerator should be in operation. A team of 30 chemical weapons disposal specialists is stationed in Iraq for the 6 to 18 months it should take to destroy Iraq's chemical stockpile.

On several occasions, Iraq has tried to make life difficult for the inspection teams, including harassing and denying a chemical and missile inspection team access to the Agriculture Ministry in July. The Security Council was slow to react to this situation and did not say in its resolution on the matter—as is the normal procedure—that there would be serious consequences if the Iraqis did not comply. If the Security Council had acted more firmly earlier on, the task of persuading the Iraqi's of the seriousness of the consequences of their actions would have been easier. The United States subsequently threatened military action if the Iraqis did not cooperate with the inspectors, but this was some 2 weeks later.

A new topnotch team was assembled which included U.S. personnel, but an agreement was reached that U.S. personnel would not enter the Ministry. No relevant documents were found, leading some to conclude that the Iraqis had time during the 2 weeks to remove any such documents.

Since this episode at the Agriculture Ministry, Ambassador Ekeus has reported that Iraq has been more cooperative, not causing delays or harrassing UNSCOM personnel. However, Ambassador Ekeus has revealed that fundamentally, Iraq is noncooperative. "They still try to preserve, as we understand, as much as they believe they can hide."

BIOLOGICAL

In the biological area, UNSCOM has not identified a weaponization capability, but has identified preparatory work and research.

Inspection activities have centered on the major research and development site at Salman Pak, but over 12 additional sites have been inspected. No conclusive evidence has been found that Iraq has been engaged in an "advanced military biological research programme." Inspections have revealed a basis for further inspections and Iraq indicated in August 1991 that it had a biological research program for defensive and possibly offensive uses. Iraq claims that no political decision had been taken as to whether to explore further offensive uses for biological weapons.

Just before the first inspection team arrived at Salman Pak, Iraq destroyed this facility, making UNSCOM's ability to determine exactly what was done at this facility much more difficult.

BALLISTIC MISSILES

U.N. Resolution 687 requires the destruction of all Iraqi ballistic missiles with a range greater than 150 kilometers. So far, UNSCOM has supervised the destruction of roughly: 151 ballistic missiles; 19 mobile launchers; 76 chemical warheads; 113 conventional warheads for SCUD-variant missiles; 9 conventional warheads for Al-Fahd missiles; more than 130 missile storage supports; a number of support vehicles; a substantial amount of rocket fuel; 28 operational fixed Al Hussein missile launch pads; 32 fixed launch pads under construction

and at various stages of completion; 11 decoy missiles; 9 SCUD decoy vehicles; an assembled 350-millimeter supergun; incomplete component sets for two 350- and two 1,000-millimeter superguns, and one ton of supergun propellant.

According to UNSCOM, inspections have also revealed: indications that Iraq may be hiding additional missiles; an advanced indigenous capability for the modification of SCUD's into longer range missiles, together with a program for the completely indigenous production of such modified SCUD missiles; a program for a two-stage ballistic missile [BADR–2000] with a range of 1,000 km for a payload of 1 ton possibly to carry nuclear weapons, and a program for an indigenous three-stage space launch vehicle [Al-Abid].

UNSCOM has stated that if these programs had been completed, "Iraq would have had the capability to deliver over a long range a variety of different payloads, including nuclear, chemical and conventional."

In the past, Iraq has concealed information from UNSCOM regarding its ballistic missile program, later revealing to UNSCOM that it had destroyed previously undeclared items. As such, UNSCOM recognizes that many more intrusive inspections are required to verify that all prohibited items have been identified.

In recent months, a team of experts from Russia has provided UNSCOM with substantial new information regarding Iraq's ballistic missile program. As Russia was a main supplier of equipment and technical assistance to Iraq in this area, their cooperation with UNSCOM has been invaluable. Based on this new information and from their own inspection activities, UNSCOM is investigating whether Iraq is trying to hide the existence of additional ballistic missiles.

Iraq is actively producing components for the BADR–2000 Program, but Ambassador Ekeus has indicated that UNSCOM has identified the components of this program which cannot be activated while UNSCOM is in Iraq. He also noted that Iraq's ballistic missile program will have to be monitored closely to ensure that long-range capability is not added to their shorter-range missiles—under 150 kilometers—which are not prohibited by the cease-fire resolutions.

LONG-RANGE MONITORING PLAN

According to U.N. Resolution 687, Iraq is required to accept a plan to verify that it does not use, retain, possess, develop, construct, or otherwise acquire any weapons or related prohibited items.

In this regard, Iraq is required to submit on a timely and regular basis, complete and correct information on all facilities and locations that might be used for prohibited activities. UNSCOM and the IAEA have the right to go anywhere in Iraq at anytime, unannounced or on short notice, with full Iraqi cooperation required.

At this time, the Iraqis do not accept or reject the long-range monitoring plans. They are making some declarations required by the plans, but they object to accepting a long-term loss of their sovereignty and they want to renegotiate the plans. UNSCOM has said that they are in no position to renegotiate the plans or the requirement for Iraqi acceptance of the plans. These plans are required by U.N. Security Council resolutions and as such are not subject to renegotiation by Iraq.

For UNSCOM and the IAEA to do their job, they need the appropriate documentation from Iraq on their nuclear, chemical, biological, and ballistic missile capabilities. UNSCOM also has control of a U–2 aircraft supplied by the United States for high-altitude observation. However, both UNSCOM and the IAEA need the timely receipt of appropriate intelligence information from informed countries to implement their mission.

As a general proposition, UNSCOM notes that Iraq is doing what it can to keep its options open and to revitalize its weapons programs in all areas. Their unwillingness to operate in the spirit of the cease-fire resolutions has only resulted in strengthening UNSCOM's resolve to dig in and get to the bottom of their weapons capability.

In this regard, the U.S. Government must give UNSCOM and the IAEA its full support to implement their mission in Iraq. That's why in the Freedom Support Act, which is about to be approved by the Congress, $40 million is authorized for international nonproliferation activities, such as assisting UNSCOM and the IAEA. It is my hope that in the 103d Congress, the Congress and the executive branch will continue to give UNSCOM and the IAEA their strong support.

BLUEPRINT FOR A WIDER WAR

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Ms. MOLINARI. Mr. Speaker, Serbian aggression, first in Slovenia, then in Croatia, and now in Bosnia-Herzegovina has repulsed the world. Just last week, the United Nations expelled what is left of former Yugoslavia—namely communist Serbia and Montenegro—from the General Assembly. Virtually every international organization, including the European community, the Conference on Security and Cooperation in Europe, the Organization of the Islamic Conference, and the U.N. itself have identified Serbia as the aggressor and Slovenia, Croatia and Bosnia as the victims in this brutal senseless conflict.

Last January, I visited Croatia and saw for myself the bombed-out villages, the frightened refugees, the damaged hospitals, and the psychological devastation. There is no doubt that decisive action should have been taken by the international community months ago. It is not too late. A no fly zone must be created over Bosnia. Heavy weapons must be placed under U.N. control. Relief supply lines must be opened. The horrendous ethnic cleansing campaign by the Serbs against nonSerbs must be stopped.

With winter approaching, and snow already falling on the slopes around Sarajevo, the people of Bosnia-Herzegovina face a threatening future, not only from the Serbian bombardments but from the cold weather.

Over the last 12 months, a number of incisive observers have tried to warn the world about the consequences of no action by the world community. Wednesday, in the New York Times, former State Department Yugoslav expert George Kenney wrote one of the clearest descriptions of the future in the Balkan region, given the reluctance of the U.N. and the U.S. to act.

He foresees a calamity involving Kosova, Macedonia, Albania, Greece, Turkey and much of Europe.

Mr. Kenney concluded, "Compare the likely cost of intervention tomorrow with the cost of limited military intervention today, and consider that the cost will keep going up and the problem won't go away."

I commend the entire article to my colleagues who wish to better understand the future of this conflict.

[From the New York Times, Sept. 30, 1992]

BLUEPRINT FOR A WIDER WAR

(By George Kenney)

Everything in the Yugoslav conflict follows from Serbia's fundamental goal of creating a larger, ethnically pure state. Only counterbalancing force—Western air power, arms and training for the Bosnians—can halt Serbian aggression. Only a military standoff will lead to a lasting peace, by reversing Serbian expansion.

The consequences will be much more tragic in the former Yugoslavia if the U.S. and Western Europe do not intervene militarily. Thousands of people have already been killed, and the Yugoslav refugee tide is already causing strains in Europe. If nothing is done, hundreds of thousands of innocent people may die, and the refugees will destabilize the Continent.

Conflict will spread through the Balkans, drawing in Islamic nations. Two NATO members, Greece and Turkey, may take opposite sides. Ultimately, the West may be forced to intervene militarily, but costs will rise exponentially as we delay.

Given the risks, consider how events might unfold.

Serbia has three short-run strategic aims it will not abandon unless it confronts a credible deterrent. First, it wants control of a corridor across northern Bosnia linking Serbia and Serbian-occupied areas of Croatia. Second, it demands an eastern corridor along the Bosnian-Montenegrin border, giving Belgrade access to its only naval base on the Adriatic. A Greater Serbia demands that "ethnic cleansing" continue in these areas until all non-Serbs are killed or driven out. Third, Serbia wants the destruction of Sarajevo, symbol of multiethnic Bosnian statehood.

About 400,000 non-Serb Bosnians remain in northern Bosnia. Most are in a pocket above Bihac in the northwest, surrounded by Serbian forces. Perhaps an additional 100,000 remain along the border with Montonogro. "Cleansing" these areas leaves no one to object to local puppet governments that work to "legitimize" a Greater Serbia. Although Serbian forces have not fully consolidated control over these areas, they have advantages in mobility and logistics. Given current conditions, they will achieve their aims over time.

Nevertheless, in the north and southeast, near the coast, some intense fighting will continue. To the north, Croatia will try to break Belgrade's supply lines and cut off parts of Serbian-occupied Croatia. By the coast, Croatian forces do not intend to cede control of the hills above Dubrovnik. Serbia is set on denying Croatia control of this region, which dominates the entrance of the bay loading to Serbia's only naval base.

A further 100,000 or so Bosnians—Muslims and Croats as well as "disloyal" Serbs—are interred in Serbian concentration camps. A typical camp consists of a cattle shed or other structure housing about a thousand men on straw pallets. Many die of sickness, hunger and beatings; guards dispose of others in "recreational killings." This winter, most internees will die of exposure. The International Committee of the Red Cross, the U.N. and the West will continue to demand access to all camps and supervision of camp conditions—demands the Serbs will continue largely to ignore. Prisoners will be shifted from camp to camp in a shell game while Western negotiators visit detainees in model camps. Western governments will remain loath to force access.

The winter war may take up to 350,000 Bosnian lives. Freezing temperatures will greatly help the Serbian sieges around Sarajevo and other towns. Snow will close roads. Cutbacks in humanitarian aid will hurt; getting fuel to the large towns will be nearly impossible. Scores of besieged hamlets, whose names we do not know, will be wiped off the map.

Belatedly, the West will acknowledge a defeat. Cynically citing humanitarian concerns, Western diplomats will agree to terms with Serbian forces for a massive exodus of Bosnians from concentration camps and besieged areas to areas out of Bosnia.

Croatia will turn further refugees away. It has nowhere to put them, nor can it afford them. Having little choice, hundreds of thousands will pour across the borders of Austria, Germany and Italy, despite attempts by those countries to refuse asylum. Austria already views Yugoslav refugees as a threat to its national security. Germany and Italy will soon share that view. In 1991, the Italian Government was damaged by its inability to handle Albanian refugees; this new influx will add significantly to Italian political instability. Germany will face increased neo-Nazi violence.

From the first, the Serbians said they planned to strangle Sarajevo. They are patient. Whether Sarajevo withstands the siege or falls, its defenders will falter in efforts to maintain their democratic, multiethnic Government. Bosnians, Croats and Serbs will turn away from the Government; it will become predominantly Muslim and radicalized.

Moderate leaders will seek help from Islamic states; Iran and Libya will respond, as will Turkey, which is troubled by what it perceives as its responsibility to Balkan Muslims and also wishes to use the crisis to provoke Greece over other disputes.

Throughout the winter, Serbian forces will make incremental gains. Fighting in Bosnia will enter a false lull. In Croatia, Serbians will continue to violate terms for the cease-fire in U.N.-protected areas, Serbian refugees from other regions will move in, non-Serbs will be forced out, often brutally. Local legal and administrative procedures and political institutions will be modeled increasingly on Serbian standards. Because the cease-fire agreements do not specify how U.N.-protected areas are governed, Serbians will be able to claim they are only defending their "rights."

By spring, the Croatian Government will conclude that further time in negotiations means more opportunity for Serbia to lock in its gains. Zagreb will regroup; by spring, its forces will become far stronger than Serbian forces in Croatia, though not yet a military match for the entire Serbian Army. The Croatians will decide to recover territory by force but will wait for the right tactical moment.

Croatia will appear calm. Bosnia will be quieter, even though Serbians will not control it fully. Western governments will move forward with the Geneva talks. They dare hope for a settlement despite the winter deaths, the refugee problem and disconcerting signs of the involvement of Muslim states. The West will continue to refuse to believe a military deterrent is necessary. Belgrade will talk while it fights.

But sanctions begin to have a big effect on politics as the Serbian economy collapses. President Slobodan Milosevic then does what dictators typically do: He turns attention elsewhere—to Kosovo, a rallying point for Serbs.

No Serb, whether of the opposition or a Milosevic supporter, would give up the "cradle of Serbian civilization." Kosovo's 90 percent Albanian population, however, demands independence. Conflict is inevitable. Serbian militants in Kosovo are armed and trained; they despise the Albanians and plan an ethnic cleansing, to push as many Albanians as possible into Albania. At Mr. Milosevic's signal, Serbian irregulars attack, backed by the army and air force.

It is worse than Bosnia. It is a massacre. Albanian Kosovars are neither armed nor organized. Indiscriminate shelling and air bombardment kills thousands. A half-million Kosovars, about a quarter of the population, flee to Albania.

The Government of Albania mobilizes immediately and goes to war. Macedonia, with a 30 to 40 percent ethnic Albanian population of its own, decides it has a better chance of survival by joining Albania. It is too risky for Macedonia to wait and face a victorious Serbia alone. Each side inflicts heavy casualties; the war bogs down. Muslim states are outraged. Mr. Milosevic made a fatal error by discounting the possibility of their intervention. They openly send "volunteers" and arms.

In Kosovo and Bosnia, Serbian forces, which were never so strong, fall back. Croatia seizes the opportunity to reopen its own front against Belgrade. U.N. forces in the region come under attack from all sides. Greece cannot conceal its ambitions for a slice of Macedonia; it weighs the opportunities and risks of coming to the aid of Serbia. Turkey threatens Greece. NATO, torn by refugee problems, by indecision, flounders. The West cannot stop the conflict from spreading.

This is not a worst-case scenario. In my judgment, the probability of such a chain of events is greater than 50-50, the point being that the U.S. is unlikely to get for free the option of non-involvement. It may well be that by next spring, the U.S. will find itself proposing to lead a force of Western ground troops under U.N. auspices to make peace in the ex-Yugoslavia and keep the peace in Europe.

Should we choose not to deter Serbian aggression when we can? Compare the likely cost of intervention tomorrow with the cost of limited military intervention today and consider that the cost will keep going up and the problem won't go away.

GREEK CYPRIOTS MASSACRED TURKISH CYPRIOTS EN MASSE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BURTON of Indiana. Mr. Speaker, propaganda distorts events to manipulate public opinion. This has led some to accuse the Turkish Cypriots of having conducted ethnic cleansing on Cyprus.

I respectfully submit that if ethnic cleansing occurred on that sad island, it was in 1963, when the Greek Cypriots began to drive Turkish Cypriots from their homes and cut them down in the streets. I refer to a New York Times article of 1964, titled, "Temblos Group Holds Out:"

The Turkish quarter of Temblos is holding firm. Elsewhere on this troubled island Greek Cypriots kept up their pressure on remaining Turkish enclaves. After yesterday's attack on Ghaziveren overlooking the Morphou Bay, below the north coast, British troops were in the villages again while the people of Ghaziveren mourned their dead.

At Ayvasil, a village 8 miles to the south, that Turkish Cypriots abandoned, almost all the houses were burning today.

Temblos is the only Turkish Cypriot community on the north coast of Cyprus that has not fled, surrendered or been neutralized by the vastly superior forces of the Greek Cypriots.

In other words, the tragedy in Bosnia is being manipulated to feed the Greek Cypriot propaganda machine.

Let us recall when the Cyprus conflict began. In December 1963, the Greek Cypriot militia resumed the struggle for union with Greece (Enosis) and savagely attacked the Turkish Cypriots throughout the island, killing many men, women, and children and thus bringing to an end the bicommunal partnership that had established the republic. The only thing that prevented Cyprus from becoming a Greek province, and that saved the Turkish Cypriots from complete ethnic cleansing, was Turkey's intervention.

To understand the settlement negotiations, one must understand Cypriot history. Today, who stands to benefit most from the success of negotiations? The Turkish Cypriots. For the last 30 years, the world community has ignored them, recognizing only the Greek Cypriot regime despite the model democracy that Turkish Cypriots have established. The Turkish Republic of Northern Cyprus has everything to gain through a rational, thoughtful political settlement on the island.

The Turkish Cypriots want reassurances that they will not be thrown out of the government again. The minimum requirement they have set forth during the settlement negotiations is that their constitutional rights be irrevocable. They must be able to live securely in their homeland, with an equal voice in the government. A bizonal, bicommunal federation based on the political equality of the two communities offers the best prospect for a lasting settlement.

Today, in the new international environment, there is a chance for peace on the island. Some have falsely accused the Turkish Cypriots of intransigence. However, the Turkish Cypriots were the side that made significant concessions on two major outstanding issues in the last round of talks—namely territory and displaced persons, expecting in return the guarantee of their constitutional rights. The Greek Cypriots have yet to respond. One cannot expect the Turkish Cypriots to make all the concessions before learning the Greek Cypriot position on the constitutional issues. The talks

on Cyprus resume in October. They may yet succeed if the Greek Cypriots decide to recognize the Turkish Cypriots' inalienable right to an equal voice in the new federated state. Any solution should take into full account the legitimate rights and interests of both sides and should in no way be a source of future conflicts, either on the island or beyond it.

Mr. Speaker, I would like to enter in the record a letter written by the New York Representative of the Turkish Republic of Northern Cyprus to Secretary General Boutros Boutros-Ghali in reply to the allegations of ethnic cleansing as published in the September 5, edition of the New York Times.

TURKISH REPUBLIC OF
NORTHERN CYPRUS,
New York, NY, September 8, 1992.

The EDITOR,
The New York Times, New York, NY.

DEAR SIR: The editorial entitled "Ethnic Cleansing, Cypriot Style" (The New York Times, September 5, 1992) tends to lay the blame on the wrong party for the continued lack of a solution in Cyprus. It ignores the fact that it was President Rauf Denktas who made major territorial concessions by agreeing to reduce the size of the territory of the Turkish Cypriots from 36% to 29+%.

He also agreed, in principle, to recognize the right to property and return, subject to the practical difficulties this would cause. His flexible stance was acknowledged by the Assistant Secretary of State for European and Canadian Affairs, Mr. Niles, who, at a hearing of the Europe and Middle East Subcommittee of the House Foreign Affairs Committee on August 4, 1992, described him as a "skillful negotiator".

By contrast, Mr. Vassiliou, refused even to discuss the constitutional issue, let alone make reciprocal concessions.

But what is perhaps more disturbing about the editorial is its failure to correctly identify those who practiced "ethnic cleansing" in Cyprus. The record shows that it was the Greek Cypriots who, between 1963 and 1974, massacred Turkish Cypriots en masse in an attempt to "Hellenize" the island. It was our resistance to this brutal aggression and, ultimately, Turkey's exercise of her rights and obligations under the Treaty of Guarantee of 1960, that rescued us and saved Cyprus from being "cleansed" of its Turkish population.

Yours sincerely,

OSMAN ERTUG,
Representative,
Turkish Republic of Northern Cyprus.

CROSS OVER THE BRIDGE AGAIN

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. OXLEY. Mr. Speaker, I would like to bring to the attention of my colleagues, the hard work and dedication of the people of Wyandot County in my district. Last May, the Parker covered bridge in Upper Sandusky was set afire. The fire was believed to have been set by arsonists. The community decided they were not willing to see 118 years of history go down in flames, and set out to restore the bridge.

The "Cross Over the Bridge Again" Committee was set up to help raise donations toward the reconstruction. The committee held fundraisers, including dinners and softball games, to collect money toward the $150,000 reconstruction. Donations were received from people all across the State of Ohio. An 18-foot replica of the bridge was built and auctioned off at the Wyandot County Fair. The community also received a grant from the Ohio Public Works Commission to help them reach their goal. Throughout the past year, a program was introduced into area high school government classes to make students aware of the purpose of the reconstruction project and what it means to the community.

At the end of this month, I will be attending a dedication ceremony for the rebuilt Parker Bridge. The members of the "Cross Over the Bridge Again" Committee and the whole community of Upper Sandusky should be proud of their efforts over the past year. The Parker Bridge will once again be a part of the heritage of Upper Sandusky and the great State of Ohio.

A TRIBUTE TO MR. KENT SUH

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BLACKWELL. Mr. Speaker, it is indeed an honor for me to stand here today to pay tribute to an exceptional leader in the city of Philadelphia, Mr. Kent Suh.

Kent Suh came to the United States in 1972 with his life savings in search of the American Dream. He began to pursue this dream by opening a small neighborhood grocery store. Within 3 short years, Mr. Suh's store became a thriving business in the city of Philadelphia.

Because of his sharp business intellect and commitment to the community in which his business operates, today Kent Suh is one of the most highly respected entrepreneurs in the city of Philadelphia. Mr. Suh's dedication to the community is further demonstrated by his more than 15-year membership with the Korean Business Association. During his tenure with this organization he has served as secretary general, vice president, and executive vice president, as well as the founder of the organization's board of directors.

Mr. Suh is also appreciated because of his unique ability to bring people of all races together. I commend him on his efforts to promote racial equality, how he has over the years encouraged positive interaction between individuals in neighboring communities, his ability to foster intercultural understanding between Seoul and Philadelphia, and his diligent efforts to encourage participation in the democratic process.

Mr. Speaker, I am proud to congratulate Kent Suh on the occasion of his installation as the president of the Korean-American Association of Greater-Philadelphia. He is indeed a kind and dedicated individual who sets an excellent example to all as both an outstanding businessman and a fine individual.

TRIBUTE TO W.B. (BILL) SANDERS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. HUBBARD. Mr. Speaker, I take this opportunity to pay tribute to W.B. (Bill) Sanders of Paducah, KY, a long-time friend whose devotion to the working men and women of western Kentucky is without equal.

Bill Sanders, as a recognized leader of the American labor movement, has unselfishly dedicated himself to the noble cause of providing a better standard of living for working families throughout the Commonwealth of Kentucky for over 57 years.

Born in Corinth, MS, on March 30, 1908, Bill Sanders has held a variety of important union positions throughout the years, ranging from business agent of the Ironworkers Local #595 in Paducah to executive secretary of the West Kentucky Building and Construction Trades Council, also in Paducah. He also served as executive secretary of the Four Rivers District Council of Carpenters, vice president of the Kentucky State Building and Construction Trades Council, and president of the West Kentucky Building and Construction Trades Council.

Bill Sanders' knowledge of the union movement enabled him to make a major contribution to the book "Labor History in Kentucky," which has become a part of the Commonwealth's educational curriculum.

In addition to these important positions and contributions, Bill Sanders has been a member of the board of directors of the Renaissance House and the Convention Center in Paducah and a member of the advisory committee of Paducah Community College. His dedicated efforts on behalf of the community manifested itself most notably in the building of Paducah's Jackson House Retirement Center, western Kentucky's tallest building, and the development of the W.B. Sanders Retirement Center in Paducah. Without his tireless work, these centers would have never become a reality.

His leadership and service to the people of Kentucky have earned him numerous awards and accolades, including the Spearhead Award from the Paducah Chamber of Commerce, special awards from the State legislators of western Kentucky and the West Kentucky Building and Construction Trades Council, and the 1947 Award of Merit from the Young Democratic Clubs of Kentucky. In addition, Bill Sanders is proud to be a Kentucky colonel, a duke of Paducah, and a Democrat since he was born.

On last August 26, Bill Sanders was honored by being given a lifetime honorary membership in Ironworkers Local #782 in Paducah.

For all these reasons, Mr. Speaker, my wife Carol and I join other Kentuckians in congratulating W.B. (Bill) Sanders on a lifetime of public service and devotion to the common good.

TRIBUTE TO HINENI OF FLORIDA, INC.

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LEHMAN of Florida. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues Hineni of Florida, Inc., an organization that is dedicated to the maintenance of Jewish heritage and survival worldwide.

Hineni of Florida has been particularly active in supporting troubled youth. Its board chairman and executive director, Eitan Schwartzbaum, has done much with little, providing counseling and assistance to hundreds of individuals and families who have been involved in drugs or dangerous cults and have nowhere else to turn. In recent weeks, Hineni has been active in aiding survivors of Hurricane Andrew. The organization hopes to provide help to many more needy people for many years to come.

I would like to thank the board of directors of Hineni of Florida, Inc. and their members for over 16 years of caring and service to our Jewish community.

TRIBUTE TO RAY WESTFALL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. FORD of Michigan. Mr. Speaker, I rise to pay tribute to Ray Westfall, who is today retiring as assistant director of UAW Region 1–A.

Ray was hired into the DeSoto plant in Detroit, MI, after serving in the U.S. Army from 1948 to 1950. He worked approximately 70 days before he was called back to the Army as a reservist and was sent to Korea in November 1950. While in Korea, Ray was wounded and received the Purple Heart. Then, in September 1951, he was released from the Army and reinstated back to the DeSoto plant. Later in 1951 he was elected as alternate steward of the plant and was reelected for 1952–53.

In September 1960, he was hired into the General Motors Fisher Body plant. In October 1961, he was elected local 166 trustee; 1962–64 he was elected district shop committeeman; 1965–70 he was elected zone committeeman; then, in March 1970, he was elected president of UAW Local 166.

In November 1971, General Motors combined the Chevrolet Division and the Fisher Body Divisions into the General Motors Assembly Division. Locals 65 and 166 were merged into local 1776.

In 1972, Ray was reelected as president of local 1776 and was reelected again in March 1975.

In January 1976, Ray was appointed to region 1–A staff by Marcellius Ivory and was assigned to service local 985—IPS plants. In 1977, he was assigned to service local 1776 along with local 985.

In January 1985, under the director of region 1–A, Ernest Lofton, Ray was appointed assistant director and held that position through Brother Lorton's term as regional director. In 1989, when Bob King was elected regional director, he retained Ray as the assistant director, a position that Mr. Westfall will continue to hold until his retirement.

Ray and his wife have four children and live in Westland, MI. They are also the proud grandparents of four grandchildren: Janelle, Steven, Ariene, and Ryan. Ray is looking forward to retirement and plans to do some traveling as well as spending time with his grandchildren.

Mr. Speaker, I am grateful to Ray Westfall for his years of service and dedication to the UAW and its membership; and I wish him success and happiness in what lies ahead.

BERNARD C. BROMINSKI RECOGNIZED AS "MAN OF THE YEAR"

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a personal friend, and a most distinguished jurist from my district, the Honorable Bernard C. Brominski. He personifies the highest qualities of America's judicial system.

As a practicing attorney in Luzerne County, I have known Judge Brominski for more than 20 years and have always held him in the highest esteem. Rarely does one come across a man of such high integrity and with such unwavering dedication to the ideals of his profession.

This week the General Pulaski Society of Luzerne County will honor Judge Brominski as their "Man of the Year." This October, Judge Brominski will retire from the Luzerne County Court of Common Pleas, a position he has held for almost 35 years. Appointed by Gov. George Leader in 1958, Judge Brominski was then elected to a 10-year term in 1959, and reelected to four successive 10-year terms. He served as President Judge from 1968 to 1981. During his term as President Judge, he created the magisterial system which is still in existence in Luzerne County today.

Born in Swoyersville, PA, and educated in the public school system there, Judge Brominski went on to Franklin and Marshall College, Dickinson College, and Dickinson Law School. He is a veteran of the Pacific theater of World War II, serving on a Naval destroyer for 3 years. Married to the former Dorothea Stevens, Judge Brominski has one daughter, Elizabeth, and a grandson, Jason.

Judge Brominski's community affiliations are a testimony to his civic pride and dedication. He is a member of the American Bar Association, Pennsylvania Bar, Wilkes-Barre Law and Library Association, and the Luzerne County Bar Association. He belongs to the American Legion, Veterans of Foreign Wars, Amvets; is a former board member of Luzerne County Mental Health, Catholic Social Services and the United Fund. He has held advisory board memberships at King's College, Wilkes University and sat on the board of directors of the Osterhout Library. Although Judge Brominski has been honored by the community throughout his career, in 1980, he received three prestigious tributes from the Dickinson Law School Alumni Association, Wilkes-Barre Law and Library Association, and Wilkes University, who named him an honorary Wilkes Colonel for his outstanding contributions to Wilkes College and the community at large.

I am extremely pleased to join with the General Pulaski Society in honoring the outstanding career of this distinguished jurist. For more than 3 decades, the people of Luzerne County have had the benefit of Bernard Brominski's dedication, service, and wisdom.

TENTH ANNIVERSARY OF UAW-FORD EDUCATION PROGRAM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. DINGELL. Mr. Speaker, I am delighted to recognize the tenth anniversary of an outstanding labor-management program which provides invaluable opportunities for education and personal growth to the employees it serves.

The UAW-Ford National Education, Development and Training Program [EDTP] provides a host of education, training, career counseling, and retirement planning services. These services include college counseling and financial support, vocational training and retraining, skills development and enhancement programs, education fairs, and job relocation services.

Additionally, since its inception in 1982, EDTP has served more than 10,000 dislocated workers providing retraining and job counseling support. The program continues to bolster and strengthen its pre, post, and follow-up support services to laid off employees.

In cooperation with other UAW-Ford initiatives, the EDTP also provides a broad range of personal and professional employee services including child care, health promotion, family counseling, and safety awareness programs.

EDTP has served as a national model in providing important work force support services and opportunities to several hundred thousand UAW-Ford employees. I salute the hard work, enthusiasm, and cooperation which has made the UAW-Ford Education, Development, and Training Program a great success during its first decade of service to our Nation, and wish the program many more years of continued service.

IN HONOR OF THE REV. DR. MARSHALL LORENZO SHEPHERD, JR.

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to celebrate a man whose devotion to Jesus Christ and humanity has been felt throughout Philadelphia, all across our Nation and all over the world. Since he began his ministry 36

years ago, The Rev. Dr. Marshall Lorenzo Shepherd has worked ceaselessly to spread God's love through his commitment to education, health care, and economic advancement for the disadvantaged and disenfranchised people of the world.

Mr. Speaker, when the Reverend Shepherd succeeded his late father as pastor of the Mount Olivet Tabernacle Baptist Church in 1967, he immediately began to add new buildings on to the Mount Olivet Church, in order to expand the ministry. He also has brought technology to the church by installing facsimile machines, a satellite system, and computers to more efficiently serve his congregation. And because of his belief in the principle of "Neighborhood becomes Brotherhood," he expanded on the church's local ministry through scholarship programs, a 4M program to aid students in higher learning, a Vacation Bible School for younger members, and a community outreach program.

Mr. Speaker, on October 2, 1992, the Mount Olivet Church will celebrate Reverend Shepherd's 36 years of dedication as counselor, brother, and leader with a dinner in his honor. I invite my colleagues to join the tabernacle in celebrating this advocate of black religion, this committed disciple of Christ, the Rev. Dr. Marshall Lorenzo Shepherd, Jr.

MIKE ALEXANDROFF, PRESIDENT EMERITUS, COLUMBIA COLLEGE OF CHICAGO

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mrs. COLLINS of Illinois. Mr. Speaker, Mirron (Mike) Alexandroff retired as president of Columbia College of Chicago on August 31, 1992, following a 41-year association with one of the Nation's and the city of Chicago's most innovative and outstanding institutions of higher education. He began his association with Columbia in 1951, serving initially as a psychologist and later as the director of the Guidance Center. In 1963, he became Columbia's president, and as they say "the rest is history."

From an orphaned and virtually penniless beginning—and with fewer than 175 students—Columbia College has grown prodigiously and persistently under Mike's 29-year stewardship. Today, more than 7,000 undergraduate and graduate students call it their academic home—ranking it fifth among Illinois' private colleges and universities. Significantly, for its low- and middle-income students from Chicago's south and west sides, as well as those who commute from the Cook County suburbs—its tuition is by far the lowest of any of its private 4-year competitors.

Columbia has grown from the 10,000 square feet it occupied on South Wabash in 1962, to a five-building downtown campus encompassing 700,000 square feet, including all of the library holdings, state of the art facilities, and the sophisticated technology that Columbia's wide array of liberal arts, fine arts and its music/audio/video course offerings demand.

Columbia College has earned a national reputation for educational excellence in its principal curricular emphases of media, communication, public information, and the arts. Columbia's part-time faculty of 700, many of whom are practicing professionals in their disciplines, bring current theory and practice to their classroom instruction. The average class size at Columbia is 25, providing students with distinctive, individualized hands-on instruction.

In the minds of many—public officials, students and their parents, and the civic minded—in Chicago, three decades of change at Columbia is symbolized in Mike Alexandroff. He has been a constant and so has Columbia's mission. Columbia's mission—which is all too often lost in research by distinguished professors or in classrooms conducted in auditoriums with hundreds of students at other colleges and universities—is to extend higher educational opportunities to all who wish to learn; to prepare students to do expertly the work they love to do; to help students to discover their own soul and their own voices; to teach them to respect their own individuality and the individuality of others; and to allow them to create the culture of their own times.

That mission was authored by my friend, Mike Alexandroff. It has been endorsed by his colleagues at Columbia, sustained by the college's friends and supporters, and validated by the thousands of students who have found opportunity, encouragement, and distinction in this very special educational environment that Mike designed at Columbia College. Their educational empowerment is his true accolade and Columbia's real success.

Mike, humble to a fault, rightly credited Columbia's success to the combined contributions of the many men and women who joined him over the years in his sometimes quixotic and always challenging quest to create something new in higher education—but always making a difference. The Reverend Dr. Martin Luther King, Jr., may have had Mike in mind when he said "You ought to believe something in life, believe that thing so fervently that you will stand up with it till the end of your days."

Mike's contributions to higher education go beyond Chicago and go beyond this presidency at Columbia College. He is the past chairman of the Association of Urban Universities and of the Chicago Metropolitan Higher Education Council. He has also been a member of the advisory commission of the Chicago Department of Cultural Affairs and a board member of the Illinois Public Action Council. He was an active member of the Government Relations Committee of the National Association of Independent Colleges and Universities [NAICU] and a member of the executive committee of NAICU's Illinois State Association—the Federation of Independent Colleges and Universities. He is currently president of the Grand Park Cultural and Educational Community, and his contributions to the arts, to civic and cultural affairs have been recognized through many citations and awards. Most recently, he received an honorary doctorate in humane letters from DePaul University for his "remarkable accomplishments in the service of higher education."

Among Mike's other honors: the Sidney R. Yates Arts Advocacy Award, the Clarence Darrow Award for leading service in the cause of Social Justice, an Award for Distinguished Contribution to Latin American Television by the Mexican American Association of Broadcasters, the Louis Lerner Award for outstanding civic service, and the Distinguished Urban Fellow Award by the Association of Urban Universities.

I call the attention of my colleagues in the House today to Mike's retirement, not because I expect him to leave the battlefield, rather I call your attention to a great Chicagoan and a great American, my friend, Mike Alexandroff, a "Drumajor for Justice."

CENTENNIAL CELEBRATION OF THE NORTH SHORE JEWISH CENTER

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to honor the North Shore Jewish Center, which will be celebrating its centennial on October 4 of this year.

Located in Port Jefferson Station, the North Shore Jewish Center has a storied history of attracting a diverse congregation from all parts of Long Island. During World War I, Jewish servicemen came from an Army base in Yaphank to celebrate at the Jewish Center. The religious home to approximately 20 families in the 1940's, the congregation grew to over 300 families by 1971, outgrowing the building it inhabited and leading to its movement to the location where it currently exists, 385 Old Town Road.

The North Shore Jewish Center offers programs for all walks of life, including a men's club, sisterhood, and a senior's group. Each group offers specialized programs which enhance congregational life. In addition, the center has an extensive religious school for kindergarten through seventh graders, with a curriculum consisting of the teaching of the Hebrew language, holidays and history, and culture and practices. Two high school classes are also offered, one strictly academic, and the other dealing with social and educational issues of importance to teenagers.

Boasting the largest youth group in the greater New York metropolitan area, the center has approximately 300 children involved in the youth group this year. Involving themselves in such worthy projects such as "adopt-a-grandparent," the youth group brings maturity and togetherness to its young members.

In addition to the programs of the youth group, the entire congregation is involved with several programs aimed at helping others, such as "Rebbes Tish" and "Hatzilu." Rebbes Tish involves members of the congregation bringing boxes and cans of food that are made available to anyone in the neighborhood to take what they need. Hatzilu involves bringing elderly Jewish people from the old sections of New York City out of Long Island, in order to provide them with food and entertainment for a day.

Mr. Speaker, it is clear that the North Shore Jewish Center is a special place. I join the people of Long Island in congratulating the center on the commemoration of its 100th year of existence.

VOTES MISSED

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. GOODLING. Mr. Speaker, I regret I was absent for rollcall votes 448, Departments of Commerce, State, and Justice Appropriation for fiscal year 1993 and 449, Department of the Treasury and Postal Service Appropriation for fiscal year 1993, earlier today. Had I been present, I would have voted "no" on vote 448 and "no" on 449.

I was in New Cumberland, PA, attending the funeral of the late Ken Catlin, a good friend and the husband of Nancy Newcomer Catlin, who has worked for me since I was first elected to Congress.

IN HONOR OF GERALD "JERRY" ADLER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. FAZIO. Mr. Speaker, I rise today to honor my friend and constituent, Mr. Gerald "Jerry" Adler, one of Davis, CA's most distinguished citizens, on the occasion of his retirement from the Davis City Council after 12 years of outstanding service to the council and the citizens of Davis.

Jerry Adler's commitment to effective and efficient municipal government began long before his election to the Davis City Council. In 1970, he was appointed to the Davis Board of Zoning Adjustments and he later served as a member of the Davis Planning Commission from 1970 to 1978. As a member of both groups, Jerry played an important role in charting the future of the Davis community. It is perhaps only fitting that he would continue this vital role when he decided to seek a seat on the city council.

Jerry was elected to the Davis City Council in 1980. Throughout his 12-year tenure, including a stint as mayor, Jerry never lost sight of the people who elected him and why he served. He has been accessible to the Davis community and always strived to listen to and understand the various viewpoints of the groups and individuals who came before the council. As an attorney in private practice, Jerry has been able to apply his legal skills to the challenge of reading and comprehending the voluminous amount of briefing materials city council members received before each meeting.

Jerry has earned the respect of his former colleagues on the council, city staff, and the Davis community for being well-prepared for council sessions and knowledgeable about the sometimes difficult issues council members face. It would be difficult to single out any one accomplishment of Jerry's council tenure, but his early support of planned growth for the Davis community and his exceptional work in this area qualify as two of his more significant accomplishments. Jerry also saw the need for a fire station in a growing West Davis and followed through with the "nuts and bolts" work that resulted in his vision becoming a reality.

After receiving a bachelor of science degree in industrial and labor relations from Cornell University in 1953, Jerry was commissioned a Second Lieutenant in the U.S. Air Force. His Air Force career was cut short by a tragic plane crash, but Jerry recovered from life-threatening injuries and bravely embarked on a new career when he entered the University of Houston School of Law in 1964. He graduated in 1966 and subsequently earned advanced law degrees from both New York University and Columbia University. He served as an acting professor at the University of California-Davis, School of Law and taught at two other law schools before he entered private practice in 1973.

Jerry is an active member of Congregation Bet Chaverim in Davis and was instrumental in the effort to construct the synagogue's building in 1972 when it was called the Jewish Fellowship of Davis. He also served as President of the Jewish Fellowship. Jerry has been a very devoted husband to his wife Sonny, father to their three children, and grandparent to their two grandchildren.

I join my colleagues today in honoring Jerry for his many years of service to the Davis community, the U.S. Air Force, the legal professional, and his synagogue. I wish him continued success in all his future endeavors.

A TRIBUTE TO ANDY DEBOS FOR HIS SPECIAL CONTRIBUTION TO THE DAIRY INDUSTRY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today a gentleman who has been called a modest, gentle giant. He is Andy DeBos—one of Chino's recognized community leaders in the dairy industry who has earned the 1992 Special Contribution to Industry Award. Andy will receive the award next week at the 17th Annual Dairy Awards dinner sponsored by the Chino Valley Chamber of Commerce.

Over the years, Andy has been called a lot of things—the most unappreciated person in dairying, the most helpful, the most reliable, and most agreeable. Few have ever called him the most outspoken. But he possesses a dignity rare among men that causes people to stop and listen when he speaks.

Andy DeBos was born in the Netherlands in 1922 and moved with his family to the United States in 1929. After graduating from Excelsior High School in 1940, he worked with his father for 2 years before taking over the herd of 65 cows. Three or four years later, he was up to 180 cows. In 1952, Andy moved to Chino with hopes of new challenges and opportunities for growth. Today, he dairies with 750 milking cows.

Andy has been active in the dairy community for years, joining the board of Protected Milk Producers in 1964 and becoming chairman in 1969. Five years later, Andy helped establish the California Milk Producers and served as its chairman for a total of 15 years. During his tenure with the CMP and PMP, Andy's first concern was the future and the best interests of his fellow dairymen. In 1978, he joined the Dairy Council of California and participated as both a board member and served as chairman from 1985–87.

During more than 60 years of milking cows, and 30 years of involvement in dairy industry milk marketing, Andy also managed to raise three children—Thomas, Debbie, and Sandy. Today, he says he will never retire from dairying. That is good news to his fellow dairymen and his many friends in the California dairy industry.

Mr. Speaker, I ask that you join me, our colleagues, and friends in recognizing Andy DeBos for all that he has done, and all that he is, to the many fine dairymen in Chino and throughout the State of California. It is certainly appropriate that the House of Representatives also join in recognizing his many contributions.

A CONGRESSIONAL SALUTE TO ANTHONY "TONY" BARAJAS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ANDERSON. Mr. Speaker, on Thursday, October 22, 1992, my dear friend Tony Barajas will be honored for his 50 years of dedicated service to the community by the Mexican-American Democratic Club. It is with great pride and pleasure that I rise today to pay tribute to this exceptional gentleman who has served San Pedro and the greater Los Angeles harbor area with great distinction.

Born in Mexico, Tony moved with his family to Whittier, CA, when he was 3 years old. Raised in a large family, which included eight brothers and two sisters, Tony graduated from Whittier High School and attended Fullerton Junior College and California College of Commerce in Long Beach to study accounting. It was during this time that Tony answered his country's call to arms and joined the U.S. Marine Corps, serving for 5 years with the 1st Marine Division in the Fleet Marine Force Pacific Ocean Area. Following his distinguished military service, Tony worked for independent contractors as a member in good standing of the Operating Engineers, Local 12, until his retirement 25 years later in 1966.

Always keenly interested in local and national politics, Anthony Barajas founded the Mexican-American Democratic Club in 1960 and served as its president from 1970 through 1975. Additionally, Tony was co-founder with Judge Roy S. Ferkich of the Harbor Area Ethnic Political Coalition and was the Coalition's first president in 1967. His dedication to the community is further illustrated by the number and type of organizations with which he is associated. Concerned with the growing problem of pollution in the South Bay area, Mr. Barajas was a founding member of the San Pedro Reclamation Committee. He is also a member of the Gardena Valley Democratic Club, the Eder Seniors Club, and the Wednesday Senior Citizens Club. He was a 10 year member

of the Fraternidad Latino. In the small amount of spare time he has, Tony provides translation services to many Spanish speaking individuals in the community.

Throughout all of his commitments to these various organizations and the betterment of our community, I most fondly remember Tony as an indefatigable worker on several of my congressional campaigns and the campaigns of Tom Bradley and Dick Floyd. In 1980, Tony had the honor of being elected as a delegate to the 1980 Democratic National Convention. For the past 9 years, Tony has worked as either a clerk or inspector at the polls.

Mr. Speaker, I feel most fortunate to claim this man as my friend. My wife, Lee, joins me in extending this congressional salute and our thanks to Mr. Anthony "Tony" Barajas. We commend his dedication to our community, the Democratic party, and democracy. We wish Tony, his daughter, Diane, and his three grandchildren all the best in the years to come.

TRIBUTE TO GERALD AND JANICE SALOW

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CARR. Mr. Speaker, It is with great pride that I rise today to pay tribute to an outstanding couple, Gerald and Janice Salow. I urge my colleagues to join me in saluting this remarkable couple, and in congratulating them on being chosen as this year's recipients of the 1992 Ingham County Farm Bureau's Distinguished Service to Agriculture Award.

The success of America is a result of the hard working men and women, like Gerald and Janice Salow, who work every day of the year to produce food for America's table and for much of our world. I am truly thankful that our agriculture community has been represented so strongly through their service, dedication, and hard work. Their contributions to Michigan agriculture and in promoting the prosperity and well-being of farmers throughout our Nation are truly deserving of our appreciation and praise.

In addition to managing a successful farming operation, the Salows have a long list of involvement in numerous agriculture organizations including the Ingham County Farm Bureau where Mr. Salow has served as president for the past 3 years; the Michigan Farm Bureau; 4–H; and, the American Farm Bureau. The Salow's have provided critical leadership in the areas of agriculture promotion, education, policy development, and in membership activities.

The Salow's have spent virtually a lifetime together, forging a true union of partnership in their 40 years of marriage. Success and devotion are qualities they both possess, qualities that shine through in their marriage and in their contributions to their community and church. The Salows are one time members of the Stockbridge United Methodist Church, and Mrs. Salow recently received the Second Century Award from the Methodist Women's Committee for her achievements. In addition to their agricultural gifts, the Salows have been bestowed with six loving children and have graciously opened their home to 28 foster children.

At this time when everyone is talking about family values, I am proud to stand here today to say that no one has better and more true values than my friends, Gerald and Janice Salow. They are a symbol of what every American should aspire to be, and the people of our community can look to them with pride and inspiration.

It is my hope that the Salows will continue to play an important role in our community for decades to come. I urge my colleagues to join me in saluting this outstanding couple for their tremendous accomplishments, and in wishing them the best of luck in their future endeavors.

CITATION FOR THE LATE WILBUR E. HOBBS

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to bid farewell to a man whose devotion to humanity was felt in his home of Philadelphia, across the Nation and all over the world. When Wilbur Eugene Hobbs passed away last week, he left behind a legacy of service to his world that spanned over five decades.

Mr. Speaker, Wilbur Hobbs began his career in the U.S. Army during World War II. In his 23 year military career he attained the rank of major and served both in the Active and Reserve Forces. Upon retiring from the military in 1965, he immediately began working in communities to empower the poor to take charge of their lives. He was responsible for a renewal plan for one of Chicago's poorest areas which resulted in a community owned banking corporation, new and rehabilitated housing and other enterprises. In the decades that followed, with unceasing and untiring efforts he built programs which uplifted many poor and minority communities.

Mr. Speaker, when Wilbur Hobbs passed away, he left behind a loving family and a large circle of friends. He also bequeathed a legacy of hope to all of those touched by his enduring spirit, and his belief in his fellow human beings. I invite my colleagues today, not to mourn Mr. Hobbs' death, but to celebrate a life lived for others. Mr. Speaker, please join me in honoring a man who should serve as an example to us all, Wilbur Hobbs.

TRIBUTE TO ALEXANDER McKAY

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Alexander McKay who is retiring November 14, 1992 after a 33-year teaching career.

He began teaching in Huntington in 1960 at R.K. Toaz Junior High School, and then moved to J. Taylor Junior High when it as built in 1965. He served there for over 25 years as English department chairman.

Alex introduced many innovative programs, including team teaching, electives, and minicourses in word processing. He also developed an environmental field studies program for gifted students.

He is the author of several writing workbooks and curriculum documents, in addition to articles on methodology and conducting teacher training workshops.

He has had a lifelong interest in nature and environmental education, serving as president of the Huntington Audubon society. His record of public service is long: in addition to this teaching, he has been a trustee of the Suffolk County Department of Parks, Recreation, and Conservation since 1976; he served on my Congressional environmental advisory board; and he was a member and chairman of the Huntington planning board from 1984 to 1991, where he had a strong record of promoting environmental controls and preservation of open space, among other activities.

Alex was an instructor in the SCOPE outdoor education program, training teachers in bird study, nature photography, and wetlands management. He has even devoted his free time to teaching others.

Alex McKay plans to continue his involvement in environmental affairs, outdoor education, and writing. I wish Alex and his family many happy years ahead and salute him for his selfless devotion to education and the environment.

BETHANY BAPTIST CHURCH CELEBRATES 100TH ANNIVERSARY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize the 100th anniversary of the Bethany Baptist Church located in Pawtucket, RI.

The Bethany Baptist Church has been a mainstay to the Pawtucket community for many years. For over 100 years, Bethany Baptist has committed itself to the ideals of family ideals and spiritual fulfillment. I salute the members and pastors that have served the church faithfully and honorably for over 100 years.

The Bethany Baptist Church has remained a cornerstone to the Pawtucket community for over 100 years. I recognize their achievement and wish them all the best in all of their future endeavors.

THE VOYAGE OF CHRISTOPHER COLUMBUS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. FISH. Mr. Speaker. We celebrate the 500th anniversary of the voyage of Chris-

topher Columbus, an Italian navigator who commanded the first expedition to cross the Atlantic Ocean. His discoveries in the West Indies were followed by rapid, widespread, and permanent settlement. It may be said that he truly discovered "America."

Italian-Americans can take pride in the fact that not only did a son of Italy discover the continent on which we live but that this Nation was built, has grown and prospered with the sweat and labor and industry of millions of Italian immigrants.

Columbus imagined a route of western discovery that in later years he always called the "Enterprise of the Indies." He planned to reach Asia by sailing west.

Because the Earth was known to be round and because there was no suspicion of an intervening continent, the practical possibility depended on winds, on currents, and above all on distance. In believing that the distance he would travel might be relatively short, Columbus was following respected authorities of the day whom he had studied.

It was to the Portuguese Crown that Columbus first applied for support in 1484. Lisbon at the time was the principal European center of overseas exploration. Portugal, however, was already heavily committed to West Africa and the search for an African route to India and his proposal for an expedition was declined. He left Portugal the following year to try his luck elsewhere. After many setbacks, he turned finally to Spain.

There, after much persistence, he succeeded in enlisting the support of a powerful officer of state, Luis de Santangel, keeper of the privy purse. Santagel himself raised a considerable part of the money needed to finance the enterprise. Through him, the consent and participation of the Spanish monarchs, Ferdinand and Isabella, was secured. The expedition sailed from Palos on August 3, 1492.

On October 12, 33 days after setting out from the Canary Islands, where he had stopped for provisions and to refit the mainsail of the *Nina*, they sighted one of the outlying cays of the Bahamas, which he named San Salvador. The ships anchored at dawn. Columbus went ashore, bearing the royal standard of Castile, and solemnly took possession of the island for his king and queen.

Columbus made the initial discovery from which the entire exploration and settlement of the Americas began.

Mr. Speaker, as far as we know, and this has never been disputed, the achievements of Christopher Columbus were totally his own. He had loyal friends and capable lieutenants, but no intimate partners. He was a self-taught and persuasive geographical theorist, a bold and tenacious explorer and a careful and accurate navigator. What transpired that fateful mid-October day half a millennium ago sequentially led to the development of our great land.

THE FIGHT AGAINST BREAST CANCER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MAZZOLI. Mr. Speaker, Congress has again designated October as "National Breast Cancer Awareness Month." I am pleased to lend my support to this worthy legislation once more so that we can both renew and deepen our commitment to successful research, treatment, and preventive measures to help end the terrible tragedy of breast cancer.

The statistics sadly indicate that we need to step up our efforts in the fight against breast cancer. Each year the number of women developing breast cancers increases. Only a few years ago, about 1 in 14 women could be expected to develop breast cancer during their lifetime. That ratio increased to 1 in 11 during the 1980s. Today it is estimated that 1 of every 9 women will develop breast cancer at some point in her lifetime. Tragically, about 45,000 women will die from breast cancer this year alone. This scourge affects not just individuals, but entire families, and it strikes most lethally among minority women.

I am pleased to be a cosponsor of a number of legislative initiatives in the ongoing battle against breast cancer. One of these efforts in the area of detection and treatment is the Mammography Quality Standards Act of 1992 [H.R. 5938], which the House passed recently with my strong support. This measure complements the Breast Cancer Screening Safety Act which our colleagues PAT SCHROEDER and MARILYN LLOYD introduced last year.

A successful prevention campaign needs to have accurate and reliable information on which to base medical decisions. We have seen far too many reports where ill-equipped, undertrained personnel, or unscrupulous operators may have conveyed a false sense of security to women about possible breast cancers. This legislation would require Federal certification for facilities which process and interpret mammography films. Safety standards would have to be met and annual inspections would be required.

Spending money for detecting cancer in its early stages is a cost-effective investment. But, access and availability to these screening procedures must be stressed. To that end, I have been pleased to give my full support to such measures as the Medicaid Women's Basic Health Coverage Act of 1991 [H.R. 1129], which would provide Medicaid coverage for routine mammogram tests for women over 35 years old. Similarly, I was pleased to support the Medicare Preventive Benefits Act of 1991 [H.R. 2565], which would extend Medicare coverage to various preventive services for senior citizens, including annual screening for breast cancer, rather than the current biennial exam.

In the latest round of funding bills considered for fiscal year 1993, Congress is poised to direct monies from the Defense budget specifically to breast cancer research and several other health-related initiatives.

Under the able leadership of our esteemed colleague, and dean of the Kentucky congressional delegation, Congressman WILLIAM NATCHER, the House Labor, Health and Human Services, and Education appropriations bill has given the highest priority to research pertaining to women's health and directed the National Institutes of Health to increase attention, and spending above last year's funding levels, to all areas of research, including breast cancer. I hope that House and Senate conferees will be able to maintain the highest possible funding levels for this work.

These legislative efforts, however, should move in tandem with the need to place additional emphasis on critical research. Mr. Speaker, there is no cure for breast cancer, and its cause remains a mystery. A vigorous research agenda is essential to answering these questions. That is a goal of the National Breast Cancer Strategy Act [H.R. 5156], introduced by Representative MARY ROSE OAKAR, which I have cosponsored. This measure calls for an additional $300 million for breast cancer research in fiscal year 1993.

Other bills before Congress have recognized promising results in developing certain cancer therapies and will help assure the availability of rare drugs, such as Taxol. The threatened Pacific Yew tree, whose bark provides the only natural source of Tamoxifen—another encouraging cancer-fighting drug—will also be protected by congressional action. I was pleased to cosponsor each of these important measures here in the House.

Mr. Speaker, the battle against breast cancer continues. It is a war that will be waged on many fronts—through prevention, treatment, and research—in the fields of medicine and science, in the legislative branch of government, and by every American.

We have a long way to go yet. So, during this National Breast Cancer Awareness Month, it is an appropriate time to refocus our vision and efforts toward eliminating the terrible suffering of this dread disease.

TRIBUTE TO COMDR. PAUL E. STANTON

HON. DAVID O'B. MARTIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MARTIN. Mr. Speaker, Navy Comdr. Paul E. Stanton will soon complete his tour of duty as deputy director of the Congressional Liaison Office, Navy Office of Legislative Affairs.

Commander Stanton of West Des Moines, IA, is a surface warfare officer, having served as commanding officer aboard the minesweepers Constant, Enhance, Pluck, and Conquest, and executive officer aboard the guided missile destroyer Chandler.

Since assuming his current assignment in 1990, Paul has been involved with every major Navy program and complex issue before Congress. Serving during a most difficult period, which included the war in the Persian Gulf, his knowledge of defense and world issues has proven invaluable to the U.S. Navy and Congress. I, as well as my colleagues, have the utmost respect for him.

The responsiveness of his staff in addressing constituent inquiries is evidence of his leadership. It is apparent that those with whom he works hold him in the highest esteem.

He is respected by our colleagues on both sides of the aisle. I know that they, as well as I, wish Comdr. Paul Stanton "fair winds and following seas."

TRIBUTE TO AMBER WELTY

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. STALLINGS. Mr. Speaker, last night I attended a dinner honoring our Olympic athletes. I would like to take this opportunity to pay tribute to Amber Welty of Pocatello, Idaho, who competed in the Barcelona Olympics.

Ms. Welty earned a slot on the Olympic track team in the outdoor high jump. She's a graduate of Twin Falls High School in Twin Falls, Idaho, and Idaho State University in Pocatello, Idaho. In 1988 she won the NCAA outdoor championship in the high jump and was an All-American four times. Currently she is a member of the track coaching team at Idaho State.

I would like to insert in the RECORD an article from the Idaho State Journal printed in July after Ms. Welty qualified for the Olympics:

Former Idaho State athlete Amber Welty is bound for the Olympics in Barcelona, Spain.

Finally.

After enduring a failed attempt to clear the Olympic standard (6-feet, 3½ inches) Wednesday in front of 1,000 fans in Pocatello, Welty accomplished her goal in Boise on Friday to officially become an Olympian.

"It was just a huge amount of relief," said Welty, Pocatello's first U.S. Olympian since boxer Jack Armstrong, who made the 1960 squad. "I've never been this stressed before in my life."

Had Welty, who was second at the U.S. Trials, not surpassed the standard by July 8, her Olympic spot would have been given to another athlete, who had met the qualification.

The Olympic high jump competition will be Aug. 3 and Aug. 5.

Welty passed over the bar at 6-3 ½ on her first attempt Friday.

The leap tied her career best, also an ISU outdoor record, set when she won the 1988 NCAA championship.

But Welty had to wait for the bar to stop wobbling, as she brushed it.

"I saw it kind of wiggle and I knew it was going to stay, and I said 'Thank you, God.'

"It was finally over."

Since the Trials, the pressure had been mounting.

"I got so stressed out that I was hurting myself and my family members," she said. "I was a crab."

That was until a meeting with ISU assistant coach Brian Janssen, who has a master's degree in sports psychology.

"He spent time talking to Amber about visualization," said ISU head track coach Dave Nielsen. "More than anything, that is putting things into perspective. He did a great job."

Janssen's work was evident in Welty's attitude.

"I told myself, 'I look amber, people are still going to like you if you don't make the team,' she told herself before jumping. 'If I do it, I do it. If I don't, I don't.'

"I told myself 'You've got tomorrow and your whole life in front of you. Even though this is as big as life, I had to make it seem less."

Welty became self-motivated by telling herself, if she didn't make it, she wouldn't get another chance. Actually, a contingency plan had been set up to compete at a meet in Provo, Utah, if needed.

"I was afraid somebody else would get my job, and I was running out of time," said Welty, who added she has cleared 6-2 in Boise several times. "I told myself, 'You've jumped well in Boise, so go in with a good goal.'

" 'My goal was to jump 6-5. I really looked at this as my last chance.'

" 'I didn't want to think down the road. This is where I wanted to do it.'

Welty didn't reach 6-5, missing three times at that mark. She said she came close on her last two attempts. But she said she attempted that height about 10-15 minutes after clearing the standard because she was celebrating and being interviewed.

Welty also was helped by having a couple of strong competitors.

Also jumping was Vicki Borsheim, who placed fourth at the Olympic Trials and was trying to reach the Olympic standard so she could go if Welty failed.

Boise decathlete Cindy Greiner, already a U.S. Olympian, also jumped.

"I think it made a difference, but not a huge amount of difference," Welty said. "I don't know if I could've done it myself. I was glad they were there for incentive."

Nielsen also said jumping in Boise helped because of the more laid-back atmosphere, rather than the carnival-like environment in Pocatello.

"I think the meet in Pocatello was pretty overwhelming," he said. "She comes back and so much happens in a short time. And, there are so many fans and admirers, and I think she was caught up in the emotion. I know I was. This time, she had it under control."

IN SUPPORT OF A SOCIAL SECURITY "NOTCH" COMMISSION

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today in strong support of the conference report on Treasury-Postal Service Appropriations. Passage of this legislation is of vital importance to the continued functioning of our Treasury Department, Postal Service and other independent agencies which Americans depend upon on a day-to-day basis. Mr. Speaker, passage of this legislation is also of vital importance to the futures of some 12 million seniors who are victims of the Social Security notch.

I was pleased to find in this conference report the inclusion of a commission that would perform a comprehensive study on the Social Security notch issue. The commission, consisting of 12 members from the legislative and executive branches, would examine the causes of the notch controversy and whether legislative action should be taken to rectify the notch.

With 289 cosponsors, H.R. 917, the Social Security Notch Adjustment Act, enjoys the most support of any notch legislation ever introduced in Congress. A number of Members and organizations, such as the National Committee to Preserve Social Security and Medicare, have dedicated themselves to the resolution of this problem which effects 58 percent of our elderly population. Members such as JIM SAXTON, PETER DEFAZIO, PORTER GOSS, BARNEY FRANK, MARY ROSE OAKAR, and PAUL KANJORSKI, as well as the bill's sponsor and distinguished chairman of the Select Committee on Aging, Mr. ROYBAL, have worked tirelessly on this issue. We pressed for a vote on H.R. 917 in late June and were promised a hearing—the first in 5 years. Much to our dismay the hearing was merely a smoke screen. Just 24 hours before the hearing was to begin, Congress Daily quoted a committee staffer who implied that the hearing was a gesture the committee made every 5 years to placate notch babies. I felt like we were defeated before we even got a chance to argue our case.

It is my extreme hope that the establishment of this commission is not just another smoke screen. While I would ultimately like to see this issue resolved, with a full payout to notch victims, I am willing, in the interim, to support the establishment of a commission which will address opponent's concerns. However, I can not emphasize enough how grave my concern is that a replay of last June will occur where notch victims were given false hopes and hollow promises.

I am sure that, when all the facts are in, the only conclusion members of this commission will draw is that there is, indeed, a discrepancy and victims of the notch should receive the benefits that are rightly theirs. Mr. Speaker, I applaud the conferees for adding this language to the conference agreement. I look forward to the establishment of the commission in 1993.

SUPPORTERS OF LEGISLATION TO CORRECT THE SOCIAL SECURITY NOTCH INEQUITY

The National Committee to Preserve Social Security and Medicare.

Rhode Island Coalition to Notch Babies.

End Notch Discrimination.

Massachusetts Association of Older Americans.

Greater New Bedford Massachusetts Notch Victims Coalition.

Notch Babies of Massachusetts.

The American Legion.

Jewish War Veterans of the United States.

29th Division Association.

The Retired Officers Association.

Veterans of Foreign Wars of the United States.

American Bar Association.

National Association of Retired Federal Employees.

Pennsylvania Association of Retired State Employees.

Silver-Haired Legislature Alumni Association.

Florida Silver-Haired Legislature.

Yonkers, New York City Council.

Catholic Charities, Diocese of Rockville Center, New York.

Minnesota Retired State Employees Association.

Islip, Long Island, New York Chapter of AARP.

Greenburg, Pennsylvania Chapter of AARP.

AFSCME Retiree Program, Chapter 6, Minnesota.
Dayton-Springfield-Sidney-Miami Valley, Ohio Regional Labor Council, AFL-CIO.
Retirees Local 301, IUE AFL-CIO, Schenectady, New York.
New York Statewide District 5 Senior Action Council. IUE Schenectady, New York.
VFW Post #1114, Evansville, Indiana.
VFW Post #673, Jasper, Indiana.
VFW Post #2366, Huntingburg, Indiana.
Advisory Committee, Senior Citizens Center, Johnson City, Tennessee.
Browning Center Advocacy Committee, Willoughby, Ohio.
Cohoes, New York Senior Citizens.
North Carolina National Coalition for Notch Victims.
Senior Report, Burbank, California.
Social Security Notch Babies, Montebello, California.
Social Security Notch Victims Organization of Illinois.
Washington State Notch Victims.
Notch Victims United, Ocala, Florida.
Iowa Notch Babies.

TRIBUTE TO FRANK ANNUNZIO

HON. JOHN W. COX, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. COX of Illinois. Mr. Speaker, I rise today to pay tribute to my friend, colleague and Chairman, FRANK ANNUNZIO.

I have greatly enjoyed serving as a member of the Illinois Delegation with Chairman ANNUNZIO. He has been very helpful to me in my first term in the House of Representatives, and I have learned a great deal from the knowledge and experience he has gained serving the State of Illinois over the past 28 years.

In addition, I have had the opportunity to serve as a member of the Subcommittee on Financial Institutions, which Congressman ANNUNZIO chairs. Throughout the 102d Congress, Chairman ANNUNZIO has been swift in moving legislation through his subcommittee, and he has been very encouraging to me in my efforts to become an active member of that subcommittee.

I believe that Congress and the State of Illinois have benefitted greatly from Chairman ANNUNZIO'S tenure in Congress. He has given a great deal to this institution, and he will be greatly missed. I wish him a happy retirement, and the best of luck in his future endeavors.

A CONGRESSIONAL SALUTE TO SERGEANT JOHN I. MARTIN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ANDERSON. Mr. Speaker, on Friday, October 30, 1992, the Los Angeles Police Department will honor the service retirement of one of its finest officers, Sergeant John I. Martin. It is with great pride and pleasure that I rise today to pay tribute to this dedicated individual who has served our community with great distinction.

Born in South Gate, CA, John attended local schools, graduating from St. Bernard High School in Playa Del Rey. Following graduation, he enlisted in the U.S. Army. After serving his country and receiving an honorable discharge, John joined the Los Angeles Police Department. During his early years with the force, he continued his academic education, receiving a B.S. in public management in 1975, the same year he made sergeant with the LAPD, and a masters degree in public administration in 1977 from Pepperdine University.

John's career with the LAPD has been an exciting and often dangerous one. In his 27 years of department service, John has been assigned to the Wilshire area as a uniform patrol officer, accident investigation division as a traffic accident investigator, traffic enforcement division as a traffic motor officer, training division as an instructor of police recruits, personnel division as an investigator, Newton Street area as a patrol supervisor, and central traffic division as a motor supervisor.

For the past 8 years, Sergeant Martin has been the Officer-in-Charge [OIC] of the department's specialized enforcement unit, traffic coordination Section, the unit responsible for the enforcement of vehicle code laws that pertain to commercial vehicles. In addition to these duties, John as OIC supervises the department's motorcycle training unit and the VIP escort team. In this capacity, Sergeant Martin has provided safe escorts for President George Bush, former President Ronald Reagan, Pope John Paul II, Great Britain's royal family, and a host of other dignitaries who have visited the Los Angeles area. Additionally, John has worked closely with the U.S. Secret Service to develop motorcade procedures that will assist in the safe transport of these very important passengers. Sergeant Martin was instrumental in establishing a new curriculum for officers attending the department's motor officer school.

While performing his various official duties, John has also been involved with many special events associated with the department and the community. He is an active participant in the annual Baker to Las Vegas relay race; a race that promotes fellowship between law enforcement agencies from across the country. In addition, John volunteers his off-duty time to coach and direct youth sports activities.

Mr. Speaker, Sgt. John I. Martin is retiring as the highest ranking motor sergeant, II+2, of the Los Angeles Police Department. Throughout his illustrious career, John has received commendations from the public and his supervisors for service, commitment, professionalism, and outstanding performance. He has also been paid the highest compliment from his superiors and fellow officers, that of the number one motor sergeant on the force. Mr. Speaker this devoted husband and father is a credit to the LAPD and the community. My wife, Lee, joins me in extending this Congressional salute to Sgt. John I. Martin. We wish John and his family all the best in the years to come.

TRIBUTE TO WILLADENE NICHOLAS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CRANE. Mr. Speaker, I would like to bring your attention to the work of a citizen of this fine Nation and a resident of my congressional district, Mrs. Willadene Nicholas. Mrs. Nicholas has an exceptional talent for creating meaningful poetry. She has published four poetry books and is anxiously waiting for copyright permission for her patriotic poem entitled "The American Flag, Banner for Freedom, Justice, and Mercy." The poem exemplifies the true meaning of the birth and continuation of this unique and beautiful country. I would like to share this poem with my esteemed colleagues.

I see a Star-Spangled Nation
Under the Red, White, and Blue—
A just concept of order,
A Heaven-on-earth to ensue.
Holding fast to the laws that are basic,
Keeping courage and hope to renew
The faith of our Founding Fathers
That everyone's dreams can come true.
Where help for the down-trodden and needy
Is written in laws of order sublime
That we see now have weathered
The storms of each generation time after time.
So wherever we are, whatever we do
Let's keep our flag always flying
O'er this beautiful Star-Spangled Nation
Where everyone's dreams can come true.

MALLINCKRODT & COS. 125TH YEAR ANNIVERSARY

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Ms. HORN. Mr. Speaker, I rise today to salute the legacy of one of St. Louis' great companies, Mallinckrodt, on its 125th anniversary. In honor of this occasion, I want to share with my colleagues a brief history of this company's contribution to the St. Louis region.

Founded in St. Louis in 1867 by Edward Mallinckrodt and his brothers Gustav and Otto, G. Mallinckrodt & Co. was the first fine chemicals company west of Philadelphia. Borrowing $10,000 from their father, the Mallinckrodt brothers put up three small buildings on the family farm on the west bank of the Mississippi River, and began operations.

Mallinckrodt initially produced chloroform, spirits of nitrous ether, and a pure grade of the commonly used disinfectant, carbolic acid, which rapidly earned a great reputation. As America expanded westward, the market for such products grew rapidly. As the only manufacturer west of the Mississippi, the new company prospered.

Mallinckrodt's entry into the chemical manufacturing business coincided with major advances in medicine. Chemicals began replacing botanical herbs as remedies for disease, and pharmacists turned to specialized manu-

facturers to supply chemicals for prescriptions. With the rest of America's pharmaceutical companies concentrated in the East, Mallinckrodt took the lion's share of markets in the West.

The young company grew steadily, adding new products and processes. It also developed two early products of the x-ray contrast media line—barium sulfate for x-ray diagnosis and Iodeikon, the first agent for imaging the gall bladder. During the 1890s, new chemicals, many based on coal tar products, flowed from laboratories throughout the world. Capitalizing on its contacts with the German chemical manufacturing community, Mallinckrodt acquired processes and began making a number of new products, including morphine, codeine, and hydrogen peroxide.

During World War I, when chemical imports from Europe were cut off, Mallinckrodt helped fill the void by substantially increasing production of vital chemicals.

Immediately after the war, Mallinckrodt introduced one of its signature product lines, high-purity analytical reagents. These chemicals are used by commercial and university laboratories for research and to test the purity of other chemicals. Mallinckrodt also teamed up with Washington University in St. Louis to develop a major new medium containing iodine for x-ray visualization of the gallbladder. This work led to additional Mallinckrodt research that culminated in the 1962 introduction of Conray brand of iothalamic acid, one of the most important x-ray contrast mediums in the world.

After more than half a century at the helm of Mallinckrodt Chemical Works, Edward died in 1928. At the time of his death, Mallinckrodt's St. Louis plant had grown to cover two city blocks, employing about 1,000 people, and producing some 1,500 products. Edward Mallinckrodt not only was a giant in the chemical manufacturing industry, he left his mark on his community as well. He was a major benefactor of Washington University, establishing its department for pediatrics, department of pharmacology, the Mallinckrodt Institute of Radiology, and the Jennie Mallinckrodt Ward at the Children's Hospital. Harvard University was also a recipient of Edward's philanthropy, which included funds for the construction of a new library and other facilities.

Edward Jr. succeeded his father, and continued as chairman of the board until 1965. The younger Mallinckrodt was influenced greatly by the optimism and adventurousness of Theodore Roosevelt, and was widely known as a free spirit and a free thinker.

Just as Mallinckrodt played a significant role in the First World War, it made its mark during World War II. In 1942, the U.S. Government needed large quantities of very high-purity uranium compounds, some of which had only been prepared in laboratory quantities until that time. Mallinckrodt rose to the occasion, and within 3 months was producing uranium oxide at the rate of a ton per day. Mallinckrodt purified all of the uranium oxide used in the world's first self-sustaining nuclear reaction, and began producing uranium compounds and uranium metal.

After the war, Mallinckrodt supplied uranium fuel for America's first atomic-powered freighter, the *Savannah*; for Great Britain's first nuclear submarine; and for some of the first pioneering atomic-powered electric generating stations.

In 1960, Harold Thayer became Mallinckrodt's president, ushering in a new era for the company. Thayer reorganized Mallinckrodt along divisional lines and began a program of expansion of sales through acquisition. Mallinckrodt began manufacturing overseas through joint ventures in Europe, the Far East, Latin America, and Australia.

Now owned by IMCERA Group, Inc., this year Mallinckrodt celebrates the achievements of its first 125 years and the introduction of two fully independent new companies, Mallinckrodt Medical, Inc. and Mallinckrodt Specialty Chemicals Co.

A TRIBUTE TO JACK AND BEA MOONS, OUTSTANDING DAIRY CITIZENS OF THE YEAR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of two very special people, Jack and Bea Moons of Chino, CA. Jack and Bea are being recognized at the 17th Annual Diary Awards Dinner as this year's "Dairy Citizens of the Year" by the Chino Valley Chamber of Commerce.

This year's winners give new meaning to the term "partnership." In the business of dairying, partnership rarely involves a married couple. But Jack and Bea are different for their partnership involves not only cows but their kids and each other. It is truly a special bond between two determined, goal-oriented people. It is a bond that works well.

This unique partnership began in 1964 when Jack and Bea married and moved to Chino. Both came from dairy families and each knew what it would take to make their own operation work. In 1965, with $20,000 and in partnership with the bank, Jack and Bea began Moons Dairy. Early on, Jack worked while Bea took care of the kids and drove the milk truck, delivering to local stores. In 1969, Jack and Bea joined Mulligans Sales, Inc. and moved to their present diary. As each became more involved in local civic organizations and in dairy leadership capacities, their partnership grew and flourished.

Since 1988, Bea has served as chairman of the California Milk Advisory Board [CMAB] as well as the California Dairy Foods Research Center Advisory Board. Her long-term interest to help the dairy industry grow is evident in the support of research and development efforts for new dairy products. Particularly noteworthy is that extra light milk, which accounts for 8 percent of fluid milk sales in California, is the result of Bea's work as chairman of the CMAB. In 1989, Bea was cited for her leadership in the dairy industry and honored as world dairy expo woman of the year.

No surprisingly, both Jack and Bea believe the true measure of their success is their children—Stephanie, John, Agnes, and Jacquie—and their accomplishments. "You know you've succeeded when you pass on your leadership to your children and they in turn succeed," Bea says.

Mr. Speaker, I ask that you join me, our colleagues, and many friends in Chino in recognizing the outstanding contributions of Jack and Bea Moons. Their leadership and longtime dedication to the diary industry is certainly worthy of recognition by the House of Representatives.

TRIBUTE TO THE LAGUNA CANYON FOUNDATION

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. COX of California. Mr. Speaker, I rise today to pay tribute to the Laguna Canyon Foundation of Laguna Beach, CA.

Earlier this year, it was my distinct pleasure to nominate the foundation for the 1992 Theodore Roosevelt Conservation Award in recognition of its exemplary efforts to preserve Laguna Canyon. Today, it is my privilege to announce to your that the President of the United States has selected the Laguna Canyon Foundation to receive this prestigious award.

The Laguna Canyon Foundation is being honored for its part in an extraordinary 25-year campaign to preserve 15,000 acres of coastal wilderness in southern Orange County, CA, one of the fastest-growing urban areas in the country. Laguna Canyon, one of California's greatest natural assets, is home to dozens of unique species of plants and animals, and contributes much to the high quality of life in our region.

The Laguna Canyon Foundation is an independent nonprofit organization established in 1990 to raise money from private sources to help preserve the natural habitat in Laguna Canyon. Under the leadership of its president, Michael J. Pinto, the foundation has worked diligently not only to raise the funds needed to purchase land within Laguna Canyon, but also to heighten public awareness of this beautiful and ecologically valuable part of California's landscape. The foundation's constructive efforts with the city of Laguna Beach, the County of Orange, and the State of California have made it a model of cooperation and partnership for communities everywhere—and earned it national attention. The foundation's selection by President Bush as a recipient of the 1992 Theodore Roosevelt Conservation Award will further serve to bring attention to its dedicated and tireless efforts to provide future generations with access to a coastal wildlife park of unparalleled natural beauty.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join with me in honoring the Laguna Canyon Foundation for its dedication to maintaining the natural hillsides, vistas, and habitats of Laguna Canyon.

NAVY DAY IN BALTIMORE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CARDIN. Mr. Speaker, I rise today to honor the birthday of the U.S. Navy, October 13. The Navy League of the United States which promotes the role of seapower in our Nation's defense has since 1922 observed Navy Day. It was on October 13 that the Second Continental Congress authorized the acquisition of ships and the establishment of a navy.

I am pleased to join with the Navy League of the United States, Baltimore Council in their first annual celebration of our naval service—Navy, Coast Guard, Marines, and Merchant Marines. Baltimore's rich naval history, home of the USF *Constellation*, *Pride II*, U.S.S. *Torsk*, USCG Cutter *Taney*, and Liberty Ship *John Brown* makes this special celebration appropriate and long overdue. The Coast Guard Yard at Curtis Bay which the 100th Congress saw fit to keep in the business of repairing and restoring our Coast Guard fleet is an appropriate site for this celebration.

I hope you will join me in saluting the Navy League and all Americans who will pause to honor our U.S. Navy on October 13.

TRIBUTE TO THE KNOXVILLE CHAPTER OF THE INSTITUTE OF MANAGEMENT ACCOUNTANTS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. DUNCAN. Mr. Speaker, I would like to extend my congratulations to the Knoxville Chapter of the Institute of Management Accountants [IMA] which was recently named the Most Outstanding Chapter in the Nation for the second time in the past 3 years. Also, for the third year in a row, the chapter won the president's trophy, which recognizes the most outstanding chapter over a 5-year period.

The Knoxville Chapter of the IMA provides educational materials to local certified public accountants and certified management accountants on current issues and procedures. In addition, the chapter serves the community by offering professional assistance and advice to struggling businesses.

I am proud to represent the individuals who work together to make the Knoxville Chapter of the IMA an example to other accountants across the Nation. I am certain that the chapter will continue to be successful in the field of accounting and helpful to businesses in the Second District.

ESTHER HULSING: SPIRIT OF OUR COMMUNITY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. PURSELL. Mr. Speaker, I would like to bring to the attention of my colleagues the upcoming retirement of one of my very good friends from Plymouth, MI. Mrs. Esther Hulsing will be retiring this year after serving as clerk for the charter township of Plymouth since 1978.

Esther Hulsing is one of the most kind and gracious persons I have ever had the privilege knowing. She has always been a caring and giving spirit in our community. The abundance of sincerity she bestows upon all her endeavors is unsurpassed by those who follow.

Esther Hulsing has been a champion volunteer in our community for a half century.

Esther and her husband Kenneth raised three daughters and thoroughly enjoy six grandchildren. As an active mother, she became involved with the Girl Scouts, and continued volunteering for over 40 years—serving as troop leader, council president, and national board member. Esther also worked with the Parent Teacher Association in Plymouth.

Education has always been a major component is Esther's life work. She served on the Plymouth Board of Education for 18 years—President for 6 years, and the Wayne County School Board Association. A graduate of Montana State University and Ohio State University, she is a charter member of the American Association of University Women. She has also served on the board of governors for the Schoolcraft College Foundation.

Esther has truly been a pillar in our community of Plymouth. From the Community Fund Board, to the Arts Council, to the Symphony League and the Daughters of the American Revolution, she has provided leadership, support, and tireless effort to the success of their purposes and programs.

Mr. Speaker, I am not the first person to publicly recognize the outstanding talent and services of Esther Hulsing. She has received the honors of a doctorate degree from Schoolcraft College, induction into the Plymouth Hall of Fame, awards from Delta Kappa Gamma, the Association of Business and Professional Women, and the Michigan Department of Education.

Esther Hulsing has also received some other very distinguished recognition. The first troop house at Camp Linden was named in her honor by the Huron Valley Girl Scout Council. The Plymouth-Canton community schools opened Husling Elementary School, honoring Esther and Kenneth in 1976. In 1990, the National Theodore Roosevelt Conservation Award was presented to Esther Hulsing by President George Bush.

A remarkable career, and a remarkable life are brief words to recognize such a remarkable woman as Esther Hulsing. I ask my colleagues to join me today to give our fondest thanks to Esther Hulsing, and send our very best wishes that in retirement she and her family be blessed with an abundance of happiness.

SUPPORT FOR FUNDING FOR SMALL BUSINESS DEVELOPMENT CENTER PROGRAM

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MAVROULES. Mr. Speaker, I rise today in support of continued funding for the Small Business Development Center Program at levels adequate to meet the needs of America's growing small business industry. As America struggles to pull itself out of the current economic recession, it is vital that we provide adequate funding for those programs that have proven their abilities to spur economic growth.

The Small Business Development Center Program certainly falls into this category. SBDC's provide high quality, one on one management consulting and training to small business people who do not have the financial or managerial ability to obtain such services elsewhere.

The nationwide success of SBDC's can be seen in the growth created by the Massachusetts SBDC.

During the current program year, the Massachusetts SBDC will devote approximately 23,915 hours of counseling assistance to business owners and potential business owners. Those seeking assistance will include over 1,500 women, 500 minorities, 500 veterans and 600 international clients.

During fiscal year 1991, the latest full year figures available, over 3,900 clients were individually counseled by the Massachusetts SBDC. One thousand seven hundred more attended training programs. As a result of this assistance, over $8 million were secured for 58 clients.

During the past decade, the Massachusetts SBDC has served over 62,000 clients through counseling and training programs, secured over $137,000,000 in financing, and created more than 3,500 jobs.

Our economic viability as a nation depends on continued funding of this and other successful investments. The success of SBDC's proves that the United States cannot afford to reduce or eliminate funding for this program.

TRIBUTE TO HON. FRANK ANNUNZIO

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to my colleague, Congressman FRANK ANNUNZIO. As a fellow representative from Illinois, I have had the great pleasure of knowing and working with FRANK ANNUNZIO on a number of issues facing our State and our Nation. He was very close to my predecessor, Mel Price.

All members of the Illinois delegation are aware of FRANK ANNUNZIO'S commitment to our great state. He has served Illinois well. His constituents in Chicago will miss his dedicated representation.

As he approaches his retirement, I would like to commend him for the exemplary service he has given to the House of Representatives during his 28 years of distinguished service. Our country and certainly the Congress is grateful for having the benefit of his knowledge and leadership.

A TRIBUTE TO COLONEL PHILIP CISNEROS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine record and outstanding public service of Col. Philip Cisneros of the U.S. Marine Corps. After more than 40 years of active duty, Colonel Cisneros is officially retiring today and will be living in Twentynine Palms with his wife Virginia.

Colonel Cisneros' long and distinguished career began in 1950. Upon graduation from recruit training, he served in Korea and was promoted to sergeant in 1952. During the next 10 years, he served as senior drill instructor, platoon sergeant, staff sergeant and in 1960, was promoted to company gunnery sergeant.

Colonel Cisneros' demonstrated leadership led to his ascension in the ranks. He was promoted to temporary 2d lieutenant in 1965 and by the time he was transferred to Vietnam in 1968, he had advanced to the grade of captain. Following several rotations as a company commander in Vietnam, in 1973 Captain Cisneros attended the U.S. Army Advanced Infantry School and Airborne Training at Fort Benning, Georgia. Upon graduation, he was assigned as the commanding officer, marine detachment, of the U.S.S. *Midway* homeported at Yokosuka, Japan. A short time later, he was promoted to major.

In August 1979, Major Cisneros was assigned to Hawaii and reassigned the next year upon his promotion to lieutenant colonel. He was advanced to his current rank in 1985 and was officially promoted in 1987. Since that time, Colonel Cisneros has served in a number of leadership capacities, including Chief of Staff, at the Marine Corps Air Ground Combat Center in Twentynine Palms.

Over the years, Colonel Cisneros has received many personal decorations including the Silver Star, Bronze Star and combat "V", Purple Heart with Gold Star (Korea and Vietnam), Meritorious Service Medal with Gold Star, Navy Commendation Medal, Navy Achievement Medal, Combat Action Ribbon, and the Vietnamese Cross of Gallantry. In addition, he has been married to his wife, Virginia, for 42 years and they have five children and grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, and friends in thanking Colonel Cisneros for his dedication and love of country. His commitment to the U.S. Marine Corps and longtime record of service is certainly worthy of recognition by the House of Representatives.

COSPONSOR OF THE COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1992

HON. JOHN W. COX, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. COX of Illinois. Mr. Speaker, I am pleased today to join my colleague from Utah, Congressman BILL ORTON, as a cosponsor of the Comprehensive Budget Process Reform Act of 1992.

When I ran for Congress, I did so because I was concerned about the deficit and Congress' seeming inability to provide for a balanced budget. I simply could not sit back and watch our future be ransomed for growing deficits. I thought that political courage to make tough choices was what I needed to help make change in Washington. The statutory guidelines of Gramm-Rudman-Hollings and the Budget Agreement Act of 1990 were set up to help us get down to the business of deficit reduction, and, it seemed to me, I could help ensure that the balancing act would soon begin.

Unfortunately, I was mistaken. Instead, I found that the pay-as-you-go rule of the Budget Agreement Act is too easily suspended, and irresponsible spending is not so easily arrested. Last spring, I joined the fight for a balanced budget amendment. And, 4 months ago, we came within 10 votes of amending the Constitution to require a balanced budget.

Today, we are introducing legislation which goes even further. The Comprehensive Budget Process Reform Act of 1992 not only requires a balanced budget amendment, it provides statutory mechanisms to ensure compliance. Additionally, unlike current policies which depend on budget projections, this legislation focuses on actual revenues and expenditures. The bill requires the President, at the end of each fiscal year, to report actual revenues and expenditures. If a deficit exists, Congress and the President must act immediately to make up the shortfall.

Yesterday was the end of the fiscal year. Administration projections show spending will exceed revenues by $334 billion this year. In spite of this, we will all go home next week without taking action to offset this shortfall. However, if the Comprehensive Budget Act was law today, we would not be going home. The administration and Congress would be required to pass legislation which puts the budget back in balance. And, if legislation was not passed immediately, an automatic spending cut would take place.

The Comprehensive Budget Act of 1992 represents the kind of responsibility I wanted Congress to take when I came here last year—responsibility for our future and our children's future. I commend Mr. ORTON for the many hours of hard work that he has given to this effort, and I am proud to join him today as a cosponsor of this bill. I urge my colleagues to join us in the fight for a balanced budget; it's a fight our future depends on.

TAIWAN CELEBRATES 81ST BIRTHDAY

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LIVINGSTON. Mr. Speaker, best wishes to the Republic of China on its 81st birthday, October 10, 1992.

Taiwan has made spectacular economic gains in the last two decades, as it has pursued its goal of becoming a fully democratic country. In the last 5 years, it has instituted numerous political reforms, resulting in unprecedented political freedom for the Taiwan people.

Taiwan has also attempted to make new friends around the world, and Taiwan has been quite successful especially with the States of the former Soviet Union. In September of this year, Taiwan and Russia actually agreed to exchange representative offices in each other's capitals. In February 1992, Taiwan established consular ties with Latvia. Taiwan has also exchanged representative offices with Lithuania and Estonia.

On Taiwan's 81st birthday, I wish Taiwan continued success in economic and political development and in gaining greater international recognition.

TRIBUTE TO "CLEM" HOLEWINSKI

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Ms. KAPTUR. Mr. Speaker, on September 16, northwest Ohio lost a giant and very valued member of our community. Clemence Holewinski—or Clem as he was known to his many friends—dedicated his life to helping others. Through his work in the labor movement, thousands of Ohioans, and indeed hard working men and women nationwide, have benefited from his commitment to ensuring that ordinary American workers and their families be given a fair shake in the workplace.

Clem was one of the founding fathers of the labor movement in our area. His efforts and dedication were tireless. But he always had time to listen and learn. Highly regarded for his honesty and integrity, he was known and respected as a man of his word—who possessed the wisdom to always make the right decision. He was truly one of those citizens that every community needs—a citizen that contributes so much to the well-being of others, but asks for nothing in return. He was a father to us all.

A World War II veteran, Clem returned home to Toledo after the War to begin his long career as a motivating force in the United Auto Workers. He was one of the founders of Local 12 and served as president of the Local for 27 years. His dedication to the cause was so immense that he was honored in 1974 for attending every UAW national convention since 1936. His role in creating summer camps for children and bettering life's opportunities for working families everywhere are his lasting legacies to our community.

The role Clem Holewinski played in our community will long be remembered, and his contributions felt by our citizens for years to come. I know I join the citizens of the Ninth District of Ohio in extending my most sincere sympathies and our community's profound sense of loss to his wife Clara; son, David; sisters, Mrs. Florence Ryder, Mrs. Alice Czarnecki, Miss Marie Holewinski, Mrs. Elanor Palicki, and Mrs. Beatrice Lennix; brother, Lester; three grandchildren; two step-grandchildren; and one great-grandchild.

TRIBUTE TO THE ALICE TWEED TOUHY FOUNDATION PHILANTHROPIST OF THE YEAR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to the Alice Tweed Touhy Foundation, which has been chosen as the philanthropist of the year by the Santa Barbara/Ventura Counties Chapter of the National Society of Fundraising Executives.

The Philanthropist of the Year Award recognizes an individual, corporation or foundation which has demonstrated exceptional civic responsibility by providing financial support and leadership to one or more major fundraising projects. The honoree will also have contributed to other community efforts and to the advancement of philanthropy in the Santa Barbara/Ventura area.

The achievements of the Alice Tweed Touhy Foundation reflect the philosophy of its founder, the late Alice Lyon Tweed Touhy. Mrs. Touhy strongly believed that a better tomorrow is rooted in the action of today. A review of the recipients of over $6.7 million in grants since 1956 affirms this belief.

The Touhy Foundation concentrates its efforts in the areas of collegiate and youth activities, community projects, and health and medicine.

In addition to enormous financial contributions to the Santa Barbara community, the Foundation both encourages and rewards excellence in the fundraising profession. For example, it has long been the Foundation's policy to ensure that governing boards of grant seekers give significant financial support, thereby reminding fundraisers and boards of their own responsibilities. Additionally, Foundation officers not only demand a level of excellence in the proposal process, but ensure that grant seekers know where they have fallen short of the officers' expectations.

Mr. Speaker, on behalf of the U.S. House of Representatives, it is my pleasure to commend the Alice Tweed Touhy Foundation for its long and generous history of support to the community, and for the leadership it provides to grant-seeking organizations in support of professional excellence. I proudly wish the Foundation all the best in future endeavors.

ABOLISH MANDATORY MINIMUM SENTENCES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. EDWARDS of California. Mr. Speaker, I am pleased to cosponsor the Sentencing Uniformity Act of 1992 with my distinguished colleague from Georgia [Mr. JENKINS]. The act abolishes mandatory minimum sentences throughout the Federal criminal law. The premise of the act is that mandatory minimum sentences are inherently incompatible with the mandate of the U.S. Sentencing Commission. The Commission's purpose is to create sentencing guidelines directed toward the specifics of the offender and the offense, to reduce disparities and inequities in sentencing, and to create certainty of punishment. The act follows the recommendation of the U.S. Judicial Conference, which urges Congress to:

> Restructure [mandatory minimum] statutes so that the U.S. Sentencing Commission may uniformly establish guidelines for all criminal statutes to avoid unwarranted disparities from the scheme of the Sentencing Reform Act.

In recent years, the Federal Government has responded to concerns about the Nation's serious crime problem by imposing mandatory minimum sentences for certain crimes. In an attempt to ensure appropriate punishment and the separation from society of criminals who pose significant dangers to our citizens, the creation of mandatory minimum sentences has proliferated. There are now well over 100 such sentences.

The Sentencing Commission, in a detailed report, has found that this proliferation has created serious conflicts with its mandate. In fact, instead of eliminating disparities, mandatory minimum sentences have simply caused discretion in sentencing to be transferred from independent Federal judges to Federal prosecutors, who are parties to the litigation. These disparities are based not on neutral factors, but rather on factors such as race, gender, crime rates and caseloads, circuit, and prosecutorial practices. In particular, a greater proportion of black defendants received sentences at or above the mandatory minimum level, followed by Hispanics, and then whites. Departures from the mandatory minimum are most likely to be granted to whites, and least likely to Hispanics. Further, the Sentencing Commission found that defendants whose conduct appears to warrant the imposition of mandatory minimum sentences do not receive those sentences approximately 35 percent of the time.

Mandatory minimum sentences have also created great injustices. The prison terms required by mandatory minimum sentences have often dramatically outweighed the severity of the offenses and the culpability of the offenders. Nonviolent first-time offenders often receive longer sentences than prisoners with long criminal records. The Commission found that "an unintended effect of mandatory minimums is unwarranted sentencing uniformity."

It is now crystal clear that our prison system simply cannot accommodate the huge new numbers of prisoners that mandatory minimums have caused. Our prison system is filled well beyond capacity, and the building of new prisons, at a cost of millions, has had no appreciable effect on this overcrowding. The creation of mandatory minimums has been a primary cause of this overcrowding, because judges have little or no discretion to sentence certain offenders to noncustodial sentences. Further, mandatory minimums burden the judicial system as well, by reducing the incentive of defendants to plead guilty in hopes of receiving a lighter sentence. They have increased the likelihood that defendants who would normally enter guilty pleas will now demand trials instead.

Mandatory minimum sentences have not achieved their purpose. In fact, their uneven application and the transfer of discretion from judges to prosecutors decreases certainty in sentencing, which in turn reduces deterrence, a primary goal of the Federal criminal laws.

The U.S. Judicial Conference, all 12 judicial circuits, numerous bar associations, the Federal Courts Study Committee, and citizens groups across the country oppose mandatory minimums and have urged Congress to abolish them. In the words of the Sentencing Commission:

> [T]he most efficient and effective way for Congress to exercise its powers to direct sentencing policy is through the established process of sentencing guidelines, permitting the sophistication of the guidelines structure to work, rather than through mandatory minimums. There is every reason to expect that by so doing, Congress can achieve the purposes of mandatory minimums while not compromising other goals to which it is simultaneously committed.

I urge my colleagues to support the Sentencing Uniformity Act of 1992.

ABOLISH MANDATORY MINIMUM SENTENCES

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. JENKINS. Mr. Speaker, I would like to take this opportunity to thank my distinguished colleague from California [Mr. EDWARDS], for his leadership and foresight demonstrated by cosponsoring the Sentencing Uniformity Act. I am delighted to join him in introducing this bill. As a former assistant U.S. attorney, I adamantly support the premise of the act that mandatory minimum sentences are incompatible with the mandate of the U.S. Sentencing Commission. There is an endless list of reasons, of which I shall name only a few, that Congress should pass this act and abolish mandatory minimum sentencing.

First offenders often receive longer prison sentences than prisoners with a criminal record who have committed more egregious crimes under mandatory minimum sentencing. The intent of criminal punishment is not only to deter and restore, but also to rehabilitate individuals into productive members of society. Given the lack of leeway in mandatory minimum sentencing, we might as well omit rehabilitation as one of the established reasons for criminal punishment.

In *United States* v. *Madkour,* 930 F.2d 234 (2d Cir. 1991), Judge Franklin S. Billings writes that mandatory minimum sentencing statutes deny "judges of this court, and of all courts, the right to bring their conscience, experience, discretion, and sense of what is just into the sentencing procedure, and it, in effect, makes a judge a computer, automatically imposing sentences without regard to what is right and just. It violates the rights of the judiciary and of the defendants, and jeopardizes the judicial system." Federal judges deserve our confidence in their ability to use discretion in determining what action is needed in each individual case. All too many times judges are forced to impose sentences which are much too severe without the ability to consider the culpability of the offenders.

Currently, our prison system is not capable of retaining the terrific number of new prisoners already confined as a result of mandatory minimum sentencing. According to figures released by the Bureau of Prisons, current prison population is approximately 70,000, and with a 48,465 design capacity, this amounts to 144 percent of full capacity. The present administration has provided $2.8 billion for expansion and construction of Federal prisons. Even with a scheduled completion date of 1996, this expenditure is only expected to alleviate 10 percent of the burden. It will take approximately $9.6 billion more to adequately house those currently in the system, and these figures do not include the costs to cover the current growth trend. Given the current state of our economy and huge Federal deficit, we cannot afford to continue spending billions to accommodate the huge increase in the Federal prison population.

Mandatory minimum sentencing has created an increase in the number of cases which end up going to trial. There is no incentive for defendants to plead guilty and eliminate the necessity of going to trial. This has resulted in a backlog of cases and increased costs to the taxpayer. There is also a real danger of the Federal civil calendar becoming obsolete as a result of the enormity of criminal cases ending up in litigation.

The U.S. Sentencing Commission has completed an indepth study of mandatory minimum sentencing. The Commission found that a system of guidelines, opposed to mandatory minimums, could better meet the goals of just punishment, deterrence, incapacitation, and rehabilitation. Mandatory minimum sentencing has not accomplished the desired goal of eliminating disparity in sentencing. According to the Commission:

> The disparate application of mandatory minimum sentences in cases where available data strongly suggest that a mandatory minimum is applicable appears to be related to the race of the defendant, where whites are more likely than nonwhites to be sentenced below the applicable mandatory minimum; and to the circuit in which the defendant happens to be sentenced, where defendants in some circuits are more likely to be sentenced below the applicable mandatory minimum than defendants sentenced in other circuits. This differential application on the basis of race and circuit reflects the very kind of disparity and discrimination the Sentencing Reform Act, through a system of guidelines, was designed to reduce.

The Commission concluded by recommending that:

> The most efficient and effective way for Congress to exercise its powers to direct sentencing policy is through the established process of sentencing guidelines, permitting the sophistication of the guidelines to work, rather than through mandatory minimums.

I urge my colleagues to support the Sentencing Uniformity Act of 1992.

A TRIBUTE TO BILL SKELLEY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Bill Skelley, who spent 35 years as a teacher and administrator in public schools in Los Angeles before retiring in 1984. I congratulate Bill on a special occasion—the 50th anniversary of his graduation from Hamilton High School—and commend him for his outstanding work as chairman of the committee of his classmates celebrating this important occasion in their lives.

As a graduate of Hamilton High School myself, I feel an affinity for Bill and take special pride in his accomplishments. I am also delighted to note that his wife, Mildred, was a member of the same class. Mildred and Bill are the proud parents of two fine sons, Dave and Pete and two lovely grandchildren.

Those who today disparage public education are doing a terrible injustice to dedicated educators such as Bill Skelley. He is a man who spent most of his career as a teacher and administrator at junior and senior high schools in the inner city, giving tirelessly of his abilities and resources to help better the lives of countless children.

Bill's commitment to high school students continues to this day. He may be retired, but he is far from inactive.

With Bill at its head, the class of 1942 has developed a unique gift to its alma mater—the most priceless gift possible: The gift of time and involvement. This class has created a program in which Hamilton alumni return to the school to offer their services in job counseling, networking, the opening of career doors and other activities helpful to the high school students. This public/private partnership is a boon to Hamilton, which for decades has enjoyed a reputation as one of the finest high schools in Los Angeles.

Mr. Speaker, I ask my colleagues to join me in saluting Bill Skelley, a distinguished graduate of Hamilton High School and a marvelous argument for public education. The Los Angeles Unified School District has been indeed fortunate to have had the benefit of his myriad abilities for so many years.

WHY LIBERALS RUN FROM THEIR NAME

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. DUNCAN. Mr. Speaker, I recently had the privilege of speaking to a men's group at the First Cumberland Presbyterian Church in Knoxville.

I had heard the church pastor, R. David Lancaster may times on his radio program, "Family Matters," but I had never met him in person until that night.

I was very much impressed by Reverend Lancaster. I believe he is an up-and-coming minister with a great future ahead of him.

He recently wrote a piece about the current political scene which I believe is worthy of publication in the CONGRESSIONAL RECORD, and I would like to call it to the attention of my colleagues and other readers of the RECORD.

WHY LIBERALS RUN FROM THEIR NAME

On the current political scene, one of the oddest developments yet has been the curious rejection of the label "liberal" by the candidates representing the Democratic Party in the upcoming election. For several decades, Democrats have proudly worn this title, eschewing any association with conservatism. In my college days, a common joke ran, "What's the definition of a conservative? Someone who worships dead liberals." Thus, the modern practice of hiding liberal lights under bushel baskets appears strange, if not downright contradictory. Could it be that after years of liberal domination of the federal government, the major media, the entertainment industry, and the arts, liberalism is no longer in vogue?

Nothing could be further from the truth! The recent retreat from liberal rhetoric hardly disguises the continued unquestioned commitment to die-hard liberalism. The reason for the reticence on the part of those representing the Democrats arises from a completely different motivation entirely. Liberals want to win the White House.

This desire to capture the presidency has produced some shrewd and nearly astute political analysis on the part of liberals that the large majority of Americans rightly associate liberalism with policies which have largely undermined the prosperity of people of every race and status in this society. Poll after poll strongly supports the claim that Americans consistently demonstrate conservative tendencies with regard to economic and social issues, while the leadership of media, the entertainment and arts communities, church hierarchies, and the Democratic Party—not to mention the myriad of special interest groups who march under the liberal banner—unflinchingly display decidedly radical ideas widely disparate from the general public.

The tax-and-spend philosophy which has characterized liberalism in the past three decades is only a small part of the discordant views which strike the average person as wrongheaded. The wholesale commitment to redistributing income, which is the root of most taxation; the inability to recognize the difference between free speech and obscenity, whether written or pictured; the dogged determination to regulate every industry, business, and trade, as if to end forever corruption and bring in the millenium; these notions strike everyday people as quackish, unrealistic, and ultimately incredibly expensive. The arrogant attitude of the anointed who insist on inflicting these policies on the country understandably leaves a bitter taste in the mouths of citizens with regards to liberalism.

How to resolve this annoying truth? In the past two national campaigns, Democrats presented Americans with a clear-cut choice: an unabashedly liberal candidate versus the Republican conservative. The results rank in

history as two of the worst defeats experienced in this century. Is it truly surprising that liberals are taking a different approach this campaign?

The attempt to cast the Clinton-Gore ticket as the first centrist platform since the Carter days sounds promising to card-carrying Democrats. Yet, the reality of the situation will become increasingly apparent as the campaign rolls on. The radical elements of the liberal platform belie the supposedly moderate views of the campaigners, but will become quite obvious as the debates take place, and deception proves more difficult. George McGovern spoke truth when he described his party's ticket as a "Trojan horse," but he will also rue the day in which he provided the opposition with precisely the rubric needed to dash the hopes of disheartened liberals, who already have been forced to swallow more turkey than has been roasted in Arkansas this century.

THE 25TH ANNIVERSARY LEGAL SERVICES OF THE WESTERN CAROLINAS

HON. ELIZABETH J. PATTERSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mrs. PATTERSON. Mr. Speaker, I rise today to recognize the Legal Services Agency of the western Carolinas on the occasion of their 25th anniversary. The Legal Services Agency of the western Carolinas was founded under the premise of carrying out the concepts of our Constitution, which guarantees equal access to justice to all citizens. In the last 25 years, this agency has helped provide access to legal services to more than 60,000 needy residents in the upstate of South Carolina.

The success of Legal Services of the western Carolinas can be traced to several sources, but mainly to a great staff and committed volunteers. The caseload handled by this agency could stagger much larger private law firms. But we find that the volunteers and staff—wearing the hats of lawyer, social worker, teacher, and planner—make it because they have learned to treat people as individuals, instead of as cases.

Mr. Speaker, I want to express our deep appreciation and sincere congratulations to the Legal Services Agency of the western Carolinas, its directors, staff, and volunteers on the occasion of their silver anniversary. Thanks for a job well done.

ADDITIONAL REMARKS REGARDING H.R. 5118

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. OWENS of Utah. Mr. Speaker, on Tuesday, September 29, 1992, I placed a statement in the RECORD describing H.R. 5118, the Utah Schools and Lands Improvement Act, which was passed by the House of Representatives that day. I inadvertently did not include an important part of my statement, and I would like to supplement my remarks with the following, which should be considered as part of my original statement:

"The current version of H.R. 5118 differs in only a few ways from the bill marked up on September 10 by the Subcommittee on National Parks and Public Lands. That version contained a provision in section 5(a) which dealt with the appraisal of State lands within the national forests. The language provided that the State may retain a royalty interest in the land it exchanges within the national forest provided that no value be attributed to the State's mineral estate on such lands and that administrative control over leasing such mineral interest be given the United States. The language was deleted by the full Interior Committee during markup on September 16 because it was the sense of the Committee that such details of the negotiated exchange should be left up to the parties operating under the guiding principle that the exchange be based upon value for value as determined by an objective and impartial appraisal. The deletion of that specific provision was also premised in part upon the notion that the parties already had authority under the broader language of the bill to negotiate such terms without the specific direction of the Congress."

VIOLENCE AGAINST WOMEN IS A PUBLIC HEALTH ISSUE

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. McDERMOTT. Mr. Speaker, today marks the beginning of Domestic Violence Awareness Month. One segment of our society that can play an especially important role in addressing this problem is our health care community, and today I am introducing legislation to promote education and awareness of domestic violence and sexual assault within this community.

As a nation, only recently have we begun to recognize and comprehend the devastating extent and impact of violence against women. Throughout America, millions of women each year are beaten, assaulted, victimized, and terrorized by violence from husbands, boyfriends, relatives, acquaintances, and strangers. The level of violence against women in America is a national disgrace and remains one of our most deeply entrenched injustices.

Every American must understand the cruel effects of violence, work to improve our criminal justice efforts to stop such crimes, and help expand our social services efforts to assist women in preventing and escaping from this violence. I applaud the efforts of my colleague from California, Mrs. BOXER, in sponsoring the Violence Against Women Act, legislation that makes important changes in our Federal statutes to protect victims of battering and sexual assault and to increase funding for battered women's shelters and for education about these crimes.

Violence against women is a crime and it must be confronted vigorously by our criminal justice system. But domestic violence and sexual assault also pose serious health threats to women and must be addressed by the public health community as well. For example, battering is the leading cause of injury to women in America, accounting for nearly one-third of emergency room admissions for women. Approximately 4,500 women are killed each year by their partners. Pregnant women are at special risk of injury from battering, and such violence endangers the health to both the mother and her baby. Roughly 4 million women suffer domestic violence each year; this is a nationwide public health crisis.

Our health care professionals are in a unique position to address this crisis. Battered women utilize health care services at higher rates than other women, not only for treatment of repeated injuries, but for related health problems, such as chronic stress-induced disorders. Violence in the home tends to escalate over time, placing battered women at risk of increasingly severe injury. The health care setting may be an important point of entry for a woman seeking help, and the health care professional may be the best and only hope for early intervention to prevent future violence and death.

Some battered women become virtual prisoners in their own homes; their partners have severed their access to money, transportation, telephones, friends, and family. They are completely isolated from any source of information or assistance; it is impossible for them to obtain any knowledge about how to escape, much less to accomplish it. Many women know that when they do try to escape their abusers, their chances of being killed increase dramatically. The health care setting may be the only refuge where these women have an opportunity to learn that there is help available and how to get it.

Until recently, the medical profession often joined in the conspiracy of silence surrounding battering by denying the obvious sources of injuries inflicted on women, minimizing the nature of such violence, rejecting women's pleas for help as beyond its domain, and worst, by blaming the victim for her own victimization. These attitudes have begun to change, slowly, but we need a nationwide, systematic effort to train health care professionals and to establish guidelines for helping victims.

Often the most important step physicians and nurses can take to help victims of violence is acknowledging the violence. Women may be so overwhelmed by fear, guilt, and shame that they cannot admit or discuss their own victimization. The medical profession can play a critical role in breaking through this silence, validating a woman's suffering and her right to stop it.

I have spoken primarily of domestic violence, but survivors of sexual assault face similar problems. Although hospitals have established protocols for the treatment of rape victims who report their assaults, as many as 9 of 10 sexual assaults are not reported, and the vast majority of victims do not seek help after an assault. On average, a victim may wait 5 years before seeking help. Yet sexual assault has profound mental and physical health consequences for women. For example, a recent study in my State of Washington found that two-thirds of pregnant teenagers had been sexually abused—a shocking statistic that suggests that sexual abuse may be a significant factor in our high adolescent pregnancy rate.

We know violence against women is a public health threat, but we are only beginning to understand how the public health community must be involved in combating it. Not enough attention has been focused on developing appropriate strategies in the health care setting to identify victims of violence, offer support and referrals for assistance, and create intervention programs to prevent future violence. Physicians, nurses, and other health care professionals should screen patients routinely for such abuse, and understand how to address it. I am proud that my district of Seattle has been a leader in this effort.

The legislation I am introducing today, the Women's Violence-Related Injury Reduction Act, recognizes that violence against women is a nationwide public health crisis requiring the commitment of the Federal Government. This legislation provides grants for the development and implementation of screening protocols to identify victims of domestic violence and sexual assault, and to educate and train health care professionals in helping victims of such violence. In addition, it requires development of a nationwide system for collecting data on injuries and other health effects of violence against women, and other epidemiological research on this problem. Finally, it provides funds to educate the general public on the public health impacts of domestic violence and sexual assault.

The medical community has an obligation to assess and protect a patient's overall health. Violence against women constitutes a grave threat to the life and health of millions of women each day, and it is time for our Nation to undertake serious and comprehensive efforts to combat it.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Violence-Related Injury Reduction Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Domestic violence and sexual assault represent serious threats to the health and well-being of millions of women in the United States.

(2) Violence against women has serious health consequences for its victims, including fatality, severe trauma, repeated physical injuries, and chronic stress-related disorder.

(3) Violence against women has serious mental health consequences for its victims, including substance abuse, severe psychological trauma, and suicide.

(4) Approximately 4,000,000 women in the United States are victims of domestic violence each year, and 4,500 women are killed each year from such violence.

(5) One of two women is a victim of domestic violence or sexual assault during her lifetime.

(6) Battering is the leading cause of injury to women.

(7) It has been estimated that 1 in 6 pregnant women are battered, resulting in increased rates of miscarriage, stillbirths, and low-birthweight babies.

(8) Domestic violence may account for as much as one-third of emergency-room visits by women, an annual total of approximately 28,700 such visits.

(9) Domestic violence accounts for 21,000 hospitalizations, 99,800 days of hospitalization, and 39,900 visits to a physician each year.

(10) Fewer than 5 percent of injured women are correctly diagnosed by medical personnel as being victims of domestic violence.

(11) Hospitals and clinics do not have a uniform set of protocols for the identification and referral of victims of domestic violence and sexual assault, or for the training of health care professionals to perform such functions.

(12) A uniform surveillance system for monitoring the health effects of domestic violence and sexual assault should be established to determine the nature and extent of such violence and assault in the United States.

SEC. 3 ESTABLISHMENT OF CERTAIN HEALTH PROGRAMS REGARDING DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317A the following section:

"HEALTH PROGRAMS REGARDING DOMESTIC VIOLENCE AND SEXUAL ASSAULT

"SEC. 317B. (a) DEMONSTRATION PROJECTS FOR IDENTIFICATION AND REFERRALS OF VICTIMS.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to public and nonprofit private entities for the purpose of carrying out demonstration projects in which health care providers, in providing such care—

"(A) identify individuals whose medical condition or statements indicate that the individuals are victims of domestic violence or sexual assault; and

"(B) refer the individuals to entities that provide services regarding such violence and assault, including referrals for counseling, housing (including temporary housing), legal services, and services of community organizations.

"(2) TRAINING.—The Secretary may authorize grantees under paragraph (1) to expend the grants to train health care providers to carry out the activities described in such paragraph.

"(3) PROTOCOLS FOR IDENTIFICATION, REFERRALS, AND TRAINING.—

"(A) The Secretary may make a grant under paragraph (1) only if, for the demonstration project involved, a protocol has been developed for identifying, referring, and training individuals for purposes of such paragraph, or the applicant for the grant agrees that such a protocol will be developed, and the Secretary approves the protocol. The Secretary may authorize grantees under such paragraph to expend the grants to develop such protocols.

"(B) The Secretary may make a grant under paragraph (1) only if the applicant involved agrees that the project under such paragraph will be carried out in accordance with the protocol approved for the project by the Secretary under subparagraph (A), and that the project will not begin operation until the protocol has been so approved.

"(4) CONSULTATION WITH RELEVANT ENTITIES.—The Secretary may make a grant under paragraph (1) only if the applicant involved has, in developing the proposal of the applicant for a demonstration project under such paragraph, consulted with public and nonprofit private entities that, in the geographic area in which the project is to be carried out, provide services regarding domestic violence or sexual assault.

"(5) REPORTS.—The Secretary may make a grant under paragraph (1) only if the applicant for the grant agrees to submit to the Secretary a report describing the activities of the project under such paragraph for the fiscal year for which the grant is made.

"(b) PUBLIC EDUCATION.—The Secretary, acting through the Director of the Centers for Disease Control, shall carry out a program to educate health care providers and the public on the consequences to the public health of domestic violence and sexual assault.

"(c) EPIDEMIOLOGICAL RESEARCH.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, shall provide for the conduct of epidemiological research on domestic violence and sexual assault. In providing for such research, the Secretary shall ensure that, with respect to such violence and assault, data is collected on—

"(A) the incidence of cases and the effect of the cases on the costs of health care in the United States;

"(B) the type and severity of injuries sustained and the type and severity of any other resulting health conditions;

"(C) the extent to which victims seek treatment, including a comparison of the incidence of cases with the incidence of seeking treatment;

"(D) a description of common circumstances influencing victims not to seek treatment;

"(E) the types of medical facilities and health care providers from which victims seek treatment; and

"(F) the demographic characteristics of the individuals from whom data described in subparagraphs (A) through (E) is collected.

"(2) NATIONAL SYSTEM.—In carrying out paragraph (1), the Secretary shall cooperate with the States for the purpose of establishing, to the extent practicable, a national system for the collection of data regarding domestic violence and sexual assault.

"(3) REPORT.—Not later than February 1, 1995, and every 2 years thereafter, the Secretary shall submit to the Congress a report summarizing the data collected under paragraph (1) for the preceding 2 years.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) ALLOCATION FOR DEMONSTRATION PROJECTS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 60 percent for grants under subsection (a).".

CELEBRATING THE 60TH ANNIVERSARY OF THE SOUTH BEND SYMPHONY ORCHESTRA

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ROEMER. Mr. Speaker, I am proud to share in the great accomplishments of my constituents, and it is with particular pleasure that I pay tribute to the South Bend Symphony Orchestra in the year of its Diamond Jubilee Anniversary. This fine South Bend institution has performed for three generations for the citizens in our community. The talented musicians and community leaders have enriched our lives and engaged our spirits. The South

Bend Symphony Orchestra has been an integral part of our city's heritage for 60 years, bringing local residents and friends together from around the region to enjoy its beautiful artistry and musical originality.

The South Bend Symphony Orchestra has a strong Hoosier foundation, rooted in civic pride and an appreciation of culture. Its hallmarks are originality and artistry, and the very presence of the South Bend Symphony Orchestra enhances the quality of life in northern Indiana.

I admire the leadership of the South Bend Symphony Orchestra in the Midwest, watching it move forward with such innovative projects as *Meet the Composer-Midwest,* which recently brought the noted Composer Michael Schelle to South Bend. Through this program, South Bend has enjoyed Mr. Schelle's original work by the symphony, as well guest lectures with four area institutions including Indiana University at South Bend and the University of Notre Dame.

The South Bend Symphony Orchestra has also been a leader in bringing the family closer together through music with its Family Series. This program features works designed to introduce children to the world of fine music.

I believe we can all agree that a wide range of music, from great classical pieces to casual concert music, has added to all of our lives. Great music is a necessary part of any civilized society. The South Bend Symphony Orchestra has presented a diverse program that appeals to broad audiences. As Henry Wadsworth Longfellow wrote years so many years ago, "Music is the universal language of mankind." I could not agree more.

Mr. Speaker, it is with great pleasure that I salute the South Bend Symphony Orchestra for 60 years of excellence, and wish it continued success into the next century.

UNINSURED PREGNANT WOMEN AND CHILDREN

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. SABO. Mr. Speaker, I am deeply concerned about the growing number of poor and disadvantaged children in this country. One out of every five children in America is poor. And more than 11 million American children are not covered by health insurance. This is disgraceful.

Although health care costs exceed 11 percent of our gross national product, the health status of American children is declining. Disappearing health insurance coverage for the Nation's poor and a shortage of clinics in thousands of inner city and rural areas have left low-income women and children without access even to the most basic health care. In fact, one-fourth of America's children go without immunization against diseases, including measles, mumps, whooping cough, and polio. And an alarming number of babies born in the United States die before their first birthday.

Infant mortality data illustrate the overall health of our children. We are failing to ensure that our Nation's children are growing up healthy. Instead, we have slipped backward. The United States is behind 21 nations in infant mortality and behind 20 nations in child mortality.

It is inexcusable that one out of every four pregnant women is not insured for maternity care and an equal percentage do not receive any prenatal care during the first trimester. Yet statistics show that every $1 spent on early prevention and intervention can save $4.75 in costs associated with remedial education, welfare and crime down the road. And for every $1 spent on all childhood immunizations, $10 is saved in future medical costs.

The United States spends more per capita on personal health care than any other country and leads the world in medical technology. It is unacceptable that millions of American children do not receive adequate health care when they get sick because their uninsured families cannot afford it. We must act to provide health care to children and pregnant mothers.

Throughout my legislative career, I have pushed for health care reform at both the State and the Federal level. I have introduced comprehensive health reform legislation in each of the last seven Congresses. My bill would guarantee all Americans access to health insurance at group rates and it would help low-income people buy coverage.

Many hearings and debates are being conducted on different ways to improve our Nation's health care system. The problems are complex and the proposed solutions differ greatly from one another. Therefore, we do nothing and the situation worsens. This is indefensible. We cannot afford to ignore the plight of our children.

Not only is denying necessary health care to children unconscionable, it also hurts our long-term national economy. For the United States to compete in future international markets, our children must grow up healthy in order to be productive and working adults. Let's make this a top priority in the early months of next year.

TAIWAN—A SHOWCASE OF SUCCESS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LENT. Mr. Speaker, the Republic of China on Taiwan is a tiny island nation in the pacific, yet its story of economic success is truly remarkable. In 1959, Taiwan's population was 10.4 million; by 1991 it had doubled. In 1959, Taiwan's per capita GNP was the equivalent of US$120; in 1991 it reached well over US$8,000, ranking 25th in the world. Disposable family income has reached an average of US$19,265 per household, and is still growing.

For the past 30 years, Taiwan's economic growth rate has averaged 8.8 percent annually. At the same time, the high savings rate among the people and substantial foreign exchange reserves held by the Taipei Government, together with low rates of inflation and unemployment, contributed to an atmosphere of prosperity. The jobless rate in Taiwan remains less then 2 percent, as it has for several years.

At the present time, the Taipei Government is in the beginning phase of a 5-year National Development Plan. With a total budget of over $303 billion, the plan offers opportunities for American companies to bid on major contracts including flood control, city transportation networks, water and sewage plants, and highway construction.

On the eve of Taiwan's 81st national anniversary on October 10, 1992, I wish to commend Taiwan for all its economic successes.

TRIBUTE TO HOLY TRINITY CHURCH

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Holy Trinity Evangelical Lutheran Church of Garfield, NJ as it celebrates its centennial anniversary.

Holy Trinity was founded on August 10, 1892 as the First Slovak Evangelical Lutheran Holy Trinity Church of Passaic, NJ. It was founded by 15 emigres from Slovakia in eastern Austro-Hungary. Twenty-two others joined them before the end of 1892 and all were recorded as charter members. The English Dundee Presbyterian Church, at Third and Monroe Street in Passaic, NJ was their host church for more than 10 years. From 1892 to 1908, Holy Trinity received its spiritual ministry from elder members, Czech Presbyterians, and mission developers sent to the United States by the Evangelical Church in Slovakia. At best they were visited once or twice a month by mission developers since they had a church circuit in three and four States. These early ministers included the Reverend L. Novemesky, the Rev. L.A. Engler and the Rev. Daniel Bella.

In 1900, members living in E. Passaic, now Garfield, purchased land from the Belmont Land Association, on Palisade Avenue, near the crest of the hill. The first church was built on that site in 1902, and served the congregation until 1926.

In 1926, a landmark Gothic church was built on the site of the original church. It stands today continuing to serve Holy Trinity congregation. In recent years, restoration work has been undertaken on the church, the most recent in preparation for the centennial.

Bonding of its members has come about because of their kinship in faith over these 100 years and because of the fraternity which has been built through its many organized groups which have developed over the years. Many groups were formed during the growth years at Holy Trinity, each having a distinct purpose for serving the needs of the church and its members. Today many groups continue to serve the congregation with support and activity for their members.

Over these 100 years many of its members have served the congregation faithfully out of love with little or no recompense, save the willingness to serve their church and their community.

Mr. Speaker, I am proud to join in paying tribute to Holy Trinity as it celebrates its 100th anniversary. I extend my best wishes to the congregation of Holy Trinity Evangelical Lutheran Church on the occasion of their centennial celebration.

CHINA EMERGES AS A FUNCTIONING DEMOCRACY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BURTON of Indiana. Mr. Speaker, in recent years, entrepreneurial zeal has made the Republic of China East Asia's number two economic power after Japan, and the world's largest trading nation. Its wealth dazzles its neighbors in East Asia and its "Taiwan Experience" of succeeding in business and improving the people's standard of living is legendary among nations.

Much of the Republic of China's economic success is directly attributable to the efforts of its leaders: President Lee Teng-hui and Premier Hau Pei-tsun. President Lee and Premier Hau both fully understand that a strong economy is a necessary basis for political reforms.

From its one-party past, the Republic of China has emerged as a functioning democracy. The people on Taiwan are strong supporters of individual freedom and human rights for all people. Mr. Speaker, let us show our admiration of our Taiwan friends in the Pacific by congratulating them on their 81st National Day—October 10, 1992.

ETHNIC CLEANSING BY TURKEY IS SYSTEMATICALLY IGNORED

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MAVROULES. Mr. Speaker, much of the world has been focused on ethnic cleansing efforts being undertaken in parts of the former Republic of Yugoslavia. In reaction to the many reports of these atrocities, Serbia and Montenegro have been targeted by a U.N.-initiated international blockade, a U.N.-sponsored peacekeeping task force and strong international condemnation. As a strong supporter of this type of international pressure, I am pleased that the United States and the European Community have received such wide international support for their efforts to end ethnic cleansing in the Balkans.

It seems tragically ironic, however, that ethnic cleansing by a country nearby Yugoslavia has been systematically ignored by the Bush administration and many of our allies. The atrocities I refer to are being committed by the Government of Turkey against its Armenian, Greek, Cypriot and Kurdish minorities.

In 1915, Turkey took ethnic cleansing to the extreme, and the result was the Armenian genocide. This action alone, combined with the refusal by Turkey to admit culpability, makes me shudder to think that we gave this supposed "ally" $1 billion in foreign aid last year.

But it does not end there. For generations the Greek population living under Turkish rule has suffered the abuse of government-directed ethnic cleansing policies. In 1992 the Turks burned Smyrna and slaughtered its residents. Pogroms have been organized against Greeks in Istanbul and Izmir. Even today, Greeks residing within Turkey continue to exist as an oppressed minority.

Cypriots are another prominent example of an ethnic group that has suffered ethnic cleansing at the hands of Turkey. On a day-to-day basis for the past 18 years, the Turkish Government has actively removed Cypriots from their homes, detained Cypriots on political grounds, and concealed the whereabouts of missing Cypriots and Americans. The Turkish Government has also worked to undermine U.N.-sponsored talks aimed at finding a peaceful resolution to the dilemma. I have included for the record a copy of a New York Times editorial concerning ethnic cleansing in Cyprus. This editorial explains the situation that has arisen since the 1974 invasion of the sovereign nation of Cyprus by Turkish armed forces.

It is also painfully ironic that the United States has actively opposed ethnic cleansing by Iraq of its Kurdish minority. The United States provides air protection for Kurds residing in northern Iraq while ignoring military action being undertaken by Turkey against this same Kurdish minority, both in Turkey and across the border in northern Iraq. Amnesty International has repeatedly condemned Turkey for its use of torture, among other inhumane actions, against its Kurdish minority. This double standard cannot continue. The United States is spending millions of tax dollars to protect a group of people who are under daily attack by our "ally" Turkey. We, as a people, cannot afford to allow this outrage to persist.

The cold war is over. Communism and the U.S.S.R. are dead. Turkey demonstrated reluctance to assist the United States and United Nations during the Persian Gulf crisis and war. The political reality of the "new world order" is simply that Turkey is not the strategic ally that the Bush administration claims.

Even worse, Turkey has violated the United Nations charter, the NATO treaty, the human rights sections of the Foreign Assistance Act of 1961, the European Convention on Human Rights, the fourth Geneva Convention, the United Nations Universal Declaration of Human Rights, and the Treaty of Guarantee under the London-Zurich Agreement of 1959–60. Their human rights abuses have been documented by Amnesty International, the Freedom House annual survey, the Human Rights Watch Report, the Humanitarian Law Project Report, the Helsinki Watch, and numerous international news organizations. This list of grievances reads like the rap sheet of an international criminal, not a close ally of the land of the free.

President Bush cannot continue to ignore these continued human rights violations. Ethnic cleansing in the Balkans, as horrible as it is, pales in comparison to almost a century of similar efforts by the regimes of Turkey and the Ottoman empire.

Mr. Speaker, I call on each and every one of my colleagues to stand up for human rights around the globe and to stop allowing this deadly double standard to continue. We, as a body, cannot and will not allow Turkey's despicable record of abuse, torture, genocide, and ethnic cleansing to go without response.

TRIBUTE TO MRS. RENEE LITA BORSTAD

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. SAXTON. Mr. Speaker, as Congress probably will not be in session during National Consumers Week, October 25 through 31, 1992, I would like to honor today the respected director of the Consumer Affairs Office in Mount Holly, NJ, Mrs. Renee Lita Borstad. Mrs. Borstad has been director for 14 years, and she and her fine staff have done an excellent job of serving the people of Burlington County. Mrs. Borstad has always shown leadership in every kind of matter affecting consumers. Her expertise includes mail, print and telemarketing fraud, unfair business practices, credit problems, contractor disagreements, defective merchandise, landlord-tenant disputes and many other matters, all of which she handles with aplomb. She has worked tirelessly to make sure that justice prevailed in difficult situations and never backed down from seemingly impossible-to-win cases. She has triumphed in matters when the odds were stacked considerably high against the consumer. I would be remiss if I did not mention an item for which Mrs. Borstad is particularly known—her unique collection of chapeaux, with which she has singlehandedly revived the millinery industry in South Jersey. For all of the above reasons, I am pleased to recognize in today's CONGRESSIONAL RECORD the earnest dedication of Mrs. Borstad in serving the public.

IN HONOR OF PATRICK J. NILAN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CLAY. Mr. Speaker, I was privileged to participate in the national convention of the American Postal Workers Union [APWU] in Anaheim, CA, on August 2, 1992. I would like to take this opportunity to share with the Members of the 102d Congress an important resolution which was proposed to the 4,000 APWU delegates in honor of their retiring national legislative director, Mr. Patrick J. Nilan.

DESIGNATE PATRICK J. NILAN NATIONAL LEGISLATIVE DIRECTOR EMERITUS

Whereas: National Legislative Director Patrick J. Nilan has announced that he is not seeking re-election and will retire at the end of his present term in November, 1992 after serving the APWU membership as Legislative Director for 28 years in Washington, DC, and

Whereas: Prior to being elected in 1964 to that position, he was the elected Clerk Craft

Vice President (now NBA) for 6 years representing Union members in the midwest states of Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, Missouri—a total of 34 years as a nationally elected officer of the American Postal Workers Union and his predecessor Union, the United Federation of Postal Clerks, and

Whereas: Brother Pat Nilan, a member of the Minneapolis, Minnesota Area Local was also Secretary of his home Local for four years and President for 8 years—an incredible total of 46 years, a lifetime of working for and on behalf of APWU postal workers, and

Whereas: Legislative Director Patrick J. Nilan established the Union's first Congressional political fund in 1965, shortly after he came to Washington and named it, the "Committee On Political Action" (COPA) which progressed from a few thousand dollars a year, over the years until today. When the APWU membership now provides well over a million dollars during each two-year congressional election cycle and has been able to help the campaign committees of our Congressional "friends" and help defeat those who are not, Brother Nilan has served as COPA Secretary-Treasurer for the past 27 years, and

Whereas: In addition, Pat Nilan has been serving as the constitutional editor of the APWU News Service and Associate Editor of the monthly APWU publication for his entire 28 years as National Legislative Director.

Whereas: Legislative Director Pat Nilan also established in 1966, at the request of then President E.C. "Roy" Hallbeck and as provided in a national convention, approved resolution from the Miami, Florida Local Union the respected and important APWU Postal Press Association. Nilan served as the first PPA President until proposing several years later that the PPA become autonomous within the National Union and establish a constitution, elect its own officers and determine its own programs and policies, which it did do, and

Whereas: With his decision to retire in November, we believe he should be recognized and appreciated for his tremendous record of service to our Union and membership, particularly for his 28 years as a dedicated, outstanding and most senior of all AFL–CIO Union legislative and political directors working with the Congress of the United States and representing us so effectively on "Capitol Hill", and

Whereas: Pat Nilan was a major player in the enactment of the two most important laws tremendously affecting postal workers and the U.S. Postal Service namely:

Public Law 89–301, enacted on October 29, 1965 which among many major employees benefits included:

(1) Establish a separate (from Federal Employees) basic compensation schedule for postal field service employees which established the symbol "PFS", and

(2) For the first time established a basic work week for all PFS full-time employees consisting of 5 eight-hour days with the 8 hours of service not exceeding 10 hours in one day—except in emergencies as defined by the PMG and even then cannot be worked more than 12 hours in a day, and

(3) "To the maximum extent practicable, senior regular employees should be assigned to a basic work week, Monday through Friday inclusive," and

(4) Eliminated the extreme burden of "Compensatory Time" (time off—for 6th or 7th day or required work) in lieu of overtime pay for postal employees. True overtime pay was established for the first time by law—for an annual rate (now full-time) regular employee in excess of regular work schedule and a substitute employee (now, part-time flexible) in excess of 40 hours a week, and

(5) The postal unions subsequently won a Federal Court Case "Groettium vs. USPOD" (a Minneapolis postal clerk) against the Post Office Department's refusal to abide by these new overtime payment laws and as a result, most postal employees were paid many, many, many millions of dollars in overtime back pay, and

(6) Also, for the first-time each regular postal employee regular work schedule includes an eight-hour period of service, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday shall be paid extra compensation at the rate of 25 per centrum of his/her hourly rate of basic compensation for each hour of work performed during that 8-hour period, and

(7) Among many other benefits, postal employees received as the result of P.L. 89–301 and favorable court decisions were guaranteed time and one half for all hours worked by regular full time employees and part-time substitute employees for Christmas Day, and also for the first time "Postal Employee Relocation Expenses" were granted, and

Whereas: Legislative Director Patrick J. Nilan was also a major player with deceased UFPC and APWU President Frances "Stu" Filbey in another most important major law affecting Postal workers, namely Public Law 91–375 enacted on August 12, 1970. Known as the "Postal Reorganization Act of 1970," which followed the successful postal strike earlier that year and guaranteed postal employees and their Unions for the first-time ever, "Union Recognition" by law, and

Whereas: As a direct result of that law combined with P.L. 89–301, APWU has been able to negotiate wages, and other compensation benefits and conditions of employment. The "PRA" also specifically included all statutory benefits as retirement (CSRS–FERS), health benefits (FEHBA), life insurance (FEGLI) and injured worker compensation (FECA–OWCP). These benefits were guaranteed above and beyond other negotiated compensation benefits, and

Whereas: Legislative Director Pat Nilan and APWU have been successful in defeating all regressive legislative proposals during the past 12 years by Presidents Reagan and Bush to cut back, reduce, terminate or amend postal worker and retiree benefits including rejection and defeat of determined efforts by Reagan and Bush to "Privatize the U.S. Postal Service," and

Whereas: Pat Nilan is recognized by many prominent Congresspersons and Senators and their top personal staff persons and committees as an outstanding, persuasive, honest and effective legislative and political representative of the APWU on "Capitol Hill," and

Whereas: Civil Service Committee, Congressman Bill Clay (D–MO) and Mrs. Clay, after being advised of Legislative Director Nilan's retirement personally wrote Pat to say:

"After knowing of your decision to retire after such a long and illustrious career, we were still saddened by it; and we were deeply moved to know that we were with you during half of your 42 year struggle to improve the quality of life for postal workers and their families. We rejoiced with you in your greatest triumph securing Union Recognition by law for your membership," and

Whereas: Federal/Postal employee columnists in Washington, D.C. newspapers also know well of Pat Nilan's efforts on behalf of the APWU membership with the U.S. Congress and on "Capitol Hill." For example, the nationally known and respected syndicated federal columnist Mike Causey for the major D.C. newspaper, The Washington Post after hearing of Brother Nilan's retirement earlier this year reported in his column:

"THE DEAN DEPARTS"

"Patrick J. Nilan, dean of the federal-postal union lobbyists here won't run for reelection in November. He's been a national officer of the American Postal Workers Union and predecessor unions for 34 years and legislative director for the last 28 years.

"Nilan's close relationship with fellow Minnesotans (Vice Presidents) Hubert H. Humphrey and Walter F. Mondale made it easier to get pro-postal worker bills through the Senate and White House.

"Nilan is easy to spot on Capitol Hill. He always wears a bow tie, and has a commanding voice that can charm members of Congress, or shatter marble as necessary. He usually was the top vote-getter in union elections for national officers," and

Whereas: We can understand Brother Nilan's desire to retire after 46 years as a Local and National Union officer with 28 years in Washington and enjoy "the fruits of his Union labor" with his family. However, he will certainly be missed and we believe that he richly deserves appropriate recognition and also the opportunity, if he so desires, to be available for advice, counsel and support for APWU and his successor as Legislative Director, and

Whereas: Brother Nilan's expertise, professional and personal Congressional contracts and with important staff persons developed over his long tenure can be very helpful on as a need basis to the new Legislative Director, APWU President, Executive Board and membership, and

Whereas: Our friend and great champion in the Congress, House PO&CS Committee Chairman Bill Clay always says, "We have not permanent enemies only, permanent issues." APWU has more than enough permanent legislative issues to campaign for in the future and we suggest if Brother Nilan is available when needed, as Legislative Director Emeritus, and therefore be it,

Resolved: The American Postal Workers Union, AFL–CIO national convention convened in Anaheim, California August 3–7, 1992 provides recognition and appreciation to the retiring "APWU Institution," National Legislative Director Patrick J. Nilan for his 28 years of outstanding leadership and accomplishments in legislative and political representation on behalf of the APWU membership including the establishment and continued success of the Union's Committee on Political Action (COPA), and be it

Further Resolved: That Patrick J. Nilan be designated as the "National Legislative Director Emeritus" of the American Postal Workers Union, AFL–CIO, as an "APWU Institution" whose 28 years as a Washington, D.C. National Officer may never be surpassed, and be it

Finally Resolved: We urge all delegates to the Anaheim California APWU National Convention August 3–7, to vote unanimously in support of this resolution.

Approved and Sponsored by: Minneapolis, Minnesota APWU Area Local.

KATHY FORBES,
President.

Date: June 8, 1992.

RESULTS OF INVESTIGATION INTO U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT ADMINISTRATOR'S COMPLIANCE WITH ETHICAL STANDARDS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CONYERS. Mr. Speaker, today, I am calling for the President of the United States to ask for the resignation of the U.S. Agency for International Development Administrator, Ronald Roskens.

A year-long investigation by the Legislation and National Security Subcommittee of the Committee on Government Operations, which I chair, assisted by the U.S. General Accounting Office's Office of Special Investigations, has confirmed allegations that AID Administrator Ronald Roskens abused his public office for private gain. I call on President Bush to appoint new leadership at AID, that will observe the high ethical standards that we expect of our senior Government officials.

In brief, the investigation found:

Administrator Roskens billed the Government for domestic travel to visit members of his family and friends and to take vacations.

Adminstrator Roskens also took four trips at Government expense to attend meetings of organizations in which he had been active as a private citizen.

Administrator Roskens or his spouse accepted something of value from nine nongovernmental entities, several of which are prohibited sources due to their financial relationship with AID.

Although the AID Inspector General investigated and referred this same misconduct, the Justice Department declined to prosecute Dr. Roskens on charges of conflict of interest, illegal gratuity, and dual compensation. And when senior AID officials referred the Inspector General's findings to the White House, Presidential Counsel C. Boyden Gray only criticized two instances in which the Administrator inadvertently and unknowingly failed to comply with applicable standards of conduct, and demanded repayments from Dr. Roskens. No other disciplinary action was taken against the AID Administrator, although his domestic travel schedule fell dramatically.

This comprehensive investigation also uncovered additional instances where Administrator Roskens violated ethics standards. During the course of the investigation, Dr. Roskens once again reimbursed funds that had been used improperly.

The results of this investigation are particularly important because they speak to the root causes of a growing leadership crisis at an Agency which administers over $7 billion in foreign aid each year. For years, independent reviewers have found serious misconduct and mismanagement at AID, culminating in a recent OMB–SWAT Team report that AID is still plagued by ineffectiveness and inefficiencies.

AID needs dynamic leadership committed to restoring and enforcing the highest ethical standards at that Agency. As this investigation revealed, Dr. Roskens personally ignored and evaded those standards, and under his stewardship, allowed an unprecedented disregard for ethics at AID, which has further disrupted the Agency. I have lost confidence in Ronald Roskens' ability to lead AID, and the President must appoint new leadership immediately.

CLARIFICATION OF HOME SHOPPING STATION PROVISIONS IN CONFERENCE REPORT ON S. 12

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ECKART. Mr. Speaker, I wish to bring to the attention of the full House two written statements that have been included in the permanent record of the House debate on September 17, 1992, as a part of the debate on the conference report on S. 12, the Cable Consumer Protection and Competition Act of 1992.

The statements submitted by myself and Mr. DINGELL, who served as chair of the conference committee, are meant to clarify the meaning of the bill's provisions on home shopping stations. They are attached at the end of this statement and should be considered a dispositive interpretation of the home shopping station provisions.

The purpose of these statements is to correct the misimpression created by written statements introduced in the record by Mssrs. MARKEY and LENT during the debate. It should be noted that the Markey/Lent statements are in direct contradiction to the understanding arrived at by the majority of House conferees in their meeting with the Senate. It should also be noted that both Mr. MARKEY and Mr. LENT voted against the House position in conference and lost in a rollcall vote of the House conferees.

STATEMENT OF HON. DENNIS E. ECKART ON THE CONFERENCE REPORT ON S. 12, THE CABLE CONSUMER PROTECTION AND COMPETITIVENESS ACT, SEPTEMBER 17, 1992

Mr. Speaker, I ask for clarification as to the meaning of the bill reported by the conference as it relates to so-called home shopping stations. It should be noted that S. 12 contained language which would have protected home shopping stations from being denied license renewal on the basis of their prior programming. I would draw my colleagues' attention to the fact that the bill as reported by the conference eliminates this express protection.

First, let me ask my colleague if I am correct that the proceeding mandated under section 614(g)(2) of the bill reported by the conference requires the Federal Communications Commission to conduct a *de novo* review of the overall regulatory treatment of stations that are predominantly utilized for sales presentations or program-length commercials, notwithstanding prior proceedings the FCC has conducted which may have permitted or had the effect of encouraging such stations' practices.

Second, am I correct in the view that the Commission's proceeding should consider the scarcity of broadcasting frequencies in determining whether these program formats are consistent with the public interest, whether it should take steps to prohibit, limit, or discourage such activities, and whether prior agency decisions and policies should be revised in light of this new statutory mandate.

Finally, I ask my distinguished colleague if I am correct that the Commission proceeding required by section 614(g)(2) requires the Commission to give particular attention to the renewal expectancy to be awarded to stations that are predominantly utilized for sales presentations or program-length commercials? While the bill states that such expectancy shall not be denied solely because of the use of such a format, the bill intends for the Commission to give specific consideration as to whether use of such a format should be considered as a major factor determining to award or deny a renewal expectancy.

STATEMENT OF THE HON. JOHN D. DINGELL, ON THE CONFERENCE REPORT ON S. 12, THE CABLE CONSUMER PROTECTION AND COMPETITIVENESS ACT, SEPTEMBER 17, 1992

Mr. Speaker, I have examined the statement of the gentleman from Ohio, Mr. Eckart, and assure him that his interpretations of this provision are entirely correct and reflect the language and intent of the bill as reported by the conference committee.

TRIBUTE TO HELEN M. CALDWELL VOLUNTEER OF THE YEAR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to Helen M. Caldwell, who is receiving the award of Volunteer of the Year from Santa Barbara/Ventura Counties chapter of the National Society of Fund Raising Executives.

This award is bestowed upon an individual who has demonstrated exceptional leadership through direct voluntary service or by coordinating groups of volunteers for one or more major fund raising projects. Through contributions of personal time, effort and leadership, the honoree must have clearly influenced the success of fund raising and organizational advancement.

Helen M, Caldwell has certainly fulfilled the demands of this prestigious award. Since 1985, Mrs. Caldwell has devoted an enormous amount of time and energy to Casa Pacifica, an emergency shelter for abused, abandoned and neglected children of Ventura County.

Serving as the president of the board of directors, Mrs. Caldwell has been instrumental in creating policy and defining the private sector's role in meeting the unmet needs of high-risk youth in Ventura County.

Before assuming the role of president, Mrs. Caldwell served on the executive, finance, personnel, program, search, and board development committees. In October 1989, Helen assumed the duties of co-chair of the Capital Campaign and has been extremely successful in this area; $3.5 million has been raised from the private sector and construction is scheduled to begin in the fall of this year.

Mr. Speaker, on behalf of the U.S. House of Representatives, it is my pleasure to commend Helen M. Caldwell as Volunteer of the Year for the Santa Barbara/Ventura Counties chapter of the National Society of Fund Rais-

ing Executives, and to wish her well in all future endeavors.

MACEDONIA: BALANCED BETWEEN FREEDOM AND CONFLICT

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Ms. LONG. Mr. Speaker, during the waning days of the 102d Congress, I extend my remarks to bring attention to the precarious position in which the people of the Republic of Macedonia find themselves. When we adjourn next week, Members of Congress will return to their respective States; however, foreign policy issues will not stand still. Unfortunately, conflicts around the globe will continue.

I am particularly concerned that Members of the House and Senate and those in the administration be aware—and fully consider—the position in which the Republic of Macedonia finds itself at this time. I draw attention to and will insert in the RECORD following my remarks, two items which I hope will be useful in this regard. The first item is a letter written by Efrodita Atzeff, the Secretary of the Central Committee of the Macedonian Patriotic Organization [MPO] of the United States and Canada to the members of the European Community. The second item is a resolution of the duly elected delegates of the MPO of the United States, Canada, Australia, Belgium, and Brazil, who met in Lansing, MI at their 71st annual convention on September 4–6, 1992.

The letter and the resolution follow:

RESOLUTION

The duly elected delegates of the Macedonian Patriotic Organization (MPO) of the United States, Canada, Australia, Belgium and Brazil, who met in Lansing, Michigan, at their 71st annual convention September 4–6, 1992, unanimously voted to appeal to world governing bodies for immediate recognition of the Republic of Macedonia and for the presence of a peace-keeping force in the Republic of Macedonia, hereby proclaim;

Whereas, The future of the Republic of Macedonia remains precariously balanced between freedom and conflict;

Whereas, The Republic of Macedonia is essentially imprisoned between two hostile powers that have embargoed vital humanitarian supplies;

Whereas, The Republic of Macedonia has moved steadily toward independence and democracy and so far has been spared the ravages of an ethnic war;

Whereas, The Republic of Macedonia has demonstrated support for the United Nations arms embargo upon Serbia, thereby exhibiting a desire to be a credible and legitimate member of the international community;

Whereas, The region is rich in natural resources and human talent, and the people demonstrate an intense yearning to regain their identity and dignity, to determine their own fate and to develop a market economy;

Whereas; If the Yugoslav war expands into the Republic of Macedonia, regional forces (Serbia, Greece, Bulgaria, Albania, Turkey) with a strong interest in Macedonia's territory could escalate the conflict making it more difficult to localize;

Whereas, If the internal suffering of the people, and external pressures are allowed to continue within the Republic of Macedonia, destabilization and breakdown of central authority will unhesitatingly lead to exploitation by Serbia and Greece to divide Macedonia;

Whereas, The presence of a peace-keeping force will deter expansion of the Yugoslav war and be strategically located to diffuse the current situation in the region; therefore be it

Resolved; The candle of freedom in Macedonia must continue to burn and the Republic of Macedonia must be recognized by the world community without further delay. In addition, the MPO strongly recommends the earliest establishment of a peacekeeping force in Macedonia while peace still exists. Further bloodshed in the Balkans can be avoided by quick and urgent recognition of the Republic of Macedonia.

THE CENTRAL COMMITTEE, MACEDONIAN PATRIOTIC ORGANIZATION OF THE UNITED STATES AND CANADA,
Fort Wayne, IN, March 5, 1992.

To Members of the European Community:

The Greek government's claim that the Republic of Macedonia has no right to the name "Macedonia" should not affect the recognition of this republic as a free and independent state.

Greece's appellation belongs to land that presently is northern Greece—the same land, the southern part of Macedonia, which Greece seized in 1913.

Never before this date in the history of the Balkan Peninsula did Greece ever control or rule the geographic and political nation known to antiquity and to medieval and modern Europe as Macedonia.

Ancient Greece extended southward in the Balkan Peninsula from the 40th parallel to the 36th. Its greatest length was 250 miles from Mount Olympus to Cape Taenarium; and it measured 180 miles in breadth from Actium to Marathon. Although this space was less than the area of the state of Ohio, it was divided into twenty-four separate, politically independent of each other countries. Macedonia was never one of these city-states. It was known as the Kingdom of Macedon; and later, under Alexander the Great, it became the Macedonian Empire. Situated well above the 40th parallel, it lay north of Thessaly and east of Illyricum.

Alexander the Great's father was the famous Philip II of Macedon, who, as a young man in his early twenties had been forced to live, as a captive resident, in the Greek city-state of Thebes. There he learned the fine art of Greek warfare as well as that of their politics. Also he studied the Greek language and the Greek character. Alexander's mother, Olympias, was the daughter of the Molossian king.

After the fall of the Macedonian Empire the country was ruled by the Roman Empire from 146 B.C. to 395 A.D., when it was ceded to the Eastern Roman Empire.

The original Thraco-Illyrian population of Macedonia was absorbed by the great Slav migration that lasted from the third to the seventh century A.D. In 879, the Bulgar Khan Asparukh crossed the Danube into the Balkan Peninsula and merged his followers with the Slavonic population. Macedonia became a part of the Bulgarian Empire, except for the few years of the Serbian invasion during the 14th century.

The Serbian incursion was supplanted in 1389 by the Ottoman onslaught that lasted for five hundred years.

Presently, Macedonia is suffering from the results of the Treaty of Bucharest, 1913, which ignored Macedonia's expectation for independence and, instead partitioned it among Greece, Serbia and Bulgaria.

How long will it take contemporary Greece to live down the untruth that its government is promulgating about Macedonia? If we are to refer back to Aristotle, who, when asked what a man could gain by telling a falsehood, replied: "Never to be credited when he speaks the truth."

Greece has not told the truth. It is time to forget her protests concerning a republic which already has legislated a guarantee of existing borders. It is time to grant full diplomatic recognition to the Republic of Macedonia.

Sincerely,

EFRODITA ATZEFF,
Secretary.

INTRODUCTION OF LEGISLATION MODIFYING LEASED EMPLOYEE RULES

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today with Congressman HOWARD BERMAN to modify the "leased employee" rules of the Internal Revenue Code to ensure that individuals who work for leasing organizations receive adequate retirement protection. There have been several recent reports of fly-by-night leasing organizations that do not provide adequate protection to their workers, and this legislation is an attempt to ensure that workers receive the protection they deserve, while also simplifying and liberalizing the current complex rules applicable to leased employees, leasing organizations, and companies utilizing leased employees.

The leased employee rules were added to the Internal Revenue Code in 1982 to end abuses where employers would refuse to cover their employees under retirement plans or provide other fringe benefits, while at the same time providing themselves with generous benefits. Employers were able to accomplish this result by firing their employees and then leasing them back using a separate corporate entity. To prevent this abuse, and to encourage the goal of adequate retirement protection for lower- and middle-income workers, Congress enacted the leased employee rules.

Under these rules, a person performing services for an employer may be treated as an employee for purposes of several provisions of the Internal Revenue Code such as nondiscriminatory pension coverage and continuation of health care coverage in certain qualifying events, even if the common law definition of "employee" would not otherwise apply to that person.

Legislation passed by the House and currently pending in the Senate would make one modification to the definition of leased employee. The Committee on Ways and Means adopted this legislation earlier this year. But in my work on that Committee, and throughout the hearings on that legislation, I have become convinced that more modifications are necessary. The current rules are complex, and

penalize many companies and leasing organizations unfairly—while at the same time leaving the potential for abusive situations. The answer is to simplify the rules and expand the opportunities for more workers to receive retirement protection. Our legislation achieves both goals.

Although it is obviously too late for this legislation to move through the legislative process at this late date, we are introducing it now in the hopes that the Ways and Means Committee will put this issue in the forefront of its legislative agenda in the new Congress which will convene next January.

MAHATMA GANDHI

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Ms. HORN. Mr. Speaker, I rise today in strong support of House Joint Resolution 552. This bill would authorize the establishment of a memorial in Washington, DC to honor the memory of Mahatma Gandhi. It should be noted that the Coalition for a National Memorial to Mahatma Gandhi will be solely responsible for payment of the establishment of the memorial and that no Federal funds will be used to erect the memorial. In these fiscally tight times, we must be concerned about costs, even in commemorating as great a figure as Mahatma Gandhi.

America played a much larger role in the teachings and works of Mahatma Gandhi than we realize. Gandhi borrowed largely from the enlightened works of Ralph Waldo Emerson and Henry David Thoreau, two of America's greatest romantic and transcententalist writers and was able to crystallize their teachings into the famous nonviolent, independence movement that freed India from British rule. These teachings came back to the United States through his teachings and manifested themselves into one of the greatest figures in American history in the 20th century. We are all familiar with the immense impact Mahatma Gandhi had on the teachings of Dr. Martin Luther King, Jr, and the civil rights movement in our country during the 1960's.

Mahatma Gandhi spent his life promoting human rights and human dignity by perfecting the techniques of nonviolent protest. He taught the world the valuable lesson of civil disobedience. That is why I am pleased to lend my name to this resolution and look forward to seeing this memorial rise in our Nation's Capital.